

Appendix E
Model Sign Ordinance

CODE OF THE TOWN/VILLAGE OF _____

ARTICLE I, Signs

§ 1. Legislative intent.

The purpose of this Article is to promote and protect the public health, welfare and safety by regulating signs of all types. It is intended to:

- stabilize and reinforce property values to protect private and public investment
- preserve and reinforce the natural, historic, and architectural qualities of neighborhoods
- establish and enhance aesthetic and architectural compatibility within neighborhoods and commercial areas
- create a regular and impartial process for businesses and/or persons seeking to erect signs
- reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way

It is the intent of the Town/Village Board that the primary function of a sign shall be the identification of the location or occupant of a parcel of land.

§ 2. Title.

This Article shall hereinafter be known and cited as the "Town/Village of _____ Sign Law."

§ 3. Definitions.

(additions and/or deletions may be necessary depending on how a particular town or village government is structured)

As used in this Article, the following terms shall have the meanings indicated:

ABANDONED SIGN -- A sign which for a period of 90 consecutive days has not correctly directed or exhorted any person, advertised a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

ADVERTISING SIGN -- That copy on a sign describing products or services being offered to the public.

A-FRAME SIGN -- A specific type of portable sign that is typically constructed or shaped in the form of the letter "A."

ANIMATED SIGN -- Any sign which includes action or motion, or whose copy is changeable by other than direct manual intervention.

AREA OF COPY -- The entire area within a single continuous perimeter composed of squares, rectangles, circles, ovals or any other geometrical shape which enclose the extreme limits of the message, announcement or decoration on a fascia, wall or freestanding sign.

AREA OF SIGN -- The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, or forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

AWNING -- A roof-like covering consisting of any pliable material attached to a rigid frame.

BANNER -- A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

BUILDING DEPARTMENT -- The Town/Village of _____ Building Department.

CANOPY and/or MARQUEE -- A structure of canvas on a framework sheltering an area or forming a sheltered walk to the entrance of a building.

CHANGEABLE COPY (AUTOMATIC) -- A sign such as an electronically or electrically controlled public service time, temperature, and date signs, message centers or reader boards, where different copy changes are shown.

CHANGEABLE COPY (MANUAL) -- A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

COMMERCIAL USE -- Any business whose primary purpose is retail or wholesale trade, any nonprofessional customer service (such as shoe repair, tailoring, laundry, photography or hairstyling) or customer service office uses (such as bank loan offices, insurance agents, travel agents or tax return preparers), including restaurants, bars, hotels, motels, and theaters.

COMPLEX, COMMERCIAL -- One or more parcels occupied by more than two commercial use tenants.

COMPLEX IDENTIFICATION SIGN -- A sign identifying a complex but which does not include identification of any individual business within the complex.

COMPLEX, OFFICE -- A building larger than 10,000 square feet that is occupied by more than two business tenants.

CONSTRUCTION SIGN -- A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors and similar persons or firms having a role or interest with respect to the structure or project.

DIRECTIONAL SIGN -- Any sign commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including signs marking entrances, parking areas, one-way drives, rest rooms, pickup and delivery areas and the like.

DIRECTORY SIGN -- Any sign containing a list of the names of business establishments located within a building complex. The style, lettering and color for all tenants identified on such signs shall be substantially similar. No logos shall be permitted on such signs.

DOUBLE-FACED SIGN -- Any two-faced sign utilizing both faces or surfaces for display purposes.

ENGINEERING DEPARTMENT -- The Town/Village of _____ Engineering Department.

ERECT -- To build, construct, alter, repair, display, relocate, attach, hand, place, suspend, affix or maintain any sign, and shall also include the painting of exterior wall signs.

FARM STAND -- A facility from which agricultural or nursery products produced on the premises where the facility is located are offered for retail sale.

FREESTANDING -- Any sign not affixed to a building.

FRONTAGE -- The total length of the property line of a parcel bounded by or abutting a public highway right-of-way.

FRONT YARD -- Any open, unoccupied space on the same lot with the building or structure, extending the full width of the lot and situated between the street line and the front lines of the building.

GOVERNMENTAL SIGN -- A sign erected and maintained pursuant to and in discharge of any governmental function or required by any law or ordinance or governmental regulation.

GRAND OPENING SIGN -- A temporary sign permitted for 30 days only to announce the opening of a completely new enterprise or the opening of an enterprise under new management.

GROUND LEVEL -- The average ground elevation within 10 feet measured horizontally of the sign base.

HEIGHT -- The vertical distance between the ground level under a sign and the highest point of the sign structure.

HOUSE OF WORSHIP -- Any structure in which any recognized religion that has a tax-exempt status meets to practice its religion.

IDENTIFICATION SIGN -- A sign which is limited to the name, address and number of a building, institution, complex or person.

ILLEGAL SIGN -- Any sign for which a valid Town/Village of _____ sign permit has not been obtained and which is not exempt from the provisions of this Article.

ILLUMINATED SIGN -- Any sign which emanates light either by means of exposed tubing or lamps on its surface or by means of illumination transmitted through the sign surface or which reflects lights from a source intentionally directed upon it.

INTERIOR PROPERTY LINE -- Property lines other than those fronting on a street, road or highway.

LOGO -- A symbol, graphic, trademark or emblem commonly associated with or representing a specific entity, product or concept.

LOT -- Any parcel of real property recorded in deed form filed in the Seneca County Clerk's office.

MAJOR TENANT -- A tenant in an office complex that occupies more than 50% of said complex.

MESSAGE -- Wording or copy on a sign.

NONCONFORMING -- Any sign which was lawfully erected and maintained prior to the effective date of this Article or any amendments thereto.

OFF-PREMISES SIGN -- Any sign advertising or calling attention to any business or activity not located on the same continuous parcel of real estate as the sign, or any sign, advertising or calling attention to any commodity or service not sold or offered upon the same continuous parcel of real estate as the sign.

OWNER -- A person recorded as such on official records, and including but not limited to a duly authorized agent, purchaser, devisee or any person having a vested or contingent interest in the property in question.

PARCEL -- A piece of real property which is defined on an approved subdivision map recorded with the Assessment Department of the Town/Village or is legally defined on a survey map certified by a licensed land surveyor or engineer.

PERMANENT SIGN -- A sign for which a permit has been issued pursuant to the provisions of this Article for the period stated in the permit.

PERMIT STICKER -- A sticker affixed either to the face or the channel of a sign visible from the ground denoting that the sign to which it is affixed has been authorized by town/village officials pursuant to the provisions of this Article.

PLANNING BOARD -- The Town/Village of _____ Planning Board.

POLITICAL SIGN -- A temporary sign announcing or supporting political candidates or issues connected with any national, state or local election.

PORTABLE SIGN -- A sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

PRIMARY COMPLEX IDENTIFICATION SIGN -- Complex identification sign located on a parcel's primary frontage.

PRIMARY ENTRANCE -- The entrance primarily used by customers/guests to enter the building.

PRIMARY FRONTAGE or SECONDARY FRONTAGE -- Where a parcel has more than one public highway

PRIVATE SALE SIGN -- A temporary sign advertising the sale of personal property at house sales, garage sales, rummage sales and the like.

PROJECTING SIGN -- A sign that is wholly or partly dependent upon a building for support and which projects more than 18 inches from such building. These types of signs should be encouraged in high pedestrian use areas (traditional main streets) or areas where pedestrian activity is to be encouraged. Projecting signs should be limited in all other areas.

PUBLIC SERVICE INFORMATION SIGN -- Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.

REAL ESTATE SIGN -- A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located, excluding, however, "sold-by" signs.

ROOF -- Any building surface whose slope is less than two vertical units to one horizontal unit.

ROOFLINE -- The top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

ROOF SIGN -- Any sign erected upon, against or directly above a roof or on a top of or above the parapet of a building.

ROTATING SIGN -- Any sign or portion of a sign that moves in a revolving or similar manner, but not including multi-prism indexing signs.

SECONDARY COMPLEX IDENTIFICATION SIGN -- Complex identification sign located on a parcel's secondary frontage(s).

SIGN -- Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any logo, painting, banner, pennant, placard or temporary sign designated to advertise, identify or convey information, with the exception of window displays and national flags. "Signs" shall also include all sign structures.

SIGN STRUCTURE -- Any structure which supports, has supported or is capable of supporting a sign, including the decorative cover.

SINGLE-TENANT SITE -- Any building or buildings, structure or structures located on a single parcel and used by one enterprise.

SOFFIT SIGN -- A sign affixed to the underside of a roof overhang adjacent to a store or other commercial premises.

STORE FRONT -- In a single tenant building, the linear distance of a building facing a street or right-of-way and which contains the main entrance to the building. In a complex, the linear distance of that wall which has the primary access to the out-of-doors.

STREET -- A public highway, road or thoroughfare which affords the principal means of access to adjacent lots, measured from property line to property line.

STREET NUMBER PLATE -- A non-electric sign identifying the number and/or name of the street where a specific building is located.

TEMPORARY SIGN -- Any sign permitted pursuant to the provisions of this Article other than a permanent sign.

TOWN/VILLAGE BOARD -- The Town/Village of _____ Board.

TRADITIONAL MAIN STREET -- A commercial and/or mixed use street(s) where the structures are not set back from the front property line, i.e. where structures are immediately adjacent to the sidewalk. Typically these areas are older, historic business districts that are the center of the community, although newer districts constructed in a traditional manner and new infill construction falls into this category of traditional main street. These areas are often based on pedestrian traffic and therefore require different regulations for signs compared to those for commercial districts based on automobile or higher speed traffic.

WALKWAY SIGN -- A sign affixed to the underside of a permanent, covered walkway fronting and connecting three or more commercial premises having direct customer access to the out-of-doors and erected perpendicular to the fronts of such premises at the entrance, so as to aid passerby pedestrians in identifying the location of such premises. All such signs within a commercial complex shall be of the same coloring and shall use the same lettering style and shall not contain logos or any other information than the name of the commercial establishment.

WALL -- Any building surface whose slope is two vertical to one horizontal or steeper.

WALL SIGN -- A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than 18 inches from such building or structure.

WINDOW SIGN -- A sign that is applied or attached to the interior of a window or located within three feet of the interior of the window and which can be seen from the exterior of the structure, and which is non-electric in nature.

§ 4. Applicability.

This Article is intended to regulate all on-premises signs currently existing or yet to come into existence, which are to be located within the Town/Village of _____ .

§ 5. Permitted signs.

Set forth in Charts A, B and C and the Table of Permitted Signs are the types of signs and their specific requirements for which permits may be issued pursuant to the provisions of this Article.

§ 6. Prohibited signs.

A. Any sign not permitted in § 5 or 7 or 9 of this Article and any sign specifically designated in this section is prohibited.

B. Signs specifically prohibited are as follows:

(1) Roof signs.

(2) Flashing, rotating or revolving signs or lights, with the exception of barber poles and holiday decorations

(3) Projecting signs, with the exception of properties that are in a traditional main street area. In such a case, see Table of Permitted Signs for regulations. A traditional main street area shall be determined by the zoning ordinances and/or the town/village board and/or the sign review board.

(4) Animated signs, except public service information.

(5) A-frames.

(6) Banners, except as a part of a grand opening when affixed exclusively to the face of a building (30 days maximum).

(7) Pennants, same as above.

(8) Portable signs.

(9) Any sign or part thereof which includes lighting devices and reflectors that are placed so as to frame the outline or provide the background for a sign.

(10) Any sign or part thereof on a vehicle parked on a public right-of-way or public property or on private property so as to be intended to be viewed from a motorized vehicular public right-of-way, which has for its basic purpose the providing of advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This subsection is not intended to prohibit any form of vehicular signage, such as a sign attached to a bus or lettered on a motor vehicle or signs that are part of a vehicle such as a construction trailer, whose primary purpose is not advertising to the public right-of-way.

(11) Any sign other than an exempt sign placed on any curb, sidewalk, hydrant, utility pole, building or tree.

(12) Any sign erected or maintained which might be confused with any traffic control device or which might interfere with the vision or discernment of any traffic sign or which might cause danger to public travel.

§ 7. Exempt signs.

The following signs are exempt from the provisions or requirements of this Article:

A. Any New York State inspection station identification sign which is at a height which does not exceed 10 feet and is located on an exterior or interior wall of the motor vehicle service station.

B. Any New York State authorized repair shop identification sign for passenger vehicles which is at a height which does not exceed 10 feet and is located on an exterior or interior wall of the motor vehicle service station.

- C. Any New York State authorized repair shop identification sign for trucks, which is at a height that does not exceed 10 feet and is located on an exterior or interior wall of the motor vehicle service station.
- D. One self-service identification sign which does not exceed two square feet per self-service fuel pump island.
- E. One full-service identification sign which does not exceed two square feet per full-service fuel pump island.
- F. Fuel price signs required by federal, state or local legislation.
- G. Street number identification plates.
- H. Historical site markers.
- I. No-trespassing signs.
- J. Posted (no hunting, fishing and trapping) signs.
- K. Governmental signs.
- L. Utility line identification and location signs.
- M. Phone identification signs.
- N. Rest room identification signs.
- O. Handicapped parking and access signs.
- P. Vacancy/no vacancy signs which do not exceed three square feet.
- Q. Accessory signs identifying such use as parking, no parking or office, which do not exceed two square feet each.
- R. Holiday decorations erected for and during the particular holiday they relate to or symbolize.
- S. Open/closed business signs that do not exceed two square feet.
- T. Street identification, traffic and governmental signs and control devices required by law, ordinance or regulation.
- U. Official public information signs, memorial signs, building names, erection dates or similar information cut into masonry or other permanent surface or constructed of bronze or other noncombustible material, not to exceed 16 square feet.
- V. Signs and markers in cemeteries designating graves and memorials.

§ 8. Illegal signs.

A. The following signs are deemed illegal signs and in violation under this article:

(1) Abandoned signs.

(2) Any sign erected for which no building or sign permit was issued by the Town/Village or which does not have a sign permit number displayed on its face or which has had its permit revoked.

(3) Any sign not properly maintained, such as but not limited to signs that are structurally unsound or are hazardous or unsafe.

B. The Building Department shall cause a notice of such violation to be served on the owner of the building, structure or lot where said sign is located or the lessee or tenant of the part of or the entire building, structure or lot where said sign is located, requiring the owner or lessee or tenant to remove the illegal sign within 10 business days. The notice may be served personally or by certified mail, return receipt requested. Upon failure of said owner or lessee or tenant to remove the sign within 10 business days after notice is provided, the Building Department shall be authorized to enter upon said property and remove therefrom any said illegal sign at costs to the owner, lessee or tenant. No liability shall attach to the Town/Village or any officers, employees or agents of the town/village, except for acts of affirmative negligence in connection with the removal of any such illegal sign.

C. In cases of emergency, the Building Department may cause the immediate removal of a dangerous or defective sign without notice.

D. Any sign for which a sign permit has been issued may be inspected for adequate maintenance, freedom from any hazardous condition and structural soundness. If a sign is found to be unsafe, the permittee shall have 30 days to correct any defect. If said defect cannot be corrected within 30 days, the Building Department may grant the permittee up to 30 additional days to correct. If the defect has not been corrected by the expiration of 30 days or any additional period granted to correct it, the sign permit shall become null and void and the sign shall be illegal.

§ 9. Nonconforming signs.

A. Subject to the provisions of this article, any sign legally in existence one day prior to the enactment of this article [insert date], shall be considered a nonconforming sign and may be continued and maintained.

B. Any sign existing at the time this article is enacted which is altered in any way, form or fashion shall be considered a new sign and shall be required to conform to the requirements contained herein, except that the original registrant may be allowed to alter the message of the sign, provided that the person, place, establishment, business and service identified by the sign remains the same, but may not alter its structure.

C. A sign legally existing at the time this article was enacted which, through no responsibility or control of said sign's owner or user or that of the landowner on which this sign is located, becomes damaged or destroyed shall be permitted to be repaired or replaced, provided that said repair or replacement is to the identical specifications, location and appearance as existed immediately prior to its destruction or damage.

§ 10. Construction.

A. All sign fabrication, erection and attachment shall conform to the requirements of the latest edition of the New York State Uniform Fire Prevention and Building Code and other applicable codes and regulations.

B. Lighting fixtures and wiring shall conform to the requirements of the latest edition of the National Electrical Code and other applicable codes and regulations, and all electrified signs shall bear the Underwriters' Laboratories label or approved equal. Further, all electrical connections with a sign shall be inspected and approved by the New York Board of Fire Underwriters.

C. Transformers, wires and similar items shall be concealed.

D. All wiring to freestanding signs shall be underground.

E. All signs, sign finishes, supports and electrical work shall be kept in good repair and safe condition, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign.

§ 11. Illumination.

All signs permitted within this article shall comply with the following requirements:

A. Illumination of signs shall be accomplished by means of shielded light sources or in such other manner that no glare shall extend beyond the property lines of the property upon which such signs are located, and no glare shall disturb the vision of passing motorists or constitute a hazard to traffic.

B. No flashing, non-constant, or moving light sources shall be permitted or constitute a part of any sign, with the exception of public service information signs. Each public service message shall be allowed to remain for not less than two seconds.

§ 13. Sign permit.

A. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the town/village, or cause the same to be done, without first obtaining a sign permit for each such sign. These directives shall not be construed to require any permit for a change of copy of any sign, provided that the person, place, establishment, business or service identified remains the same, nor for the repainting, cleaning and the normal maintenance or repair of a sign or sign structure for which a permit has previously been issued under this Article, so long as the sign or sign structure is not modified in any way.

B. Contents of application.

(1) Application for a sign permit shall be made, in writing, by the owner, lessee, occupant or agent for whom the sign is intended and shall be accompanied by two sets of plans of the sign, drawn to scale on sheets of a minimum of 8 1/2 inches by 11 inches. Sign plans shall include dimensions, proposed design, colors, materials, details of any illumination source, wiring and other electrical details and structural details, including fastening and joining methods and materials. Sign plans shall also include which Sign Chart, A, B or C, the applicant utilized to determine permissible sign size and provide written calculations showing how the sign size determination was made. Two plot plans of the parcel on which the sign is to be placed shall also be submitted, delineating property lines, street lines, building locations and dimensions, parking areas, location and dimensions of all other signs on the parcel, exact location of the proposed sign, including dimensions of setbacks from property lines, and any obstructions in relation to the designated location of the proposed sign. Where a parcel has more than one frontage, the primary frontage shall be designated on the plan.

(2) Sign plans shall include a statement that the proposed sign as shown on the plan is structurally sound and will withstand wind loads as prescribed by the New York State Uniform Fire Prevention and Building Code. Plans shall bear the signature of the owner, applicant or the person responsible for design of the sign.

(3) The application shall be made to the Building Department on forms prescribed and provided by the Building Department. At the time of filing the application, the applicant shall pay the required fee in accordance with the fee schedule then in effect.

C. The proposed sign application, when complete, shall be submitted by the Building Department to the Planning Board or its designee for its review within five business days of receipt thereof.

D. Within 10 business days after receipt by the Building Department, a sign permit shall be issued, provided that the proposed sign meets all requirements of this Article.

E. If a sign authorized by a permit is not completed and in place within six months from the date the permit was issued, said permit shall become null and void, except that the Building Department may grant one extension for a period not to exceed six months.

F. Design, size, construction and placement of a sign shall not deviate from the plans approved for issuance of the permit.

G. After the issuance of any permit for a sign under this article and within 10 days after the installation of such sign, the applicant shall submit a photograph of the sign as completely installed, which shall be filed with the original application, along with written certification from the owner, applicant or designer whose name appears on the approved plans, that the sign has been constructed according to the approved plans. Further, for all electrified signs, the applicant shall also submit, within 10 days after the installation of such sign, a New York Board of Fire Underwriter's certificate of approval of all electrical work undertaken to make electrical connections to the Underwriters' Laboratories approved components of the sign.

H. All signs authorized under this article shall bear the assigned permit sticker, which is to be provided by the Building Department, prominently and permanently affixed by the applicant in an area readily visible to a sign inspector. Failure to so affix the permit sticker shall constitute cause for revocation of the permit by the Building Department, in addition to any other penalties or remedies prescribed herein.

§ 14. Administration and enforcement.

A. The provisions of this article shall be administered and enforced by the Building Department, which shall have the power to make necessary inspections.

B. No sign permit shall be approved by the Building Department except in compliance with the provisions of this article or as directed by the Sign Review Board.

§ 15. Special exception or interpretation.

A. Intent. The intent of this section is to allow certain provisions of this Article to be modified where such modification will encourage excellence in the planning and design of signs. This is particularly true in traditional main street areas where certain types of otherwise prohibited signs such as historically-inspired wall mural signs, portable signs, or A-frame signs may be desirable. The Sign Review Board shall make these determinations.

B. Application for a special exception or interpretation. Any person who is aggrieved by a decision of the Building Department may make an appeal for a special exception to, or interpretation of, the sign law on forms provided and prescribed by the Sign Review Board.

C. Guidelines. The following guidelines shall be considered by the Sign Review Board in determining whether a special exception shall be issued. The proposed sign should:

- (1) Not be detrimental to other property.
- (2) Not create a hazard or a nuisance.
- (3) Not interfere with the use of public lands or highways.
- (4) Be in harmony with the purposes of this article contained in § 1.

§ 16. Establishment of Sign Review Board.

A. A Sign Review Board shall be, and it hereby is, established.

B. The purpose of this Board is to provide a process by which special exceptions may be issued consistent with the intent of § 15 and to hear any appeals on questions of alleged error in any order or determination of the Building Department involving the interpretation of the provisions of this article.

C. Membership.

(1) Membership shall consist of five residents of the Town/Village appointed by the Mayor/Supervisor with the approval of the Town/Village Board. Vacancies shall be filled for an unexpired term in the manner as the original appointment.

2) Alternate members. There shall be one alternate member of the Sign Review Board. The Town/Village Board hereby grants to the Chairman of the Sign Review Board the power to temporarily replace a member with an alternate member, with full voting privileges, where the member's abstention from a particular vote, due to absence or conflict of interest, precludes the Board member from taking action on a particular issue.

D. The Mayor/Supervisor shall designate the Chairman of said Board the first day of each year.

E. The initial appointees of the Board shall have different terms ranging from one to five years. Thereafter, appointments shall be for five years to maintain five-year terms and yearly appointments.

F. Decisions of the Sign Review Board shall be based on the guidelines listed in § 15C hereof.

G. All decisions shall be transmitted in writing, and copies shall be sent to the applicant and the Building Department.

H. The Sign Review Board shall hold a public hearing on any request for a special exception or an interpretation of any order or determination of the Building Department involving the interpretation of the provisions of this article, upon notice of not less than five days, published in the official newspaper of the Town/Village.

I. The Sign Review Board may develop additional criteria and design for issuance of special exceptions for adoption by the Town/Village Board by resolution or local law.

J. Decisions of the Sign Review Board shall require a vote of a majority of the full membership of the Board to grant, deny or modify any applications for appeals before it, and a minimum of three members of the Sign Review Board must be present to transact any business at any time. If the majority vote required above is not cast either to approve, deny, or to modify the application or appeal, the application for appeal shall be denied.

K. Any person aggrieved by a decision of the Sign Review Board may have the decision reviewed by the Supreme Court of the State of New York in the manner provided by law.

§ 17. Penalties for offenses.

A. Any person or persons, associations or corporations committing an offense against this article or any section or provision thereof is guilty of a violation and shall, upon conviction thereof, be subject to a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both.

B. In the event of a continuing offense of any section or provision of this article, each day that such offense shall continue shall be a separate violation and subject to a separate fine, imprisonment, or combination thereof.

C. Notwithstanding a conviction for an offense against any provisions or sections, an association or corporation convicted shall be subject to revocation of any permit therein granted without reimbursement of fees paid thereof.

D. In lieu of, or in addition to, any fine or imprisonment, or both, imposed for a conviction of an offense of this article, each such offense may be subject to a civil penalty not to exceed \$250 to be recovered in an action or proceeding in a court of competent jurisdiction. Each day an offense continues shall be subject to a separate civil penalty.

E. The Town/Village Attorney may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with this article, notwithstanding the provisions of Subsections A, B and C of this section, for a penalty or other punishment.

ARTICLE II, Billboards

§ 18. Purpose.

The purpose of this article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising through use of billboards, while assuring the orderly and effective display of outdoor advertising. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas and provide a more enjoyable and pleasing community.

§ 19. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ARTERIAL HIGHWAY -- Any street or highway for which operation or maintenance falls under county, state or federal jurisdiction.

BILLBOARD (OFF-PREMISES ADVERTISING) -- Any outdoor advertising board, junior board advertising medium, structure or device which advertises, directs or calls attention to any business, article, substance, service or anything which is painted, printed, pasted or affixed to any building, structure, wall, fence, pole, railing, natural object or structure of any kind on real property or upon the ground itself and which advertises services, products or commodities not available on the premises on which the "billboard" is located.

DOUBLE-FACED, BACK-TO-BACK or V-TYPE BILLBOARDS -- Those configurations of multiple billboards structures as those terms are commonly understood and as further defined in state law, except that in no instance shall these terms include two or more billboards which are not physically contiguous. "Physically contiguous" shall mean of the same structure and, in the case of "V-type billboards," shall be in contact with one and another at the apex of the "V." Each face shall be considered a separate billboard.

ERECT -- To construct, build, raise, assemble, place, affix, attach, create, paint, or in any other way bring into being or establish.

FRONT OR FACE OF A BILLBOARD -- The outer surface of a billboard which is visible from any private or public street or highway.

ILLUMINATED BILLBOARD -- Any billboard illuminated by electricity, gas or other artificial light.

LIGHTING DEVICE -- Any light, string of lights or group of lights located or arranged so as to illuminate a billboard.

PERSON -- Any person, firm, partnership, association, corporation, company, institution or organization of any kind.

SUPERINTENDENT OF BUILDINGS -- The Building Inspection Supervisor or any other inspector under his jurisdiction.

§ 20. Exceptions.

For the purposes of this article, the term "billboard" does not include billboards erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

§ 21. General regulations.

A. A billboard may be illuminated, provided that all light sources shall be designed, shielded, arranged and installed to confine or direct all illumination to the surface of the billboard and away from adjoining properties. Light sources shall not be visible from any street or any adjoining properties. Billboards may contain or include such public service information as time, date, temperature, weather or similar information.

B. No billboard shall be erected on or attached to any building.

C. No billboard or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices.

D. No billboard shall exceed 160 square feet.

E. No billboard shall be in excess of 20 feet in height above the average existing grade level at the billboard.

F. Every billboard shall bear the permit number and name of the permit holder and/or owner of the land upon which the billboard is erected prominently and permanently affixed on the face thereof. A proper space shall be reserved in the lower left-hand corner of the permit plaque where the annual permit inspection tag shall be affixed. This annual permit tag shall be issued by the Superintendent of the Building Department or his designee. This annual permit tag shall be affixed to the billboard by the owner and/or applicant.

G. A billboard and its structure shall be maintained, including the change of the advertising message, the repairing and replacing of components parts and the performance of other acts as incident to the upkeep of the billboard.

H. No billboards shall display advertising matter of an indecent or obscene nature.

I. No billboard shall confuse, mislead or resemble any government billboard.

§ 22. Location.

A. Billboards shall be permitted in Business, Commercial, and Industrial Zones only. Side line setbacks shall not be less than 25 feet, front line setbacks shall not be less than 25 feet, and rear line setbacks shall not be less than 25 feet. Setbacks shall be from property lines.

B. Billboards shall be separated from each other by a distance of at least 300 feet, except that two such billboards may be arranged on an angle or back-to-back.

C. Billboards shall not be permitted within 200 feet of any public park, playground, cemetery or residential zone.

D. No billboard shall be erected within 25 feet of any building.

E. No billboard shall be constructed, erected or altered within 660 feet of the edge of the right-of-way of any interstate or arterial highway. Normal maintenance of the structure and modification of copy shall be exempted from the aforementioned prohibitions.

§ 23. Construction specifications.

A. Billboards shall be constructed to withstand a wind load of 30 pounds per square foot.

B. Each application for the erection of a billboard shall be accompanied with a detailed set of structural plans bearing the seal of a licensed engineer or architect registered to practice in the State of New York.

C. All electrical work shall be in accordance with Underwriters' Laboratories, Inc. (UL), standards.

§ 24. Building permit required; restoration.

A. After the effective date of this article and except as otherwise herein provided, no person shall erect any billboards as defined herein without first obtaining a building permit from the Superintendent of the Building Department.

B. Nothing in this article shall prevent the replacement or restoration of an existing billboard or its supporting structure that has been destroyed or which has been deemed by the applicant to be in need of replacement. Such replacement or restoration shall be permitted, provided that the billboard face following the replacement or restoration is to the identical specifications, size, location and appearance as existed prior to said replacement or restoration.

§ 25. Application for building permit.

A. Application for the building permit must be made in writing, in duplicate, upon forms prescribed and provided by the Superintendent of the Building Department and shall contain the following information:

- (1) Name, address and telephone number of the applicant.
- (2) Name, address and telephone number of the property owner.
- (3) Planning Board approval.
- (4) A detailed drawing showing a description of the construction details of the billboard position of lighting or other extraneous devices; a location plan showing the position of the billboard on the site and its position in relation to nearby buildings or structures and to any private or public street or highway and its height.
- (5) Written consent of the owner of the land on which the billboard is to be erected in the event that the applicant is not the owner thereof.

B. A copy of the electrical permit from the New York Board of Fire Underwriters issued for said billboard shall be filed with the application therefor.

C. Prior to the issuing of a building permit to erect a new billboard, the applicant shall pay the current fee established for the same by resolution of the Town/Village Board. This fee and approval constitutes the first-year annual fee and renewal permit.

D. Application for a building permit must be made for all existing billboards and shall constitute the first year annual fee and renewal permit.

§ 26. Issuance of building permit.

It shall be the duty of the Superintendent of the Building Department upon the filing of an application for a permit to erect a billboard to examine such plans, specifications and other data submitted for the proposed billboard. It shall be the duty of the Superintendent of the Building Department to issue a permit for the erection of a proposed billboard, provided that:

A. The proposed billboard has received Planning Board approval.

B. The proposed billboard is in compliance with all the requirements of this Article, as well as all other laws and ordinances of the Town/Village of _____.

§ 27. Issuance of annual renewal permit.

Each billboard permit shall be renewed with the Superintendent of the Building Department in accordance with the following regulations:

- A. Application for an annual permit shall be made within 14 calendar days after the first day of January.
- B. The applicant shall submit any changes in ownership of billboard or property and an affidavit stating that the same has been changed on the billboard itself.
- C. Fees. The fee for an annual permit shall be \$50 for all size billboards.

§ 28. Revocation of permits.

The Superintendent of the Building Department shall revoke such billboard permit 14 days after written notice has been given to the owner on record of said billboard for any one of the following conditions, provided that said condition has not been corrected within the fourteen-day period:

- A. Failure to obtain the annual permit within the first 14 calendar days of the new year.
- B. Failure to submit proper information in regard to changes in ownership of billboards.
- C. Failure to complete construction within 180 days of date of issuance of the building permit.
- D. Failure to affix the permit number and necessary names.
- E. Failure to obtain permission from the Superintendent of the Building Department to structurally alter the billboard.
- F. Failure to maintain any billboard in accordance with the judgment of the Superintendent of the Building Department of the Town/Village of _____. This would include but not be limited to the following:
 - (1) That the structure be free from all hazards, such as faulty wiring, loose fastening or supports, etc.
 - (2) That the structure remain safe, secure and in no way a menace to the public.
 - (3) That the structure be maintained in a clean, neat condition.
- B. The Superintendent of the Building Department may cause any billboard that is a source of immediate peril to persons or property to be removed summarily and without notice.

§ 30. Nonconforming billboards.

- A. Any billboard in existence at the effective date of this article that does not comply with this article shall be deemed nonconforming and shall be allowed to remain as such, provided that a building and annual renewal permit is filed for in accordance with §§ 25 and 27 of this article.
- B. No nonconforming billboard shall be reconstructed or structurally altered except as provided for in § 24 and § 30C of this article.
- C. Once a nonconforming billboard has been removed, an applicant has a period of up to six months to apply for a § 24 restoration building permit and reestablish the billboard, provided that the billboard is to the identical specifications, size, location and appearance as existed prior. If such a permit is not applied for six months after the billboard was removed then abandonment or relinquishment of such nonconforming billboard shall be presumed, and such nonconforming billboard shall be deemed abandoned and shall not thereafter be reestablished. A party seeking to rebut the presumption of abandonment herein and assert non-

abandonment of such nonconforming billboard has the burden of proving that such abandonment or relinquishment of such nonconforming billboard was not intentional and that such nonuse was involuntary, as well as the burden of going forward.

§ 31. Review and appeal.

Any person aggravated by any decision of the Superintendent of the Building Department relative to the provisions of this Article or the Town/Village of _____ may appeal such decision to the Zoning Board of Appeals as provided in the zoning regulations of the Town/Village of _____ and shall comply with all procedural requirements prescribed by such Zoning Board of Appeals.

§ 32. Penalties for offenses.

Failure to comply with any of the provisions of this article shall be deemed a violation, and the violator shall be liable to a fine of not more than \$50, and each day that such violation continues shall constitute a separate violation.

Table of Permitted Signs

Function of Sign	Nature of Sign	Area per Sign (sq ft)	Number of Signs	Total Sign Area (sq ft)	Front Line Setback (ft)	Side and Rear Setback (ft)	Height (ft) (Freestanding sign)	Height (ft) (Wall Sign)	Permit Required?
Residential identification or street number and/or identification of a permitted customary home occupation in a single-family house or mobile home	permanent	2	1	2/lot	15	15	6	10	no
Residential identification or street number and/or identification of a permitted customary home occupation in a duplex (2-family) house	permanent	2	1/dwelling unit; 2/building	2/sign	15	15	6	10	no
Apartment complex or mobile home park identification, 3-12 units	permanent	12	1/complex	12	15	15	6	10	yes
Apartment complex or mobile home park identification, over 12 units	permanent	32	1/entrance, maximum of 2/parcel	64	15	15	6	10	yes
Public or private schools, houses of worship, meeting halls, fire stations, private clubs or other similar uses	permanent	32	2, 1 on which may be freestanding	32	15	15	15	10	yes
Cemetery identification	permanent	32	1/entrance	32	15	15	6	not permitted	yes
Not-for-profit organizations (fundraising events, such as bazaars)	temporary, not to exceed 30 days	32	1	32	15	15	6	10	no
Political signs (must be removed within 30 days after election):									
Campaign headquarters	temporary, must be removed within 30 days after election	160	1/political party, plus 1/candidate	160	15	15	20	15	yes
Lawn signs	temporary	4.5	unlimited	4.5	private property	private property	3	10	no
Vehicle and trailer signs	temporary, must be removed within 30 days after election	32	unlimited	NA	30		NA	NA	no
Garage sale signs	temporary	4	1	4	15	15	4	not permitted	no
Real estate for sale or for-rent signs:									
Residential use, 1- and 2- family homes	temporary, must be removed 5 days after property transfer or no longer for sale	6	1/parcel	6	10	15	6	10	no
Commercial property, including apartment complexes	temporary, same as above	32	1/parcel	16	15	15	6	10	no
Construction project identification	temporary, 1 year, renewable	48	2/parcel	48	15	15	10	10	yes
Grand opening identification	temporary, 30 days maximum	32	1	32	15	15	6	10	yes
Commercial use, single or double tenant site									
Freestanding sign	permanent	see Chart A	1 freestanding/site	see Chart A	15	15	20	-	yes
Wall sign	permanent	see Chart C	1 wall/tenant	see Chart C	-	-	-	20	yes
Projecting	permanent	6	1 projecting/site	6	-	-	-	20	yes
Commercial complex, 1 or more parcels occupied by more than 2 tenants or at least 2 tenants and the owner or any combination thereof:									
Freestanding sign, primary complex	permanent	see Chart A	1	see Chart A	15	15	20	-	yes
Freestanding sign, secondary complex	permanent	20	1/each secondary frontage, provided that 600 feet exists between signs, measured in a straight line, and frontage on which sign is located includes direct vehicle access from the complex to the street	20	15	15	20	-	yes
Wall sign	permanent	see Chart C	1/tenant having direct customer access to the out of doors; must be placed on storefront of the tenant identified by the sign	see Chart C	NA	NA	NA	20	yes
Gas station or motor vehicle service station									

Table of Permitted Signs

Function of Sign	Nature of Sign	Area per Sign (sq ft)	Number of Signs	Total Sign Area (sq ft)	Front Line Setback (ft)	Side and Rear Setback (ft)	Height (ft) (Freestanding sign)	Height (ft) (Wall Sign)	Permit Required?
Freestanding sign, single or double tenant site	permanent	see Chart A	1 freestanding/site	see Chart A	15	15	20	-	yes
Wall sign, single or double tenant site	permanent	see Chart C	1 wall/tenant	see Chart C	-	-	-	20	yes
Wall sign, in complex	permanent	see Chart C	1	see Chart C	-	-	-	20	yes
Office, research, development, manufacturing and industrial warehousing, single or double tenant site									
Freestanding sign	permanent	see Chart B	1/site	see Chart B	15	15	20	-	yes
Wall sign	permanent	see Chart C	1/tenant having direct customer access to the out of doors; must be placed by the primary entrance	see Chart C	-	-	-	20	yes
Office, research, development, manufacturing and industrial warehousing complex									
Complex identification	permanent	see Chart B	1	see Chart B	15	15	20	-	yes
Freestanding sign, individual building identification	permanent	see Chart B	1 freestanding/site	see Chart B	15	15	20	-	yes
Wall sign, individual building identification	permanent	see Chart C	1 wall/tenant having direct customer access to the out of doors; must be placed by the primary entrance	see Chart C	-	-	-	20	yes
Complex identification	permanent	Not more than 4 sq ft for header, plus 1.5 sq ft per tenant. The total area of directory signage within a complex shall not exceed the allowable area of primary complex identification sign.	1/building	see Area per sign	45	20	8	10	yes
Sports and recreation center									
Freestanding sign, single or double tenant	permanent	see Chart B	1 freestanding/site	see Chart B	15	15	20	-	yes
Wall sign, single or double tenant	permanent	see Chart C	1 wall/tenant	see Chart C	-	-	-	20	yes
Wall sign, in complex	permanent	see Chart C	1/tenant	see Chart C	-	-	-	20	yes
Farm stand									
Freestanding sign	permanent	16	1 freestanding sign or 1 wall sign, or both, provided that the total sign area or	16	15	15	20	-	yes
Wall sign	permanent	16	per planning board approval		-	-	-	10	yes
On site directional signs	permanent	2	per planning board approval	NA	per planning board approval	per planning board approval	per planning board approval	per planning board approval	yes

Sign Ordinance Charts

Chart A

Freestanding signs for:

- Commercial parcels
- Commercial complexes
- Gas stations, motor vehicle service stations

But not including billboards

Allowable sign area:

$$\text{Area of Sign} = 2 \left(\frac{\text{Ground Floor Area}}{1000} + \frac{\text{Primary Frontage}}{10} \right)$$

Except that area need not be less than thirty-two (32) square feet and shall not be greater than one hundred sixty (160) square feet.

Chart B

Freestanding signs for:

- Office, research, development, warehousing and industrial:
 - Complex identification*
 - Individual building identification*
- Sports and recreation centers

Allowable sign area:

$$\text{Area of Sign} = \frac{\text{Ground Floor Area}}{1000} + \frac{\text{Primary Frontage}}{100}$$

Except that area need not be less than twenty (20) square feet and shall not be greater than seventy (70) square feet.

Chart C

Wall signs

Allowable area:

$$\text{Area of Sign} = 0.42(\text{Length of Store Front}) + 11.6$$

Except that area need not be less than twenty (20) square feet and shall not be greater than seventy-five (75) square feet. Name plates are not considered part of the allowable sign area.