

§ 87-124. Exemptions.

The notice requirements in G.S. 87-122(a) and G.S. 87-122(b) do not apply to the following:

- (1) An excavation or demolition performed by the owner of a single-family residential property on his or her own land that does not encroach on any operator's right-of-way, easement, or permitted use.
- (2) An excavation or demolition performed by the owner of a single-family residential property on his or her own land that encroaches on any operator's right-of-way, easement, or permitted use that is performed with nonmechanized equipment.
- (3) An excavation or demolition that involves the tilling of soil for agricultural or gardening purposes.
- (4) An excavation or demolition for agricultural purposes, as defined in G.S. 106-581.1, performed on property that does not encroach on any operator's right-of-way, easement, or permitted use.
- (5) An excavation by an operator or surveyor with nonmechanized equipment for the following purposes:
 - a. Locating for a valid notification request or for the minor repair, connection, or routine maintenance of an existing facility or survey pin.
 - b. Probing underground to determine the extent of gas or water migration.
- (6) An excavation or demolition performed when those responsible for routine maintenance of a right-of-way or any other governmental entity are performing, with labor on their permanent payroll, maintenance activities within the right-of-way. Maintenance activities shall include emergency replacement of signs critical for maintaining safety or reshaping of shoulders and ditches to the original road profile. Maintenance activities do not include the initial installation of traffic signs, traffic control equipment, guardrails, or drainage structures. The provisions of this subdivision do not apply when the excavation or demolition is performed by a contractor acting on behalf of a person or entity responsible for routine maintenance of a right-of-way or on behalf of any other governmental entity.
- (7) An excavation or demolition performed by a railroad entirely on land which the railroad owns or operates or, in the event of an emergency, on adjacent land. No provision in this Article shall apply to any railroad which owns, operates, or permits facilities under land which the railroad owns or operates.
- (8) An excavation of a grave space, as defined in G.S. 65-48(10), the installation of a monument or memorial at a grave space, or an excavation related to the placement of a temporary structure or tent by a cemetery regulated under Chapter 65 of the General Statutes that does not encroach on any operator's right-of-way, easement, or permitted use.
- (9) Pavement milling and pavement resurfacing. (2013-407, s. 2; 2017-57, s. 34.40(a); 2019-189, s. 1.)