

1361

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. DILAN, DIAZ, HASSELL-THOMPSON -- 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 ASSEM-
BLY, 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 resol-
4 ution 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 resol-
14 ution 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 |

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

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

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

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

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

20 S 2. This act shall take effect immediately.