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~~COUNTY~~
~~CITY~~
Town
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of EASTCHESTER

MISCELLANEOUS
& STATE RECORDS

Local Law No. 5 of the year 2009

A local law providing for the Amendment to Local Law No. 5 - 2007,
(Insert Title)
known as "The Sign Law, within the unincorporated
Town of Eastchestchester.

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

~~COUNTY~~
~~CITY~~
Town
~~VILLAGE~~

of EASTCHESTER

as follows:

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

January 6, 2009

**“THE SIGN LAW
OF THE TOWN OF EASTCHESTER”**

LOCAL LAW NO. 7 - 2002 adopted on September 18, 2002,

Amended: August 11, 2004 by Local Law No. 6 – 2004

Amended: May 15, 2007 by Local Law No. 5 – 2007

Amended: January 6, 2009 by Local Law No. 5 - 2009

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BE IT ENACTED by the Town governing body of the Town of Eastchester as follows:

A. Purpose

The purpose of this sign law is to promote the public health, welfare, and safety by regulating existing and proposed exterior signs and interior signs placed for external observation. It is intended to: protect property values and create a more attractive economic climate; protect and enhance the physical and natural beauty of the Town by insuring that signage is appropriate to the character of the Town; reduce sign distractions and obstructions that may contribute to traffic accidents; reduce hazards which may be created by signs projecting over sidewalks and streets; and regulate signs in a manner consistent with the legislative intent and purposes set forth herein.

B. Definitions

1. Definition of a Sign

Sign - Any material, structure, or device composed of letters, numbers or pictorial matter displaying an advertisement, announcement, notice or name and including any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person, business or cause when such is placed in view of the general public.

2. Other Definitions

- a. Accessory Sign - Signs permanently affixed to doors or windows advertising hours of operation, accepted credit cards, national or regional brands, menus, etc.
- b. Awning - A roof-like shelter over a door or window of durable waterproof fabric attached to a rigid frame and supported entirely from a wall of a building.
- c. Awning Sign - Any awning with a visual message.
- d. Barber Pole - Any cylindrical, rectangular or polygonal upright column, either with or without a rotating core, and having no internal illumination which is customarily used for advertising a barber shop.
- e. Box Sign - A rigid, frame or housing, typically rectangular or square, mounted to a wall with a front containing a translucent or opaque material which may or may not be internally or externally illuminated.
- f. Gasoline Filling Station Canopy - A roof-like structure covering fuel dispensers at a gasoline filling station.
- g. Displays (Exterior) - The outdoor display of merchandise including vending machines.
- h. Displays (Interior) - The indoor display of merchandise.

- i. Erect - When used with respect to signs, means to paint, build, construct, alter, display, relocate, attach, hang, place, suspend, or affix. Such term does not include maintenance and repair, but does include the repainting or refinishing of a sign in a manner which changes the color, content or design of a sign or any of its components.
- j. Free-Standing Sign - A sign not permanently attached to or part of any building but separate and permanently affixed into or upon the ground, including but not limited to pole and pylon signs, and monument signs.
- k. Illuminated Sign - Any sign, in or upon which an artificial light source is utilized in a manner to illuminate the information and graphics of the sign as follows:
 - (1) Self-Illuminated -Wherein the light source itself is shaped and utilized to form the sign (e.g., neon or an array of individual lamps).
 - (2) Internally-Illuminated Box Sign -Wherein a translucent and/or opaque material which forms the sign is framed and back lighted by the light source and the light source is enclosed from direct view.
 - (3) Internally-Illuminated Letter Sign -
 - (a) Face Lit Channel Letters - wherein individually framed translucent or opaque letters are back lighted by the light source and the light source is enclosed from direct view.
 - (b) Reverse Lit/Halo Lit Channel Letters - wherein individual solid metal letters with internal lighting tubes create a "halo" effect on the building wall.
 - (4) Externally-Illuminated -Wherein the sign is illuminated by a light source placed in a manner to cast light upon the sign.
- l. Logo/Logotype - a distinctly styled representation of the business, building or trademark for the specific business or building it serves.
- m. Marquee Sign - A sign attached to or hung from a marquee, or other covered structure, projecting from and supported by the building.
- n. Monument Sign - A freestanding sign supported by a base or one or two posts, with the top edge of the sign no more than six feet above the grade.
- o. Off-Premises Sign - A sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.
- p. Painted Sign - Any sign which is painted or otherwise inscribed directly on any wall of a building or structure.
- q. Plaque - A professional or commemorative, flat, thin, sign affixed directly to a building facade (e.g., professional name plates, historical plaques, directory plaques, etc.).

- r. Pole/Pylon Sign - A freestanding sign with the base of the actual sign area at least six feet above the ground and supported by a vertical pole(s) or pylon(s).
- s. Portable Sign - A sign designed to be moveable and not structurally attached to the ground, a building, a structure or another sign, including, but not limited to banners, balloons, and sandwich boards.
- t. Post and Arm Sign - A freestanding sign comprising a vertical post to which a perpendicular arm is attached and from which the sign hangs.
- u. Projecting Sign - A sign affixed to an exterior wall of a structure and extending perpendicular to the plane of the wall.
- v. Professional Name Plate - A plaque limited to the name of the professional.
- w. Representational Sign - A three-dimensional sign built so as to physically represent the object advertised.
- x. Sign Directory - A listing of two or more business enterprises.
- y. Sign Structure - The supports, uprights, bracing and framework for a sign. In the case of a sign structure consisting of two or more sides where the angle formed between any two of the sides or projections thereof exceeds 30 degrees, each side shall be considered a separate sign.
- z. Sign Surface Area - The entire area within a single, continuous perimeter enclosing all elements which form an integral part of a sign. The structure supporting a sign shall be excluded unless the structure is designed in a way so as to form an integral background for the display.
- aa. Temporary Sign - Any sign that is displayed for a period of time as defined in Section E, herein, including but not limited to signs for construction projects, political campaigns, real estate sales, grand openings, seasonal sales, anniversaries, or any other special event.
- bb. Wall Mounted Sign - A sign which is mounted directly on and parallel to the building wall.
- cc. Window Sign (Exterior) - A sign visible from a sidewalk, street, or other public place which is permanently painted or etched on a window.
- dd. Window Sign (Interior) - A sign visible from a sidewalk, street, or other public place which is supported on an easel, mounted on a wall, affixed to a window or suspended from a ceiling, located inside and primarily intended to be viewed from the exterior.

C. Prohibited Signs

The following signs are expressly prohibited unless exempted or otherwise authorized under this code:

1. Box signs.
2. Exterior signs containing product or service advertising or trade names separate from the name of the business.
3. Graphics, except as otherwise herein provided.
4. Illuminated signs which are located within the interior of a building in a manner to be viewed principally from the exterior.
5. Internally-illuminated signs, excluding internally-illuminated letter signs.
6. Logo and Logo-Types.
7. Marquee signs.
8. Neon signs; except one twelve inch by twelve inch neon sign indicating "OPEN", provided it is extinguished during non-business hours.
9. Off-premises signs, except expressly permitted herein.
10. Painted signs.
11. Pole/pylon signs.
12. Portable signs; except as expressly permitted herein.
13. Representational signs.
14. Self-illuminated signs.
15. Signs or sign supports placed on the roof of a building. For the purpose of this local law, a mansard fascia shall be considered a parapet.
16. Signs illuminated by or containing flashing, intermittent, rotating or moving lights, or which vary in intensity or color or that resembles traffic control devices.
17. Signs with visible moving, revolving or rotating parts, or visible mechanical movement, except traditional barber pole made of non-reflective materials.
18. Signs constructed of or containing mirrors or other reflective materials.
19. Signs that emit smoke, vapors, particles, or sounds.
20. Signs that, by dimension, placement or visible light sources, obstruct the traversing by or the vision of pedestrians, cyclists or motorists, traveling on or entering buildings, public streets, sidewalks or rights-of-way.
21. Signs or exterior displays consisting of banners, pennants, flags, (except for one American Standard) ribbons, streamers, spinners, or similar moving, fluttering, or

revolving devices, except as expressly permitted herein.

22. Signs that are painted, pasted, or printed on any wall, façade, roof, window, door mansard, curbstone, flagstone, pavement or any portion of any sidewalk or street except house numbers and traffic control signs.
23. Signs placed upon benches or waste receptacles, except for a plaque not in excess of 36 square inches in area identifying the donor of the bench or the receptacle.
24. Signs or sign structures that interfere in any way with free use of any fire escape or emergency exit.
25. Signs that contain any lighting or control mechanism that may cause interference with radio, television, or other communications signals.
26. Signs with the optical illusion of movement, changing copy or holograms.
27. Temporary signs except as expressly permitted herein.

D. Exempt Signs

The following signs are exempt from regulation by the Town and from the requirement in this article that a permit be obtained for the erection of permanent or temporary signs, provided that they are not placed or constructed so as to create a hazard of any kind and so that they comply with the applicable requirements for that sign type as set forth herein.

1. Accessory signs as defined herein, not exceeding a total gross area of 144 square inches per door or window. No accessory sign shall be illuminated.
2. Holiday lights and decorations displayed in season, including temporary seasonal paintings on windows, and special contest events by local schools, etc; provided they are removed within 14 days after the holiday or event.
3. Signs incorporated into machinery or equipment by a manufacturer or distributor which identifies or advertises only the product or services dispensed by the machine or equipment, such as signs integrated into the design of vending machines, newspaper racks, telephone booths and gasoline pumps.
4. Warning signs to indicate the dangers of trespassing, swimming, and/or similar hazards, not exceeding one square foot in area, or as deemed adequate by the Building Inspector when special conditions apply.
5. Alarm or security signs, no more than one square foot in area.
6. Interior directory signs on commercial or multi-family residential properties which are not visible from any public street.
7. On-premise directional signs for the convenience of the general public, identifying public

parking areas, fire zones, entrances and exits and similar signs. Business names shall be allowed, excluding advertising messages.

8. Posters concerning a special event, with dimensions not to exceed one foot by one-and-one-half feet, may be displayed on the door or window of a business establishment. These signs must be removed within two days after the event occurs. In no event, may any establishment display more than two posters at the same time.
9. Identification numbers on buildings as per Section F, herein.
10. Professional name plates provided, however, that such professional name plates shall not exceed one square foot in area and in no case exceed 18 inches in length, and provided they are placed flat against the exterior wall or door of the occupied premises. Name plates at buildings with multiple business establishments shall be of a uniform design.
11. Political signs, not exceeding three square feet in area, including signs promoting, advertising or identifying a political party, candidate or issue, shall be limited to one such sign per candidate (or per party or issue) per storefront or lot except that two such signs shall be permitted on a premises located at a corner property at the intersection of two public streets. Political signs relating to elections shall not be erected prior to 90 calendar days before the election, and must be removed no later than ten calendar days after the election.
12. Residential sign not exceeding one square foot in area used solely for indicating the name and address of the occupant of the residence.
13. Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary emergency or non-advertising signs as may be approved by the Building Inspector, Superintendent of Highways and/or Chief of Police.
14. Real estate "For Sale" or "For Rent" signs for commercial and multi-family properties, shall be permitted provided that not more than one sign, no greater than two feet by two feet, is installed only on the subject property and that the sign is placed not more than ten feet from the front facade of the principal building or affixed to the building.

Real estate "For Sale" or "For Rent" signs for one- and two-family properties, shall be permitted provided that not more than one sign, no greater than two square feet, is installed only on the subject property and that the sign is placed at least 15 feet from the curb where possible.

15. Construction signs for one and two family properties: A single temporary construction sign displaying the name of the architect, principal contractor, subcontractors and other contractors engaged in the work of constructing a building or structure for which a building permit has been issued and has not expired, shall be permitted. Such temporary sign not exceeding twelve square feet may be erected only upon the property and not on the Town right-of-way. Text is limited to project, contractor, owner, future tenant, agent, and telephone number. Said sign shall be removed immediately upon completion of

construction or renovation.

16. Window signs (interior), temporary in nature (not to include painted, etched or otherwise permanently affixed signs), shall cover no more than ten percent of the outside glass door or street-level window area, not to exceed a total area of eight square feet. Signs shall be neatly rendered and displayed and mounted on firm material. Metallic, iridescent and bright colors are prohibited. If the Building Inspector has any question as to the size, colors, and location, the Building Inspector may, in his/her discretion, send said window signs to the Architectural Review Board for review. The Building Inspector may, in his/her discretion, require the removal of any window sign which is not maintained in good condition and/or does not meet the foregoing limitations.

E. Temporary Signs

No temporary signs shall be posted without obtaining a permit from the Building Inspector and, where applicable, approval from the Superintendent of Highways. The permit shall note the date of the first day the sign may be displayed and the date that it must be removed. Except where otherwise noted herein, temporary signs shall be permitted for a period of time deemed appropriate by the Building Inspector. All temporary signs under this section are exempt from Architectural Review Board review under Section H.3 herein.

1. Commercial special event signs such as used to announce grand openings or other similar events are permitted provided that they first be approved by the Building Inspector as to size and location and that they be securely affixed to the building facade.
2. A temporary sign or banner, not in excess of 25 square feet in area, shall be permitted to announce or advertise such temporary uses as fairs, carnivals, seasonal events, agricultural events, circuses, revivals, sporting events, flea markets, or any public, cultural, charitable, educational or religious event or function, including message of congratulations or commemoration.
3. Any banner which shall be displayed over any sidewalk, street or highway, shall be subject to approval from both the Building Inspector and the Superintendent of Highways, and New York State and Westchester County Departments of Transportation, if required.
4. A temporary sign shall be permitted to announce an individual or neighborhood tag or garage sale provide that the following conditions are met:
 - a. A permit is obtained from the Town Clerk's Office.
 - b. Any such sign may be displayed only during the hours of the sale event.
 - c. Only one such sign may be posted on the site of the proposed sale. No signs may be posted on telephone poles, street signs, or anywhere in the Town right-of-way.
 - d. Such sign shall be no larger than 24 inches by 24 inches in size.
5. Construction signs for commercial and multi-family properties: a single temporary

construction sign displaying the name of the architect, principal contractor, subcontractors and other contractors engaged in the work of constructing a building or structure for which a building permit has been issued and has not expired shall be permitted. Such temporary sign not exceeding twelve square feet may be erected only upon the property and not upon the Town right-of-way. Text is limited to project, contractor, owner, future tenant, agent, and telephone number. Said sign shall be removed immediately upon completion of construction and renovation.

F. Identification Numbers on Buildings

1. In order to provide for the easy identification of buildings, especially for responding emergency service personnel, it shall be the duty of every owner of a building to cause to be displayed thereon the street number in numeric value of said building and at all times to maintain such numbers in compliance with the provisions of this local law and any other local law in the Town of Eastchester.
2. The Building Inspector shall determine which building or buildings on any particular lot shall be numbered.
3. The number(s) comprising the street number to be displayed shall be at least three inches in height, but no greater than six inches in height, displayed in numeric value and shall be placed on the front of the building in such manner as to be plainly legible from the center of the street and said number shall be placed near a source of illumination so that it may be readily seen at night.
4. The Building Inspector shall assign a separate distinguishing number for each separate building or dwelling in conformity with a uniform numbering system encompassing the entire Town. It shall be unlawful to display any street number other than the number assigned by the Building Inspector.

G. Sign Standards

All signs requiring an approval from the Architectural Review Board shall comply with the following provisions:

1. General Regulations

- a. Signs shall be limited to the business name and principal business activity conducted on the premises.
- b. Signs shall be in keeping with the architectural design of the building upon which they are placed, the design of neighboring properties, adjoining signs, and the overall residential character of the Town.
- c. No sign shall be erected or maintained unless it complies with any architectural design guidelines for the district within which it is located.
- d. Signs which are included as part of a site plan application for the premises pursuant to

Section 11 of the Zoning Law of the Town of Eastchester shall comply with the requirements of this local law and those of Section 11 of the Zoning Law, as well as the approved site plan.

- c. The applicant shall be responsible for the conformance of all dimensions relating to the building and the sign. In cases where the actual sign does not conform to the approved design, the applicant shall be required at his/her own expense to remove, correct, or replace the sign.
- f. Signs shall be maintained in good and complete condition, with panels, letter forms, and graphics firmly mounted and in true alignment, finishes in good repair, and properly lighted and landscaped where applicable.
- g. Signs shall be limited to a maximum of three colors. Black, white, natural finish and tints of the same color shall be considered to be separate colors. Reflective, iridescent, and bright colors are prohibited. Use of natural bronze, brass, copper, stainless steel, genuine gold or silver leaf, is permitted.
- h. Signs on the same building shall compliment each other in terms of style, design and color.
- i. All sign lighting shall be confined to or directed to the surface of the sign and shall be shielded to eliminate glare and annoyance to adjacent properties
- j. Landscaping shall compliment signage where appropriate.

2. Number of Permitted Signs

Each business establishment shall be limited to:

- a. One principal sign of any type on the primary storefront and one secondary sign on the primary or any secondary storefront. In the case of a building with more than one business establishment, no signs are permitted on any portion of the building that is not occupied by that business establishment. In no event shall there be more than two signs on any building for any establishment.

3. Dimensions and Placement of Permitted Signs

- a. Wall Mounted Signs

- (1) Where the building setback from the curb is equal to or greater than 75 feet, the maximum vertical dimension or height of each wall sign shall be 24 inches and the maximum horizontal dimension or length shall not exceed 75 percent of the building housing the business which is the subject of the sign and has street frontage. In any case, the maximum horizontal dimension or length of each such sign shall not exceed 50 feet on any street frontage for the same business establishment. No letter on such sign or individual letter mounted directly on a wall shall be more than 18 inches in height or width.
- (2) Where the building setback from the curb is less than 75 feet, the maximum vertical dimension or height of each sign shall be 18 inches and the maximum horizontal dimension or length of each sign shall not exceed 75 percent of the building housing the business which is the subject of the sign and has street frontage. In any case, the maximum horizontal dimension or length of each such sign shall not exceed 30 feet on any street frontage for the same business establishment. No letter on such sign or individual letter mounted directly on a wall shall be more than 16 inches in height or width.
- (3) The lower edge of a sign shall not be located above the level of the floor of the second story of the building upon which the sign is placed or maintained. On a one-story building, such sign may be located on the face of a parapet wall. Notwithstanding the prohibition herein regarding roof signs, and for the purposes of this local law, a mansard fascia shall be considered a parapet wall and is subject to the same restrictions.
- (4) Where the design of an existing building facade incorporates a specific area for signs, the height and length of the signs shall be restricted to the dimensions of this area. Such signs may not, however, exceed maximum dimensions as stated herein.
- (5) Face-lit channel letter signs are not permitted where the building setback from the curb is less than 75 feet.
- (6) No visible structures or raceways housing electrical connections are permitted for internally-illuminated letter signs.

b. Monument Signs

- (1) Monument signs shall not obstruct drivers' sight lines.
- (2) Monument signs shall not be more than six feet in height, measured from the grade to the top edge of the sign.

c. Post and Arm Signs and Projecting Signs

- (1) The bottom edge of any such sign extending over a walkway must be a minimum of seven feet high.

d. Awnings

- (1) Awnings shall be designed and fabricated to conform to the shape and dimensions of window and doorway openings.

- (2) Awnings may be stationary or non-stationary (operable).
- (3) Operating arms and braces shall be fully concealed from end view when the awning is in an open position.
- (4) Awning material shall be limited to a maximum of three colors. Black, white and shades of the same color shall be considered separate colors. No white backgrounds are permitted and light colors are restricted to lettering. Metallic, iridescent, and bright colors are prohibited. The background color, style, and material of any such awning shall complement that of any other awning on the building.
- (5) The awning support and finish structure, mechanism and enclosure housing shall be harmonious with the materials of the building facade and/or awning fabric.
- (6) Awnings shall be constructed of durable waterproof fabrics. The use of hard plastic, metal and other rigid material is prohibited.
- (7) The minimum height from the sidewalk to any part of the awning covering or its supporting frame when closed or extended shall be seven feet.
- (8) The awning, including the operating mechanism and enclosure housing (where of the non-stationary type), shall be installed in a manner which does not cover the solid wall surface or architectural features of the building facade. Generally, awnings shall be fitted and mounted within the architectural frame of the window and door openings. Any overlap of the awning onto adjoining building surfaces where necessitated by the particular characteristics of the building facade shall be limited to six inches where feasible. Awning enclosure housings which are integrated and recessed within the window head construction are preferred.
- (9) Internal illumination of an awning is prohibited.

e. Awning Signs

- (1) There shall be no light source within the awning or awning sign intending to illuminate or have the effect of illuminating the lettering on the awning sign.
- (2) All lettering on awning signs shall be a maximum of 6 inches in height.
- (3) No advertising except the establishment name shall be placed on any awning, except graphics may be permitted upon approval by the Architectural Review Board.

f. Sandwich Board Signs

Portable sandwich board signs are permitted provided that they conform to the following conditions:

- (1) Sign dimensions shall not exceed 36 inches in height and 25 inches in width;
- (2) Limit of one sign per business establishment;
- (3) Signs shall be located so as to maintain pedestrian accessibility and not obstruct drivers' sight lines;
- (4) Sandwich board signs may be displayed only during the operating hours for the business with which it is associated;
- (5) Signs must be placed directly in front of the business;
- (6) Signs must be constructed of durable weatherproof materials; plastic is not permitted;
- (7) Moveable type is not permitted on sandwich board signs;
- (8) The Town reserves the right to require the removal of any sandwich board sign that does not comply with the above restrictions;
- (9) Signs shall not be displayed during periods of high winds or during snow storms;
- (10) Whenever possible, signs shall be located on private property;
- (11) If it is not feasible to locate the sign on private property, the sign may be permitted within the Town right-of-way provided the applicant provides a certificate of insurance and proof of endorsement naming the Town of Eastchester as an additional insured in an amount no less than \$1,000,000.00 prior to the issuance of a permit. The owner, or majority shareholder if a corporation, shall sign a statement assuming sole responsibility for the maintenance and control of said sign and shall indemnify and hold harmless the Town of Eastchester.

4. Signs at Shopping Centers

In shopping centers, in addition to the signs herein permitted, one monument sign is permitted, provided that:

- a. the entire sign shall not exceed four feet by six feet in size;
- b. no lettering on such sign shall be more than twelve inches in height or width;
- c. such sign identifies the name and/or address of the shopping center only;
- d. such sign shall be located entirely within the property line of the premises;
- e. such sign shall only be illuminated from an exterior light source;
- f. such sign shall be suitably landscaped and such landscaping shall be suitably maintained.

5. Signs at Gasoline Filling Stations

- a. At a gasoline filling station, in addition to the signs permitted herein, one monument sign is permitted, provided that:
 - (1) the entire sign shall not exceed four feet by six feet in size;
 - (2) no lettering on such sign shall be more than twelve inches in height or width;
 - (3) such sign identify the name and/or address of the gasoline filling station only;
 - (4) such sign shall be located entirely within the property line of the premises;
 - (5) such sign shall only be illuminated from an exterior light source;
 - (6) such sign shall be suitably landscaped and such landscaping shall be suitably maintained.
- b. No signs are permitted on canopies which cover fuel pumps.
- c. Price information shall be limited to fuel pump mounts with numbers and letters not exceeding four inches in height or width.
- d. Light sources on gasoline filling station canopies must be recessed or shrouded so light is directed onto fuel pumps only.

H. Sign Application and Approval

1. Permit Required

A sign permit is required in order to erect, construct, paint, alter, relocate, reconstruct, display or maintain, or cause to be erected, constructed, displayed or maintained, any sign or signs as defined herein.

2. Application for Permit

Any person desiring to obtain a sign permit shall file an application with the Building Inspector. Said application shall be reviewed by the Building Inspector for completion and shall be forwarded to the Architectural Review Board for review and approval and shall include:

- a. Ten copies of a completed Sign Permit Application (available in the Building Department and on the Town's website: www.eastchester.org); and all appropriate attachments;
- b. A drawing of the sign(s) with a scale of not less than one inch equals one foot, accurately showing all of the following:

- (1) dimensions of the sign (including the thickness);
 - (2) lettering and pictorial matter composing the sign including colors and graphics;
 - (3) a description of the construction details of the sign and the structure;
 - (4) a location plan showing the position of the sign on the building or premises;
 - (5) location of any lighting and landscaping, if appropriate; and
 - (6) method of attachment.
- c. An elevation indicating the placement of the sign on the building or property, the dimensions of the sign and the dimensions of the building or storefront (and the dimensions of adjacent signs if appropriate);
 - d. Samples of proposed sign materials and colors;
 - e. Color photographs of the building for which a sign(s) is proposed as well as photographs of adjacent buildings;
 - f. If the applicant is the owner, the applicant shall provide sufficient proof of ownership. If the applicant is not the owner of the premises, then the applicant shall provide a sworn statement signed by the owner of the premises consenting to the application for a sign, in addition to the sufficient proof of ownership;
 - g. Such other information as the Building Inspector or Architectural Review Board may require to show compliance with the provisions of this local law.

3. Review by Architectural Review Board

- a. The Architectural Review Board shall review each permit application and shall approve, disapprove, or approve subject to modifications or conditions being guided by the purpose and intent of this local law of the Town of Eastchester. The Building Inspector shall within five working days of approval by the Architectural Review Board or within five working days of compliance with any modifications or conditions required for approval as the case may be, issue a permit for the erection of the proposed sign, provided all fees and insurance requirements have been met.
- b. Procedure – For the purpose of the sign review under this local law, there shall be no requirement for public notice. Rules as to time and place of meetings shall be prepared and provided by the Building Department and shall be available to applicants. The Architectural Review Board may select sub-committees from the Architectural Review Board to report to the Architectural Review Board prior to meetings.
- c. Regulations – The Architectural Review Board is authorized to adopt regulations not inconsistent with any specific provisions of this section setting forth the standards by which signs will be determined to be consistent or not consistent with the purpose and intent of this law.

d. Non-Conforming Signs – The Architectural Review Board may consider signs that are non-conforming or do not meet the requirements of this local law. Applications for such signs shall specifically indicate the sections of this local law which the proposed sign does not conform to. The applicant must follow the application procedures as set forth herein and shall state the reason such approval is requested and state why it is appropriate. The Architectural Review Board in addition to the foregoing requirements of Section 8 herein shall consider the following criteria before considering a decision on any application for a non-conforming sign:

- (1) economic hardship;
- (2) aesthetic and architectural characteristics;
- (3) relationship to adjoining signs, the adjoining neighborhood and adjacent properties;
- (4) public safety, general welfare and security;
- (5) the minimum signage that can be designed to satisfy the needs of the applicant;
- (6) topography or other circumstances of that particular property which may affect its placement and/or size and which may differentiate it from any adjoining properties;
- (7) the aggregate signage as proposed by the applicant in addition to any of those signs that are already in existence;

4. Fees

Except as otherwise provided herein, no sign permit shall be issued until the applicable fee, is paid to the Town of Eastchester. There shall be a fee charged in connection with the administration and enforcement of this local law in such amounts as set forth in the most current law known as, “The Local Law Pertaining to the Building and Planning Department Fee Schedule”.

5. Permit Void

A sign permit shall be void if the sign authorized thereunder has not been erected within 60 days from the date of issuance.

6. Revocation of Permit

The Building Inspector at any time may revoke a sign permit where the sign erected or maintained thereunder violates this Local Law. Notice of such revocation and the reason, therefore, shall be given in writing by the Building Inspector to the person named in the application by mailing the same to him/her at his/her address as given in the application, and to the last known owner of the premises on which the sign is placed by mailing the same to said owner at the address as shown on the assessment roll of the Town.

7. Condition for Display of Signs

- a. The applicant shall be responsible for the conformance of all dimensions relating to the building and the sign. In cases where the actual sign does not conform to the approved design or said sign is in disrepair, the applicant shall be required at his/her own expense to remove, correct, or replace the sign to conform under the provisions of this local law.
- b. The applicant shall be responsible for any necessary cleaning and repair of the building façade prior to the installation of the sign.
- c. Signs shall be maintained in good and complete condition, with panels, letter forms, and graphics firmly mounted and in true alignment, finishes in good repair, and properly lighted where applicable.
- d. A non-conforming sign, which has not received prior approval from the ARB, shall not be structurally repaired or enlarged and shall be removed if the Building Inspector declares it unsafe nor shall a non-conforming sign be re-lettered, painted or decorated.

8. Removal of Certain Signs

- a. A sign which no longer advertises a business or activity other than one being conducted on the premises on which such sign is located, or which does not comply with the regulations established for the issuance of a permit pursuant to this Local Law shall be deemed prohibited and shall be brought into compliance with this Local Law.
- b. If necessary, the Town of Eastchester may remove such sign(s) and the expense may be recovered by the Town in action on this Local Law, which shall be instituted in the Town court which shall have jurisdiction over this matter.

9. General Safety Provisions

All signs and lighting shall be erected in compliance with all applicable provisions of the Town of Eastchester Building Code, the National Electrical Code and all applicable New York State codes and shall be approved and inspected by the Building Inspector and Electrical Inspector and certified by the New York State Board of Underwriters or other approving testing agent as required.

10. Unsafe Signs

Whenever it shall appear to the Building Inspector that any sign is a menace to the safety of the public, or upon the termination of tenancy of a property, he/she shall thereupon issue or cause to be issued a notice in writing to the property owner and sign owner, if the whereabouts of such sign owner is known, informing such person of the dangerous condition of such sign and directing him to make such repair thereto, or to do such things or acts as are necessary or advisable to place such structure in a safe, substantial and

secure condition within such reasonable time as shall be stated in such notice. If the sign owner's whereabouts are unknown, notice shall be issued to person in possession or control of premises. Upon failure to comply with such notice within the time specified, the Building Inspector may cause such sign to be removed and may charge the reasonable and customary cost and expense of such removal to the person so notified. Nothing herein contained shall prevent the Building Inspector from adopting such precautionary measures as may be necessary or advisable in case of imminent danger to place such sign in a safe condition, the expense of which shall be paid by the owner of sign or premises.

I. Amortization of Non-Conforming Signs

All non-conforming signs with a replacement cost of less than \$100.00 shall be removed or made to conform within 60 days of the effective date of this Local Law.

All other non-conforming signs may be maintained for a period of three years, unless otherwise approved by the Architectural Review Board under Section 9(d) herein.

Sign permit fees, as noted herein (Section 10), shall be waived for all non-conforming signs which are replaced or made to conform within a period of two years of the date of this Local Law.

J. Violations, Penalties, and Enforcement.

Any person who violates or is an accessory to the violation of any provision or portion of this local law shall be guilty of an offense, and shall be punishable in accordance with the provisions of New York State Town Law § 268:

- a. The Town Board may provide by local law or ordinance for the enforcement of this article and of any local law, ordinance or regulation made thereunder. A violation of this article or of such local law, ordinance or regulation is hereby declared to be an offense, punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years punishable by a fine not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed six months or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such local law, ordinance or regulation shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- b. In case any sign is erected, constructed, reconstructed, altered, converted or maintained on any land or building in violation of this article or of any local law, ordinance or other regulation made under authority conferred thereby, the proper local authorities of the Town, in addition to other remedies, may institute any

appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, of said sign to restrain, remove, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about such premises; and upon the failure or refusal of the proper local officer, board or body of the Town to institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the Town so to proceed, any three taxpayers of the Town residing in the district wherein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board or body of the Town is authorized to do so.

Nothing in this local law shall be construed as depriving the Town or the Town Board or any duly authorized official or representative thereof of the right to apply for an injunction to prevent any violation of this local law or of the right to employ any other available remedy for its enforcement.

K. Amendments

The Town Board may from time to time on its own motion, on petition, or on recommendation of any board, agency or official of the Town, after public notice and hearing, amend, supplement, repeal or change the regulations and districts established under this Local Law. Amendments shall be permitted as provided in Section 265 of the Town Law.

L. Severability

Should any section, sub-section, paragraph, sentence, clause, provision or phrase of this Local Law be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect any other portion of this Local Law.

M. Earlier Ordinances Repealed

Upon the effective date of this Local Law, the Sign Law of the Town of Eastchester adopted by the Town Board on November 22, 2000, and any and all amendments thereto is hereby repealed.

N. Relation to Other Provisions

This Local Law shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of building, structures, lots or land, provided that where this chapter imposed greater restriction upon the use of buildings, structures, lots or land, or upon the height of structures, or requires larger lots or yards then are imposed or required by such existing provisions or regulations, the provisions of this Local Law shall control.

O. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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. 5 of 2009 of the ~~(County)(City)(Town)(Village)~~ of EASTCHESTER was duly passed by the TOWN BOARD on 1/06/ 2009, and was (approved)~~(not approved)~~~~(repassed after~~ disapproval) by the Supervisor and was deemed duly adopted on 1/06 2009, in accordance with the applicable provisions of law.
~~(Name of Legislative Body)~~
~~(Elective Chief Executive Officer*)~~

~~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~~
~~(Name of Legislative Body)~~
~~disapproval) by the _____ on _____ 20____. Such local law was submitted~~
~~(Elective Chief Executive Officer*)~~
~~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~~
~~(Name of Legislative Body)~~
~~disapproval) by the _____ on _____ 20____. Such local law was subject to~~
~~(Elective Chief Executive Officer*)~~
~~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.)~~

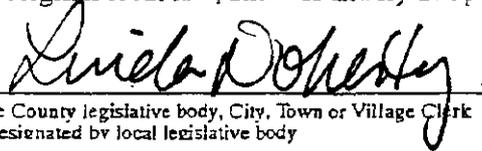
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 2, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
LINDA DOHERTY, TOWN CLERK

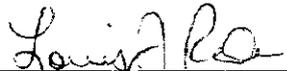
Date: JANUARY 7, 2009

(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 WESTCHESTER

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.


Signature LOUIS J. REDA

TOWN ATTORNEY
Title

~~County~~
City of EASTCHESTER
Town
~~Village~~

Date: JANUARY 7, 2009