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## Billboards: The Good, the Bad and the Ugly

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### The Good

Businesses have benefitted from billboards for decades. This form of signage has allowed them to advertise services, products or commodities on properties that are off-site of their business, in a very large and public way.

*I think that I shall never see,  
a billboard lovely as a tree,  
and if some billboards don't soon fall,  
I'll never see a tree at all.*

—Ogden Nash

Localities can profit monetarily from billboards. In New York State, billboards are considered real property and, as such, can be taxed. Any municipality that has billboards should examine its tax roll to determine if the local billboards are generating tax revenues and to reappraise the value of billboards on the tax roll to be certain that they are not being significantly undervalued.

Billboards can also be a form of entertainment and distraction on long family trips.

### The Bad

The bad is that there is not much else good to say about billboards. Public condemnation of billboards goes back a long time. In the early 19th-century, municipal ordinances prohibited billboards based on the interests of safety, morality, health and decency of the community. By the mid-1960's billboards could be prohibited on purely aesthetic grounds.

Former First Lady, Lady Bird Johnson, like many others, thought of billboards as blight upon the landscape. Her dedication to making the United States a more beautiful country helped in securing the passage of the Highway Beautification Act in 1965. The act was designed to protect natural and scenic beauty along federal-aid highways by controlling billboards, screening junkyards, and providing for landscaping along these roads.



Yet, the proliferation of billboards along roadways in America continues. The lack of control over removal and enforcement has resulted in a rising number of billboards, including in the rural areas that the Act was supposed to protect. The Act does allow new billboards to be erected, as long as they are in an area zoned commercial or industrial or in an unzoned commercial or industrial area. Thus, a single gas station in an unzoned, otherwise rural area may provide justification for a billboard (or billboards).



### **The Ugly**

Unfortunately, the greatest impact of the act has been to protect billboards from removal under local regulatory ordinances. New York State Department of Transportation (DOT) has jurisdiction over all off-premise signs within 660 feet of the edge of the right-of-way and visible from Interstate or Primary Highways. In Dutchess County this includes Routes 44, 55, 9, and 22, just to name a few. Signs that are more than 660 feet from the edge of the right-of-way, are outside of urban areas, and are meant to be seen from the Interstate or Primary Highway, are also subject to the DOT sign program. If a municipality allows new billboards, and the billboard meets the DOT permitting requirements in regard to spacing, size and lighting restrictions, and the billboard will be in a commercial and/or industrially zoned or unzoned area, the signs may be granted a permit by the DOT. Billboards with a DOT permit cannot be removed based on an amortization schedule, but only upon the payment of "just compensation".

While DOT has strict guidelines on the placement of billboards, the amount of illegal (non-permitted) billboards is unknown. DOT does periodic surveys of billboards, but due to the size of its territory, budget and workload constraints, this has not been a priority in recent years. If a community is interested, it can request from DOT a determination as to whether its billboards have a valid permit.

### **Back to the Good**

While reducing billboard clutter in a community is a difficult task, municipalities that wish to prohibit, or at least limit billboards, do have some options. One way to do so, and perhaps the most effective way, is to ban the construction of new billboards, thus reducing the number of billboards over time as some are removed for development or other reasons. If the construction of new billboards is prohibited by the municipality, that prohibition applies in all zones and along all roadways.

Some communities also make billboards a primary use of a lot. Thus, if the property owner wants to develop it for another use, the billboard(s) must be removed as a condition for approval.

More difficult is the task of removing existing illegal billboards. Currently, twelve of thirty Dutchess County municipalities prohibit billboards and have regulations that require nonconforming signs, including billboards, to be removed subject to stated amortization periods. The amortization period can be based on an amount of time, usually three (3) years or more, or

based on an amortization schedule tied to the fair market value of the billboard as of the date of notice of removal requirement.

Enforcement of these regulations is an issue. In most cases the owner must be served a thirty day written notice, after which time the sign can be removed by the Building Inspector if no action has been taken, and the municipality can assess the cost of removal to the property owner. This can result in a time consuming and costly endeavor. Yet, the enforcement of regulations is really the best way to accomplish a town's goal to lessen billboard proliferation.

## Do you have a billboard removal success story?

If your town has succeeded in removing a nonconforming billboard, please share your story with us.

One town's success may provide the initiative needed for other towns to do the same.

Send your success story to:  
[lcaille@co.dutchess.ny.us](mailto:lcaille@co.dutchess.ny.us)

*I want to make sure that the America we see from these major highways is a beautiful America.*

—President Lyndon B. Johnson

## More Information

### [The New York State Sign Program](#) [Scenic America](#)

[CLICK HERE](#) to view past issues of the DCPF's newsletter, *Plan On It*.

This newsletter was developed by the Dutchess County Department of Planning and Development, in conjunction with the Dutchess County Planning Federation.

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