

# 1 RCNY §49-21

## CHAPTER 49 OUTDOOR SIGNS

### Subchapter

- A *General Provisions*
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- C *Administrative Remedies of the Department Pursuant to Section 26-260(d) of the Administrative Code*
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### **Subchapter C – Administrative remedies of the Department pursuant to section 26-260(d) of the Administrative Code.**

#### **§49-21 Department's discretionary power to revoke, suspend or refuse to renew registration and impose fines pursuant section 26-260(d) of the Administrative Code.**

(a) The Department may revoke, suspend or refuse to renew the registration of an OAC on the grounds specified in section 26-260(d) of the Administrative Code. For the purposes of this section it shall be presumed that an OAC knew or should have known that such inventory was incomplete or inaccurate if the OAC or, if applicable, an affiliated OAC thereof, owns or has a contract for control of the sign, sign structure or sign location that is omitted from or inaccurately described in the sign inventory.

(b) Procedure for revocation of registration. Prior to revoking, suspending or refusing to renew the registration of an OAC or imposing fines or other penalties, the Department shall give such OAC notice and opportunity to be heard as follows:

- (1) The Department shall serve notice on the OAC by regular mail, to the address and name provided in the most recent application for registration or renewal, listing the instances of liability by date, tribunal, section of law or rule found to have been violated, and title, caption, index number or other identifying indicator of the violation proceeding, if any.
- (2) The notice shall advise the OAC of its right to submit papers in opposition to revocation, suspension of or refusal to renew the registration, and the deadline to do so, which shall not be less than 10 days after the date of mailing of such notice.
- (3) Such notice, when the Department seeks to revoke or suspend the registration, also shall advise the OAC of its right to a hearing at the Office of Administrative Trials and Hearings ("OATH"), pursuant to the provisions of Chapter 13 of these Rules.