

4624

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to taking of billboards

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 74-c of the general municipal law, as added by  
2 chapter 335 of the laws of 1989, is amended to read as follows:  
3 S 74-c. Taking of billboards. 1. If any local law, ordinance or resolu-  
4 tion adopted by a municipal corporation in the exercise of its police  
5 power shall require the removal of any legally erected and maintained  
6 billboard or like outdoor advertising device, which is leased or rented  
7 for profit [in areas zoned industrial or manufacturing], just compen-  
8 sation for said taking shall be determined in accordance with the  
9 provisions of article five of the eminent domain procedure law;  
10 provided, however, section five hundred two of such law shall not be  
11 applicable in any such proceeding.  
12 2. [Unless compensation therefor is provided pursuant to section  
13 eighty-eight of the highway law, if any local law, ordinance or resolu-  
14 tion adopted by a municipal corporation in the exercise of its police  
15 power shall require the removal of any legally erected and maintained  
16 billboard or like outdoor advertising device, which is leased or rented  
17 for profit, and which is located in an area or zone, other than an  
18 industrial or manufacturing zone, the display shall be allowed to remain  
19 in existence for the period of time set forth below after giving notice  
20 of the removal requirement:

21	fair market value on date of	minimum years
22	notice of removal requirement	allowed
23	under \$1,999	3
24	\$2,000 to \$3,999	4

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1	\$4,000 to \$5,999	6
2	\$6,000 to \$ 7,999	7
3	\$8,000 to \$9,999	9
4	\$10,000 and over	10

5 If the removal is required sooner than the amortization periods speci-  
6 fied herein, such removal by any local law, ordinance or resolution  
7 adopted by the municipal corporation shall be with just compensation  
8 being paid for such taking and removal determined in accordance with the  
9 provisions of article five of the eminent domain procedure law or in  
10 accordance with any table of values established by the state department  
11 of transportation; provided however section five hundred two of the  
12 eminent domain procedure law shall not be applicable to any such  
13 proceeding.

14 Notwithstanding any other law, rule or regulation, all amortization  
15 periods under such laws, ordinances or resolutions shall commence not  
16 earlier than January first, nineteen hundred ninety.

17 3.] The provisions of this section shall not apply to any city having  
18 a population of one million or more.

19 S 2. This act shall take effect immediately.