§ 43-0115. Restrictions on use of signs and advertising devices.

1. In order to preserve and enhance the natural beauty of the Lake George park, to protect and conserve the investment of the state in forest lands, islands, state campsites and other interests in real property in said park; to preserve and regulate the said park for public uses for the resort of the public for recreation, transportation, pleasure, air, light and enjoyment and to keep it open, safe, clean and in good order for the welfare of society and to prevent the unrestricted use of signs, and advertising structures and devices in said park, no person, partnership, association or corporation shall, except as provided in subdivisions two and three of this section, erect or maintain or allow to be erected or maintained within the boundaries of the Lake George park any advertising sign or advertising structure or device of any kind, except under written permit from Lake George park commission.

2. The provisions of this section shall not apply to:

a. Signs erected or maintained upon a parcel of land used for business purposes in connection with the principal business or principal businesses conducted thereon, provided that:

(1) Not more than two such signs are erected on such parcel of land, and such signs are located at least fifty feet apart, and

(2) No such sign has an area of more than forty-eight square feet, and

(3) No such sign extends more than twenty feet above ground level, and

(4) No such sign is placed within ten feet of a highway right of way, and

(5) No such sign is illuminated by or contains a flashing, intermittent, rotating, or moving light or lights, and

(6) No such sign moves or the visible portion thereof contains any moving or animated parts.

b. A sign erected or maintained within an incorporated village.

c. A sign erected by the state, a county, a town or an agency or department thereof.

3. To effectuate the purposes enumerated in subdivision 1 of this section, the commission shall establish uniform written rules and procedures for the application for and granting of permits for the erection or maintenance of signs, advertising structures and devices for which permits are required to be obtained from it under this section. Such rules and procedures shall contain provisions for the granting of the requisite permit for any such sign, advertising structure or device erected prior to the effective date of this section for a period of time not exceeding the remaining or undepreciated useful life of such sign, advertising structure or device as determined by an appropriate depreciation formula, provided that no such sign shall be permitted after July 1, 1973. For such purpose, until July 1, 1973, the commission shall authorize the use of a formula commonly used for income tax purposes or the depreciation formula used in the depreciation schedules of the income tax returns of the owner of such sign, advertising structure or device.

4. Any action of the commission by which an application for a permit under this section is denied shall be reviewable pursuant to the provisions of article 78 of the Civil Practice Law and Rules.