

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village

(Select one.)

of Wheatland

FILED  
STATE RECORDS

JUL 05 2016

DEPARTMENT OF STATE

Local Law No. 4 of the year 2016

A local law Amending Section 130-44 thru Section 130-49 of the Town Zoning Law Relating to Signs  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village

(Select one.)

of Wheatland

as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2016 of the (County)(City)(Town)(Village) of Wheatland was duly passed by the Town Board on June 16, 2016, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 2016, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

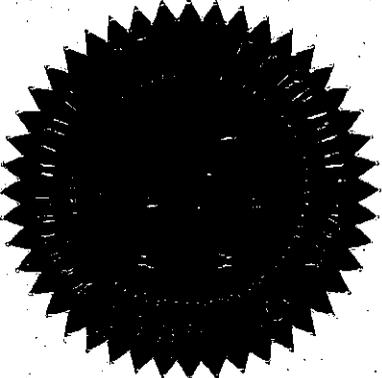
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1\_\_\_\_ above.

  
*Lucy B. Zapanski*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *June 28, 2016*

**Section §130-44. Scope and Purpose of the Regulations**

The purpose of this article is to provide standards to safeguard life, health, property and public welfare by controlling the location, construction, installation, illumination and maintenance of all signs and sign structures as well as to minimize hazards to vehicular traffic.

- A To promote the creation of an attractive visual environment that promotes a healthy economy by:
  - (1) Permitting businesses to inform, identify, and communicate effectively; and
  - (2) Directing the general public through the use of signs while maintaining attractive and harmonious application of signs on the buildings and sites.
  
- B To protect and enhance the physical appearance of the community in a lawful manner that recognizes the rights of property owners by:
  - (1) Encouraging the appropriate design, scale, and placement of signs.
  - (2) Encouraging the orderly placement of signs on the building.
  - (3) Assuring that the information displayed on a sign is clearly visible, conspicuous, legible and readable so that the sign achieves the intended purpose.
  
- C To foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations.
  
- D To have administrative review procedures that are the minimum necessary to:
  - (1) Balance the community's objectives and regulatory requirements with the reasonable advertising and way finding needs of businesses.
  - (2) Allow for consistent enforcement of the Sign Code.
  - (3) Minimize the time required to review a sign application.

**§ 130-45 Prohibited Signs**

The following signs are prohibited in the Town:

- A The use of pennants, banners, spinners, streamers, moving signs or flashing, glittering or reflective, animated or rotating signs or similar eye-catching devices is not permitted. Preexisting signs in the above category shall conform to this revised regulation within 30 days after the adoption of this chapter.
  
- B Any sign or billboard directing attention to a business or to products sold elsewhere than on the same lot is prohibited by this chapter,
  
- C Abandoned signs,
  
- D Permanent animated, flashing, rotating signs and festoons as defined in this article, inflatable signs, tethered balloons, banners, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except those specifically exempt under this Code, special event signs or banners permitted in this Code, or electronic message centers as permitted in this Code,
  
- E Signs on vehicles when the vehicle is placed in a location not normally expected for such vehicles, and the

location apparently has the primary purpose of attracting attention or providing advertising in addition to that permitted for legal wall and/or freestanding signs on the site,

- F Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals,
- G Merchandise, equipment, products, vehicles or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes, unless approved as part of a site plan.
- H Signs located on trees, utility poles, public benches or any other form of public property or within any public right-of-way unless explicitly permitted by this Code,
- I The use of A-frame or removable curb side signs is prohibited except those used for real estate sales pertaining to available lots and houses within the Town of Wheatland, or as permitted for special events and these are not to exceed six square feet per side or a total area not to exceed 12 square feet. Any existing signs not conforming to this provision shall be removed upon adoption of this chapter,
- J No sign of any size or description, except traffic signs placed by public agencies and existing signs (lawfully permitted), may be erected, placed or maintained within the highway limits of any public way within the Town of Wheatland. All newly proposed such signs shall receive approval from the appropriate Department of Transportation and may further be subject to license and/or insurance requirements as deemed appropriate.
- K Posters and Handbills - Any signs affixed to any structures, trees or other natural vegetation, rocks or poles,
- L A-frame/Wheeled Signs – Any portable “A” frame or similar portable sign is prohibited except as allowed under Temporary Signs,
- M Signs Adversely Affecting Safety. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape, and
- N Other signs or attention getting devices that raise concerns substantially similar to those listed above.

**§130-46 Permits required; exceptions**

- A No signs shall be hereafter erected, placed or maintained at any place in the Town of Wheatland except as provided by this chapter and only after a permit therefor has been obtained in compliance with the provisions of this article.
- B Notwithstanding the provisions of Subsection A above, the owner or occupant of premises in any district may erect a sign thereon for the sale or lease of his property or the products legally raised thereon without a permit, provided that such sign shall not be larger than six square feet. Nothing in this chapter shall be deemed to apply to official traffic control signs or devices or to those signs that are required by government regulation.

- C Temporary signs may be erected without a permit, provided that such signs shall not be larger than six square feet. The Building Inspector/Zoning Enforcement Officer, in his discretion, may permit larger-size temporary signs consistent with the intent of this chapter. The time limitation imposed herein shall in no case be altered by the change of advertising on such sign. The Building Inspector/Zoning Enforcement Officer may order the immediate removal of any temporary sign which he believes violates or is intended to avoid the provisions of this chapter. In case of such removal, the affected party may appeal to the Zoning Board of Appeals for permission to erect such temporary sign.
- D The following signs shall be exempt from regulation under this Zoning Ordinance.
- (1) Any public purpose, safety sign and any other notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
  - (2) Works of art that do not include a commercial message.
  - (3) Religious and other holiday lights and decorations containing no commercial message, and displayed only during the appropriate time of the year.
  - (4) Flags of the United States, the state, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.
  - (5) Building markers.

**§ 130-47. Permit procedure.**

- A A permit to erect, enlarge, place or maintain any sign permitted by this chapter must be obtained from the Building Inspector/Zoning Enforcement Officer.
- B Application for a sign permit shall be made in writing by the owner, lessee or erector and be accompanied by a scale drawing showing dimensions, proposed design, legend, colors, materials, structural details and a tape or plot location map delineating the location of buildings, parking areas, other signs on the same property and frontage of each in relation to the designated location of the proposed sign. Lessee or erector applicants shall evidence the approval of the owner for such erection.
- C A Comprehensive Sign Plan (CSP) may be required to be submitted that permits consideration of unique conditions, flexibility and creativity. Such CSP is subject to approval by the Planning Board. The application of such plan cannot be viewed as imposing more restrictive requirements than permitted by the basic standards, but rather, may permit additional signs and/or sign area based on the applicant's demonstration of unique characteristics of the design, building, and/or site and appropriate landscaping associated with the freestanding signs. Once a CSP has been approved subsequent applications for specific signs shall be approved administratively when the proposed sign is in compliance with the approved CSP.
- D Application for a permit which requests a sign not permitted under this chapter or appeal of a denial of a permit by the Building Inspector/Zoning Enforcement Officer may be presented to the Wheatland Zoning Board of Appeals. Upon such application to the Board, a public hearing shall be held, with notice of such hearing published in accordance with law. The Zoning Board of Appeals may, after holding such public hearing, grant such variance or variances as it shall determine in accordance with the applicable provisions of laws. Before recommending the issuance of such a permit, the Zoning Board of Appeals must find the following facts to be true:

- (1) That the proposed sign or signs are in harmony with the standards for permitted signs and within the spirit of this chapter.
- (2) That the presence of the proposed sign will not be detrimental to adjacent property.
- (3) That the proposed sign does not, by reason of its location, create a hazard of any nature to the public in general or to any adjacent owner or occupant.
- (4) That the proposed sign or signs do not in any way interfere with the lawful enjoyment of the public highway or of adjacent property.

- E The Building Inspector/Zoning Enforcement Officer shall review and approve applications for sign permits not included as part of a site plan or new construction, the Planning Board may review and approve sign permits as part of the site plan review or by referral by the Building Inspector/Zoning Enforcement Officer.
- F The fee for the issuance of a sign permit shall be determined in accordance with the Schedule of Fees established by resolution by the Town Board. Any addition to an existing sign shall require a permit application as prescribed above and shall be subject to any additional fee which may be required.
- G Double-faced signs shall be calculated at total area of both sides for the purpose of assessing fees. The area of irregularly shaped signs or panel signs of individual letters shall be calculated by using the total rectangular area encompassed by the outline.
- H A sign permit will become null and void if the work for which the permit was issued has not been started within a period of three months after the date of issue of the permit or site plan approval and completed within six months.
- I No permit shall be required to change the advertising copy or message on a painted or changeable letter sign.

**§ 130-48 Standard for permitted signs.**

- A **Definitions** The following words and phrases used in this Code shall have the following meanings:
- Abandoned Sign.** A sign which for a period of at least 90 consecutive days or longer no longer advertises or identifies a legal business establishment, product or activity.
- Alteration.** Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.
- Animated Sign.** A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.
- Area of Sign.** Refer to measurement standards in Section § 130-48 B.
- Attraction or Reader Board.** Any sign having changeable copy for the purpose of advertising events, sales, services or products provided on the site.
- Awning.** A shelter extending from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.
- Awning Sign.** Any sign painted on or attached to or supported by an awning.
- Balloon Sign.** A lighter-than-air gas-filled balloon, tethered in a fixed location that has a sign with a message on its surface or attached in any manner to the balloon.

**Banner Sign.** A temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constricted of non-durable materials, including, but not limited to, cardboard, cloth and/or plastic.

**Billboard or Poster Panel.** An off-premises sign.

**Building Identification Sign.** Any sign containing the name or address of a building and may include hours of operation and emergency information, such sign being located on the same site as the structure.

**Canopy.** A freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure.

**Canopy Sign.** Any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure which extends over the pedestrian walkway which effectively prevents the wall signs from being visible to the pedestrian walking under the canopy. **See Also Projecting Sign.**

**Changeable Copy Sign.** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

**Comprehensive Sign Plan (CSP).** A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.

**Construction Sign.** A nonpermanent sign identifying the persons, firms or business directly connected with a construction project.

**Directional Sign:** A permanent instructional sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

**Festoon.** A string of pennants, ribbons, streamers, pinwheels, or any other similar material which is hung or strung for the purpose of drawing attention to a site or items on display.

**Freestanding Sign.** Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the ground and the sign face.

**Footcandle.** A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

**Governmental Sign.** A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

**Grade.** The level of the site at the property line located at the closest distance to the sign.

**Height of Sign.** Refer to measurement standards in § 130-48 B.

**Holiday Decorations.** Signs or displays including lighting which are a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.

**Illegal Sign.** Any sign placed without proper approval or permits as required by this Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this Code.

**Illuminated Sign.** Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.

**Instructional Signs.** A sign clearly intended for instructional purposes, as determined by the Building Inspector/Zoning Enforcement Officer, shall not be included in the permitted sum of the sign area of identification wall signs, provided such sign is not larger than necessary to serve the intended instructional purpose, and such sign is not in a location, nor includes design characteristics, that constitute

or serve the purposes of an identification sign.

**Length of Frontage.** The measurement purposes, the length of any primary or secondary frontage as defined in this section, shall be the sum of all wall lengths parallel, or nearly parallel and proximal, to such frontage, excluding any such wall length determined by the Building Inspector/Zoning Enforcement Officer or Planning Board as clearly unrelated to the frontage criteria.

- (1) For buildings with two or more frontages, the length and allowable sign area shall be calculated separately for each such frontage.
- (2) The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

**Logo, Logogram, or Logotype.** An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

**Marquee.** A permanent rooflike shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.

**Marquee Sign.** Any sign painted on or attached to or supported by a marquee.

**Mural.** A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

**Neon Sign.** A sign with tubing that is internally illuminated by neon or other electrically charged gas.

**Nonconforming Sign.** A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code.

**Off-Premises Sign.** Any sign normally used for promoting an interest other than that of a business, individual, products, or service available on the premises where the sign is located.

**On-Premises Sign.** Any sign used for promoting a business, individual, product or service available on the premises where the sign is located.

**Political and Noncommercial Signs.** Any sign designed for the purpose of supporting or opposing a candidate, proposition or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business.

**Portable Sign.** Any movable sign not permanently attached to the ground or a building and easily removable using ordinary hand tools.

**Primary and Secondary Frontage.** The frontage of any building or site shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.

- (a) For multi-tenant buildings, the portion between demising/separation walls of such building that is owned, or leased by a single tenant, shall be considered a building unit.
- (b) The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
- (c) The secondary frontage shall include frontages containing secondary public entrances to the building or building units, and all walls facing a public street or primary parking area not designated as the primary frontage. Secondary frontage shall be a maximum of 25% of the basic allowance.

**Private Street.** Primary access ways that are intended to provide vehicular access to multiple commercial businesses and/or ownerships and are not dedicated as a public thoroughfare.

**Projecting Sign.** A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See also Canopy sign.

**Real Estate Sign.** Any nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and

address, price and amenities, identity of seller or broker, and similar information.

**Revolving or Rotating Sign.** An animated sign.

**Roof Sign.** Any sign erected upon a roof, parapet, or roof mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.

**Sign.** Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.

**Sign Face.** An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

**Site.** All the contiguous ground area legally assembled into one development location which is a zoning lot.

**Special Event Sign.** Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic or special event of general public interest.

**Super Graphic.** A painted design which covers all or a major portion of a wall, building or structure. A super graphic is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

**Temporary Sign.** Any sign which is installed for a period not to exceed thirty days.

**Vehicle Sign.** Any sign permanently or temporarily attached to or placed on a vehicle or trailer.

**Wall Sign.** Any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall. Wall signs include Marquee signs, projecting signs, roof signs and any sign on a rain awning or canopy attached to the building.

**Window, Area of.** The area of a single window includes all of the window panes in an area that is separated by mullions, muntins, or other dividers which are less than 2 inches wide.

**Window Sign.** Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building.

**Zoning lot** is defined as a permanent parcel (lot of record), or multiple lots of record.

## **B Measurement Standards**

### **(1) Determining Sign Area and Dimensions.**

- (a) For a wall sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.
- (b) For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the Building Inspector/Zoning Enforcement Officer or Planning Board, shall not be included in the total area of a sign.
- (c) For a freestanding sign, the sign area shall include the frame, if any, but shall not include:

[1] A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.

[2] Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.

- (d) When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction.
- (e) In the event of a dispute in determining the area or dimensions of any sign, a negative decision of the Building Inspector/Zoning Enforcement Officer may be appealed, by the applicant's submitting a formal application to the Zoning Board of Appeals.

**(2) Determining Sign Height.**

- (a) The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.
- (b) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

**(3) Determining Building Frontages and Frontage Lengths.**

- (a) **Building Unit** - The building unit is equivalent to the tenant space. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.
- (b) **Primary and Secondary Frontage** - The frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.
  - [1] The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
  - [2] The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection "[1]" above. Secondary frontage shall be a maximum of 25% of the basic allowance.

**(4) Length of Building Frontage.**

- (a) The length of any primary or secondary building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Building Inspector/Zoning Enforcement Officer or Planning Board as clearly unrelated to the frontage criteria.
- (b) For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
- (c) The building frontage for a building unit shall be measured from the centerline of the demising walls defining the building unit.

## C Development Standards

### (1) Wall and roof signs

- (a) The basic allowance for wall and roof signs shall be limited to 1.5 square feet of sign area for each lineal foot of building or tenant frontage. Wall signs include marquee signs, projecting signs, roof signs and any sign on a rain awning or canopy attached to the building.
- (b) Each tenant may have multiple wall signs as long as the total wall sign area does not exceed the allowances established in this section.
- (c) The wall sign or roof signs, shall not be greater than eighty (80%) percent of the length of the tenant space or the length of the building frontage for single tenant buildings.
- (d) Roof signs shall not extend more than six (6) feet above the roof surface or parapet.
- (e) The area of any wall or roof sign may be increased by twenty-five (25%) percent when the building is setback at least two hundred (200) feet from the public right-of-way and may be further increased an additional twenty five (25%) percent for each additional two-hundred (200) feet of setback, or fraction thereof, up to a maximum increase of one hundred (100%) percent.
- (f) Additional wall sign area is permitted for a secondary frontage (see Definitions) which shall be equal to 25% of the primary sign area allowance.
- (g) Where there are more than one wall and/or roof signs at a location they shall be located in a uniform location on the wall or roof.
- (h) The following additional wall signs may be permitted:
  - [1] **Under Canopy Projecting signs** are permitted, in addition to the allowances for wall signs when designed and placed for the purpose of identifying the businesses for a pedestrian walking along the same side of the street as the business they seek or under a continuous rain canopy projecting from the building. Projecting signs shall have a maximum area of four (4) square feet; the bottom of the sign shall be a minimum of eight (8) feet above the sidewalk; the sign shall not project more than six (6) feet from the wall of the building on which the sign is placed; and adjacent projecting signs shall not be closer than twelve (12) feet
  - [2] **Building Directory** – In addition to the wall signs otherwise permitted by these regulations an additional sign may be permitted up to a maximum of nine (9) square feet for the purpose of identifying first floor or upper floor tenants that do not have outside building frontage.
  - [3] **Additional Wall Signs for Multiple Story Buildings** – An additional building sign is permitted on each of the building's primary and secondary frontages according to the following:
    - (i) For a building with two (2) floors the additional permitted sign area is 20 square feet for each eligible wall.
    - (ii) This additional permitted sign area may be increased by 10 square feet for each additional building floor.
    - (iii) The sign must be placed at the height for which the bonus has been granted.

### (2) Freestanding signs

- (a) Individual business establishments with frontage on a public street may be permitted one freestanding sign of up to twenty-five (25) square feet, larger signs may be permitted but only upon application to and approval by the Planning Board.
- (b) There shall be and a maximum height of freestanding signs of twenty (20) feet
- (c) No portion of a freestanding sign shall be in, or project over, a public right-of-way.

- (d) The standard sign setback from the right of way is twenty (20) feet. Upon application to the Planning Board a sign or signs may be placed at a lesser distance, except as provided in letter (c) above.
- (e) The permitted sign area may be aggregated into fewer and larger signs, at the election of the property owner/business, provided that the size of any single sign does not exceed the area permitted pursuant to "(a)" or "(b)" above by more than 50%.
- (f) Shopping plazas, business developments and industrial areas are permitted one major identification sign on application to the Planning Board. The maximum total area, location and height of the major identification sign shall be determined by the Planning Board. The major identification sign may be up to forty (40) feet in height and 400 square feet in area, if it identifies multiple tenants of the development. Where there are multiple entrances to the development, the Planning Board may allow one additional sign per entrance. Individual business free standing signs within shopping plazas, business developments and industrial areas will only be permitted if there is a road or private right-of-way within the development and will be subject to the requirements of C(2) of this section. A landscaped area totaling a minimum of fifty (50) square feet shall be provided for each freestanding sign, centered around the base of such sign. This landscaped area shall be comprised of a variety of natural materials, including but not limited to, shrubs, hedges, trees, plants, turf, earth mounds, annual and perennial flowers, and ground covers. Turf shall be limited to a maximum fifty percent (50%) of the total landscaped area.
- (g) At least one freestanding sign that is along the primary frontage that is the property address shall contain the address number of the property in numbers that are at least eight (8) inches tall. The address number is not counted toward the square footage allowance of the sign.

**D Regulations applying to motor vehicle supply stations.**

- (1) One sign on the face of the building identifying the name of the station, not to exceed the limits stated in Subsection C(1) of this section.
- (2) One pole sign trademark, nonrotational, not to exceed the restrictions stated in Subsection C(2) of this section.
- (3) One accessory sign attached or adjacent to the building, indicating services, products or trade information, but excluding product advertising, may be permitted on one permanent sign structure, single-faced and not to exceed 25 square feet in total area.
- (4) Signs on each side of the canopy over fuel pumps that face a roadway not to exceed sixteen (16) sq.ft. for each sign.
- (5) Any signage under this section is counted toward the total signage allowance for the site.
- (6) Motor vehicle supply stations within, shopping plazas, business developments and industrial areas shall be permitted only a single canopy sign.

**E Electronic Message/Changeable Copy Signs**

- (1) Changeable copy by non-electronic means may be utilized on any permitted sign.
- (2) An EMC sign may be utilized on any permitted sign
- (3) Only one (1) EMC sign is permitted on a zoning lot for each street on which the development fronts and the sign is visible.
- (4) In the Character Areas electronic message centers (EMCs) are permitted provided that the copy does not change more than once every eight (8) seconds, transition more than three (3) seconds and the electronic message center does not exceed fifty (50) percent of the total sign area permitted on the site.
- (5) Displays may change by dissolve, fade, or by instantaneous change from one static display to another, but shall remain as a static display after completing the change, and, once changed, shall remain static until the next change. Except as authorized above, scrolling, travel, flashing, full motion video or film

display via an electronic file imported into the EMC software or streamed in real time into the EMC and video display are prohibited.

- (6) All EMCs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.
- (7) No single electronic message is permitted to be repeated by flashing more than once every sixteen (16) seconds.
- (8) Diminished between the hours of sunset and sunrise.

**F Instructional signs.** Instructional or "way-finding" signs shall be permitted in addition to all other signs when they are of such size and location that satisfy the intended instructional purpose and based on their size, location, and intended purpose will not constitute additional advertising. Instructional signs shall be permitted within reason without limitation as to number or size and may include the name of the business and logos.

**G Window Signs.** Permanent and temporary window signs shall not exceed twenty-five (25%) percent of the area of a window.

**H A-frame and Curb signs.** The use of A-frame or removable curb side signs is prohibited except those used for real estate sales pertaining to available lots and houses within the Town of Wheatland or as permitted for special events, and these are not to exceed six square feet per side or a total area not to exceed 12 square feet. Any existing signs not conforming to this provision shall be removed upon adoption of this chapter.

**I Message, Temporary and Political signs** the specifications for message, temporary and political signs are:

- (1) Non-illuminated
- (2) No more than six (6) square feet
- (3) Set back a minimum of twenty (20) feet from any property line
- (4) Height no greater than four (4) feet above grade
- (5) Erected no earlier than thirty (30) days prior to the event and removed no later than four (4) days after the event to which they relate
- (6) Permission must be granted by the owner or occupant of the property and the owner shall be responsible for removal
- (7) Signs on vacant land must be registered with the Town by the owner in person, or by mail (certification)
- (8) Such signs shall not be affixed to fences, trees, utility poles, bridges, or traffic signs and in no way obstruct vision or traffic in any way
- (9) Such signs shall not require a permit. {Changed by law 2009}

The Building Inspector may order the immediate removal of any temporary sign which he believes violates or is intended to avoid the provisions of this chapter. In case of such removal, the affected party may appeal to the Zoning Board of Appeals for permission to erect such temporary sign.

**J Special Events** – a permit is required for signs related to any special events.

- (1) Special Event Sign permits are valid for a maximum of 30 days prior to the event, the duration of the event however may not exceed a total of 180 days in a year.
- (2) Property owner or property manager approval is required for all special event signs.

(3) **Advertising Flags and A-Frame Signs:**

- (a) Advertising flags and A-Frame signs must be secured to resist displacement by wind or similar disturbance.
- (b) Advertising flags and A-Frame Signs normally may only be displayed when the business is open, unless specifically requested and allowed as a condition of the permit.

(4) **Banners:**

- (a) Individual banners may be a maximum of 32 square feet in size. Several smaller banners may be used as long as the total size of all banners does not exceed 32 square feet.
- (b) Banners must be securely fastened to the building or to a permanent structure attached to the building containing the business/organization obtaining the permit. They may not be mounted to trees or landscaping elements.

(5) **Balloons:** Individual balloons and balloon arches/clusters are allowed if securely fastened to a permanent structure and set back from streets and driveways a distance equal to the tether of the balloon. Individual balloons may not exceed 24 inches in diameter. Balloons larger than 24 inches in diameter will be considered inflatable structures and require a separate permit.

(6) Any additional signage not on original application will be prohibited.

(7) Sign permits are required for each event, location change, or signage update.

**K Real Estate, sales, rentals and leases** - the owner or occupant of premises in any district may erect a sign thereon for the sale or lease of his property or the products raised thereon without a permit, provided that such sign shall not be larger than six square feet.

**L Construction and development**- a permit is required. Signs erected during construction or in connection with a real estate development may be permitted for a temporary period of not more than six months, provided that such sign does not exceed 32 square feet. The fee for the issuance of a permit for such a sign shall be as established by resolution of the Town Board. Any such permit may be renewed for additional periods of like duration under the same procedures and conditions and for a like fee as required for the original permit.

**M Handicapped Parking Space** – no permit is required for signs not exceeding two (2) square feet in area reserving parking for handicapped individuals.

**N Private Drive Signs** - no permit is required for on premise private drive signs limited to one (1) per driveway entrance, not exceeding two (2) square feet in area.

**O Security and Warning Signs** -no permit is required for on premise signs regulating the use of the premises, such as “no trespassing”, “no hunting” and “no soliciting” signs that do not exceed one (1) sign two (2) square feet in area in residential areas and one (1) sign five (5) square feet in area in commercial and industrial zones. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law.

**P Construction Standards** The construction, erection, safety and maintenance of all signs shall comply with the Uniform Fire Prevention and Building Code of the State of New York and all of the following:

- (1) Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.
- (2) All permanent freestanding signs shall have self-supporting structures erected on, or permanently

attached to, approved foundations.

- (3) If possible, signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.
- (4) The signs should not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
- (5) No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
- (6) Signs shall be structurally designed in compliance with applicable standards. All electric signs shall be constructed according to the technical standards of a certified testing laboratory.
- (7) Signs may be illuminated -- by external or internal means -- provided that:
  - (a) The brightness and intensity shall not be greater than necessary to meet reasonable needs of the business or use served;
  - (b) Light sources shall be shielded from all adjacent buildings and streets; and
  - (c) The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs.

**Q Maintenance** All signs shall be maintained in accordance with the following:

- (1) The property owner shall maintain the sign; in a condition appropriate to the intended use; to all Town standards; and has a continuing obligation to comply with all building code requirements.
- (2) The Building Inspector shall require the proper maintenance of all signs, and such signs, together with their supports, shall be kept in good repair. The Building Inspector may order the removal of any sign that is not maintained in accordance with the provisions of this chapter. Painting, repainting, cleaning or repair maintenance shall not be considered an erection or alteration which requires a permit unless a structural change is made.
- (3) If a sign is deemed by the Building Inspector/Zoning Enforcement Officer to be in an unsafe condition, the owner of the business shall be immediately notified in writing, and shall, within 48 hours of receipt of such notification, respond to the Town with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after ten (10) days, the unsafe condition has not been corrected through repair or removal, the Building Inspector/Zoning Enforcement Officer may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within ninety (90) days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property, together with any additional penalty for collection.
- (4) In cases of emergency, the Building Inspector/Zoning Enforcement Officer may cause the immediate removal of a dangerous or defective condition, including the entire sign without notice.
- (5) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, relettering or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
  - (a) There is no alteration or remodeling to the structure or the mounting of the sign itself;
  - (b) There is no enlargement or increase in any of the dimensions of the sign or its structure;
  - (c) The sign is accessory to a legally permitted, conditional or nonconforming use.
- (6) The discontinuance of business at any given location shall require the removal within 30 days of all signs relating to said business.

**§ 130-49 Existing Signs.**

- A Any sign or signs or billboard existing and erected before the adoption of this chapter which is

nonconforming and for which no permit was issued shall be removed within six months from the effective date of this chapter, except as provided in § 130-45A of this chapter.

## **B Non-Conforming Signs**

### **(1) General Provisions**

- (a) Nonconforming signs shall be maintained in good condition pursuant to this Section.
- (b) A nonconforming sign shall not be altered, modified or reconstructed except:
  - [1] When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;
  - [2] When the existing use has new ownership which results in a change in the name or logo of the use or business on the property, and such change complies with subsection [4] below;
  - [3] When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation, and such change complies with subsection [4] below;
  - [4] Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same area or repainting a sign face, and does not permit changes to the structure, framing, erection or relocation of the sign unless such changes conform to subsection [1] above.

### **(2) Limitations for Non-Conforming Signs**

- [1] A nonconforming sign shall be removed upon verification that any of the following conditions have been met:
  - (i) The use to which such non-conforming sign refers or the sign has been abandoned for more than 180 consecutive days; or
  - (ii) The sign is not maintained in good condition
- [2] Extension of time to comply - The dates established in this Section for a sign to be brought about into compliance with the requirements of these regulations may be extended at the request of the sign owner or leasee. In evaluating the extension of time for a nonconforming sign, the Planning Board shall consider the following factors to determine whether the owner of the sign has had reasonable amount of time to recoup the initial investment:
  - (i) The value of the sign at the time of construction and the length of time the sign has been in place;
  - (ii) The life expectancy of the original investment in the sign and its salvage value, if any;
  - (iii) The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;
  - (iv) The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;
  - (v) The extent to which the sign is not in compliance with the requirements of these regulations;
  - (vi) The degree to which the Planning Board determines that the sign is consistent with the purposes of these regulations and
  - (vii) Whether the sign has "historical" or "landmark" significance and should, therefore, be exempt from amortization.