

The House Committee on Transportation offers the following substitute to SB 164:

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 control of signs and signals on the state highway system, so as to
3 provide for certain height limitations on such signs; to allow owners of legally erected and
4 maintained signs to obtain permits to remove vegetation from the view zones of their signs
5 if certain specified conditions are met; to provide for procedures, fees, and penalties related
6 to the foregoing; to provide for stages of implementation by department districts; to provide
7 for renewal of all permits on April 1; to provide for severability; to provide for related
8 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated,
12 relating to the control of signs and signals on the state highway system, is amended in Code
13 Section 32-6-75, relating to restrictions on outdoor advertising signs authorized by Code
14 Sections 32-6-72 and 32-6-73, by striking "or" at the end of paragraph (20) of subsection (a),
15 by striking the period at the end of paragraph (21) of subsection (a) and inserting in lieu
16 thereof a semicolon, and by adding at the end of subsection (a) two new paragraphs to read
17 as follows:

18 "(22) After July 1, 2009, exceeds 75 feet in height as measured from the base of the sign
19 or the crown of the adjacent roadway to which the sign is permitted, whichever is higher.
20 Preexisting signs in excess of 75 feet in height shall not be deemed nonconforming by
21 reason of their height; or

22 (23) After July 1, 2009, is erected without the sign owner providing, on or before 30 days
23 after the completion of construction, one copy of the structural drawings of the sign
24 structure stamped and signed by a registered professional engineer licensed in the State
25 of Georgia to the department for its records."

26

SECTION 2.

27 Said part is further amended in Code Section 32-6-75.3, relating to applications for tree
 28 trimming permits and annual renewals and criteria for trimming trees or vegetation, by
 29 deleting the paragraph (1) designation from subsection (b), by repealing paragraph (2) of
 30 subsection (b) in its entirety, and by revising paragraph (1) of subsection (e) as follows:

31 "(e)(1) The department shall evaluate each application for a permit under this Code
 32 section and require as a condition of granting any permit under this Code section that the
 33 ~~value of the landscaping to be either provided or paid for by the applicant is not less than~~
 34 ~~the department's appraised value of the benefit to be conferred by the state upon the~~
 35 ~~applicant by allowing the trimming or removing of trees or other vegetation as requested;~~
 36 ~~which shall be the value of the trees or vegetation to be trimmed or removed; provided;~~
 37 ~~however, that a permit may be granted to an otherwise qualified applicant in a case where~~
 38 ~~the value of the landscaping to be either provided or paid for by the applicant is less than~~
 39 ~~the department's appraised value of the trees or other vegetation to be trimmed or~~
 40 ~~removed if, in addition, the applicant pays to the department an amount equal to the~~
 41 ~~amount of the difference between the value of the landscaping to be either provided or~~
 42 ~~paid for by the applicant and the department's appraised value of the trees or other~~
 43 ~~vegetation to be trimmed or removed~~ outdoor advertising permit holder submit a
 44 vegetation fee of \$4,000.00, which shall be deposited in the Roadside Enhancement and
 45 Beautification Fund for grants approved by the Roadside Enhancement and Beautification
 46 Council for roadside beautification projects. Such funds shall not be used to plant
 47 vegetation that will block or diminish motorists' view of outdoor advertising signs."

48

SECTION 3.

49 Said part is further amended by adding a new Code section to read as follows:

50 "32-6-75.4.

51 (a) As used in this Code section, the term:

52 (1) 'Abandoned sign' means any sign adjacent to a state-controlled route that is not
 53 structurally safe and in good repair or which has not contained a message for six
 54 consecutive months and which has not had a message displayed within 30 days after
 55 receipt of notice by certified mail from the department. The addition of a 'for rent' panel
 56 or a phone number does not qualify as a 'message' for purposes of this Code section, but
 57 advertising copy benefitting charitable, nonprofit, religious, or other noncommercial
 58 groups shall qualify.

59 (2) 'Beautification plan' means an agreement between the department and the outdoor
 60 advertising permit holder describing the replacement landscaping which will be installed

61 at the work site by the permit holder, listing the type or types of trees to be planted, the
62 size of such plantings, and the numbers of each tree type.

63 (3) 'Removal' or 'removed' means the elimination of trees or other vegetation from a view
64 zone.

65 (4) 'Replacement landscaping' means department approved vegetation that is planted and
66 maintained in the area of the right of way where vegetation has been removed pursuant
67 to a vegetation permit.

68 (5) 'Self-promotional advertisement' means an advertisement covering more than 75
69 percent of at least one advertising surface of a sign and including more than simply a
70 phone number. Copy covering only a fraction of the surface of a sign, or copy including
71 only a phone number, shall not be a self-promotional advertisement.

72 (6) 'View zone' for purposes of this Code section means an area extending from the sign
73 to the roadway which shall be angled to maximize the visibility of the sign to passing
74 motorists but not exceed:

75 (A) Two hundred seventy-five feet along the right of way fence or boundary; and

76 (B) Five hundred feet along the edge of the roadway pavement.

77 (7) 'Work site' means the specific section of the right of way between the beginning and
78 end point of the approved view zone where vegetation removal is to be performed.

79 (b) In accordance with the provisions of this Code section, upon submission and review
80 of a properly executed and completed application, the department shall issue a permit for
81 the removal of vegetation located on the right of way of any controlled highway adjacent
82 to a sign which was legally erected under a department permit prior to July 1, 2009,
83 whenever such vegetation prevents an unobstructed view zone to the sign from the main
84 traveled way of such highway.

85 (c) Permit requirements:

86 (1) No vegetation shall be removed under this Code section other than that which lies
87 within a view zone. The conditions of vegetation removal pursuant to this Code section
88 shall in no way be limited pursuant to limitations found in Code Section 32-6-75.3.

89 (1.1) The proceeds from the sale of any vegetation removed pursuant to this Code section
90 shall be submitted to the department and deposited in the Roadside Enhancement and
91 Beautification Fund.

92 (2) No more vegetation shall be removed pursuant to a vegetation permit than is
93 necessary to ensure that a sign has a view zone. The outdoor advertising permit holder
94 shall be able to remove vegetation within the original scope of the permit without the
95 need for future applications when an annual renewal fee of \$50.00 is current.

96 (3) No vegetation along the right of way of a highway on the controlled system within
 97 the view zone of a department permitted outdoor advertising sign shall be removed by
 98 any nondepartment personnel other than in accordance with this Code section.

99 (4) In order to obtain a vegetation permit for signs which exceed 75 feet in height, as
 100 measured from the base of the sign or crown of the adjacent roadway to which the sign
 101 is permitted, whichever is higher, the owner of the sign must agree to reduce the sign to
 102 75 feet in height or less unless lowering is precluded by local code or regulation. The
 103 department shall have the authority to revoke the sign permit of any permit holder who
 104 does not lower the sign within 30 days of removing the vegetation unless lowering is
 105 precluded by local code or regulation. Signs which exceed 75 feet in height, as measured
 106 from the base of the sign or crown of the adjacent roadway to which the sign is permitted,
 107 whichever is higher, that are not reduced in height within such time frame shall be subject
 108 to the penalties outlined in this Code section, and the performance bond shall be forfeit.
 109 Upon completion of any project which reduces sign height by use of a new support
 110 mechanism, such as a new pole, the sign owner shall provide the department a written
 111 footer inspection from the applicable local or county or a licensed engineer.

112 (5) The department shall have the right to refuse to issue any vegetation permits to any
 113 person, firm, or entity which the department determines is maintaining or is allowing to
 114 be maintained any abandoned signs, until such abandoned signs are removed or brought
 115 into compliance with this part.

116 (6) No permit holder shall have in their inventory of signs in Georgia any sign which
 117 depicts sexually suggestive imagery, obscene material, as that term is defined in Code
 118 Section 16-12-80, or material that is in direct conflict with the local jurisdiction's
 119 obscenity ordinance.

120 (7) No removal of any landmark, historic, or specimen tree species shall be permitted
 121 under this Code section. For purposes of this paragraph, the term:

122 (A) 'Landmark tree' means a tree or group of trees that:

- 123 (i) Have been planted and maintained for educational purposes for more than 75
 124 years;
 125 (ii) Were planted as a memorial to an individual, group, event, or cause and are more
 126 than 75 years old; or
 127 (iii) Symbolize a historically significant individual, place, event, or contribution, as
 128 recognized by a unit of government.

129 (B) 'Historic tree' means a tree or group of trees that are reasonably determined by the
 130 department to be:

- 131 (i) Identified by a unit of government to recognize an individual or group;

132 (ii) Located at the site of a historic event and significantly impact an individual's
133 perception of the event;

134 (iii) Dated to the time of a historic event at the location of the tree, as identified by
135 a unit of government; or

136 (iv) Confirmed as the progeny of a tree that meets any of the above criteria.

137 (C) 'Specimen tree' means a hardwood tree or group of hardwood trees that is
138 determined to be in excess of 75 years of age as determined by a registered forester or
139 arborist.

140 (8) No removal of any tree planted prior to January 1, 2009, as part of any local, state,
141 or federal government or specifically identified beautification project shall be permitted
142 under this Code section unless written approval is obtained from the sponsoring
143 jurisdiction.

144 (9) When vegetation is removed and the department determines that no replacement
145 landscaping shall be installed in the view zone, all root masses must remain intact in
146 order to ensure there is no soil disturbance. All substantial deposits of saw dust and wood
147 chip piles created from the removal of vegetation shall be disposed of or dispersed in
148 accordance with department policies.

149 (10) The department shall deny a vegetation permit application to the extent:

150 (A) The application is for the opening of view to a sign which is illegal, in violation
151 of any of the terms of its outdoor advertising permit, or is currently involved in
152 litigation with the department;

153 (B) The vegetation was planted as a designated noise barrier, visual barrier, or to
154 provide erosion control, in which case the application shall be approved only to allow
155 cutting which will not remove such planted vegetation;

156 (C) The proposed removal would open views to a commercial junkyard for automotive
157 vehicles, in which case the application shall be approved only to allow cutting which
158 will not further expose the junkyard to motorists; or

159 (D) The work site is within 1,000 feet of a state-designated scenic area.

160 (11) Replacement landscaping:

161 (A) In exchange for permission to remove existing vegetation as outlined in this Code
162 section, the outdoor advertising permit holder shall acquire, install, and maintain
163 replacement landscaping and adhere to the policy set forth by the department in
164 coordination with the Roadside Enhancement and Beautification Council. The
165 vegetation fee, as prescribed in paragraph (1) of subsection (e) of this Code section,
166 shall be offset by the costs associated with such replacement landscaping. The
167 department shall not provide any funds to the applicant if the applicant's replacement
168 landscaping planting and maintenance costs exceed \$4,000.00. Under no circumstances

169 shall the total amount submitted to the Roadside Enhancement and Beautification Fund
170 after any and all deductions be less than \$1,000.00.

171 (B) The location of replacement landscaping shall be in the area of the work site from
172 the pavement of the main traveled way to the right of way fence or boundary. Taller
173 growing species of vegetation may be replaced with approved lower growing varieties
174 within the limits of the work site.

175 (C) Replacement landscaping shall consist of the planting of trees from the list
176 approved by the department. In coordination with the Roadside Enhancement and
177 Beautification Council, the department shall establish such a list on or before the
178 effective date of this Code section and it shall be subject to revision from time to time.
179 All replacement tree plantings must be installed in accordance with the guidelines
180 established by the department to include any applicable planting season and must be
181 performed in accordance with any executive orders regarding planting season. The
182 department shall differentiate trees according to preferred geographic area of the state,
183 if any, and maximum height at maturity. For the safety of wildlife and motorists, the
184 department shall exclude from the approved list any trees that are known to attract deer.
185 An approved replacement landscaping plan shall require the planting of trees in a ratio
186 of twenty-two trees from the department's approved list for each site where a vegetation
187 permit is granted on the right of way. Tree species may only be approved to the extent
188 their height at maturity will not obscure the clear view zone. All single-stemmed
189 replacement trees shall be a minimum of six feet tall at the time of planting, and
190 multi-stemmed vegetation shall be a minimum of three feet tall. If the department
191 determines the applicant's site is not suitable for the default tree replanting plan, the
192 department shall consider the acceptance of a wildflower planting equal to two times
193 the cleared vegetation area, provided the minimal area of the wildflower plot is no
194 smaller than an area of 5,000 square feet. The costs of the wildflower planting shall be
195 paid for and maintained by the permit holder and installed during the appropriate
196 planting seasons as determined by the department and in conjunction with any existing
197 wildflower program for that area and should be located at the work site or at a more
198 suitable area to the work site as determined by the department.

199 (D) The department prior to promulgation and in coordination with the Roadside
200 Enhancement and Beautification Council shall establish a policy regarding the
201 installation and maintenance of all replacement landscaping to be installed by outdoor
202 advertising permit holders.

203 (E) All replacement landscaping must be installed promptly and in no case longer than
204 90 days after vegetation removal unless a different schedule is required pursuant to
205 department planting guidelines. Outdoor advertising permit holders shall be

206 responsible for erosion control methods as determined by the local Environmental
207 Protection Division in cases where the department's planting guidelines do not allow
208 the installation of replacement landscaping within 90 days of vegetation removal.

209 (F) The installation of replacement landscaping must follow federal, state, and local
210 watering guidelines. If such guidelines make the installation of replacement
211 landscaping unsuitable, then a vegetation permit shall still be issued, provided that the
212 outdoor advertising permit holder submits the entire amount of the vegetation fee which
213 shall be deposited in the Roadside Enhancement and Beautification Fund for roadside
214 beautification projects. In any instance where the department issues a vegetation permit
215 but determines that no replacement landscaping is required, it shall deliver as an
216 element of the annual report to be made pursuant to subsection (h) of this Code section
217 a written report describing the site and the reasons that replacement landscaping was
218 deemed unsuitable. Replacement landscaping shall be required in all instances unless
219 it is unsuitable due to geography, department-approved fixtures or paving, climatic
220 conditions, or safety concerns.

221 (G) The department may determine that the work site is unsuitable for replacement
222 landscaping based on local standards, unique terrain, or public safety concerns. In such
223 a case, a vegetation permit shall be issued, provided that the outdoor advertising permit
224 holder submits the full vegetation fee which shall be deposited in the Roadside
225 Enhancement and Beautification Fund for roadside beautification projects. Such funds
226 shall not be used to plant vegetation that will block or diminish motorists' view of
227 outdoor advertising signs.

228 (H) The outdoor advertising permit holder has a duty to maintain the replacement
229 landscaping for two years from the last date of installation. If the outdoor advertising
230 permit holder fails to maintain the replacement landscaping as provided for in this Code
231 section, the performance bond outlined in subparagraph (d)(2)(G) of this Code section
232 shall be forfeited. If the outdoor advertising permit holder renews the permit pursuant
233 to paragraph (3) of subsection (d) of Code Section 32-6-75.4 for any period after two
234 years, the permit holder shall be required to maintain the replacement landscaping
235 during the renewal term. If replacement landscaping is installed and the outdoor
236 advertising permit holder renews such permit in subsequent years, they shall be
237 required to enter into a maintenance agreement for the maintenance of the view zone
238 during the renewal period.

239 (d) Permit application process and fees:

240 (1) A vegetation permit must be secured prior to performing any vegetation removal.
241 The permit shall be effective for one year from the date of issuance. Any permitted work

242 not completed during that year shall require the submission of a new application to
243 complete.

244 (2) Permit applications for vegetation removal will be made by the outdoor advertising
245 permit holder upon the forms prescribed and provided by the department and shall
246 contain the signature of the outdoor advertising permit holder. A separate application
247 must be submitted for each view zone. The application must contain all required
248 information before a permit will be granted. The following is a list of all required
249 information that must be submitted with the application form:

250 (A) The name, address, telephone number, facsimile number, and e-mail address of the
251 outdoor advertising permit holder;

252 (B) The name, phone number, and address of the property owner, if easily obtainable;

253 (C) The sign's state permit number;

254 (D) A detailed site plan identifying at a minimum the following items:

255 (i) The requested limits of the work site for the proposed vegetation removal;

256 (ii) A detailed identification of the requested action, such as removal;

257 (iii) The proposed view zone;

258 (iv) The right of way line within the work site;

259 (v) The method by which work crews will access the right of way;

260 (vi) Proposed method for securing the site on a temporary basis;

261 (vii) The edge of the main traveled way within the work site;

262 (viii) A scale showing the actual distances indicated in the site plan; and

263 (ix) A table or key identifying vegetation or other icons indicated on the site plan;

264 (E) Photographic images of the sign and the existing vegetation at the work site;

265 (F) A certification that all work performed under the permit will be in accordance with
266 the department's policy regarding replacement landscaping installed by the outdoor
267 advertising permit holder; and

268 (G) An acknowledgment by the outdoor advertising permit holder that a performance
269 bond in an amount adequate to ensure the completion of the installation and
270 maintenance of the replacement landscaping and any required sign height reduction
271 must be obtained prior to work beginning. After issuance of the vegetation permit but
272 before any work begins, the original performance bond must be submitted to the
273 department. Work performed without a bond in place shall violate this Code section
274 and be subject to penalties as provided by this Code section. The performance bond
275 shall be released upon final inspection and acceptance of the work by the department.

276 (3) An application fee in the amount of \$500.00 shall accompany the application, and
277 both the application and fee shall be submitted to the department. Proceeds from initial
278 application fees shall be retained by the department for outdoor advertising regulatory

279 purposes. There shall be an annual renewal fee of \$50.00 if the outdoor advertising
 280 permit holder requests to remove vegetation within the original scope of the permit
 281 without the need for future applications. Renewal fees shall be deposited in the Roadside
 282 Enhancement and Beautification Fund for roadside beautification grants approved by the
 283 Roadside Enhancement and Beautification Council. Such funds shall not be used to plant
 284 vegetation that will block or diminish motorists' view of outdoor advertising signs.
 285 Renewal fees shall be due for each calendar year following the issuance of the vegetation
 286 permit and will be due within 45 days of receipt of a renewal notice from the department.

287 (4) Within 60 days following receipt of the complete vegetation permit application, the
 288 department shall approve or deny the application. If the application is approved, the
 289 applicant shall be issued a permit. If the application is denied, the department shall
 290 advise the outdoor advertising permit holder, in writing, of the reasons for denial. If the
 291 department fails to approve or deny such application within 60 days of receipt, \$250.00
 292 of the application fee shall be refunded and the department shall have an additional 30
 293 days, for a total of 90 days, to approve or deny the application. If the department fails to
 294 approve or deny such application within 90 days of receipt, the remaining \$250.00 of the
 295 application fee shall be refunded and the department shall have an additional 30 days, for
 296 a total of 120 days, to approve or deny the application. If 120 days pass without
 297 department action on a vegetation permit application, it shall be deemed approved and
 298 the permit or approval issued within five business days. If the necessary permit or
 299 approval is not timely issued, the applicant shall be entitled to perform the work in
 300 accordance with the application materials submitted which shall constitute the permit.

301 (e) Vegetation fee:

302 (1) At least 15 days prior to vegetation removal pursuant to an issued permit, the outdoor
 303 advertising permit holder shall submit a vegetation fee in an amount equal to \$4,000.00
 304 minus the costs associated with acquiring, installing, and maintaining the replacement
 305 landscaping which costs shall be submitted by the outdoor advertising permit holder and
 306 approved by the department. The costs and expenses associated with acquiring,
 307 installing, and maintaining replacement landscaping shall be described in the registered
 308 forester's or arborist's signed, written report submitted in conjunction with the application.
 309 No adjustment to the vegetation fee shall be made after the permit has been approved and
 310 the total amount of such fee shall never exceed \$4,000.00.

311 (2) All vegetation fees shall be deposited in the Roadside Enhancement and
 312 Beautification Fund for grants approved by the Roadside Enhancement and Beautification
 313 Council for roadside beautification projects. Such funds shall not be used to plant
 314 vegetation that will block or diminish motorists' view of outdoor advertising signs.

315 (f) Violations:

316 (1) Following notice, hearing, and a finding that a person has removed vegetation in a
 317 highway right of way for purposes of outdoor advertising in violation of this Code
 318 section, a civil fine of not less than \$5,000.00 nor more than \$10,000.00, and restitution
 319 in an amount equal to the appraised value of the unlawfully removed vegetation, shall be
 320 imposed on such person.

321 (2) The department or its authorized agents shall be authorized to enter upon private
 322 lands and disassemble and remove signs without civil or criminal liability therefor
 323 pursuant to an order issued in accordance with this paragraph and as provided by Code
 324 Section 32-6-96 for disassembly and removal of illegal outdoor advertising signs where
 325 such order has been upheld in any subsequent administrative or judicial appeals.

326 (g) Effective date:

327 (1) This Code section shall become effective on July 1, 2009, and shall be implemented
 328 as a three-year pilot program by adding department districts to the program in the
 329 following staggered manner:

330 (A) Year one, effective July 1, 2009: First and Fourth department districts;

331 (B) Year two, effective July 1, 2010: add Third, Sixth, and Seventh department
 332 districts; and

333 (C) Year three, effective July 1, 2011: add Second and Fifth department districts.

334 (2) As of July 1, 2012, this Code section shall become applicable to all outdoor
 335 advertising signs lawfully permitted by the department wherever located unless otherwise
 336 determined by the General Assembly. If this Code section has not been repealed on
 337 July 1, 2012, Code Section 32-6-73.3 shall automatically be repealed on July 1, 2012.
 338 Nothing contained in this Code section shall render any sign existing on July 1, 2009,
 339 nonconforming. Nothing in this Code section shall supersede any applicable local rules
 340 or ordinances. The department may not deny an applicant a vegetation permit for
 341 complying with applicable local rules or ordinances.

342 (h) The department shall promulgate any forms or policies necessary to implement the
 343 program provided for by this Code section within 120 days of the effective date of this
 344 Code section. Prior to December 31 of each calendar year, the department shall furnish to
 345 the members of the transportation committees of both chambers of the General Assembly
 346 and to the Roadside Beautification Enhancement and Beautification Council an annual
 347 report to include: (1) the number of vegetation permit applications received by the
 348 department; (2) the number of permits issued; (3) the number of permits issued in each
 349 department district; (4) the total amount of vegetation fees collected; (5) the total amount
 350 of grants issued by the Roadside Enhancement and Beautification Council; and (6) a
 351 statement to comply with the provisions of subparagraph (c)(11)(F) of this Code section."

352

SECTION 4.

353 Said part is further amended by revising subsection (a) of Code Section 32-6-74, relating to
354 applications for permits, fees, and renewals, to read as follows:

355 "(a) Applications for permits and the renewal thereof authorized by subsections (a) through
356 (d) of Code Section 32-6-79 shall be made to the department upon forms prescribed by the
357 department. The applications shall contain the signature of the applicant and such other
358 information as may be required by the department and shall be verified under oath by the
359 person, firm, or corporation making the application. ~~Permits and renewals thereof shall be~~
360 ~~issued for and shall be valid only if the sign is erected and maintained in accordance with~~
361 ~~this part during the 12 month period next following the date of issuance. The fee for the~~
362 ~~initial issuance of a permit shall be \$50.00. The fee for the renewal of a permit shall be~~
363 ~~\$25.00. The money received from permit fees shall be used to help defray the expenses of~~
364 ~~administering this part, Code Section 48-2-17 to the contrary notwithstanding. Upon~~
365 ~~receipt of a properly executed application and the appropriate fee for the erection or~~
366 ~~maintenance of a sign which may be lawfully erected or maintained pursuant to this part,~~
367 ~~the department shall, within 60 days, issue a permit or renewal authorizing the erection or~~
368 ~~maintenance, or both, of the sign for which application was made except when a person,~~
369 ~~firm, or corporation is maintaining or allowing the maintenance of an illegal sign as~~
370 ~~provided for in subsection (f) of Code Section 32-6-79. All permits, to include vegetation~~
371 ~~permits issued pursuant to Code Sections 32-6-75.3 and 32-6-75.4, shall expire on the first~~
372 ~~day of April in the year following issuance. Application for the renewal Renewal of a~~
373 ~~permit or vegetation permit shall be made to the department not more than ~~90~~ not less than~~
374 ~~~~60~~ 30 days before the expiration date of the permit for which renewal is sought. If the~~
375 ~~department fails to receive the renewal application before the expiration date of the permit,~~
376 ~~the department will notify the applicant that the renewal application is overdue when the~~
377 ~~applicant's address is known or reasonably available to the department and shall give the~~
378 ~~applicant 30 days after ~~the expiration date~~ receipt of such notice to send the department the~~
379 ~~renewal application. If the applicant does not send the properly executed permit renewal~~
380 ~~application and ~~the appropriate~~ fee within the specified 30 day period, the sign shall then~~
381 ~~become an illegal sign. If a vegetation permit renewal application and fee is not submitted~~
382 ~~within the 30 day period, the vegetation permit shall be cancelled. No permit shall be~~
383 ~~renewed if the application for the renewal thereof has not been made in accordance with~~
384 ~~this Code section."~~

385

SECTION 5.

386 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
387 or adjudged invalid or unconstitutional, such declaration or adjudication shall affect and

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

396 **SECTION 6.**

397 This Act shall become effective on July 1, 2009.

398 **SECTION 7.**

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