

**72-7-514 Landscape control program.**

- (1) As used in this section, "landscape control" means trimming or removal of seedlings, saplings, trees and vegetation along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system right-of-way to provide clear visibility of outdoor advertising.
- (2)
  - (a) The department shall establish a landscape control program as provided under this section.
  - (b) Except as provided in this section, a person, including an outdoor advertising sign owner or business owner may not perform or cause landscape control to be performed.
- (3)
  - (a) An outdoor advertising sign owner or business owner may submit a request for landscape control to the department.
  - (b) Within 60 days of the request under Subsection (3)(a), the department shall:
    - (i) conduct a field review of the request with a representative of the sign or business owner, the department, and the Federal Highway Administration to consider the following issues listed in their order of priority:
      - (A) safety;
      - (B) protection of highway features, including right-of-way and landscaping;
      - (C) aesthetics; and
      - (D) motorists' view of the sign or business; and
    - (ii) notify the sign or business owner what, if any, trimming, removal, restoration, banking, or other landscape control shall be allowed as decided by the department, after consultation with the Federal Highway Administration.
  - (c) If the sign or business owner elects to proceed, in accordance with the decision issued under this subsection, the department shall issue a permit that describes what landscape control may be allowed, assigns responsibility for costs, describes the safety measures to be observed, and attaches any explanatory plans or other information.
- (4) The department shall establish an appeals process within the department for landscape control decisions made under Subsection (3).
- (5)
  - (a) A person who performs landscape control in violation of this section is guilty of a class C misdemeanor, and is liable to the owner for treble the amount of damages sustained to the landscape.
  - (b) Each permit issued under this section shall notify the permit holder of the penalties under Subsection (5)(a).

Renumbered and Amended by Chapter 270, 1998 General Session