

Local Law Filing

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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.

STATE OF NEW YORK
DEPARTMENT OF STATE
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- County
- City of CLARENCE
- Town
- Village

OCT 01 2009

Local Law No. 2 of the year 20 09

MISCELLANEOUS
& STATE RECORDS

A local law SIGNS (amended in its entirety)
(Insert Title)

Chapter 181 of the Code of the Town of Clarence as amended

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

- County
- City of CLARENCE as follows:
- Town
- Village

~~Delete this line and attach text of local law here.~~

(see attached pages)

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

CHAPTER 181

SIGNS

(amended/adopted 9-23-09)

Section 181-1	Legislative Intent.
Section 181-2	General Regulations.
Section 181-3	Sign District Specifications.
Section 181-4	Temporary Signs.
Section 181-5	Construction and Maintenance Standards.
Section 181-6	Exceptions.
Section 181-7	Variances.
Section 181-8	Enforcement and Penalties.
Section 181-9	Definitions
Section 181-10	Severability.

181-1 Legislative Intent.

The intent of this local law is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor signs of all kinds. It is intended to protect property values, restrict visual blight, and enhance the appearance of the community. It is further intended to enhance the business environment while protecting and improving upon the character of the community by reducing the visual blight and hazards that may be caused by advertising obstructions and distractions.

181-2 General Regulations.

The provisions of this Section shall apply to all signs in all zoning districts as established and those amended in the future by the Zoning Laws of the Town of Clarence:

A. Permits Required.

(1) No person, firm or corporation shall hereafter erect, re-erect, construct or structurally alter a sign or sign structure without a permit first having been issued by the Planning and Zoning Department.

(2) Every application for a sign permit shall be accompanied by plans to scale, showing the dimensions of the sign, the structure supporting the sign, the position of the sign in relation to nearby buildings or structures, the location of the building, structure or lot to which or upon which the sign is to be attached or erected, the method of illumination, if any, and such other information as the Planning and Zoning Department shall require to show full compliance with this and all other laws and ordinances of the Town of Clarence.

(3) Acceptable proof of consent to the placing of a sign by the owner of the building, structure, or premises must be provided with the application for permit when the applicant is not the said

owner.

(4) The Planning and Zoning Department shall grant permits to all temporary signs that conform to the dimensional, locational, and construction requirements as herein stated. Any permanent sign application shall be referred to the Sign Review Board for architectural review. The Sign Review Board may, at its discretion, approve minor variations (up to 10%) from sign dimensions contained in this law.

(5) All permanent sign applications are subject to a fifteen (15) day review by the Sign Review Board. All permits issued are subject to Town Board objection until 15 days after approval has been granted by the Sign Review Board.

B. Plaza Signs:

(1) All new plaza signs shall be reviewed by the Sign Review Board during site plan review. Each tenant in a plaza will be allowed one building sign and one roadway sign that must be contained within one common tenant free-standing sign. The Sign Review Board will determine the best location and size of the common tenant sign during site plan review. The Sign Review Board may review and determine permit applications if the sign is replacing an existing free-standing sign or common tenant sign. In no case, shall a plaza sign in a commercial, restricted business or traditional neighborhood zoning district exceed 48 square feet.

(2) A single wall sign may be used to identify more than one on-premises establishment, such as a sign directory. For buildings with multiple tenants having storefronts only, the facade rented by the tenant shall be considered as wall area for a sign and must meet the wall sign standards in this law.

C. Illumination and Movement.

(1) Any illuminated sign or lighting device shall employ only light of constant intensity.

(2) No sign shall be placed or be directed so as to permit the sign illumination to be directed upon a public street, highway, sidewalk or adjacent premises so as to cause hardship or danger to any person or persons.

(3) No sign or part thereof shall contain or consist of any pennant, ribbon, streamer, balloons, spinner or other similar moving, fluttering, or revolving device. Such devices shall be prohibited even if they have no message or logo on them. The said devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of the sign.

(4) No sign or part thereof may rotate or move in any direction. Signs that flash, blink or scroll-change shall not be allowed for safety reasons.

(5) L.E.D. signs must have messages that remain of constant intensity for at least thirty (30) seconds. No part of an L.E.D. sign may move or scroll or be considered an animated sign.

D. Location of signs.

(1) All permanent signs within the Town of Clarence must maintain a setback off any roadway

right-of-way a minimum of ten feet (10'). All signs must maintain a minimum side yard setback of ten feet (10'). Any permanent free-standing sign must be at least fifty feet (50') from any other.

(2) A sign placed upon a roof shall abut the roof and not be elevated above the ridge of the roof line on any post, pole, or other elevating supports.

(3) No sign shall be located in, nor project into the public right-of-way; no sign shall be placed, painted or drawn upon trees, utility poles, light poles or standards.

E. Off-premises and billboard signs.

(1) The Town of Clarence prohibits off premises and billboard signs. The Town of Clarence will allow off-premises signs without a permit that are associated with community activities or any not-for-profit activity directing the public to such activity, provided that they do not exceed eight (8) square feet in area and are for no greater than a 60 day period. Temporary signs directing traffic to seasonal agricultural products less than sixteen (16) square feet in area per side, will also be allowed without a permit. Such signs shall not be placed within a public right-of-way.

(2) Any free standing sign over sixty (60) square feet will not be permitted at any location within the Town of Clarence except in shopping plazas as approved by the Sign Review Board.

F. Secondary building signs.

(1) On commercial buildings with rear or side orientation to a shopping plaza or mall parking lot or any other public access area, a rear or side facing sign shall be allowed with the name of the business and their logo only. Such signs must meet the dimensional requirements of this chapter.

(2) The secondary signs must be removable and mounted flat against the rear or side of the building. Painted signs on a building are prohibited.

G. Multiple Residence or Apartment Developments.

(1) For multiple residences or apartment developments, one (1) sign advertising availability of residential units will be permitted provided the sign does not exceed four (4) square feet.

(2) One (1) free standing sign that identifies the apartment complex or multiple family residence will be allowed, provided the sign does not exceed twenty (20) square feet in area.

H. Public Utility Signs.

(1) Signs necessary for the identification, operation or production of a public utility, not exceeding thirty-two (32) square feet, may be erected on the premises of such public utility.

I. Residential Subdivision Project Signs.

(1) For residential subdivisions or projects, one (1) sign that identifies the project by name and address may be erected near the principal entrance. The one sign shall not exceed thirty-two (32) square feet. The location of the sign shall be approved as part of the site plan review by the Sign Review Board.

J. Insurance.

(1) Security shall be made in manner and amount satisfactory to the Town Board, in the event that a sign projects over or above any public walkway, driveway or road, to protect the Town of Clarence from any and all claims for damages or injuries caused to persons or property by such sign.

K. Number of signs.

(1) Any business establishment within a commercial zone may have both one wall sign and one free-standing sign. Businesses located in a shopping mall shall utilize a common tenant sign as reviewed and approved by the Sign Review Board.

L. Fees.

(1) A fee schedule for permanent and temporary signs across all sign districts shall be established by resolution of the Town Board. Sign fees shall be reviewed periodically and may be amended by resolution of the Town Board.

(2) Temporary signs not removed at the end of the permit period will cause the applicant to be charged twenty-five dollars (\$25) per day as a civil penalty. The failure to remove said signs shall also remain subject to any and all other enforcement provisions of the local law.

(3) Signs erected without a permit will incur a penalty as specified in Section 181-9.

M. Non-conforming Signs.

(1) Every sign not conforming to the regulations of the district, in which it is located at the time of adoption of this Law, shall be nonconforming.

(2) A non-conforming sign may not be rebuilt except in conformity with the regulations for the district in which it is located.

(3) A non-conforming sign, representing a use that has ceased for a consecutive period of twenty-four (24) consecutive months, may not be altered, rebuilt or resumed unless in conformity with this Law.

(4) A non-conforming sign may be continued subsequent to adoption of this Law but the sign shall not be changed in any manner (height or area) that increases its non-conformity.

(5) Nothing in this Law shall be deemed to prevent the strengthening or restoring to a safe condition of any non-conforming sign declared unsafe by a duly designated official.

(6) Nothing in this chapter shall be deemed to prevent, without proper permit, the reconstruction of a nonconforming structure to its original configuration when destroyed by fire or act of God and with review and approval by the Zoning Board of Appeals.

(7) Whenever an area is changed from a zoning district of one classification to a zoning district of a different classification, or amendments are adopted that change regulatory measures governing signs, the above regulations shall apply to non-conforming signs created by such transfer.

181-3 Sign District Specifications - Specific for Zoning Districts

A. Major Arterial Zoning District. The Major Arterial District is designed to encourage large, dense commercial development in an area of Town that can adequately accommodate a high volume of automobile traffic. This sign area will encourage business promotion/advertising while reducing visual clutter and distraction.

(1) One (1) free standing sign shall be permitted on any parcel. The total area for a free standing sign shall not exceed sixty (60) square feet per side. A single freestanding sign may be used to identify more than one on premises establishment.

(2) The total area for a changeable copy portion of a free standing sign may not exceed twenty one (21) square feet in area, per side.

(3) A single owner automobile dealership with multiple national franchises operating on an individual parcel may have additional free standing signs. One (1) sign per each three hundred (300) linear feet of frontage along the principal facade of the automotive dealership may be erected. Contractual requirements of franchise operations will be considered if presented in writing.

(4) No free standing sign shall exceed twenty (20) feet in height. All free standing signs must have a front setback line of at least forty (40) feet from any roadway right-of-way. The side yard setback will be a minimum of ten (10) feet.

(5) Signs in a plaza shall be as approved by the Sign Review Board in accordance with 181-2 B of this chapter.

B. Commercial Zoning District - The Commercial and Restricted Business Zoning Districts are designed to encourage high quality development while maintaining the traditional character of the Clarence commercial corridors away from Transit Road. Free standing signs shall match the architectural style of the structures they identify to promote a classic understated business corridor.

(1) Any business within said Sign District may have a free standing sign that is architecturally complimentary to the building it is representing. Pole signs are prohibited in this Sign District. Monument signs shall not exceed thirty-two (32) square feet in area.

(2) All signs must be set back a minimum of ten (10) feet from any roadway right-of-way and ten (10) feet from a side yard lot line.

(3) Any free standing sign shall not exceed twelve (12) feet in height. No sign may be located as to create visual obstruction from public road entrance or egress or distraction to drivers on an adjoining public road.

(4) The total area for the changeable copy portion of a sign shall not exceed 10 square feet in area per side.

(5) Externally illuminated signs are preferred. Internally illuminated signs are permitted in certain circumstances as follows.

- a. Where the back lit letters are silhouetted against a softly illuminated wall,
- b. Individual letters with translucent faces, containing soft lighting elements inside each letter and,
- c. Metal-faced box signs with cut-out letters and soft glow fluorescent tubes.

(6) Plaza signs shall be limited to 48 square feet to maintain the character of the area. (See Paragraph 181-2B)

(7) Parcels zoned Industrial Business park will comply with the commercial zoning sign criteria.

C. Restricted Business Zoning District - The Commercial and Restricted Business Zoning Districts are designed to encourage high quality development while maintaining the traditional character of the Clarence commercial corridors away from Transit Road. Free standing signs shall match the architectural style of the structures they identify to promote a classic understated business corridor.

(1) Any business within said Sign District may have a free standing sign that is architecturally complimentary to the building it is representing. Pole signs are prohibited in this Sign District. Monument signs shall not exceed thirty-two (32) square feet in area.

(2) All signs must be set back a minimum of ten (10) feet from any roadway right-of-way and ten (10) feet from a side yard lot line.

(3) Any free standing sign shall not exceed twelve (12) feet in height. No sign may be located as to create visual obstruction from public road entrance or egress or distraction to drivers on an adjoining public road.

(4) The total area for the changeable copy portion of a sign shall not exceed 10 square feet in area per side.

(5) Externally illuminated signs are preferred. Internally illuminated signs are permitted in certain circumstances as follows.

- a. Where the back lit letters are silhouetted against a softly illuminated wall,
- b. Individual letters with translucent faces, containing soft lighting elements inside each letter and,
- c. Metal-faced box signs with cut-out letters and soft glow fluorescent tubes.

(6) Plaza signs shall be limited to 48 square feet to maintain the character of the area. (See Paragraph 181-2B)

D. Traditional Neighborhood Zoning District. This includes the hamlets of Clarence Hollow, Clarence Center, Swormville, Wolcottsburg and Harris Hill districts for sign law administration. The intent of this sign district is to encourage a small town, historic style business district that limits large scale, out of character signage and encourages a walkable, pedestrian friendly environment. Free standing signs shall match the architectural style of the structures they identify to promote the traditional character of this district. .

(1) All signs in this sign district must be made of complimentary material and architectural form

to the building on which it is going to be attached and/or representing.

(2) Permanent free-standing signs can be no larger than twenty (20) square feet in area. Any free-standing sign shall be located a minimum of (10) feet from any front or side lot line and shall not be higher than ten (10) feet from average grade.

(3) Awning signs or projecting wall signs under sixteen (16) square feet may be allowed after review by the Sign Review Board and provided all conditions of projecting wall signs as stated in Section 181-5 F below have been met.

(4) Externally illuminated signs are preferred. Internally illuminated signs are permitted in certain circumstances as follows.

- a. Where the back lit letters are silhouetted against a softly illuminated wall,
- b. Individual letters with translucent faces, containing soft lighting elements inside each letter and,
- c. Metal-faced box signs with cut-out letters and soft glow fluorescent tubes.

(5) L.E.D. signs shall be prohibited.

E. Residential Single Family, Agricultural-Flood zone and Agricultural-Rural Residential. The intent of the agriculture/residential sign districts is to maintain the visual quality of the Town's residential areas.

(1) One (1) sign not exceeding four (4) square feet in size shall be permitted for residences with an approved business or professional activity conducted on premises.

(2) Community institutions such as places of worship, libraries, museums, social clubs or societies may erect on such premises, one (1) free standing sign not exceeding thirty-two (32) square feet in size.

(3) Recreational areas, golf clubs, and other similar uses as permitted by the zone the facility is in and the ordinance shall be permitted to erect one (1) free standing sign.

(4) No illuminated signs shall be allowed.

(5) L.E.D. signs shall be prohibited.

181-4 Temporary Signs

A. Permitted temporary signs.

(1) Temporary signs are allowed within all sign districts provided the applicant has obtained a permit from the Planning and Zoning Department. Temporary signs may be a maximum of thirty-two (32) square feet in area. Signs constructed of a fabric material are allowed if securely fastened to a permanent surface or sign structure. Banners are prohibited.

(2) Temporary A-Frame signs shall not exceed eight (8) square feet in area per side. Said signs must be no more than four (4) feet from the building and can only be used during business hours.

One said sign will be allowed per tenant in a plaza containing more than one commercial entity. A-Frame signs are only allowed in traditional neighborhood zoning districts and in commercial shopping plazas. No sign shall be permitted in any roadway right-of-way. An annual (365 day) permit will be issued for each sign upon approval of the Sign Review Board.

(3) Temporary roadside signs must be separated a minimum of one hundred (100) feet from each other. All temporary signs may be permitted if the dimensional, location, and construction requirements are met for the district that applies.

(4) Temporary signs will be granted a time limit of thirty (30) days. A business may have a temporary sign not exceeding 60 days per year.

(5) Temporary L.E.D. signs shall only be allowed in a Major Arterial Sign District in accordance with the provisions of this chapter.

B. Special Event Signs.

(1) Temporary signs may be permitted in conjunction with a special event permit as issued under special events local law, and may be permitted for a period not to exceed one (1) week.

(2) Temporary signs announcing the event must be free standing and located so as not to create a visual obstruction and may not be attached to utility poles, street signs, or existing structures in the right-of-way.

(3) Not-for-profit, charitable, civic and similar organizations that do not have a permanent sign may be permitted to place a temporary sign for a special event for a period of thirty (30) days provided they meet the restrictions in 181-4B(2). Any fee for said permit may be waived.

(4) For temporary L.E.D. signs a permit is required and criteria shall be as described in paragraph 181-2.

C. Commercial Event Sales.

(1) Signs for a commercial event sale must be approved through the Planning and Zoning Department. Decisions against any sign permit may be appealed to the Sign Review Board. Temporary sign fees apply for these events.

181-5 Construction Standards and Maintenance

A. General Provisions.

(1) All signs shall comply with applicable regulations of the New York State Building Code.

(2) All electrical signs shall be constructed in accordance with the standards of the National Electric Code.

(3) All free standing signs shall be designed and constructed to withstand a wind pressure of not less than twenty (20) pounds per square foot of surface area.

(4) All signs, including wall mounted signs, shall be securely anchored and shall not swing or move in any manner.

(5) All signs, sign finishes, supports and electrical work shall be kept clean, neatly painted, and free from all hazards, including but not limited to, faulty wiring, and loose supports, braces, guys and anchors.

(6) All signs shall be maintained in a condition that will enhance or maintain the aesthetic quality of the surrounding neighborhood.

(7) Directional signs on a premises - Such signs shall be exempt from the permit requirements of this law but shall not exceed eight (8) square feet in area.

B. Materials and colors.

(1) Any materials and colors used in the construction or maintenance of all signs must be of complimentary character to the principal building and the subject property. Sign district specifications may be included to govern the construction of signs. All materials and coloring schemes shall maintain or enhance the appearance of the neighborhood. The sign support structure shall be clad in stone or brick or similar materials to the extent practicable as approved by the Sign Review Board. Painting of a sign on a building is prohibited.

C. Obstruction to safety.

(1) No sign shall be erected, relocated or maintained so as to prevent or obstruct free ingress or egress of any walkway, door, window or fire escape. No sign shall be attached to a standpipe or fire escape.

D. Signs not to constitute traffic hazards.

(1) No sign shall be erected or maintained in a manner so as to obstruct free and clear vision of roadways or driveways and for the safe egress of all roadways or distract the attention of the driver of any vehicle by reason of position, shape or color thereof.

(2) No sign shall be erected or maintained that could be confused as a traffic sign, signal, or controlling device.

(3) Signs with text that changes more frequently than every thirty (30) seconds, signs that flash, blink or scroll-change shall not be allowed for safety reasons.

E. Mirror or Fluorescence.

(1) No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or pigment.

F. Wall sign standards.

(1) Wall signs shall not extend beyond the ends or over the top of the walls to which they are attached and shall not extend above the first floor level of the building.

(2) Wall signs shall not extend more than six (6) inches from the face of the buildings to which attached except for some electrical wall signs which are allowed to exceed fourteen (14) inches from the face of the building. Traditional Neighborhood Districts will allow hanging wall signs or awning signs that do not exceed sixteen (16) square feet in area and that meet all other requirements of this law.

(3) One (1) wall sign per establishment shall be permitted unless that establishment has street frontage on more than one side, in which case one wall sign will be permitted for each side of the structure that has street frontage. Additional signs must meet secondary sign requirements as stated in 181-2 F above.

(4) The total area for wall signs shall not exceed the lesser of fifteen (15) percent of the total area of the one building facade upon which the sign is placed or one hundred (100) square feet in a commercial or traditional neighborhood zoned district. In a major arterial zoning district the total area of a wall sign may be up to 500 square feet.

G. Free standing and pole sign standards.

(1) No permanent free standing sign may be located less than fifty (50) feet from any other free standing sign.

(2) No free standing sign shall extend into or over the public right-of-way or any property lines.

H. Roof Sign standards.

(1) A roof sign must be installed in a plane parallel to the wall of the facade of the building which the roof covers. In no case shall a roof sign extend above the ridge of the roof.

(2) The bottom portion of the roof sign, except for certain electrical signs, shall not extend more than six (6) inches from the roof surface. Electric signs may extend up to fourteen (14) inches.

J. Two-sided signs.

(1) A sign legible from two (2) sides and having faces in parallel planes shall be considered one (1) sign. Each side of such sign shall be permitted the square foot display area hereinafter set forth.

181-6 Exceptions

The following signs do not require permits but must conform to the requirements as specified below:

A. Historical markers, tablets, statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface, bronze, stainless steel, or similar material; and emblems installed by governmental agencies, religious or non-profit organizations; not exceeding six (6) square feet.

- B. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- C. On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances, exits and similar signs, internally illuminated or non-illuminated, not exceeding eight (8) square feet per face. Business names and logos may be allowed with Sign Review Board approval. No directional signs shall extend more than six (6) feet in height above finished grade and shall not be located in the public right-of-way.
- D. Non-illuminated warning, private drive, posted or no trespassing signs not exceeding two (2) square feet in area.
- E. One on-premises wall sign, in connection with any residential building in any district, for permitted professional offices or home occupations, not exceeding four (4) square feet in area. Such sign may state name and vocation only.
- F. Street number and name plates identifying residents mounted on house, apartment, mailbox, not exceeding one and one-half square feet in area.
- G. Lawn signs identifying residents, not exceeding one and one-half square feet in area. Such signs shall not be illuminated except by a light which is an integral part of a lamppost if used as a support, with no advertising message thereon.
- H. Private-owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet for a period not exceeding ten (10) days. Such signs shall not be attached to utility poles, trees, or any other man-made or natural off-premises structure. All garage sale signs will meet the applicable temporary sign requirements of this law.
- I. Temporary, non-illuminated for sale, for rent, and real estate signs and signs of a similar nature concerning the premises upon which the sign is located. Each sign shall not exceed sixteen (16) square feet in a residential sign district, thirty-two (32) square feet in a business sign district. All such signs shall be removed one (1) week after the sale, lease, or rental of the premises.
- J. One (1) temporary sign for a roadway stand selling agricultural produce grown on the premises in season, providing that the sign does not exceed thirty-two (32) square feet in area. Seasonal off-premises signs advertising agricultural produce may be allowed if under sixteen (16) square feet in area and are free-standing.
- K. Holiday decorations, including lighting, are exempt from the provisions of this chapter.
- L. A sign on a premises where retail gasoline is sold and attached to gasoline pumps not to exceed two (2) square feet in area.
- M. Temporary on-premises directional signs for meetings, conventions, and other assemblies, not exceeding eight (8) square feet. Signs must be removed after the event.
- N. One sign, not exceeding sixteen (16) square feet in all sign districts, listing the architect, engineer,

contractor and/or owner, on premises where construction, renovation, or repair is in progress. Signs must be removed after the event.

O. Political posters and signs, not exceeding sixteen (16) square feet in the residential sign district nor thirty-two (32) square feet in non-residential sign districts. Such signs shall be allowed 30 days prior to a special election or political event provided they meet the restrictions in 181-4B(2) above. All signs shall be removed within one (1) week after the election or political event. Signs shall not be placed in the public right-of-way.

P. Signs erected by a governmental entity in order to fulfill the duties and administration of said entity. Exempt signs may include, but not be limited to, traffic control devices, including temporary detour signs, the posting of rules and regulations, directional signs for governmental offices, and similar such signs.

181-7 Variances

An applicant shall have the right to petition the Zoning Board of Appeals of the Town of Clarence in the event of a denial of the right to place or erect a sign within the Town of Clarence whether by permit or otherwise. The Zoning Board of Appeals of the Town of Clarence, after a public notice and hearing, may approve, deny, or vary/modify the application of this local law in harmony with its general purpose and intent.

181-8 Enforcement and Penalties

A. Penalties for Offenses.

Failure to comply with any provisions of this local law shall be deemed a violation, and the violator shall be liable to a fine. For a first offense, a violator will be subject to a fine of not less than one hundred dollars (\$100). A second offense and any others thereafter shall be subject to a fine of not less than two hundred fifty dollars (\$250) or imprisonment for not more than fifteen (15) days. For each day such violation occurs or continues it shall constitute a separate violation, accruing the given penalty for each day.

B. Revocation of permit.

(1) If a sign authorized under any such permit has not been completed, erected or placed within six (6) months from the date of the issuance thereof, such permit shall become null and void, but may be renewed within thirty (30) days of the expiration thereof for good cause shown and upon payment of an additional ten dollars fee as determined by the Town Board.

(2) If a sign authorized under any such permit has been completed, erected or placed other than in conformance with all terms and conditions of the application and permit, the Planning and Zoning Department shall give written notice to the owner of the sign, building, or premises to which it is attached, specifying the violation and directing conformance. The sign shall thereupon be modified to conform to the permit or removed within ten (10) days from the date of such notice. In the event that the sign is not modified or removed in ten (10) days the Planning and Zoning Department shall revoke the permit and such sign shall be removed by the owner, or upon order of the Town Board, by the Planning and Zoning Department with the owner paying all removal costs.

C. Absentee Businesses.

(1) Any sign that advertises a business or operation no longer conducted or a product no longer sold on the premises shall be removed by the owner of the premises upon which said sign is located after written notice specifying a sixty (60) day compliance period. Upon failure to correct, the Planning and Zoning Department shall remove or cause to be removed said sign, and shall cause to be assessed against all property all costs and expenses incurred.

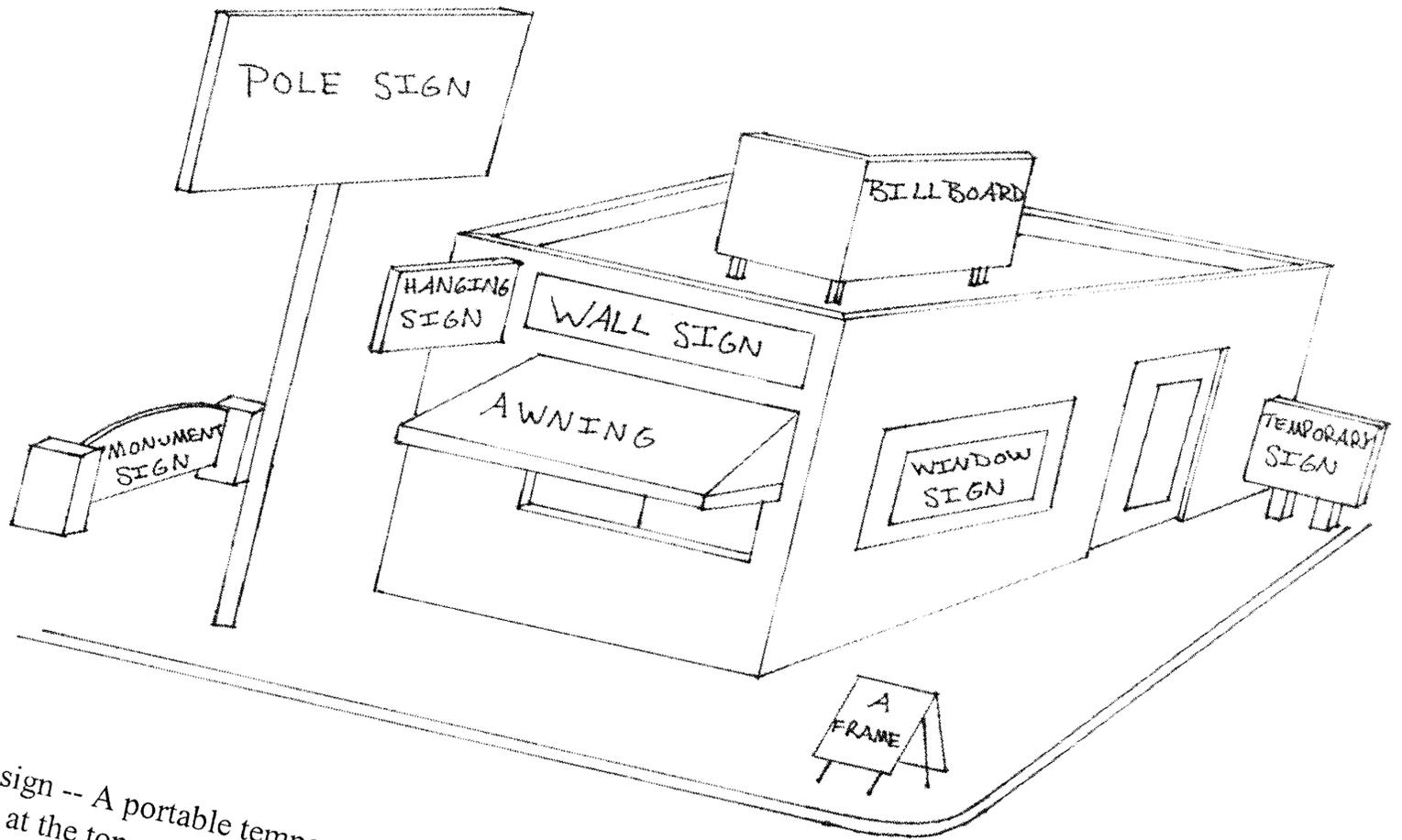
D. Unsafe or insecure signs.

(1) If the Planning and Zoning Department finds that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or is in violation of the construction and maintenance provisions of this chapter, they shall give written notice to the permitted agent thereof. Any sign that is unsafe, insecure, or in any way endangers the public shall be reported to the owner of the premises upon which such sign is located. If said sign is not repaired or removed to the reasonable satisfaction of the Planning Department in ten (10) days, the Planning and Zoning Department shall revoke the permit, if any, and may cause said sign to be removed in the manner provided in 181-9 D(1) above. If the permitted agent fails to remove or alter the structure so as to comply with the standards within ten (10) days after such notice, such sign shall be removed or altered to comply with this local law at the expense of the permitted agent or owner of the property upon which it is located.

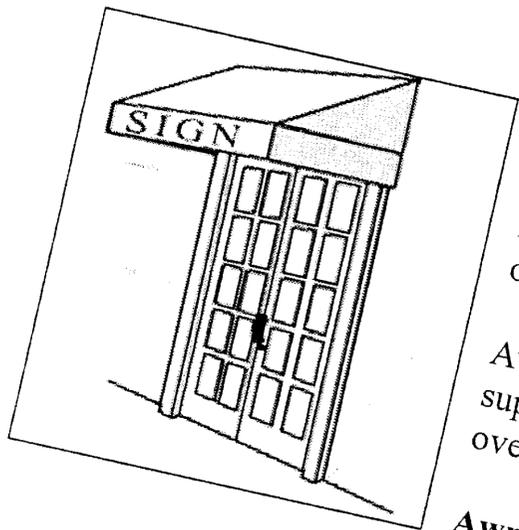
(2) The Planning and Zoning Department shall refuse to issue a permit to any permitted agent who refuses to pay costs so assessed.

181-9 Definitions and Terms.

For the purpose of this local law, the terms used herein are defined and shown in this illustration and as follows:



A-Frame sign -- A portable temporary sign of solid construction, connected at the top and angled down on either side in the shape of an A, usually with advertisement on two sides. Also called a sandwich board sign.



Animated sign -- Any sign that uses movement or change of lighting to depict action or create a specific affect or scene.

A-Frame Sign

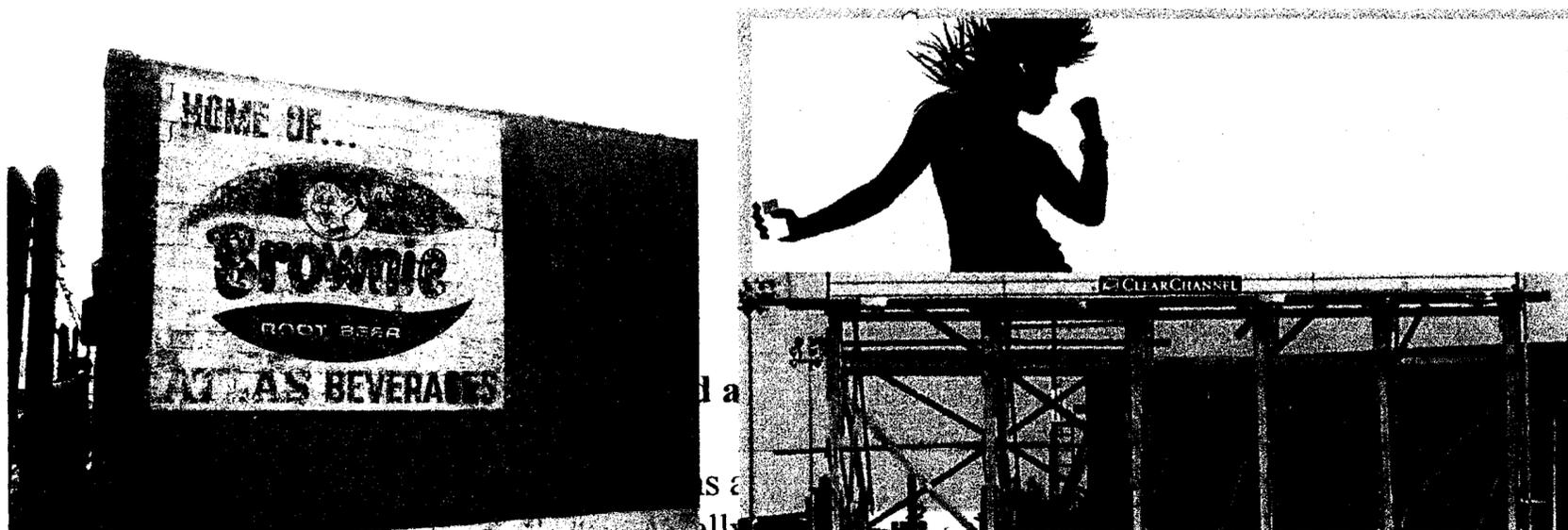
Awning sign -- Advertising displayed on an overhanging structure supported with braces that attach to the main building and that projects over a walkway for weather protection.

Awning Sign

Banner -- A piece of cloth or other material that is a separate entity from the building that is either attached directly to the building or hung on posts or poles either blank or bearing a sign outside of the

building. National flags, state or municipal flags or the official flag of any institution shall not be considered banners.

Billboard sign -- A sign that exceeds sixty (60) square feet in area, usually located alongside a roadway except for plaza signs as approved by the Planning Board.



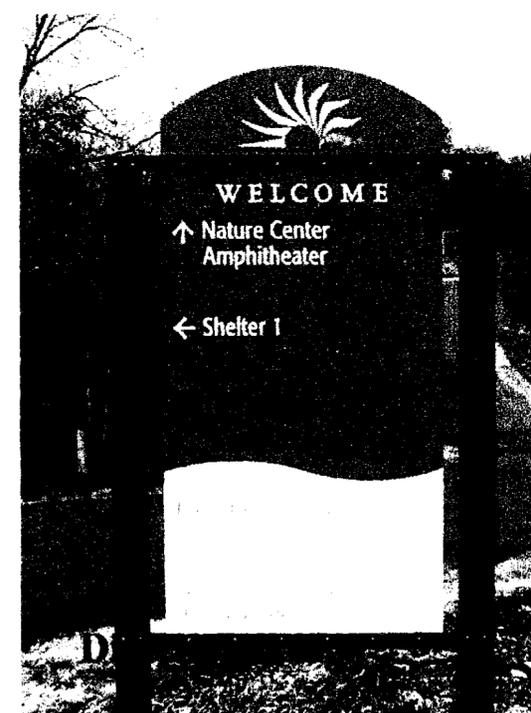
intermittently, either manually or electronically to display a different message.

Commercial Event Sales -- Activities conducted by existing and permitted commercial, retail and similar uses, located within the commercial and major arterial zones, which utilize space outside of an approved commercial/retail building, in the required yard space and/or parking facilities of such buildings. Such sales shall include, but are not be limited to, sidewalk sales, tent sales, grand openings, going out of business sales, holiday sales and similar activities.

Commercial Sign District -- Any area that is designated in the Commercial, Restricted Business and Industrial Business Park on the Official Zoning Map of the Town of Clarence.

Common Tenant Sign -- A free-standing sign designed to accommodate all roadway signage for plaza tenants and business owners.

Directional sign -- A sign located on premises used to direct traffic to a business.



Erect -- Includes build, construct, alter, display, relocate, attach, hang, place, suspend, affix or maintain any sign, and shall also include the painting of exterior wall signs. This includes murals or wall bill boards.

Free-standing sign -- Any sign not attached to or part of any building, but separate and permanently or temporarily affixed by any other means in or upon the ground.

Flashing sign -- Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination.

Hanging sign -- Any sign suspended from or supported by a building, other structure or sign and which does not lie parallel to or within the plane of the building, structure or sign structure. (See above diagram at the beginning of the definitions.)

Illuminated sign -- Any sign lighted by electricity, gas or other artificial light, including reflective or phosphorescent light. Such light, when permitted, shall conform to all requirements of the National Board of Fire Underwriters.

L.E.D. Sign -- Light Emitting Diodes, differing from incandescent bulbs because a variety of colors can be emitted from the same bulb without using filters. Has the ability to display scrolling or flashing messages as well as a variety of colors. Definition to include electronic message boards, liquid crystal displays, digitized sign or sign part, variable electronic message centers and similar electronic displays.



L.E.D. Sign

Lighting device used -- Any light, string of lights or group or movement of lights located or arranged so as to cast illumination on and draw attention to a sign or to a person, activity or business.

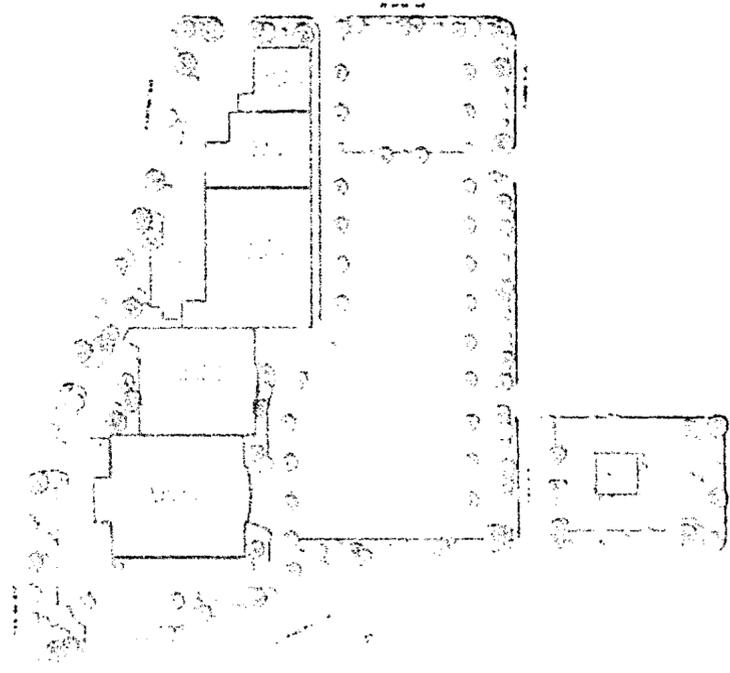
Major Arterial Sign District -- Any area designated Major Arterial Zoning District on the Official Zoning Map of the Town of Clarence.

Monument sign -- A permanent sign of solid construction with dual architecturally *complimentary* pillars or posts supporting a sign/advertisement area between said posts or pillars. (See above diagram at the beginning of the definitions.)

Permitted building -- Any building which has received a certificate of occupancy from the Building Department for its current use.

Permanent sign -- Any sign that is erected for the life of business activities at a given location for at least sixty (60) days.

Plaza, Shopping Mall or Plaza -- Two (2) or more retail businesses and/or commercial operations having one (1) or more common walls or utilizing the same parking area or areas, access ways or outdoor lighting systems.



Plaza and site plan

Pole sign -- Any sign that is attached to a single pole or similar structure that conforms with the construction and maintenance Section of this law. (See above diagram at the beginning of the definitions.)

Portable sign -- Any sign that is not permanently attached to a structure or the ground and can be moved with relative ease.

Primary sign -- Any sign related to a business or activity conducted or a commodity or service sold or offered for sale upon the premises where the sign is located. The primary sign shall be the most predominantly featured for advertising purposes. Only one primary sign shall be allowed to be placed on any permitted building per business.

Right-of-way (ROW) -- Any state, county, or town owned land for the purposes of public transportation.

Secondary sign -- Any sign related to a business or activity conducted or commodity or service sold or offered for sale upon the premises where the sign is located. The secondary sign shall be subordinate to the primary sign and located at the side or rear of the building on site. Secondary signs shall only be allowed in instances where a second side of a permitted building faces a public parking lot, street, highway, or access. Only one secondary sign is allowed per business that has a public parking lot, street, highway or access.

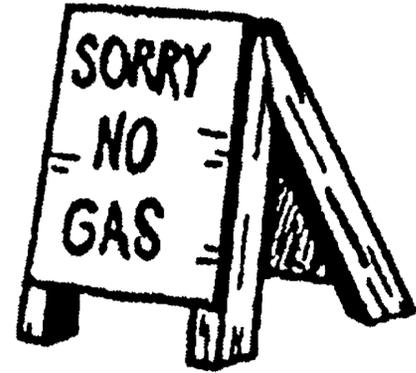
Sign -- Any material, structure or device, or part thereof, composed of lettered, painted or pictorial information, which when used and located out-of-doors displays announcement, notice, directional matter or name, and includes sign frames, illuminated signs, projecting or ground signs, and includes any illustration or insignia used to advertise or promote the interests of any person, activity or business when the same is placed in view of the public which is either permanent, temporary, mobile or portable.

Sign Review Board – The agency designated by the Town Board to review and approve sign permit applications. The Sign Review Board shall be three (3) Planning Board Members consisting of the Planning Board Chairperson (or vice-chairperson in his or her absence) and two (2) other Planning Board Members.

Sign structure -- Any part of a sign that does not specifically advertise but may act as a frame, support, guy, brace, pole, or similar structure.

Special Event -- Community-wide events not otherwise associated with a commercial entity. Such activities shall include, but not be limited to, craft fairs, trade shows, circus or carnival events, holiday or seasonal events, parades, demonstrations and other similar community-wide attractions/events.

Temporary sign - Any sign that is erected for a time period not to exceed thirty (30) days and that announces a special event or sale.



Temporary Sign

Traditional Neighborhood Zoning Sign District -- The areas designated Traditional Neighborhood Zoning District on the Official Zoning Map of the Town of Clarence.

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 support structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure.

181-10 Severability

If any Section, sub-Section, phrase, sentence or portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall have no affect on the validity of the remaining portions hereof.

(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. 2 of 20 09 of the ~~(County)(City)(Town)(Village)~~ of CLARENCE was duly passed by the TOWN BOARD on Sept. 23 20 09, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 _____, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(Elective Chief Executive Officer*)*.

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) *(Name of Legislative Body)* (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.

Nancy C Metzger
Clerk of the ~~county legislative body, City, Town or Village Clerk or~~
~~officer designated by local legislative body~~ Nancy C. Metzger
Clarence Town Clerk
Date: 9/29/09

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____ ERIE _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Steven B. Bengart
Signature Steven B. Bengart
TOWN ATTORNEY
Title

~~XXXXXX~~
~~City~~ CLARENCE
Town
~~XXXXXX~~

Date: September 29, 2009

