S T A T E O F N E W Y O R K

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I N S E N A T E

June 17, 2010

Introduced by Sens. KLEIN, HUNTLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the transportation law, in relation to requiring sign properties, in cities having a population of one million or more, to be licensed by the department of transportation

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

Section 1. The transportation law is amended by adding a new section 23 to read as follows:

S 23. SIGN PROPERTY LICENSING; CERTAIN CITIES. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL MEAN:

(A) "CITY" MEANS A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

(B) "MAINTAIN" MEANS THE MAINTENANCE OF A SIGN PROPERTY INCLUDING, BUT NOT LIMITED TO, THE INSTALLATION, MAINTENANCE AND REMOVAL OF ON-PREMISES AND OFF-PREMISES ADVERTISING COPY ON A SIGN PROPERTY.

(C) "SIGN PROPERTY" MEANS AND INCLUDES BILLBOARDS, BULLETINS, WALLSCAPES, OR ANY OTHER LARGE FORMAT STATIC OR DIGITAL SIGN.

2. NO OUTDOOR ADVERTISING COMPANY SHALL MAINTAIN A SIGN PROPERTY IN A CITY UNLESS THE DEPARTMENT HAS ISSUED AN OUTDOOR ADVERTISING LICENSE TO THE COMPANY FOR EACH SUCH PROPERTY MAINTAINED. FURTHERMORE, THE MAINTENANCE OF A SIGN PROPERTY IN A CITY SHALL ONLY BE AUTHORIZED DURING THE TERM OF THE OUTDOOR ADVERTISING LICENSE ISSUED THEREFOR. NO CITY SHALL IMPOSE ANY ADDITIONAL LICENSING REQUIREMENT FOR SIGN PROPERTIES OTHER THAN THOSE CONTAINED IN THIS SECTION, AND THE PROVISIONS OF THIS SECTION SHALL PREEMPT AND SUPERSEDE ANY LOCAL LAW, CODE OR ORDINANCE.

3. AN OUTDOOR ADVERTISING LICENSE MAY BE ISSUED FOR A SIGN PROPERTY UPON THE APPLICATION OF THE OUTDOOR ADVERTISING COMPANY SUBMITTED TO THE DEPARTMENT. THE APPLICATION SHALL BE IN SUCH FORM AND INCLUDE SUCH INFORMATION AS THE DEPARTMENT SHALL DETERMINE. IN ADDITION, EACH SUCH APPLICATION SHALL BE SUBMITTED WITH THE APPROPRIATE ANNUAL LICENSING FEE AS FOLLOWS:

(A) FOR STATIC SIGN FACES:

(I) WITH A SURFACE AREA OF LESS THAN TWO HUNDRED TWENTY SQUARE FEET: THREE DOLLARS AND FIFTY CENTS PER SQUARE FOOT OF SURFACE AREA;

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

LBD17752-02-0

(II) WITH A SURFACE AREA OF TWO HUNDRED TWENTY OR MORE SQUARE FEET, BUT LESS THAN SIX HUNDRED SEVENTY-TWO SQUARE FEET: THREE DOLLARS AND SEVENTY-FIVE CENTS PER SQUARE FOOT OF SURFACE AREA;

(III) WITH A SURFACE AREA OF SIX HUNDRED SEVENTY-TWO OR MORE SQUARE FEET, BUT NOT MORE THAN ONE THOUSAND ONE HUNDRED SQUARE FEET: FOUR DOLLARS PER SQUARE FOOT OF SURFACE AREA;

(IV) WITH A SURFACE AREA OF MORE THAN ONE THOUSAND ONE HUNDRED SQUARE FEET: FOUR DOLLARS AND TWENTY-FIVE CENTS PER SQUARE FOOT OF SURFACE AREA; OR

(B) FOR DIGITAL SIGN FACES: EIGHT DOLLARS AND FIFTY CENTS PER SQUARE FOOT OF SURFACE AREA; AND

(C) AN ADDITIONAL FEE OF ONE HUNDRED DOLLARS FOR EACH LATE APPLICATION FOR AN OUTDOOR ADVERTISING LICENSE OR RENEWAL THEREOF, IF ACCEPTED BY THE DEPARTMENT.

4. UPON RECEIPT OF AN APPLICATION AND THE APPROPRIATE FEE PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL MARK SUCH APPLICATION WITH THE DATE AND TIME THE APPLICATION WAS RECEIVED. THE DEPARTMENT SHALL MAKE A DETERMINATION OF WHETHER TO APPROVE OR DENY EACH APPLICATION WITHIN ONE HUNDRED EIGHTY DAYS OF THE RECEIPT THEREOF. ANY DETERMINATION WHICH EXCEEDS SUCH PERIOD OF TIME SHALL BE DEEMED AN APPROVAL.

5. IN THE EVENT OF THE LOSS, MUTILATION OR DESTRUCTION OF AN OUTDOOR ADVERTISING LICENSE, UPON THE FILING OF A STATEMENT OF THE HOLDER OF SUCH LICENSE, PROOF OF SUCH FACTS AS THE DEPARTMENT MAY REQUIRE AND A FEE OF FIFTY DOLLARS, THE DEPARTMENT SHALL ISSUE A DUPLICATE OR SUBSTITUTE LICENSE.

6. ANY OUTDOOR ADVERTISING COMPANY WHICH UTILIZES A SIGN PROPERTY WHICH WAS ERECTED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION PURSUANT TO ANY PERMITS ISSUED BY THE DEPARTMENT OF BUILDINGS OF A CITY, SHALL BE ENTITLED TO THE ISSUANCE OF A LICENSE PURSUANT TO THIS SECTION FOR SUCH SIGN PROPERTY AS A MATTER OF RIGHT AND RENEWALS THEREOF IN ACCORDANCE WITH THIS SECTION. FURTHERMORE, DURING THE PENDENCY OF THE DETERMINATION BY THE DEPARTMENT UPON AN APPLICATION FOR A LICENSE RELATING TO A SIGN PROPERTY IN EXISTENCE PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, THE OUTDOOR ADVERTISING COMPANY MAINTAINING SUCH SIGN PROPERTY SHALL CONTINUE TO MAINTAIN THE SIGN PROPERTY.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.