

STATE OF NEW YORK

1583

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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 § 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 mainte-
14 nance of a sign property in a city shall only be authorized during the
15 term of the outdoor advertising permit issued therefor. City resol-
16 utions, local laws, and ordinances, including zoning laws and regu-
17 lations, relative to the location, siting, or use of a sign property are
18 hereby preempted, and a sign property may be installed and/or maintained
19 upon receipt of a permit issued by the department. Notwithstanding the
20 terms of this provision, nothing in this section shall be interpreted to
21 prevent enforcement by the New York city department of buildings of its
22 licensing requirements and any other rules and regulations pertaining to
23 work required for the installation, maintenance, or removal of sign
24 structures and equipment.

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

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1 3. An outdoor advertising license may be issued for a sign property
2 upon the application of the outdoor advertising company submitted to the
3 department. The application shall be in such form and include such
4 information as the department shall determine. In addition, each such
5 application shall be submitted with the appropriate annual licensing fee
6 as follows:

7 (a) for static sign faces:

8 (i) with a surface area of less than two hundred twenty square feet:
9 three dollars and fifty cents per square foot of surface area;

10 (ii) with a surface area of two hundred twenty or more square feet,
11 but less than six hundred seventy-two square feet: three dollars and
12 seventy-five cents per square foot of surface area;

13 (iii) with a surface area of six hundred seventy-two or more square
14 feet, but not more than one thousand one hundred square feet: four
15 dollars per square foot of surface area;

16 (iv) with a surface area of more than one thousand one hundred square
17 feet: four dollars and twenty-five cents per square foot of surface
18 area; or

19 (b) for digital sign faces: eight dollars and fifty cents per square
20 foot of surface area; and

21 (c) an additional fee of one hundred dollars for each late application
22 for an outdoor advertising license or renewal thereof, if accepted by
23 the department.

24 4. Upon receipt of an application and the appropriate fee pursuant to
25 this section, the department shall mark such application with the date
26 and time the application was received. The department shall make a
27 determination of whether to approve or deny each application within one
28 hundred eighty days of the receipt thereof. Any determination which
29 exceeds such period of time shall be deemed an approval.

30 5. In the event of the loss, mutilation or destruction of an outdoor
31 advertising license, upon the filing of a statement of the holder of
32 such license, proof of such facts as the department may require and a
33 fee of fifty dollars, the department shall issue a duplicate or substi-
34 tute license.

35 6. Any outdoor advertising company which utilizes a sign property
36 which was erected prior to the effective date of this section pursuant
37 to any permits issued by the department of buildings of a city, shall be
38 entitled to the issuance of a license pursuant to this section for such
39 sign property as a matter of right and renewals thereof in accordance
40 with this section. Furthermore, during the pendency of the determination
41 by the department upon an application for a license relating to a sign
42 property in existence prior to the effective date of this section, the
43 outdoor advertising company maintaining such sign property shall contin-
44 ue to maintain the sign property.

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