

# STATE OF NEW YORK

3893

2019-2020 Regular Sessions

## IN ASSEMBLY

January 31, 2019

Introduced by M. of A. DenDEKKER -- read once and referred 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 Assem-  
bly, 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.

LBD07830-01-9

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.