

The Senate Transportation Committee offered the following substitute to SB 256:

A BILL TO BE ENTITLED
AN ACT

To amend Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to outdoor advertising signs on the interstate system, primary highways, and other highways, so as to provide for certain height limitations on such outdoor advertising signs and for certain conditions for lowering of existing signs in excess of such height limitations; to provide for certain changes in the sizes of trees permitted to be trimmed or removed from the viewing zones of such signs and for certain changes to the extent of such viewing zones; to provide for matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to outdoor advertising signs on the interstate system, primary highways, and other highways, is amended in Code Section 32-6-75, relating to restrictions on outdoor advertising signs authorized by Code Sections 32-6-72 and 32-6-73, by striking in such Code section the word "or" at the end of paragraph (20) of subsection (a) thereof, by striking the period at the end of paragraph (21) of such subsection and inserting in lieu thereof the symbol and word "; or", and by inserting at the end of such subsection a new paragraph to read as follows:

"(22) After July 1, 2007 exceeds 75 feet in height as measured from the top of the sign to the level of the traveled way, but any sign erected after that date shall be granted a permit for trimming or removal of vegetation within the viewing zone thereof pursuant to the provisions of Code Section 32-6-75.3 at the time that a permit for such sign is granted as authorized by Code Section 32-6-74 and Code Section 32-6-79. Provided, however, that signs exceeding such height lawfully in existence on such date may be maintained if otherwise in compliance with the provisions of this part, but the provisions of Code Section 32-6-75.3 in effect on January 1, 2007 shall apply to such signs unless lowered so as not to exceed such height, in which case the provisions of said Code

1 section as amended from time to time shall apply. The department shall expedite and
2 coordinate the processing of applications for permits under Code Section 32-6-75.3 with
3 the processing of applications for permits under Code Section 32-6-74 and Code Section
4 32-6-79 such that applications under such latter Code sections shall not be delayed. The
5 General Assembly finds and declares that reducing the height of outdoor advertising signs
6 serves the public purpose and function of roadside beautification and enhancement and
7 confers a substantial benefit upon the state and the public. However, the procuring of
8 rights and interests providing for reduction in the height of such signs imposes a
9 substantial immediate and long-term cost upon the owners of such signs. Accordingly,
10 no sign which exceeds 75 feet in height on July 1, 2007 shall be required to be reduced
11 to or below such height unless the owner and the department enter into an agreement
12 providing for the granting or renewal of a permit for trimming or removal of vegetation
13 within the viewing zone of such sign pursuant to the provisions of Code Section
14 32-6-75.3. Such agreement shall provide that such permits or renewals shall be issued
15 without the fee provided for by paragraph (1) of subsection (e) of said Code section, as
16 just and adequate compensation to the owner, but all other provisions of Code Section
17 32-6-75.3 as amended from time to time shall be applicable to such permits and renewals.
18 The procedures and requirements for issuance of such permits established by this
19 paragraph shall be an alternative to the procedures provided for by Code Section
20 32-6-75.3, and the option to proceed under this paragraph or such Code section shall be
21 at the election of the owner. Reduction in height pursuant to the provisions of this
22 paragraph shall be permitted irrespective of otherwise applicable ordinances or
23 regulations."

24 SECTION 2.

25 Said part is further amended in Code Section 32-6-75.3 of the Official Code of Georgia
26 Annotated, relating to trimming or removal of vegetation within viewing zones of outdoor
27 advertising signs on the interstate system, primary highways, and other highways, by striking
28 in their entirety subsection (b), paragraph (1) of subsection (e), and subparagraph (A) of
29 paragraph (2) of subsection (e) of said Code section, and inserting in lieu thereof respectively
30 the following:

31 "(b)(1) So as to promote these objectives and in accordance with the provisions of this
32 Code section, the commissioner shall provide by a minimum of rule or regulation for the
33 issuance and annual renewal of permits for the trimming and removal of trees and other
34 vegetation on the state rights of way within viewing zones with respect to outdoor
35 advertising signs legally erected and legally maintained adjacent to said rights of way. Such
36 rules and regulations shall ~~include, without limitation,~~ be substantially limited to standards

1 for survival of vegetation trimmed or planted conforming to American National Standards
2 Institute standards for tree care operations. Such permits whenever issued shall allow or
3 be deemed to allow trimming or removal of vegetation in conformance with this Code
4 section as amended from time to time, except as otherwise provided by this part.

5 ~~(2) So as to ensure that no vegetation maintenance permits are issued for the purpose of~~
6 ~~creating new outdoor advertising signs, no owner of outdoor advertising signs erected~~
7 ~~after January 1, 1999, or such owner's agent, will be eligible to make application for~~
8 ~~vegetation maintenance for a period of five years from the date a new sign is permitted."~~

9 "(e)(1) The department shall evaluate each application for a permit under this Code
10 section and require as a condition of granting any permit under this Code section that the
11 value of the landscaping to be either provided or paid for by the applicant is not less than
12 the department's appraised value of the benefit to be conferred by the state upon the
13 applicant by allowing the trimming or removing of trees or other vegetation as requested,
14 which shall be ~~the value of the~~ three times the appraised pulpwood or lumber value of all
15 trees or vegetation to be trimmed or removed; provided, however, that a permit may be
16 granted to an otherwise qualified applicant in a case where the value of the landscaping
17 to be either provided or paid for by the applicant is less than the department's appraised
18 value of the trees or other vegetation to be trimmed or removed if, in addition, the
19 applicant pays to the department an amount equal to the amount of the difference between
20 the value of the landscaping to be either provided or paid for by the applicant and the
21 department's appraised value of the trees or other vegetation to be trimmed or removed.

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

24 (ii) No removal of ~~any hardwood tree having a diameter outside bark of more than~~
25 ~~8 inches at a height of 6 inches above ground level or any historic or endangered~~
26 ~~species tree or any tree planted as part of any local, state, or federal government~~
27 ~~project shall be permitted under this Code section; provided, however, that after July~~
28 ~~1, 2007 no local or state project shall plant any tree within a viewing zone, and the~~
29 ~~department is prohibited from expending state or federal funds to plant any tree within~~
30 ~~a viewing zone.~~

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

33 (iv) All ~~nonhardwood~~ trees may be removed from within a viewing zone for a
34 combined total of 250 500 feet horizontal distance parallel to the right of way in the
35 direction of a face visible from the main traveled way.

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

~~(vi) Pine trees having a diameter outside bark of 12 inches or more at a height of 6 inches above ground level shall not be removed from a viewing zone in such numbers as to reduce stocking to less than the minimum standard for full stocking for such trees, as determined by the Georgia Forestry Commission, over an area having a combined total of not less than 250 feet horizontal distance parallel to the right of way.~~

~~(vii) The provisions of divisions (iv) and (vi) of this subparagraph notwithstanding, in the case of any outdoor advertising sign erected on or before April 20, 1998, and which is less than 35 feet in height as measured from the top of the sign to the ground directly beneath or to the road level, whichever distance results in the best view or the greatest elevation, or which is subsequently lowered to such a height, the horizontal distance of the area within the viewing zone from which all trees, other than hardwoods having a diameter outside the bark of more than 8 inches at a height of 6 inches above ground level, may be removed shall be increased to 350 feet."~~

SECTION 3.

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

SECTION 4.

All laws and parts of laws in conflict with this Act are hereby repealed.