§ 361-a. Restriction and regulation of advertising devices. 1. Except as otherwise provided in this section, the erection or maintenance of any advertising device located within six hundred sixty feet of the nearest edge of the right-of-way of the thruway without a written permit therefor granted by the authority pursuant to this section is prohibited.

2. The term "advertising device" as used in this section shall include any billboard, sign, notice, poster, display or other device intended to attract or which does attract the attention of operators of motor vehicles on the thruway, and shall, where so determined by the authority, include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in conjunction therewith.

3. The authority may from time to time adopt, modify, amend or repeal regulations governing the issuance of permits or renewals thereof for the erection and maintenance of advertising devices. Such regulations shall be designed to effectuate the general purposes of this article and the specific objectives and standards hereinafter set forth:

(a) To provide for maximum visibility along the thruway system and connecting roads or highways;

(b) To prevent unreasonable distraction of operators of motor vehicles;

(c) To prevent confusion with regard to traffic lights, signs or signals or otherwise interfere with the effectiveness of traffic regulations;

(d) To preserve and enhance the natural scenic beauty or the aesthetic features of the thruway system and adjacent areas;

(e) To promote maximum safety, comfort and well-being of the users of the thruway.

4. To effectuate the purposes of this section, the authority may limit the application of any regulation adopted hereunder to exclude or include, in whole or in part:

(a) Specified areas of the thruway system based upon use, population density, nature of the surrounding community, special conditions

prevailing therein, or such other factors as may make differentiation or separate classification or regulation necessary, proper or desirable;

(b) Particular types or classes of advertising devices based upon size, design, lighting or such other factors as may make differentiation or separate classification or regulation necessary, proper or desirable;

(c) The erection or maintenance of advertising devices on particular sections or portions of the thruway system.

(d) Notwithstanding any contrary provisions of this section, the authority shall permit the erection of not more than nine advertising billboard signs in the city of New Rochelle along interstate route ninety-five where the location and erection of such signs are:

(1) consistent with and part of an urban renewal program which decreases the total number of advertising billboard signs in the renewal area;

(2) approved by such city;

(3) part of the subject of a United States District Court settlement order regarding the regulation of such signs within such city; and

(4) consistent with the size, lighting, spacing and all other requirements of federal law, including those established in the agreements entered into by the state pursuant to sections eighty-six and eighty-eight of the highway law.

5. Application for permits or renewals thereof shall be on forms prescribed by the authority and shall contain such information as the authority may require. The authority may by regulation adopt, modify, amend or repeal permit application fees, annual permit fees and permit renewal fees, provided, however, that such fees shall not exceed the advertising device fees established by regulation by the commissioner of transportation. Each permit shall be valid for a period to be established by the authority and may be renewed from time to time for such periods, as established by the authority, within thirty days of the expiration date thereof upon payment to the authority of the renewal fee.

6. The permit or renewal thereof shall be revocable at any time on thirty days notice to the permittee in the event of a violation of the requirements of this section or any regulation lawfully adopted

hereunder. Any advertising device erected or maintained after September first, nineteen hundred fifty-two in violation of this section or any regulation adopted hereunder is hereby declared to be, and is, a public nuisance and such device may without notice be abated and removed by any officer or employee of the authority, or upon request of the authority, by any peace officer acting pursuant to his special duties, or police officer.

7. The authority by regulation may exclude from the coverage of this section advertising devices which it finds do not interfere with safety on the thruway system or contravene any of the other standards set forth in this section, including but not limited to

(a) Advertising devices which are to be erected or maintained on property for the purpose of setting forth or indicating

(1) The name and address of the owner, lessee or occupant of such property, or

(2) The name or type of business or profession conducted on such property, or

(3) Information required or authorized by law to be posted or displayed thereon.

(b) Advertising devices which are not visible from any traveled portion of the thruway system;

(c) Advertising devices indicating the sale or leasing of the property upon which they are placed.

(d) Directional or other official signs and signals erected or maintained by the state or other public agency having jurisdiction.

8. Nothing in this section shall apply with respect to any property which is owned or leased by the state of New York or any agency thereof or with respect to which the state of New York or any agency thereof has or shall have a valid easement or covenant with the owner thereof concerning the restriction, removal or prohibition of advertising devices.

9. Nothing in this section shall be construed to abrogate or affect the provisions of any municipal ordinance, regulation or resolution which are more restrictive concerning advertising devices than the

provisions of this section or of the regulations adopted hereunder.