

# 1 RCNY §49-15

## 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 B – Registration of Outdoor Advertising Companies

#### §49-15 Sign inventory to be submitted with registration application.

(a) In addition to the information and documentation required by section 49-12(a) of this chapter, an applicant shall submit, pursuant to section 26-261 of the Administrative Code, a sign inventory that shall include all signs, sign structures and sign locations located (1) within a distance of 900 linear feet from and within view of an arterial highway; or (2) within 200 linear feet from and within view of a public park of one half acre or more. Such sign inventory shall be filed together with the registration application and each renewal registration application. The sign inventory submitted in connection with the renewal registration application shall include all material changes since the last registration or renewal registration application, and shall be accompanied by a statement that identifies all material changes since such prior registration. A registration application or renewal application submitted without such sign inventory or statement shall not be considered complete and may be rejected in accordance with subdivision (c) of section 49-12 of this chapter.

(b) A sign inventory submitted by a responsible affiliate on behalf of:

- (1) an affiliated OAC, in accordance with subdivision (a)(2) of section 49-12 of this chapter, shall include all signs, sign structures and sign locations under the shared control of such responsible affiliate and affiliated OAC; or,
- (2) every affiliated OAC, in accordance with subdivision (a)(3) of section 49-12 of this chapter, shall include all signs, sign structures and sign locations under the control of such responsible affiliate and every affiliated OAC.

(c) The sign inventory shall be accompanied by a signed statement of a responsible officer of the OAC or, if applicable, the responsible affiliate, stating that the listing of its inventory is a complete listing of all signs, sign structures and sign locations under its control, subject to section 26-261 of the Administrative Code.

(d) The sign inventory shall be submitted on forms to be prescribed by the Department and shall include the information specified on such forms for each sign, sign structure and sign location including, but not limited to, the following:

- (1) For each sign, sign structure and sign location, the public park and/or arterial highway to which it is proximate pursuant to section 49-15(a) shall be identified, and its distance in feet from such public park or arterial highway shall be listed. Such distance shall be calculated as the length of a horizontal plane extending between a vertical plane reflecting the edge of the sign, sign structure or sign location closest to the park or arterial highway and a vertical plane reflecting the portion of the park or highway closest to the sign, sign structure or sign location. Where a sign location is vacant of buildings or other structures to support signage, the measurement shall be from the edge of its tax lot closest to the public park and/or arterial highway.
- (2) The block and lot numbers and the address, if one exists, for the premises of each sign, sign structure and sign location.
- (3) The size of each sign and sign structure described in linear feet and inches.
- (4) The height in feet and inches of the highest portion of each sign and sign structure above the curb level.
- (5) Each sign shall be identified as either “advertising” or “non-advertising.” To the extent a sign is a non-conforming sign, it must further be identified as “non-conforming advertising” or “non-conforming non-advertising.” A sign identified as “non-conforming advertising” or “non-conforming non-advertising” shall be submitted to the Department for confirmation of its non-conforming status, pursuant to section 49-16 of this chapter.
- (6) For each accessory sign, the name and mailing address of the business to which the sign directs attention, the nature of such business and the square footage of the floor space occupied by such business on the zoning lot.

(7) The name and address of all parties with an interest in the premises where each sign, sign structure and sign location is situated.

(8) The name and address of all parties with an interest in the sign or sign structure.

(9) A diagram, labeled with the information required by (1), (2) and (3) above, eight and one-half by eleven inches in size, that shows the position of the sign, sign structure or sign location on the lot with the distance in feet to the proximate highway or park.

(10) Digitized and printed eight inch by ten inch color photographs, clearly showing a front view and, if practicable, a rear view of the entire sign and sign structure and the building or other structure to which the sign or sign structure is attached.

(11) The work permit for the erection, installation, or most recent alteration of the sign or sign structure. To the extent such document is unavailable, the Department may accept a statement of diligent search.

(12) For each conforming sign, the name and license number of the master or special sign hanger who hung or erected each sign.

(13) Whether the sign is illuminated and if so whether such illumination is indirect as such term is defined in section 12-10 of the Zoning Resolution. If the sign is illuminated, the sign inventory shall include the permit number assigned by the Electrical Division of the Department for the associated power connection and if applicable, the illuminated sign permit number.

(14) Where a sign inventory is submitted on behalf of affiliated OAC(s), the legal name of the OAC that markets or manages each sign, sign structure or sign location and the legal name of the OAC with an ownership interest in each such sign, sign structure or sign location, if different, shall be identified.

(15) With respect to each sign that has been identified in the sign inventory as a non-conforming sign, the following additional information shall be included with the registration application:

a. The Zoning Resolution section that establishes the sign as a non-conforming sign.

b. Evidence that the non-conforming sign existed and the size of the sign that existed as of the relevant date set forth in the Zoning Resolution to establish its lawful status. Acceptable evidence may include permits, sign-offs of applications after completion, photographs and leases demonstrating that the non-conforming use existed prior to the relevant date. Affidavits, Department cashier's receipts and permit applications, without other supporting documentation, are not sufficient to establish the non-conforming status of a sign. The submitted evidence must specifically establish the non-conforming aspect of the sign. For example, where evidence is submitted to establish that a sign is a non-conforming advertising sign, proof that the sign was erected, but that does not establish that it was advertising, will not be sufficient.

c. Affidavit signed by the registered architect or professional engineer, that he or she reasonably believes the sign to be non-conforming based on the evidence submitted.

(1) A responsible officer of the OAC shall co-sign the affidavit, that he or she reasonably believes the sign to be non-conforming based on the evidence submitted, and that to the best of his or her knowledge there has not been any discontinuance of the non-conforming use for two or more years.

(e) Except as to non-conforming signs, the sign inventory shall be accompanied by a certification by a registered architect or licensed professional engineer, co-signed by a responsible officer of the OAC, that he or she has personal knowledge that the signs in the sign inventory are in compliance with the Zoning Resolution.

(f) The Department shall issue to each sign, or if vacant of signage, each sign structure and sign location listed in a sign inventory of a registered OAC, a "sign identification number."

(g) The Department's acceptance of an application for registration or for the renewal of registration, and the issuance of an OAC registration number to an applicant or a sign identification number for any sign, sign structure or sign location in the sign inventory, shall not constitute a decision or determination by the Department that a sign or sign structure is lawful under the Zoning Resolution or that a sign may lawfully be erected at the sign location.

(h) An OAC shall amend its sign inventory to reflect material changes in its portfolio of signs. The amendment shall be made within 30 days after such change.

(i) The applicant shall provide a list of signs believed to be exempt from registration and not subject to Department jurisdiction and located (1) within a distance of 900 linear feet from and within view of an arterial highway; or (2) within 200 linear feet from and within view of a public park of one half acre or more.