COUNTY DEPARTMENT AGENDA REQUEST

Department:	Commissioners	Presenter(s):	Commissioner Steve Brown
Meeting Date:	Thursday, May 12, 2011	Type of Request:	Old Business

Wording for the Agenda:

Further discussion of a request by Commissioner Brown that the Board consider adopting Resolution No. 2011-08 Requesting Governor Nathan Deal to Veto HB179 which would protect the appearance of Georgia's highways and preserve the tree buffers owned by citizens of Georgia.

Background/History/Details:

House Bill 179 is the latest in a number of efforts brought before the leadership of the State of Georgia over the decades attempting to increase the number and visibility of billboards along Georgia's interstates and highways in order to promote businesses, but at the expense of Georgia's easements and natural beauty. On April 19, 2011, after passage in both the Georgia House of Representatives and the Senate, the Georgia General Assembly sent House Bill 179 to Governor Nathan Deal for signature.

Opposition to the bill has been expressed by many including the City of Sandy Springs, representatives from Columbus, Georgia, and by Representative Matt Ramsey.

Commissioner Brown would like the Board to consider proposed Resolution No. 2011-08, and if approved by the Board of Commissioners, be forwarded to Governor Deal. This issue was discussed at the Board's May 4 Workshop and there was consensus to forward it to the May 12 Board meeting for further discussion and possible action.

What action are you seeking from the Board of Commissioners?

Further consideration of adopting Resolution No. 2011-08 Requesting Governor Nathan Deal to Veto HB179, as passed by the Georgia House of Representatives and Senate.

If this item requires funding, please describe:

Not Applicable.

Has this issue come before the Commissioners in the past?	No	If so, when?	Thursday, May 12, 2011
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION NO. 2011-08

RESOLUTION REQUESTING GOVERNOR NATHAN DEAL TO VETO HOUSE BILL 179

WHEREAS, Fayette County is a political subdivision of the State of Georgia, and the Fayette County Board of Commissioners is the governing authority of the County of Fayette; and

WHEREAS, the Georgia House of Representatives and Senate have passed House Bill 179 (HB179); and

WHEREAS, HB179, as passed allows billboard owners to clear cut trees within two hundred fifty feet of a state right-of-way fence or boundary and/or within three hundred fifty feet of the pavement edge; and

WHEREAS, HB179, as passed, prohibits any beautification projects that include the planting of trees in the right-of-way that may in the future obscure billboards; and

WHEREAS, HB179, as passed, removes many existing restrictions on the types of trees that billboard companies may remove; and

WHEREAS, HB179, as passed, gives the billboard industry an unknown amount of credits for removing illegal signs toward their cost for tree removal and maintenance permits; and

WHEREAS, the Georgia Department of Transportation has revealed that its cost for managing its billboard program last year was $915,000; and that although HB179 provides for an increase in fees for the permitting of billboards and an increase in renewal fees, the fees are not sufficient to cover the cost of processing applications and inspections; and

WHEREAS, the Fayette County Board of Commissioners does not believe that subsidizing the billboard industry is in the best interest of the citizens of the County;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Fayette County, Georgia that it respectfully requests that Governor Nathan Deal veto HB179 as passed, for the protection of the scenic beauty and the environment of the State of Georgia.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Office of the Governor of the State of Georgia.

SO RESOLVED THIS 12th DAY OF MAY, 2011, BY THE

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
Herbert E. Frady, Chairman

ATTEST:

_____
Karen Morley, Chief Deputy Clerk

House Bill 179 (AS PASSED HOUSE AND SENATE)

By: Representatives Burns of the 157th, Roberts of the 154th, England of the 108th, Bryant of the 160th, Hamilton of the 23rd, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia
2 Annotated, relating to the state highway system, so as to modify the procedures whereby
3 owners of legally erected and maintained signs obtain and renew permits for the installation
4 of signs; to change certain conditions relating to permits to remove vegetation from the
5 viewing zones of outdoor signs; to provide for related matters; to provide for severability;
6 to provide for the Department of Transportation to promulgate forms and policies; to provide
7 for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated,
11 relating to the state highway system, is amended by revising subsection (a) of Code Section
12 32-6-74, relating to applications for permits for outdoor advertising signs, as follows:

13 "(a) ~~Applications for permits and the renewal thereof authorized by subsections (a) through~~
14 ~~(d) of Code Section 32-6-79 shall be made to the department upon forms prescribed by the~~
15 ~~department. The applications shall contain the signature of the applicant and such other~~
16 ~~information as may be required by the department and shall be verified under oath by the~~
17 ~~person, firm, or corporation making the application. Permits and renewals thereof shall be~~
18 ~~issued for and shall be valid only if the sign is erected and maintained in accordance with~~
19 ~~this part during the 12 month period next following the date of issuance. The fee for the~~
20 ~~initial issuance of a permit shall be $50.00. The fee for the renewal of a permit shall be~~
21 ~~$25.00. The money received from permit fees shall be used to help defray the expenses of~~

27 ~~corporation is maintaining or allowing the maintenance of an illegal sign as provided for~~
28 ~~in subsection (f) of Code Section 32-6-79. Application for the renewal of a permit shall~~
29 ~~be made to the department not more than 90 nor less than 60 days before the expiration~~
30 ~~date of the permit for which renewal is sought. If the department fails to receive the~~
31 ~~renewal application before the expiration date of the permit, the department will notify the~~
32 ~~applicant that the renewal application is overdue when the applicant's address is known or~~
33 ~~reasonably available to the department and shall give the applicant 30 days after the~~
34 ~~expiration date to send the department the renewal application. If the applicant does not~~
35 ~~send the properly executed application and the appropriate fee within the specified 30 day~~
36 ~~period, the sign shall then become an illegal sign. No permit shall be renewed if the~~
37 ~~application for the renewal thereof has not been made in accordance with this Code section.~~
38 Applications for permits authorized by subsections (a) through (d) of Code Section 32-6-79
39 shall be made to the department upon forms prescribed by the department. The
40 applications shall contain the signature of the applicant and such other information as may
41 be required by the department and shall be verified under oath by the person, firm, or
42 corporation making the application. Permits and renewals thereof shall be issued for and
43 shall be valid only if the sign is erected and maintained in accordance with this part during
44 the 12 month period next following the date of issuance. As to permits for the initial
45 erection of an outdoor advertising sign, one 12 month extension may be granted so long as
46 a written request is submitted to the department at least 30 days prior to expiration along
47 with a fee of $35.00. Any denial of an extension request shall be sent to the applicant
48 before the expiration date and shall state the basis for denial. Multiple extensions shall not
49 be granted as to the same permit, and the applicant shall not be allowed to reapply for the
50 same site until the extension has expired; however, modifications to the application which
51 do not extend the term of the permit shall be allowed. There shall be an initial outdoor
52 advertising permit fee and an annual renewal fee. On and after July 1, 2011, the outdoor
53 advertising application fee shall be $300.00, and the renewal fee for each sign shall be
54 $85.00. The department may adjust future application and renewal fees through the formal
55 rule making process so long as notice of any proposed increase is sent to the House and
56 Senate Transportation Committees at least 30 days prior to final adoption by the
57 department. Such fees shall be limited to amounts sufficient to offset the administrative
58 costs to the department. An annual report on the expenditures and revenues of the

64 the sign for which application was made except when a person, firm, or corporation is
65 maintaining or allowing the maintenance of an illegal sign as provided for in subsection (f)
66 of Code Section 32-6-79. All outdoor advertising permits and renewals shall expire on the
67 first day of April in the year following issuance. Renewal of such permits shall be made
68 to the department between January 1 and April 1 of each calendar year. Notice of such
69 renewal period shall be mailed to each outdoor advertising permit holder along with an
70 itemized list of all permits maintained by such person or entity in the month of December.
71 In response, each permit holder should clearly indicate any permits not being renewed and
72 return a copy to the department along with payment for all permits being renewed. If a
73 permit holder believes the itemized list is incomplete or inaccurate, such permit holder
74 shall clearly note such discrepancies on the list and return a copy to the department with
75 supporting documentation. The permit holder shall submit the renewal and any suggested
76 corrections within 60 days of the date of the department notice or by April 1, whichever
77 occurs last. If the department fails to receive the renewal before the expiration date, the
78 department shall notify the permit holder by certified mail that the renewal is overdue and
79 shall give the permit holder 45 days from the date of the postmark on such notice to send
80 the department the renewal. If the applicant does not send the permit renewal and fee
81 within 45 days after the postmark date on such notice, the permit shall expire and the sign
82 shall then become an illegal sign. Signs shall become illegal by operation of law after the
83 expiration of the permit followed by notice to the permit holder and a failure to submit for
84 the renewal within 45 days. Any illegal sign may be removed without any administrative
85 proceeding before the department. Vegetation permits or renewals issued pursuant to Code
86 Section 32-6-75.3 shall expire on the first day of September in the year following issuance.
87 If a vegetation permit renewal application and fee is not timely submitted and such
88 deficiency is not cured within 45 days of the postmark date of notice via certified mail from
89 the department, the vegetation permit shall be canceled, but the sign shall not be deemed
90 illegal. No permit shall be renewed if the renewal thereof has not been made in accordance
91 with this Code section."

92 **SECTION 2.**

93 Said part is further amended by revising Code Section 32-6-75.3, relating to applications for
94 tree trimming permits, as follows:

99 (B) 'Target view zone' means an area of the viewing zone extending from the sign to
100 the roadway to which the sign is permitted which shall be angled as requested by the
101 applicant to maximize the visibility of the sign to passing motorists but not to exceed:
102 (i) Two-hundred and fifty feet along the right of way fence or boundary; and
103 (ii) Three-hundred and fifty feet along the pavement edge, to include any emergency
104 lane or paved shoulder.
105 (C) 'Trimming' or 'trimmed' means the pruning of excess limbs or branches from trees
106 or other vegetation which are not removed from a viewing zone.
107 ~~(C)~~(D) 'Viewing zone' means a continuous 500 foot horizontal distance parallel to a
108 state right of way and adjacent to or otherwise within the line of sight of an outdoor
109 advertising sign.
110 (2) The General Assembly finds and declares that outdoor advertising provides a
111 substantial service and benefit to Georgia and Georgia's citizens as well as the traveling
112 public. Therefore, the General Assembly declares it to be in the public interest that
113 provisions be made for the visibility of outdoor advertising signs legally erected and
114 maintained along the highways in this state to provide information regarding places
115 offering lodging, food, motor vehicle fuels and lubricants, motor service and repairs, or
116 any other services or products available to the general public. Recognizing, however, that
117 the beautification of this state and the health of its environment are absolutely essential
118 and equally as important to the traveling public, the General Assembly finds and declares
119 that these needs must be balanced.
120 (b)(1) So as to promote these objectives and in accordance with the provisions of this
121 Code section, the commissioner shall provide by rule or regulation for the issuance and
122 annual renewal of permits for the trimming and removal of trees and other vegetation on
123 the state rights of way within viewing zones with respect to outdoor advertising signs
124 legally erected and legally maintained adjacent to said rights of way. Such rules and
125 regulations shall include, without limitation, standards for survival of vegetation trimmed
126 or planted.
127 (2) So as to ensure that no vegetation maintenance permits are issued for the purpose of
128 creating new outdoor advertising signs, no owner of outdoor advertising signs ~~erected~~
129 ~~after January 1, 1999~~ permitted or assigned a working number by the department after
130 December 31, 2010, or such owner's agent, ~~will~~ shall be eligible to make application for

136 (d) An application fee shall accompany the application for each vegetation maintenance
137 permit, and both the application and fee shall be submitted to the department. There shall
138 be an annual renewal of the permit for activities in the original scope of the permit. The
139 department shall promulgate rules and regulations setting forth the application fees and
140 renewal fees. Such application and renewal fees shall be established by the department in
141 reasonable amounts in order to fully recover the costs of administering the vegetation
142 maintenance program.

143 (e)(1) The department shall evaluate each application for a permit under this Code
144 section and require as a condition of granting any permit under this Code section that the
145 value of the landscaping to be either provided or paid for by the applicant is not less than
146 the department's appraised value of the benefit to be conferred by the state upon the
147 applicant by allowing the trimming or removing of trees or other vegetation as requested,
148 which shall be the value of the trees or vegetation to be trimmed or removed; provided,
149 however, that a permit may be granted to an otherwise qualified applicant in a case where
150 the value of the landscaping to be either provided or paid for by the applicant is less than
151 the department's appraised value of the trees or other vegetation to be trimmed or
152 removed if, in addition, the applicant pays to the department an amount equal to the
153 amount of the difference between the value of the landscaping to be either provided or
154 paid for by the applicant and the department's appraised value of the trees or other
155 vegetation to be trimmed or removed.

156 ~~(2)(A)(i) No trees or vegetation shall be trimmed or removed under this Code section~~
157 ~~other than within a viewing zone.~~

158 ~~(ii) No removal of any hardwood tree having a diameter outside bark of more than~~
159 ~~8 inches at a height of 6 inches above ground level or any historic or endangered~~
160 ~~species tree or any tree planted as part of any local, state, or federal government~~
161 ~~project shall be permitted under this Code section.~~

162 ~~(iii) All hardwood trees having a diameter outside bark of 8 inches or less at a height~~
163 ~~of 6 inches above ground level may be removed from within a viewing zone.~~

164 ~~(iv) All nonhardwood trees may be removed from within a viewing zone for a~~
165 ~~combined total of 250 feet horizontal distance parallel to the right of way.~~

166 ~~(v) All nonhardwood trees having a diameter outside bark of less than 12 inches at~~
167 ~~a height of 6 inches above ground level may be removed from within a viewing zone.~~

172 ~~combined total of not less than 250 feet horizontal distance parallel to the right of~~
173 ~~way.~~
174 ~~(vii) The provisions of divisions (iv) and (vi) of this subparagraph notwithstanding,~~
175 ~~in the case of any outdoor advertising sign erected on or before April 20, 1998, and~~
176 ~~which is less than 35 feet in height as measured from the top of the sign to the ground~~
177 ~~directly beneath or to the road level, whichever distance results in the best view or the~~
178 ~~greatest elevation, or which is subsequently lowered to such a height, the horizontal~~
179 ~~distance of the area within the viewing zone from which all trees, other than~~
180 ~~hardwoods having a diameter outside the bark of more than 8 inches at a height of 6~~
181 ~~inches above ground level, may be removed shall be increased to 350 feet.~~
182 (2) Any measurement of vegetation to be removed for valuation purposes shall be made
183 at diameter breast height as shown in the section entitled 'Height of Measurement' in the
184 *Guide for Plant Appraisal (9th Edition)* as published by the International Society of
185 Arboriculture. Based on the substantial benefit to the state where dead or diseased trees
186 are removed from the right of way, and the negligible value of dead or diseased trees,
187 such vegetation shall not be measured or valued in determining the appraised value.
188 Trees shall be only deemed dead or diseased if listed as such in the report of a certified
189 forester or arborist, subject to review and approval by the department. Upon receipt of
190 a properly completed application, the department shall, within 60 days, issue the permit
191 for vegetation maintenance.
192 (3) The applicant shall be allowed to remove all trees and vegetation from the target view
193 zone so long as the sign was permitted or assigned a working number by the department
194 on or before December 31, 2010. Vegetation removal shall be prohibited in all areas of
195 the viewing zone outside of the target view zone except that portions of vegetation, such
196 as tree limbs, which extend into the target view zone from outside the target view zone
197 may be trimmed as necessary to preserve the clear target view zone. The only vegetation
198 which cannot be removed from the target view zone pursuant to this paragraph shall be
199 landmark trees, historic trees, and specimen trees, as defined in subparagraphs (A)
200 through (C) of this paragraph, and any tree planted as part of a permitted local, state, or
201 federal government beautification project. After July 1, 2011, however, no beautification
202 project in this state shall include the planting of trees in the right of way within 500 feet
203 of an outdoor advertising sign such that the visibility of a permitted outdoor advertising

208 (ii) Located at the site of a historic event and significantly impact an individual's
209 perception of the event;
210 (iii) Dated to the time of a historic event at the location of the tree, as identified by
211 a unit of government; or
212 (iv) Confirmed as the progeny of a tree that meets any of the criteria contained in this
213 division.
214 (B) For purposes of this paragraph, the term 'landmark tree' means a tree or group of
215 trees that:
216 (i) Have been planted and maintained for educational purposes for more than 75
217 years;
218 (ii) Were planted as a memorial to an individual, group, event, or cause and are more
219 than 75 years old; or
220 (iii) Symbolize a historically significant individual, place, event, or contribution, as
221 recognized by a unit of government prior to July 1, 2010.
222 (C) For purposes of this paragraph, the term 'specimen tree' means a hardwood tree or
223 group of hardwood trees that is determined to be in excess of 75 years of age as
224 determined by a registered forester or arborist.
225 ~~(B)~~(D) Pruning or trimming of trees under a permit shall conform to industry standards
226 as defined by the National Arborist Association, International Society of Arboriculture
227 or ANSI A300 pruning standards as of January 1, ~~1999~~ 2011, or such later edition as
228 may be adopted by rule or regulation of the department.
229 ~~(3)~~(4) An applicant's record of conduct regarding disturbance of trees or other vegetation
230 on state rights of way shall be considered by the department as part of the evaluation
231 process for any permit or permit renewal application.
232 ~~(4)~~(5) Prior to approving any permit application to remove allegedly diseased trees, the
233 department shall verify that such trees are in fact diseased. Such determination shall be
234 made by the department's landscape architect.
235 ~~(5)~~(6) A performance bond in an amount adequate for the requirements of the permit as
236 determined by the department shall be required of each permittee.
237 (f)(1) No trees or other vegetation on state rights of way shall be trimmed, killed, or
238 removed by any person other than in accordance with a permit issued under this Code
239 section by any person other than the department or an authorized agent or contractor

243 (3) On and after July 1, 1999, no outdoor advertising sign to which a permit under this
244 Code section is applicable shall be maintained in such a condition of disrepair as to be
245 unusable for advertising.
246 (4)(A) In cases where the department has reasonable cause to believe that a violation
247 of this subsection has been committed by any person, the procedures provided under
248 Code Section 32-6-95 shall apply the same as in cases wherein the department believes
249 that a sign is being maintained in violation of this part.
250 (B) Following notice, hearing, and a finding that a person has committed a violation
251 of paragraph (1) of this subsection, a civil fine of not less than $10,000.00 nor more
252 than $20,000.00, and restitution in an amount equal to the appraised value of the trees
253 or vegetation, or both, which were unlawfully trimmed or removed, shall be imposed
254 on such person.
255 (C) Following notice, hearing, and a finding that a permittee under this Code section
256 has committed a violation of paragraph (2) of this subsection, an order directing the
257 removal of such unused sign, at the expense of the permittee, shall be issued.
258 (D) Following notice, hearing, and a finding that a permittee under this Code section
259 has committed a violation of paragraph (3) of this subsection, an order directing the
260 removal of such unusable sign shall be issued.
261 (E) The department or its authorized agents shall be authorized to enter upon private
262 lands and disassemble and remove signs without civil or criminal liability therefor
263 pursuant to an order issued in accordance with this paragraph and as provided by Code
264 Section 32-6-96 for disassembly and removal of illegal outdoor advertising signs.
265 (g) In order to obtain a vegetation maintenance permit for signs which exceed 75 feet in
266 height, as measured from the base of the sign or crown of the adjacent roadway to which
267 the sign is permitted, whichever is higher, the owner of the sign shall agree to reduce the
268 sign to 75 feet in height or less, as measured from the base of the sign or crown of the
269 adjacent roadway to which the sign is permitted, whichever is higher, unless lowering is
270 precluded by local government code or regulation. Work to lower the sign shall be
271 concluded within 60 days of completion of the vegetation removal. If the terms of the
272 work plan are not complied with and all work satisfactorily completed within the allowed
273 time, the performance bond shall be forfeited, and the department shall be authorized to
274 collect the bond and lower the sign. Upon completion of any project which reduces sign

280 maintained any abandoned sign or signs, until all such abandoned signs are removed or
281 brought into compliance with the provisions of this Code section. For purposes of this
282 subsection, the term 'abandoned sign' means any sign adjacent to a state-controlled route
283 that has not contained a message for six consecutive months and which has not had a
284 message displayed within 30 days after receipt of notice by certified mail from the
285 department. The addition of a 'for rent' panel or a phone number shall not qualify as a
286 message for purposes of this subsection, but self promotional copy covering at least one
287 entire sign face or advertising copy benefitting charitable, nonprofit, religious, or other
288 noncommercial groups shall qualify as a message.
289 (i) The department shall have the right to refuse to issue any vegetation permits to any
290 person, firm, or entity which the department determines is maintaining or is allowing to be
291 maintained in their inventory of signs in this state any sign which depicts any material
292 which is obscene as such term is defined in Code Section 16-12-80, or material that is in
293 conflict with the applicable local government's obscenity ordinance. Upon conviction of
294 depiction of any material as obscene the person, firm, or entity shall be punishable by a fine
295 of not less than $5000.00 for the first conviction and $10,000.00 for any subsequent
296 conviction and shall also be guilty of a misdemeanor of a high and aggravated nature.
297 (j) The removal of signs with lapsed outdoor advertising permits is of benefit to this state
298 but is often too costly for the department to undertake. In order to encourage the removal
299 of such signs and permitted signs that do not conform to the state's current requirements
300 for outdoor advertising signs without the expenditure of state funds, a credit which may be
301 used as an offset toward the total appraised value of the vegetation to be removed in
302 accordance with a vegetation maintenance permit shall be awarded for each qualifying sign
303 removal as follows:
304 (1) On or before March 1, 2012, the department shall prepare a list of signs which once
305 held a valid outdoor advertising permit but for which the permit has been allowed to
306 lapse. Notification of a sign's inclusion on such list shall be sent to the last known
307 address for the sign's owner as listed on department records and to any other person or
308 entity which the department reasonably finds to have an interest in such sign. Within 30
309 days of receipt of such notice or 60 days of publication of the list, whichever comes later,
310 any person or entity claiming to be the owner of a sign that they do not believe has been
311 properly included on the list shall be allowed to submit written notice to the department

316 provided to the chairpersons of the House and Senate Transportation Committees on or
317 before the first day of March;
318 (2) The department shall, on or before January 1, 2012, prepare a schedule or formula
319 to determine the credit to be received for the removal of lapsed-permit signs and
320 permitted nonconforming outdoor advertising signs. Such schedule shall provide a
321 valuation of the credit based on four factors: material used in sign structure, height of
322 sign, size of sign, and terrain and topography. The department shall also prepare a form
323 to be submitted by any person or entity seeking a credit under this subsection. Such form
324 shall require a description of the material used in the sign structure, the height of the sign,
325 the size of the sign, and the terrain and topography where the sign is situated and a
326 calculation of the anticipated credit in accordance with the department's schedule or
327 formula;
328 (3) At such time as any lapsed-permit sign from the department's updated list or a
329 nonconforming outdoor advertising sign is removed, the person or entity responsible for
330 such removal shall submit to the department the completed removal form and
331 photographic evidence of the removal. For purposes of this subsection, the term 'removal'
332 means removal of all structural elements above ground level; removal of footers or
333 foundation elements shall not be required. Within 60 days of such submission, the
334 department shall certify and return the form. No credit shall be allowed for the removal
335 of a lapsed-permit sign by the owner of such sign. The certified form shall serve as a
336 credit voucher. Credit vouchers may be transferred to another party via notarized
337 statement signed by both parties;
338 (4) Where a lapsed-permit sign from the department's updated list or a nonconforming
339 sign is to be removed in conjunction with a specific application for a vegetation
340 maintenance permit, the sign to be removed shall be designated by department permit
341 number. If the vegetation permit is approved, then the sign designated for removal shall
342 be removed at least 15 days prior to initiation of work pursuant to the vegetation permit.
343 Removal shall be deemed complete when the removal form and photographic evidence
344 of the removal are submitted to the department. The sign designated for removal need
345 not be owned by the vegetation permit applicant. As such, nothing herein shall be
346 interpreted to require that the removed sign be owned or controlled by the vegetation
347 permit applicant. All work hereunder shall be performed by licensed and bonded entities

353 $4.000.00. Any unused portion of a credit voucher may be used in conjunction with a
354 subsequent vegetation maintenance application.
355 (k) Nothing contained in this Code section shall render any sign existing on July 1, 2011,
356 nonconforming. Nothing in this Code section shall supersede any applicable local rules or
357 ordinances. The department shall not deny an applicant a vegetation maintenance permit
358 for complying with applicable local rules or ordinances."

359 **SECTION 3.**

360 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
361 or adjudged invalid or unconstitutional, such declaration or adjudication shall affect and
362 invalidate the whole of the smallest section or subsection in which such matter appears
363 herein, but shall in no manner affect the other sections, subsections, sentences, clauses, or
364 phrases of this Act, which shall remain of full force and effect as if the section, subsection,
365 sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not
366 originally a part hereof. The General Assembly declares that it would have passed the
367 remaining parts of this Act if it had known that such part or parts hereof would be declared
368 or adjudged invalid or unconstitutional, but would not have passed any section of this Act
369 containing or constituting an invalid or unconstitutional provision.

370 **SECTION 4.**

371 The Department of Transportation shall have 120 days from the effective date to promulgate
372 any forms or policies necessary to implement this Act. Those applications submitted before
373 any necessary forms and policies are in place shall be processed in accordance with the
374 regulations in place prior to the effective date. Those holding vegetation maintenance
375 permits or renewals issued at any time prior to the promulgation of the necessary forms and
376 policies shall, upon written request to the department, be able to trim or remove vegetation
377 in accordance with the terms of this Act.

378 **SECTION 5.**

379 This Act shall become effective on July 1, 2011.

380 **SECTION 6.**