

# 1 RCNY §49-01

## CHAPTER 49 OUTDOOR SIGNS

### Subchapter

- A *General Provisions*
- B *Registration of Outdoor Advertising Companies*
- C *Administrative Remedies of the Department Pursuant to Section 26-260(d) of the Administrative Code*
- D *Removal, Storage, and Disposal of Signs and Sign Structures*
- E *Application for Sign Work Permit*

### Subchapter A - General Provisions

**§ 49-01 Definitions.** For the purposes of this chapter, the following terms shall have the following meanings:

*Accessory sign.* The term “accessory sign” shall mean an accessory sign within the meaning and intent of the term “accessory use” as defined in section 12-10 of the Zoning Resolution.

*Advertising sign.* The term “advertising sign” shall mean an “advertising sign” as defined in section 12-10 of the Zoning Resolution.

*Affiliate outdoor advertising companies.* The term “affiliate outdoor advertising companies” or “affiliate OACs” shall mean two or more outdoor advertising companies interrelated with one another such that one or more of such outdoor advertising companies maintains an interest in the others as hereinafter described: An outdoor advertising company (“OAC”) (A) has an interest in another OAC (B) where one or more of the following are present:

- (1) A owns 10 percent or more of the voting stock of B, where B is a stock-issuing entity;
- (2) A is a general partner in B, where B is a partnership or joint venture;
- (3) A has an ownership interest of 10 percent or more in B, in a form not otherwise described in (1) or (2) above, where such ownership interest confers a power or right to vote or exercise similar control over the affairs of B proportionate to such ownership interest;
- (4) A has one or more officers in common with B;
- (5) A has one or more key managers (chief executive officer; chief financial officer; chief operating officer; or persons with equivalent functions, irrespective of organizational title) in common with B;
- (6) A, by agency or other agreement, whether written or oral, conducts part or all of B’s outdoor advertising business or has the power or right to direct part or all of B’s outdoor advertising business;
- (7) A, by way of advertising, promotions or other methods, holds itself out as having the authority to, via a shared inventory arrangement, sell or lease space on signs situated on buildings or premises within the city, for outdoor advertising purposes, where the ownership, leasehold, license or other form of site control with respect to such signs is held by B.

For the purposes of this chapter both A and B shall be known and referred to individually by the term “affiliate OAC” or “affiliate” and collectively by the term “affiliate OACs” or “affiliates.”

Affiliates shall be jointly and severally liable for compliance with this chapter. Where affiliation is established only by virtue of a shared inventory of signs, sign structures or sign locations as described in example (7) above, responsibility for compliance and any resulting liability shall be limited to the extent of such shared inventory.

*Affiliated outdoor advertising company.* The term “affiliated outdoor advertising company” or “affiliated OAC” shall mean a single OAC that has authorized a responsible affiliate to act on its behalf for registration in accordance with this chapter.

*Applicant.* The term “applicant” shall mean an OAC that has filed an application for registration with the Department as required by section 26-260 of the Administrative Code and subchapter B of this chapter. Except where application is made pursuant to section 49-12(a)(3) of this chapter, the party holding fee or the dominant lease to a sign, sign structure or sign location, shall act as the applicant. With respect to an application for registration filed on behalf of an affiliated OAC the term “applicant” shall mean the responsible affiliate.

*Approach.* The term “approach” as found within the description of arterial highways indicated within appendix C of the Zoning Resolution, shall mean that portion of a roadway connecting the local street network to a bridge or tunnel and from which there is no entry or exit to such network.

*Arterial highways.* The term “arterial highways” shall mean arterial highways as defined by section 26-253(c) of the Administrative Code.

*Commissioner.* The term “Commissioner” shall mean the Commissioner of Buildings or his/her designee.

*Days.* The term “days” shall mean calendar days.

*Department.* The term “Department” shall mean the Department of Buildings.

*Material change.* The term “material change” shall mean a change in information supplied to the Department on an application form where the Department has indicated on such form by asterisk or otherwise that the information to be supplied is considered by the Department to be significant.

*Non-conforming sign.* The term “non-conforming sign” shall mean a sign that is “non-conforming” as defined by section 12-10 of the Zoning Resolution. The extent of the “non-conforming” use status shall be as set forth in sections 32-66, 42-55, and 42-58 of the Zoning Resolution.

*Outdoor advertising business.* The term “outdoor advertising business” shall mean “outdoor advertising business” as defined by section 26-259(c) of the Administrative Code. For the purposes of this rule, property owners and managers shall not be considered engaged in the outdoor advertising business where they are involved strictly to the extent of leasing space on property they control to an independent registered OAC that has registered the sign within its sign inventory. Such exclusion shall not apply where the property owner/manager has any interest in an OAC or role in any aspect of the OAC’s operation or management.

*Outdoor advertising company.* The term “outdoor advertising company” or “OAC” shall mean “outdoor advertising company” as defined by section 26-259(b) of the Administrative Code.

*Responsible affiliate.* The term “responsible affiliate” shall mean the applicant that is authorized, by written instrument filed with the Department, to file an application for registration and to otherwise act on behalf of an affiliated OAC and receive all notices required to be sent under this chapter on behalf of such affiliated OAC. For the purposes of this chapter any direction or requirement imposed upon an OAC shall, with respect to an affiliated OAC, be undertaken by the responsible affiliate on behalf of the affiliated OAC and such affiliated OAC shall be bound by the act or failure to act of such responsible affiliate.

*Responsible officer.* The term “responsible officer” shall mean an officer or official of an OAC who is authorized to bind and commit such OAC and any affiliate(s).

*Sign.* The term “sign” shall mean a sign as defined in section 12-10 of the Zoning Resolution. Such term shall not include any sign erected upon property not subject to Department jurisdiction. Each sign face shall be a sign.

*Sign inventory.* The term “sign inventory” shall mean the list of signs, sign structures and sign locations under the control of an OAC, responsible affiliate or affiliated OACs as required and specified by section 26-261 of the Administrative Code and section 49-15 of this chapter.

*Sign location.* The term “sign location” shall mean sign location as defined by section 26-259 (f) of the Administrative Code.

*Sign structure.* The term “sign structure” shall mean the supports or uprights, including the sign face(s), whether attached to a building or other structure or freestanding, of a sign.

*Within view.* The term “within view” shall mean that part or all of the sign copy, sign structure, or sign location that is discernable.

*Work permit.* The term “work permit” shall mean a permit to erect, alter or install signs or sign structures issued pursuant to section 27-177 of the Administrative Code.