

4356--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 30, 2015

Introduced by M. of A. DenDEKKER -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development -- reference changed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. The transportation law is amended by adding a new section
2 23 to read as follows:
3 S 23. SIGN PROPERTY LICENSING; CERTAIN CITIES. 1. AS USED IN THIS
4 SECTION, THE FOLLOWING TERMS SHALL MEAN:
5 (A) "CITY" MEANS A CITY HAVING A POPULATION OF ONE MILLION OR MORE.
6 (B) "MAINTAIN" MEANS THE MAINTENANCE OF A SIGN PROPERTY INCLUDING, BUT
7 NOT LIMITED TO, THE INSTALLATION, MAINTENANCE AND REMOVAL OF ON-PREMISES
8 AND OFF-PREMISES ADVERTISING COPY ON A SIGN PROPERTY.
9 (C) "SIGN PROPERTY" MEANS AND INCLUDES BILLBOARDS, BULLETINS, WALLS-
10 CAPES, OR ANY OTHER LARGE FORMAT STATIC OR DIGITAL SIGN.
11 2. NO OUTDOOR ADVERTISING COMPANY SHALL MAINTAIN A SIGN PROPERTY IN A
12 CITY UNLESS THE DEPARTMENT HAS ISSUED AN OUTDOOR ADVERTISING PERMIT TO
13 THE COMPANY FOR EACH SUCH PROPERTY MAINTAINED. FURTHERMORE, THE MAINTENANCE OF A SIGN PROPERTY IN A CITY SHALL ONLY BE AUTHORIZED DURING THE
14 TERM OF THE OUTDOOR ADVERTISING PERMIT ISSUED THEREFOR. CITY RESOLUTIONS, LOCAL LAWS, AND ORDINANCES, INCLUDING ZONING LAWS AND REGULATIONS, RELATIVE TO THE LOCATION, SITING, OR USE OF A SIGN PROPERTY ARE
15 HEREBY PREEMPTED, AND A SIGN PROPERTY MAY BE INSTALLED AND/OR MAINTAINED
16 UPON RECEIPT OF A PERMIT ISSUED BY THE DEPARTMENT. NOTWITHSTANDING THE
17 TERMS OF THIS PROVISION, NOTHING IN THIS SECTION SHALL BE INTERPRETED TO

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

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1 PREVENT ENFORCEMENT BY THE NEW YORK CITY DEPARTMENT OF BUILDINGS OF ITS
2 LICENSING REQUIREMENTS AND ANY OTHER RULES AND REGULATIONS PERTAINING TO
3 WORK REQUIRED FOR THE INSTALLATION, MAINTENANCE, OR REMOVAL OF SIGN
4 STRUCTURES AND EQUIPMENT.

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

11 (A) FOR STATIC SIGN FACES:

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

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

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

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

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

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

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

34 5. IN THE EVENT OF THE LOSS, MUTILATION OR DESTRUCTION OF AN OUTDOOR
35 ADVERTISING LICENSE, UPON THE FILING OF A STATEMENT OF THE HOLDER OF
36 SUCH LICENSE, PROOF OF SUCH FACTS AS THE DEPARTMENT MAY REQUIRE AND A
37 FEE OF FIFTY DOLLARS, THE DEPARTMENT SHALL ISSUE A DUPLICATE OR SUBSTI-
38 TUTE LICENSE.

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

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