

TENNESSEE CODE ANNOTATED  
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\*\*\* Current through the 2014 Regular Session and amendments approved at the November 4, 2014 General Election \*\*\*

Title 54 Highways, Bridges And Ferries  
Chapter 21 Billboard Regulation and Control Act of 1972

Tenn. Code Ann. § 54-21-119 (2014)

**54-21-119. Vegetation control permits and fees.**

(a) The commissioner shall issue to the owners or holders of lawfully issued outdoor advertising permits, which definition includes those described as legal conforming, grandfathered and nonconforming structures in federal regulations, when the face of the outdoor advertising is generally visible to occupants of vehicles from the main traveled ways of the system on the date of erection, permits to remove, cut and trim vegetation located on the right-of-way adjacent to the outdoor advertising and replace the vegetation as directed, whenever the vegetation prevents clear visibility for a distance not to exceed five hundred yards (500 yds.) to occupants of vehicles using the main traveled ways of the controlled systems. Notwithstanding any other provision of this chapter to the contrary, vegetation that, on the date of erection of the outdoor advertising, blocks the view of the outdoor advertising, in whole or in any part, for a distance not to exceed five hundred yards (500 yds.), to occupants of vehicles using the main traveled ways, shall not be eligible for removal under a vegetation control permit. The maximum area to be controlled shall not exceed five hundred feet (500'). The regional engineering director for the department shall issue a vegetation control permit where all criteria are met, following submission of information specified and a nonrefundable fee of one hundred dollars (\$100) for each face involved. Vegetation control permits will be issued upon payment of a fee of one hundred fifty dollars (\$150) per face for supervision of the work. All fees received by the commissioner under this section shall be deposited to the highway fund for the administration of this part and for other purposes. Each subsequent year a maintenance permit may be purchased for fifty dollars (\$50.00) to provide annual maintenance at any one (1) location that is consistent with the original vegetation control permit.

(b) One (1) vegetation control permit fee will be waived for those owners who voluntarily remove a nonconforming structure. If the nonconforming structure to be removed is not at least one hundred fifty square feet (150 sq. ft.) in size, two (2) nonconforming structures must be removed to authorize waiver. The latter applies only when the structure around which control is to occur is larger than three hundred square feet (300 sq. ft.).

(c) This waiver shall not be used as evidence in any future eminent domain proceeding relating to nonconforming structures.

(d) Notwithstanding any other law to the contrary, it is the legislative intent that issuance of permits and carrying out of the work pursuant to the permits are lawful activities and shall not be construed as violating any provision of law.

(e) The commissioner may revoke, suspend or modify any vegetation control permit for cause, including violation of any terms or conditions of the permit.

**HISTORY:** Acts 1983, ch. 133, §§ 5, 6; 1984, ch. 850, § 1; 1999, ch. 63, § 1.

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Title 54 Highways, Bridges And Ferries  
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Tenn. Code Ann. § 54-21-120 (2014)

**54-21-120. Unauthorized removal, cutting or trimming of vegetation.**

(a) If, before obtaining an outdoor advertising permit and a vegetation control permit, vegetation located on the right-of-way is removed, cut or trimmed, and application is subsequently made for an outdoor advertising permit within five hundred (500) yards of the affected location, then the commissioner may deny the permits. There shall be a rebuttable presumption that the applicant was responsible for the unauthorized removal, cutting or trimming of the vegetation.

(b) If, before applying for a vegetation control permit, vegetation located on the right-of-way is removed, cut or trimmed in the vicinity of outdoor advertising, which action was reasonably calculated to afford greater visibility of the outdoor advertising, then the commissioner may revoke the outdoor advertising permit or permits for the affected outdoor advertising; however, if the vegetation prevented clear visibility of the outdoor advertising to occupants of vehicles using the main traveled ways within five hundred (500) yards of the main traveled ways, and the holder of the lawfully issued outdoor advertising permit for the affected outdoor advertising whose face was generally visible to occupants of vehicles from the main traveled ways on the date of erection agrees to restitution for the removal, cutting or trimming of vegetation, then the commissioner may authorize the permittee to obtain a vegetation control permit subject to all requirements contained in the permit, or may revoke the outdoor advertising permit. There shall be a rebuttable presumption that the holder of the outdoor advertising permit for the affected outdoor advertising was responsible for the unauthorized removal, cutting or trimming of the vegetation.

(c) Prior to invoking the provisions of this section, the commissioner or the commissioner's designee shall advise the affected outdoor advertising permit applicant or holder, whichever is appropriate, that a preliminary determination of illegality has been made. The party so advised shall be given the opportunity to request a hearing to be conducted pursuant to contested case provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, before the commissioner may make a final determination of illegality.

**HISTORY:** Acts 1984, ch. 850, § 2.