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STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

FEB 07 2013

County City Town Village
(Select one:)

of SOUTHEAST

MISCELLANEOUS
& STATE RECORDS

Local Law No. 2 of the year 2013

A local law amending Chapter 138, Article XII, "Signs"
(Insert Title)

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

County City Town Village
(Select one:)

of SOUTHEAST as follows:

§ 138-72 Purpose.

A. The purpose of this article is to establish regulations for the design, construction, installation, maintenance and replacement of signs in the Town of Southeast in order to maintain and protect the attractive and harmonious visual image of the community; permit effective identification of businesses to encourage economic prosperity; protect the aesthetic environment from the unrestricted proliferation of signs and visual clutter; protect property values; and protect the public health, safety and welfare of the residents of the Town of Southeast.

B. This article is intended to promote attractive signs that clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

§ 138-72.1 Nonconforming signs

A. Intent. This section is to encourage the eventual elimination of signs which do not comply with this chapter. The elimination of non-conforming signs is important to the purposes stated in § 138-72.

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

B. Grandfathering. In the event that a sign lawfully erected prior to the effective date of this article does not conform to the provisions and standards of this article, then such sign shall be permitted to continue subject to the following regulations:

- (1) Upon transfer or sale of a property, change in tenancy, or change in business name, the sign shall be required to conform to the provisions and standards of this article. Where two or more businesses share a common zoning lot or parcel, upon the change in ownership or tenancy of one or more businesses on the common lot, the property owner shall be required to prepare a Comprehensive Sign Program as defined in this Chapter. The Comprehensive Sign Program would apply to any new or replacement signs on the property.
- (2) Any billboards, as defined herein, shall be removed prior to April 1, 2017, and shall not be reestablished.
- (3) A nonconforming sign shall not be installed, re-installed, enlarged, relocated, erected or altered except in conformity with the provisions of this article.
- (4) A nonconforming sign structure shall not be retrofitted with a new sign face, or otherwise re-used for a new business or new tenant.
- (5) Any maintenance, repair or alteration of a nonconforming sign shall not cost more than 50% of the current depreciated value of the sign as of the date of alteration or repair. The depreciated value of a sign shall be determined by the estimation of the Building Inspector.
- (6) In the event of its total or partial destruction, a non-conforming sign shall not be rebuilt. Nor may it be re-established after damage or destruction if the Building Inspector determines that the estimated cost of reconstruction exceeds 50% of the estimated replacement cost. Any replacement sign shall be required to conform to the provisions of this article.
- (7) A non-conforming sign may not be structurally altered so as to prolong the life of the sign.
- (8) Notwithstanding any provisions contained herein, the sign must be kept clean, free of mold, mildew, peeling paint, be neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety. In the event of a violation of any of the foregoing provisions, the Building Inspector or Town Code/Zoning Enforcement Officer shall give written notice specifying the violation to the named owner of the sign. If said sign is not in conformance within (14) days by the named owner, or the owner of the property upon which the sign is located, the Building Inspector or Town Code/Zoning Enforcement Officer shall issue a court appearance ticket for compliance with this code. The Building Inspector or Town Code/Zoning Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed with notice.

C. Signs unlawfully erected prior to the effective date of this article shall be required to conform to the provisions and standards of this article. Owners of such signs shall be allowed the following grace period to bring their signs into conformance, or seek relief from the provisions of this article from the Zoning Board of Appeals, without the payment of fees to the Town of Southeast.

- (1) Application for such permit shall be filed with the Building Inspector or Town Code/Zoning Enforcement Officer prior to January 1, 2014, and shall include satisfactory proof of the date of erection of said sign.

§ 138-72.2 Provisions applicable to all permanent signs:

- A. All signs, non-conforming or otherwise hereinafter the passage of this local law, shall be required to landscape the area beneath and around any post or monument sign with plants, ground cover and materials so as to complement the site and integrate the sign with buildings, parking areas, surrounding vegetation and natural features of the landscape. Landscaping for existing signs shall be subject to review by the Town of Southeast Building Inspector and shall be installed on or before September 30, 2013. Landscaping for new signs shall be subject to approval by the Architecture Review Board, and/or in conjunction with site plan approval by the Town of Southeast Planning Board.
- B. All freestanding/monument and pole signs, non-conforming or otherwise hereinafter within (180) days of the passage of this local law, shall be required to post the 911 street address # of the business on the sign with numbers that shall not be less than 5" and no more than 10" in height. Such numbering must be placed on the sign or sign frame in full unobstructed view of the motoring public.
- C. All business with signs erected prior to 2004, and any businesses with an unlawfully erected sign, shall be required to apply for a permit and to register such sign with the Building Inspector or Town Code/Zoning Enforcement Officer in the time frame specified below. To reasonably facilitate the administration of this Code, the order in which businesses must apply for a permit is based on the alphabetical order of each property owner's name, whether an individual or a corporation. Where a property owner's name starts with "The" or a number, the first letter of the word immediately following "The" or the number shall be utilized. Failure to comply during this time frame will deem the sign non-conforming and the business shall lose its non-conforming status and be required to erect a new sign in compliance with this law.
 - (1) Business names starting with "A" through "B" – April 2013
 - (2) Business names starting with "C" through "E" – May 2013
 - (3) Business names starting with "F" through "K" – June 2013
 - (4) Business names starting with "L" through "O" – July 2013
 - (5) Business names starting with "P" through "R" – August 2013
 - (6) Business names starting with "S" through "Z" – September 2013
- D. All signs, irrespective of when installed, shall have attached to the sign a nameplate giving the sign permit number and the name and address of the owner, person or corporation responsible for the general requirements and maintenance as outlined in this article.
- E. Removal of signs. Any sign, existing on or after the effective date of this chapter, which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, shall be removed.
 - (1) If the Building Inspector or Town Code/Zoning Enforcement Officer shall find that any sign regulated in this article is not used, coded in advertising, is abandoned, unsafe or insecure or is a menace to the public, the Inspector or Zoning and Town Code Enforcement Officer shall give written notice to the named owner of the land

upon which it is located, who shall remove or repair the sign within 30 days from the date of the notice. If the sign is not removed or repaired within said time period, the Building Inspector or Town Code/Zoning Enforcement Officer shall revoke the permit issued for such sign and may remove or repair the sign and assess the owner for all costs incurred for such service.

- (2) The Building Inspector or Town Code/Zoning Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed immediately with notice.

§ 138-73 Sign Definitions.

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in § 138-4 of the Code of the Town of Southeast, shall be given the meanings set forth in such local law. All other words and phrases shall be given their common, dictionary meaning, unless the context clearly requires otherwise.

ABANDONED SIGN

Any sign that advertises a business, lessor, owner, product, service or activity that is no longer in existence or located on the premises where the sign is displayed.

ALTERATION

Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

ANIMATED OR MOVING SIGNS

A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

AWNING

A roof-like cover that projects from a building wall for the purpose of shielding a window or doorway from the elements.

AWNING SIGN

Any form, graphic, illumination, symbol, or writing on an awning used to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

BACKLIT SIGN

See "Internal Illumination".

BALLOONS

An inflatable object filled with air, gas, helium, oxygen or other gaseous substance. This definition is not intended for, and does not include, hot air balloons.

BANNER, FLAG, OR PENNANT

Any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle, not including official flags of the

United States, the State of New York, and other states, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

BEACON LIGHTS

Any light with one or more beams capable of being directed in any direction, or capable of being revolved automatically, fixed, flashing or otherwise.

BILLBOARD

A permanent off-premises outdoor advertising sign erected, maintained or used for the purpose of commercial or noncommercial messages.

BOX SIGN

An internally illuminated or non-illuminated box with a translucent face or solid face with stencil cut open letters, numbers or symbols. Or a sign that is illuminated by a light source that shines through the letters or logo from the back of the sign.

BUILDING FRONTAGE

That building elevation that fronts on a public street, parking area, or courtyard where customer access to the building is available. See Sketch D at the end of this chapter.

BUSINESS FRONTAGE

That portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located in the interior of a building without building frontage, the building elevation providing customer access shall be considered the business frontage. See Sketch D at the end of this chapter.

BUSINESS IDENTIFICATION SIGNS

A sign that serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.

CANOPY

A shelter or covering made of fabric or other similar pliable or rigid material that projects over a public right-of-way or any public way as defined in this chapter, for a distance of five (5) feet or more and that is carried by frames attached to a building and/or by frames supported by the ground or pavement.

CANOPY SIGN

Any form, graphic, illumination, symbol, or writing on a canopy used to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

CERTIFICATE OF COMPLAINT

A certificate issued by the Building Department after the sign is erected in accordance with the design submitted for the permit.

CHANGEABLE COPY SIGN

A sign designed to allow copy containing or displaying letters, numbers, or graphics, which is designed to be readily and periodically changed or rearranged manually.

CHANNEL LETTERS

Three-dimensional individually cut letters or figures, illuminated or un-illuminated, affixed to a structure.

COMPREHENSIVE SIGN PROGRAM

A Comprehensive Sign Program required of two or more businesses that share a common zoning lot or parcel. The Program is a sign system to create visual harmony among the signs within the Program area and compatibility with surrounding establishments and structures. It shall include specifications for all signs within the Program Area, including but not limited to the following: sign type, lettering or graphic style, size, shape, scale, colors, lighting, materials, installation, and position on site plan.

CONTRACTOR OR CONSTRUCTION SIGN

A temporary sign that states the name of the developer and contractor(s) working on the site and any related engineering, architectural or financial firms involved with the project, and which must be removed at the completion of the project.

CONVENIENCE SIGN

A sign that conveys information (e.g., restrooms, no parking, and entrance) or minor business identification for directional purposes, and is designed to be viewed by pedestrians and/or motorists.

COPY

Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

DECALS

Any lettering or logos attached to a window or door glass identifying the services provided within an establishment, such as the types of credit cards accepted, hours of operation, and similar information.

DIRECTIONAL SIGN

A sign limited to providing information on the location of exits, entrances, and parking lots on a property, normally located at points of ingress and egress. This shall also include way-finding signs as defined herein.

DIRECTORY SIGN

An exterior ground sign or wall sign that is permanent and used to identify the name of a multi-tenanted building and its tenants.

DOOR SIGN

See "Window Signs"

DOUBLE-FACED SIGN

See "two sided sign".

ELECTRONIC READER BOARD SIGN OR ELECTRONIC GRAPHICS SIGN

A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

ERECT

To build, construct, attach, hang, place, suspend, or affix, which shall also include the painting of wall signs or other graphics.

EXTERNAL ILLUMINATION

A light from a source outside the sign and directed to shine on the sign.

FAÇADE

The exterior surface of a building extending from the ground plane to the roofline, top of parapet, or cornice.

FLAGS – ADVERTISING/DECORATIVE

A device used to attract people's attention to a business. The flag is generally made of a material that flutters in the wind, or made of metal to simulate a fluttering flag. These types of flags may be blank, have printed copy, logo, business name, product or service, etc.

FLAGS – NATIONAL/PATROTIC

A device identifying the emblem of a town, county, state, nation or other patriotic flags such as MIA/POW, Remembering 911.

FLASHING SIGN

A sign that contains an intermittent or sequential flashing light source

FREE STANDING SIGN

A sign supported by one or more uprights, posts, or bases permanently placed upon or affixed in the ground and not attached to any part of a building, structure or any other objects. Included are pole signs, pylon signs and masonry wall-type signs, but excluding "billboards."

FUTURE TENANT IDENTIFICATION SIGN

A temporary sign that identifies the names of future businesses that will occupy a site or structure.

GRAND OPENING

A promotional activity not exceeding (14) calendar days used by newly established, newly renovated or under new management businesses, within two months after initial occupancy, to inform the public of their location and services available to the community. "Grand Opening" or "Grand Re-Opening" does not mean an annual or occasional promotion by a business.

GROUND SIGN

See "monument" signs.

ILLEGAL SIGN

Any of the following:

- A. A sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use.
- B. A sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises.
- C. A business/property owner who fails to comply with §138-72.2C.

- D. A sign that is a danger to the public or is unsafe; or a sign that pertains to a specific event that has not been removed within five days after the occurrence of the event.
- E. A temporary sign which remains in public view over the allotted time as identified in the sign permit.

ILLUMINATED SIGN

Any sign illuminated by electricity, gas or other artificial light, and which includes reflective and phosphorescent light.

INTERNAL ILLUMINATION

A light source that is concealed or contained within the sign or letter and becomes visible in darkness through a translucent surface.

MENU BOARD SIGN – A sign erected in conjunction with a use that incorporates a drive-thru or drive-in and generally used to provide service and/or product options and pricing for patrons who remain in a vehicle.

MONUMENT SIGN

Any detached sign on the same lot or parcel as the use it identifies which has its bottom portion attached to a proportionate base or plinth, integrated ground planter box, or structural frame.

NON-CONFORMING SIGN

An identifying structure or sign which was lawfully erected through the issuance of a sign permit and maintained prior to the adoption of this chapter, and which has subsequently come under the requirements of this chapter, but does not now completely comply.

OFF-SITE OR OFF-PREMISE SIGN

Any sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located. See also “Billboard”.

PENNANT

Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERMANENT SIGN

A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

PIN-MOUNTED LETTERS

Individual letters cut from a material and mounted on a board or building through the use of pins on the back of the letter.

PLAQUE SIGN

Small version of a wall sign that is attached to a surface adjacent to the front entry.

POLE SIGN

See “Post Sign”.

POLITICAL SIGN

A temporary sign designed for the purpose of announcing support of or opposition to a candidate or proposition for a public election or a sign expressing political, religious, or other ideological sentiment that does not advertise a product or service.

PORTABLE SIGN

Any sign not permanently attached to the ground or other permanent structure, or a sign to be transported, including but not limited to, signs designed to be transported by means of a person or wheels; signs affixed to a trailer or flatbed of a truck; signs converted to A-frames; menu and sandwich board signs.

POST SIGN

A sign mounted on a freestanding pole or post.

PROJECTING SIGN

A sign which is attached to the building wall or structure and which extends horizontally more than 15 inches from the plane of such wall or a sign which is perpendicular to the face of such wall or structure.

PROMOTIONAL SIGN.

A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

PROPERTY FRONTAGE

The side of a parcel or development site abutting on a public street.

PUBLIC RIGHT-OF-WAY

The right-of-way of any area owned by the State of New York, the County of Putnam, Village of Brewster, Town of Southeast, which is used for a highway, street, road, parking area, sidewalk, or other public use.

PUBLIC WAY

A privately owned area made available for public use, such as a sidewalk on private property along a strip mall.

PYLON SIGN

See "post sign."

REAL ESTATE SIGN

A temporary sign indicating the sale, rental, or lease of the premises on which the sign is placed.

REPRESENTATIONAL SIGN

A sign built so as to physically represent the object advertised.

RESTAURANT MENU SIGN

A sign that incorporates a menu containing a list of products and prices offered by the business, but excluding menu board signs as defined herein.

ROOF SIGN

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

SEASONAL SIGN

Any sign intended to be displayed seasonally and capable of being viewed from any public right-of-way, parking area or neighboring property. Such signs shall be for a farm stand, pumpkin picking, Christmas tree sales, or other such seasonal activities having duration of no more than 180 days.

SIGN

Any announcement, declaration, demonstration, billboard display, illustration or insignia used to promote or advertise the interests of any person, group of persons, company, corporation, service or product when the same is placed, erected, attached, painted or printed where it may be viewed from the outside of any structure on the premises where placed. The display of merchandise and products inside a building and located at least two feet from a window shall not be considered a sign.

SIGN ALTERATION

Any changes to the content, style, size, shape, scale, colors, lighting, materials, installation and position of an existing sign.

SIGN AREA

The area including the frame or edge of the sign; where the sign has no such frame or edge, the area shall be the minimum area which can be defined by an enclosed four-sided (straight sides) geometric shape which most closely outlines said sign. When two identical sign faces are mounted back to back on the same sign structure and are either parallel or form an angle not exceeding 30°, only one of the sign faces shall be used to compute the sign area. If the angle of the sign faces exceeds 30°, then both faces shall be used to compute the sign area. See Sketch D at the end of this chapter.

SIGN BOARD

See "Directory Sign".

SIGN BOX

A rigid structure, generally enclosing a light source and/or electrical components, the face of which contains illuminated letters or serves as a background for mounting individual internally illuminated letters.

SIGN DIRECTORY

A listing of two or more business enterprises, consisting of a matrix and sign components.

SIGN HEIGHT

The vertical distance, from the bottom to the uppermost points used in measuring the sign area, as herein defined. See Sketch D at the end of this chapter. Architectural embellishments shall be excluded from the calculation of the sign height, provided that the only information displayed in such embellishments is the street address.

SIGN PERMIT

A permit issued by the Building Inspector of the Town of Southeast allowing the permittee to erect, construct, enlarge, paint, alter, relocate, reconstruct, display or maintain a sign.

SIGN STRUCTURE

The supports, uprights, bracing and framework for the 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 the projections thereof exceeds 30°, each side shall be considered a separate "sign structure."

SIGN STRUCTURE HEIGHT

The vertical distance from the uppermost point of the structure used to support the sign as measured to the average finished grade immediately below and adjoining the sign structure. See Sketch D at the end of this chapter.

SPECIAL EVENT SIGN/BANNER

A temporary sign or banner that is intended to inform the public of a unique happening, action, purpose, or occasion (i.e., grand opening or community event).

STENCIL CUT SIGN

Open letters cut out of solid background to allow light to show through the letters, numbers or symbols.

STRING LIGHTING

Lights attached sequentially to electrical wiring.

SUPPORTING FRAMEWORK

The supports, uprights, bracing and framework for the sign.

SYMBOL

A character, logo, letter, or other graphic design used for representation or identification.

TEMPORARY SIGN

Any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property. Such signs shall be for a single activity or event. Temporary signs do not include window signs within commercial businesses, as regulated by Section § 138-75A(11).

TENANT FRONTAGE

See "Business Frontage."

THREE-DIMENSIONAL SIGNS

Signs that have a depth or relief on their surface greater than six inches.

TIME AND/OR TEMPERATURE SIGN

A sign that accurately displays the current local time and/or temperature, usually through arrays of small electric lights. A minimum of 1,000 feet shall separate one time and temperature sign from another time and temperature sign.

TWO SIDED SIGN

A sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes.

VARIABLE MESSAGE SIGN

An electronic message board or sign that displays a message.

VEHICLE SIGN

A sign that is painted, stenciled, or attached magnetically on a vehicle.

WALL SIGN

A sign painted on or attached to an outside wall of a building and in the same plane as the wall.

WINDOW AREA

Window area shall be computed by calculating each window pane or panel. Transom windows shall be included in the calculation for the window or door below it, and shall not be considered separate windows. The area shall be separate for each building face, and for each window. See Sketch D.

WINDOW SIGN

A sign posted, painted, placed, or affixed in or on the interior surface of a window exposed to public view. An interior sign that faces a window exposed to public view that is located within two feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.

§ 138-74 General regulations.

- A. Except as otherwise provided, no person shall erect, alter or relocate any sign without first obtaining a permit from the Building Inspector. No person shall erect any sign on public property, including within road rights-of-way. No permit shall be required for a sign to be repainted or repaired consistent with its original form, design, and dimensions. However, such actions do require that the Building Inspector be notified in writing, so the Building Inspector may determine whether the extent of the repairs constitutes a new sign requiring a permit.
- B. Application procedure. Applications shall be made in writing to the Building Inspector and reviewed by the Town Code/Zoning Enforcement Officer on forms prescribed and provided by the Town and shall contain the following information:
 - (1) The name, address and telephone number of:
 - (a) The applicant.
 - (b) The owner of the property.
 - (2) The location of the building, structure or land upon which the sign now exists or is to be erected, including the tax map identification number and the 911 address.
 - (3) If a new sign is to be erected, elevation and plan drawings to scale. In addition, a full description of the placement and appearance of the proposed sign should be included and should cover the following:

- (a) The location on the premises, specifically, its position in relation to adjacent buildings, structures and property lines.
 - (b) The method of illumination, if any, and the position of lighting or other extraneous devices and a copy of the electrical permit related to the electrical connections.
 - (c) Graphic design, including symbols, letters, materials and colors.
 - (d) The visual message, text, copy or content of the sign.
- (4) Written consent or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner.
- C. Permit. Upon filing of a completed application for a sign permit and the payment of the required fee, the Building Inspector shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If it shall appear that the application is complete with respect to the requirements of this article, the Building Inspector shall then, within 15 days, refer the application to the Architectural Review Board. In the case of a concurrent application to the Planning Board for site plan approval or to the Town Board for special permit approval, the application for a sign permit shall be referred to the ARB with the site plan and/or special permit application. The issuance of a permit shall not excuse the applicant from conforming to the other laws and ordinances of the Municipality.
- D. If the erection of the sign authorized under any such permit has not commenced within six months from the date of the issuance, the permit shall become null and void, but may be renewed prior to the expiration, for good cause shown, for an additional six months, upon payment of 1/2 of the original fee.
- E. Every sign shall bear the permit number, permanently and visibly shown. Failure to do so shall constitute cause for revocation of the sign permit.
- F. Following the installation of the sign, the Building Inspector or his/her designee shall inspect the sign for compliance with the sign permit and any approvals by the Town of Southeast Architecture Review Board, Planning Board, or Zoning Board of Appeals. Once the Building Inspector has verified the proper installation of the sign, the Building Department shall issue a Certificate of Compliance.

§ 138-75 Specific sign regulations.

- A. Exempt signs. The following signs are exempt from the provisions of this article, and do not require a sign permit or review by the Architecture Review Board:
- (1) Historical markers, tablets and statues; memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of wood, bronze, stainless steel or similar material; and emblems installed by governmental agencies: not exceeding 12 square feet.
 - (2) Flags and insignia of any government, except when displayed in connection with commercial promotion. No more than three flags may be displayed at one time, except on the following federal holidays: Patriot Day, Fourth of July, Memorial Day, Flag Day, and Veteran's Day.

- (3) On-premises directional signs for the convenience of the general public identifying public parking areas, fire zones, entrances and exits and similar signs. Such signs shall not exceed one square foot per face and four feet in sign structure height. Business names, logos, and personal names shall not be allowed, including advertising messages and insignias. The number of such signs shall be limited to those determined by the Planning Board to be necessary for the safe and orderly circulation of traffic and as necessary to indicate specific traffic and/or parking regulations applying to the site.
- (4) Non-illuminated warning, private drive, posted or no-trespassing signs, not exceeding two square feet per face.
- (5) One on-premises sign, either freestanding or attached, in connection with any residential building in a zoning district for permitted professional offices or home occupations, not exceeding two square feet, six feet in sign structure height, and set back 10 feet from the highway right-of-way. Such sign shall state the name and vocation only. The sign and sign structure shall be made of wood, stone, metal, or any wood-like material. Freestanding signs shall be placed within 10 feet of the driveway or walkway leading from the public road to the residence.
- (6) Number and name plates identifying residents, mounted on homes, apartments or mailboxes, not exceeding one square foot in area.
- (7) Lawn signs identifying residents, not exceeding one square foot or two square feet if doubled-faced. Such signs are to be non-illuminated except by a light which is an integral part of a lamppost if used as a support, with no advertising message thereon.
- (8) On-site private-owner merchandise sale signs for garage sales and auctions, not exceeding four square feet for a period not exceeding seven days.
- (9) Temporary non-illuminated "For Sale," "For Rent," real estate signs and signs of similar nature, concerning the premises upon which the sign is located: in a residential zoning district, one sign not exceeding five (5) square feet per side; and in a business or industrial zoning district, one sign not exceeding sixteen (16) square feet set back at least 15 feet from all property lines. All such signs shall be removed within three days after the sale, lease, or rental of the premises. No more than two temporary non-illuminated real estate "Open House" directional signs not exceeding four square feet in size per sign face and not exceeding 10 square feet overall (including a maximum of two faces and support legs) may be placed at street corners to direct traffic to the house for sale and may not be left overnight. The structure of all such signs shall be no more than four feet in height.
- (10) One temporary sign for a roadside stand selling agricultural produce grown on the premises in season, provided that such sign does not exceed 10 square feet and is set back at least 10 feet from the public right-of-way. The structure of such signs shall be no greater than six feet in height. Signs in place for more than two weeks shall require a seasonal sign permit.
- (11) Window signs and posters not exceeding four square feet or 50% of the window area, whichever is less, and subject to the following conditions:
 - (a) No more than one sign or poster per door or window, including the "Open/Closed" sign.

- (b) The area of the sign in a door shall not exceed 25% of the window space of the door.
 - (c) Signs must be professionally produced by a franchise owner or corporation, professional sign maker, or at a minimum, be computer generated. No hand-made signs shall be allowed to be posted on any door or window.
 - (d) Window signs (i.e. Open/Closed signs) may be illuminated. Any illumination shall be constant, and shall not be animated, flashing, rotating, fluttering, or moving in any way.
- (12) Decals indicating hours of operation and similar information subject to the following restrictions:
- (a) A decal posting the hours of operation shall not exceed one (1) square foot, and may be placed on any window or door of a business.
 - (b) A total of five small informational (5) decals may be permitted on business doors and windows. Individual decals shall not exceed (25) square inches. Decals can include but shall not be limited to, whether doors open automatically, push, pull, identify services provided within an establishment, types of credit cards accepted, whether surveillance equipment is being used, logos and any other similar information the establishment wishes to post.
- (13) Holiday decorations, including lighting displayed in season.
- (14) At gasoline stations: integral attached price signs on gasoline pumps.
- (15) Temporary directional signs for meetings, conventions and other public assemblies, not exceeding two square feet and to be removed within three days following the meeting, convention or public assembly.
- (16) Political posters, banners, promotional devices and similar temporary signs. Such signs shall not exceed sixteen (16) square feet in business or industrial districts, nor five (5) square feet in residential districts. No more than one sign per event or candidate is permitted per parcel. Signs shall be placed on private property. Temporary signs shall not be placed within the public right-of-way, nor shall they be attached to fences, trees, utility poles, rocks or other parts of a natural landscape, nor shall they be placed in a position that will obstruct or impair traffic or in any manner, or create a hazard or disturbance to the health, safety and welfare of the general public. Where no survey is available, signs shall be placed no less than 15 feet from the edge of the pavement and/or roadbed. Temporary signs shall not be illuminated. Temporary signs advertising commercial or retail establishments are not permitted.
- (17) Public telephone identification signs.
- (18) Handicap-accessible parking access signs and pavement markings which meet Department of Transportation standards and dimensional requirements.
- (19) Signs customarily incidental to municipal buildings and structures, parks and playgrounds.
- B. Prohibitions. The following signs are not permitted in the Town of Southeast.
- (1) No off-premises signs shall be allowed other than as permitted under the exempt signs provisions of Subsection A.

- (2) Electronic variable message displays, and any illuminated signs that are animated, flashing, rotating, fluttering, or moving in any way, shall be prohibited.
- (3) No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design, color or placement. No sign shall impair visibility for the motorist at a street corner or intersection by placement and location within 25 feet of the intersection of the street or highway lines.
- (4) No roof sign or sign supports shall be placed upon the roof of any building.
- (5) No sign shall consist of balloons, banners, pennants, ribbons, streamers, spinners or similar moving, fluttering, floating, or revolving devices.
- (6) No advertising message shall be extended over more than one sign.
- (7) No freestanding billboard signs shall be permitted in any zoning district.
- (8) No string lighting is permitted in any commercial district, except as allowed in § 138-75A(13).
- (9) No decals are permitted, except as allowed in § 138-75A(12).
- (10) Balloons as defined in this article are not permitted.
- (11) Advertising/Decorative Flags, as defined in this article are not permitted.
- (12) Beacon Lights as defined in this article are not permitted.
- (13) Portable signs and vehicle signs, as define in this article, are not permitted to be parked within the public right of way.
- (14) Except for theaters, gas stations, schools, not-for-profit organizations, and religious institutions, changeable copy signs are prohibited.

C. Temporary signs. Unless otherwise exempt per § 138-75A, all temporary signs shall require a sign permit from the Town of Southeast Building Inspector, and shall conform to the following provisions. Temporary signs shall not require approval by the Architecture Review Board.

- (1) One temporary non-illuminated contractor or construction sign, as defined herein, not exceeding five (5) square feet in a residential zoning districts, nor 32 square feet in the business districts, listing the architect, engineer, contractor, financial institution, and/or owner, on premises where construction, renovation or repair is in progress. Such sign shall be erected parallel to the fronting highway, set back a minimum of 15 feet from the property line or attached to the building face. Such a sign shall be removed upon completion of the project and shall be in place for a period not exceeding two years. Such a sign structure shall not exceed four feet in height.
- (2) Portable signs. A new business or a business in a new location awaiting installation of a permanent sign may utilize a portable sign for a period of not more than 60 days or until installation of a permanent sign, whichever occurs first. Such a portable sign must meet all the construction standards of the Municipality.

D. Permanent signs requiring a sign permit. The following signage shall be permitted subject to a sign permit from the Building Inspector and approval by the Architecture Review Board.

- (1) Within any zoning district, the following permanent signs may be erected provided, however, that this subsection shall not serve to expand the number of signs otherwise allowed, pursuant to Subsection C(3), in business and industrial districts:
 - (a) Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs, or societies may be erected on the premises of such institutions. One such sign or bulletin board not exceeding 10 square feet may be erected for each entrance on a different street or highway. Such a sign structure shall not exceed four feet in height.
 - (b) For multiple dwellings or apartment developments, one sign advertising availability of several dwelling units, not exceeding five (5) square feet, may be erected. One such sign shall be permitted for each entrance on a different street or highway. Such a sign structure shall not exceed four feet in height.
 - (c) Signs necessary for the identification, operation or production of a public utility, not exceeding 10 square feet, may be erected on the premises of such a public utility. Such a sign structure shall not exceed four feet in height.
 - (d) For nonresidential uses within a residential district, one freestanding sign or one wall sign not to exceed four square feet in area, and sign structure or mounting height not to exceed six feet.
 - (e) Freestanding signs to identify a unified residential development. A maximum of two such signs are permitted per access drive, provided that each sign faces in different directions. Such signs shall not exceed 32 square feet in area, and such sign structure shall not exceed six feet in height. All such signs must be constructed of wood or wood-like material, including plastic which is carved to look like wood, and may be externally illuminated in accordance with § 138-76B(5).
- (2) Within any commercial zoning district, the following permanent signs may be erected, subject to the following sign provisions:
 - (a) Unless otherwise prohibited by § 138-75B, all types of signage construction are permitted in commercial zoning districts. Including, but not limited to awning signs, box signs, channel letter or pin-mounted signs, and projecting signs.
 - (b) On parcels on which two or more commercial businesses are located a comprehensive sign program governing all site signage is required. All signs on the parcel shall be coordinated in material, shape, lettering, color and/or decorative elements.
 - (c) Projecting or representational signs not exceeding 16 square feet and subject to the construction standards of § 138-76B(2)
 - (d) Freestanding and wall signs subject to the dimensional restrictions identified in the following table:

ZONING DISTRICT *	HC-1 SR22 GC-1 GC-2	OP-1 OP-2 OP-3 ED RC	NB-1 NB-2
WALL SIGNAGE	1 WS PER BUSINESS	1 WS PER BUSINESS	1 WS PER BUSINESS
LENGTH(HORIZONTAL)	NTE 50% OF BUSINESS FRONTAGE NTE 30'	NTE 30% OF BUSINESS FRONTAGE NTE 20'	NTE 20% OF BUSINESS FRONTAGE NTE 10'
HEIGHT(VERTICAL)	NTE 20% OF BUSINESS FRONTAGE NTE 4'	NTE 20% OF BUSINESS FRONTAGE NTE 4'	NTE 10% OF BUSINESS FRONTAGE NTE 3'
MINIMUM PERMITTED **	20 SQ. FT	20 SQ. FT	20 SQ. FT
FREESTANDING SIGNAGE			
SETBACK < 50'	EITHER 1 WS OR 1 FS; FS NTE 24 SQ. FT.	EITHER 1 WS OR 1 FS; FS NTE 24 SQ. FT.	EITHER 1 WS OR 1 FS; FS NTE 24 SQ. FT.
SETBACK >50'	1 FS SIGN NTE 24 SQ. FT IN ADDITION TO WS	1 FS SIGN NTE 24 SQ. FT IN ADDITION TO WS	1 FS SIGN NTE 24 SQ. FT IN ADDITION TO WS
SETBACK >100' AND BUSINESSES LOCATED TOGETHER	3 OR MORE BUSINESSES ONE COMMON FS SIGN NTE 60 SQ. FT. IN ADDITION TO APPROVED WS	2 OR MORE BUSINESSES ONE COMMON FS SIGN NTE 32 SQ. FT. IN ADDITION TO APPROVED WS	2 OR MORE BUSINESSES ONE COMMON FS SIGN NTE 32 SQ. FT. IN ADDITION TO APPROVED WS
MAX HEIGHT PERMITTED	NOT TO EXCEED 15'	NOT TO EXCEED 10'	NOT TO EXCEED 10'

NOTES:

* See supplementary regulations for Large Retail Establishments, Motor Vehicle Service Station, Car Dealerships, and Car Washes. In the event of any conflict between the provisions of this section and the supplemental regulations, the supplemental regulations shall control.

** The percentage based dimensional requirements may be exceeded to achieve the minimum square footage allowances.

Abbreviations: Wall Sign (WS); Not to Exceed (NTE); and Freestanding Sign (FS)

(e) Notwithstanding the above, businesses which have frontage on more than one street (e.g. corner lot) and/or free-standing buildings within a shopping center, are permitted one wall sign per frontage on a street or parking area.

(f) Menu board signs.

[1] Drive-thru Menu Board Sign – A Menu Board Sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. The design, materials, and finish of the Menu Board Sign shall match those of the building(s) on the same lot. One (1) Menu Board Sign is permitted per drive-thru use on a lot. The maximum area of a Menu Board Sign is sixty (60) square feet. The maximum sign structure height of Menu Board Sign is seven (7') feet.

[2] Drive-thru Pre-Order Sign – A Drive-thru Pre-Order Sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. The design, materials, and finish of a Drive-thru Pre-Order Sign shall match those of the building(s) on the same lot. One (1) Drive-thru Pre-Order Sign is permitted at the entrance of the drive-thru lane on a lot. The maximum area of a Drive-thru Pre-Order Sign is twenty-four (24) square feet in area. The maximum sign structure height of a Drive-thru Pre-Order Sign is seven (7') feet.

- [3] Drive-in Menu Board Sign – A Drive-in Menu Board Sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. If the drive-in stalls are covered by a canopy, the Drive-in Menu Board signage may be attached directly to the canopy support columns. The design, materials, and finish of a Drive-in Menu Boards Sign shall match those of the building(s) on the same lot. One (1) Drive-in Menu Board Sign is permitted per ordering station. The maximum area of a Drive-in Menu Board Sign is nine (9) square feet in area. The maximum sign structure height of a Drive-in Menu Board Sign is seven (7') feet.

§ 138-75.1 Supplementary Sign Regulations

A. Large Retail Establishment. No sign shall be erected in a Large Retail Establishment except in accordance with the following standards and specifications:

- (1) Wall signs attached to the face or side of a building conforming to the following specifications:
- (a) Each separate store, service establishment or other business located in a Large Retail Establishment shall be allowed a maximum of one wall mounted sign for every 100 linear feet of building frontage associated with the premises occupied by that store, establishment or business, with a minimum of one wall mounted sign per store, service establishment, or other business. For purposes of this Section, building frontage shall be any side of a building or structure that faces a street, parking lot, or interior courtyard, in a Large Retail Establishment. Notwithstanding the above, where a store, service establishment, or other business occupies a corner tenant space, free-standing building within a parking lot, or otherwise has more than one façade that meets the definition of building frontage contained herein, a minimum of one wall mounted signs may be placed on each building frontage.
 - (b) The maximum length (horizontal) of each wall mounted sign shall be 50% of the linear frontage of an individual tenant and the maximum height (vertical) of each wall mounted sign shall be 15% of the linear frontage of an individual tenant. However, the total square feet, horizontal, and vertical shall not exceed the following dimensions:

Tenant Area	Gross Floor	Maximum Height	Maximum Length	Minimum Square Footage	Maximum Square Footage
< 5,000 SF		3 FT	8 FT	20 SF	24 SF
5,001-10,000 SF		4 FT	16 FT	20 SF	64 SF
10,001-20,000 SF		5 FT	20 FT	20 SF	100 SF
20,001-40,000 SF		6 FT	30 FT	20 SF	180 SF
> 40,001 SF		6 FT	70 FT	20 SF	420 SF

- (2) Freestanding or monument signs identifying the Large Retail Establishment conforming to the following specifications:
- (a) A Freestanding or Monument Sign announcing the name of the Large Retail Establishment shall be located on private property.
 - (b) One (1) two-sided freestanding sign identifying the Large Retail Establishment may be erected at each entrance drive to the Large Retail Establishment located on a State or County Road and, in the case of a Large Retail Establishment located at the intersection of two public streets, one (1) two-sided freestanding sign at each intersection approach.
 - (c) The maximum height of the structure to which the sign is affixed, including the base and sign face of the monument, shall not exceed twenty (20) feet, including a sign face which shall not exceed sixteen (16) feet. The total maximum area of the sign face shall not exceed two hundred (200) square feet per sign.
 - (d) Awnings or canopies conforming to the following specifications are permitted:
 - [1] Awnings and canopies shall not fully shield a window
 - [2] Awnings and canopies shall be fully maintained. Ripped or torn awnings or canopies are prohibited
 - [3] The fabric, graphics, and type of an awning or canopy shall not be fluorescent in color.
 - [4] Awnings and canopies shall compliment the architectural style and color of the building on which they are located.
 - [5] Any graphics or type on an awning or canopy shall not cover more than 10 percent of the visible surface area of the awning or canopy.
 - (e) Directional signs for the purpose of directing pedestrians and/or motorists to specific streets, locations or businesses, conforming to the following specifications:
 - [1] Directional signs shall be located on private property.
 - [2] The maximum sign area for a directional sign shall not exceed six square feet per side.
 - (f) Exterior signs shall be externally illuminated to the greatest extent practicable. With the exception of menu board signs, internally illuminated light box signs are prohibited. Signage that utilizes reverse illumination or illuminated channel lettering is permitted.
 - (g) All Large Retail Establishments shall be required to prepare a Comprehensive Sign Program.
 - (h) In the event of any conflict between the provisions of Section § 138-75.1 and any other provisions of this Chapter, the provisions of § 138-75.1 shall control.

B. Motor Vehicle Service Stations. It is recognized in addition to conventional business signage, automotive fuel stations require additional Federal, State and Local government and safety signage. The following regulations regarding automotive fuel stations shall also apply:

- (1) No person shall sell or offer for sale at retail for use in internal combustion engines in motor vehicles any fuel, unless such seller shall post and keep continuously posted on each individual pump or other dispensing device from which such fuel is sold or offered for sale a sign no larger than 24 inches by 36 inches, which is the current requirement and/or shall be required by NYS Law, stating clearly and legibly in numbers of uniform size the selling price, in all digits, including governmental taxes, per gallon, of such fuel so sold or offered for sale from such pump or other dispensing device.
- (2) No person shall sell or offer for sale at retail for use in internal combustion engines in motor vehicles any fuel, unless such seller shall post and keep continuously posted on the individual pump or other dispensing device from which such fuel is sold or offered for sale a sign or signs posted on such pump or other dispensing device which clearly and legibly states the name, trade name, brand, mark or symbol and grade or quality classification of any such fuel.
- (3) No sign or placard stating the price or prices of fuel, other than such signs or placards as hereinabove provided, shall be posted or maintained on the premises on which such fuel is sold or offered for sale. Freestanding signs of this nature are prohibited.
- (4) No sign or placard stating the price or prices of fuel shall be posted or maintained on any premises other than premises where fuel is sold or offered for sale.
- (5) It shall be unlawful for any person to post signs offering for sale or to sell or offer for sale any product sold at or service offered at a fuel station in such a manner as to deceive or tend to deceive the prospective purchaser or purchasers as to the price, nature, quality or identity thereof.
- (6) Freestanding/Monument sign:
 - (a) A maximum of one freestanding/monument sign is permitted.
 - (b) The maximum face area of a freestanding/monument sign, including the sign frame, shall not exceed thirty (30) square feet, inclusive of any fuel service station price sign. Price signs on top of a gas pump are not to be included in the square footage totals.
 - (c) A freestanding/monument sign structure shall not exceed a height of fifteen (15) feet measured to the topmost portion of the sign.
 - (d) A pole sign shall be required when in the determination of the Building Inspector it is necessary to provide traffic safety.
- (7) Fuel service station canopy signs:
 - (a) Gas stations with a canopy shall be permitted one canopy sign for each side of the canopy that has a visible exposure to a public road or street.
 - (b) A canopy sign shall not exceed sixteen (16) square feet in area.

- (c) The canopy sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below, or from any sign of the vertical face of the canopy. A business logo shall be considered part of a canopy sign.
 - (d) The canopy sign may be illuminated by internal and non-intermittent light sources.
 - (e) Striping is permitted, may not be illuminated and is not calculated as part of the allowable sign area.
- (8) Pump signs:
- (a) Signs shall be allowed on fuel pumps so as to provide the required information to the public regarding “octane rating”, “price”, “type of fuel”, “federal and state stamps”, “pump use directions,” “no smoking” and other general safety signs.
 - (b) The trade name and any associated symbols shall be permitted on the side and face of the pumps.
 - (c) “Self-service”, “full-service” or other information signs may identify each pump island on the gasoline service station property. The location of such signs shall be limited to the fuel pump or the canopy support located at each end of the pump island or between the canopy supports as a spandrel panel. A maximum of two (2) such signs shall be allowed per pump island and each sign shall not exceed two (2) square feet in sign area when placed on the fuel pump or when located at each end of the pump island or between the canopy supports as a spandrel panel.
- (9) Business Identification Signs
- (a) One (1) wall mounted business identification sign, with the copy limited to the company name and/or corporate logo, is permitted on a fuel service station.
 - (b) The sign area of the wall mounted business identification sign shall be ten (10) percent of the building store frontage up to a maximum of thirty-two (32) square feet.
- C. Car Dealerships. Automotive new/used car dealerships and distributorships.
- (1) Freestanding signs.
- (a) A maximum of one monument sign is permitted at each road frontage where there is vehicular access. The Architectural Review Board or the Planning Board may allow additional signs for separate franchises.
 - (b) The maximum total sign area shall be 50 square feet.
 - (c) The maximum sign structure height shall be 15 feet, and the minimum setback shall be 25 feet from the designated street line.
 - (d) The sign(s) may identify only the name and address of the dealer/distributorship and the name of the franchises represented.
 - (e) Temporary signs attached to the freestanding sign(s) shall not be permitted.
- (2) Wall signs.
- (a) One wall sign is permitted for each building frontage or building wall facing a road where there is vehicular access. The Architectural Review Board and/or the

Planning Board may allow additional signs for separate franchises. Such sign(s) shall identify only the name of the business and the name of the franchises represented. The Architectural Review Board and/or the Planning Board may permit, where it deems necessary, convenience signs that convey information for directional purposes.

- (b) The maximum total wall sign area shall be 100 square feet for the first 10,000 square feet of gross building area. An additional square foot of sign area may be allowed for every 300 square feet of gross building area over 10,000 square feet.

§ 138-76 Construction standards.

A. General.

- (1) All internally illuminated signs shall be constructed in conformance with the Standards for Electric Signs (U.L. 48) of Underwriters' Laboratories, Inc., and bear the seal of Underwriters' Laboratories, Inc.
- (2) If such sign does not bear the Underwriters' Laboratories label, the sign shall be inspected and certified by the New York Board of Fire Underwriters. All transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.
- (3) All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of surface area.
- (4) All signs, including wall-mounted and projecting signs, shall be securely anchored and shall not swing or move in any manner.
- (5) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring and loose supports, braces, guys and anchors.
- (6) All projecting, freestanding or wall signs shall employ acceptable safety material.
- (7) All signs shall be painted and/or fabricated in accordance with generally accepted standards.

B. Specific regulations to sign types. The following additional conditions shall apply unless otherwise specified elsewhere in a local law:

- (1) Wall signs.
 - (a) Wall signs shall not extend beyond the ends or over the top of the walls to which attached and shall not extend above the level of the second floor of the building.
 - (b) Wall signs shall not extend more than nine inches from the face of the buildings to which attached, except that changeable copy signs may extend 15 inches.
 - (c) Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of eight feet.
- (2) Projecting and representational signs.
 - (a) Projecting signs shall not have more than two faces.

- (b) The exterior edge of a projecting or representational sign shall extend not more than five feet from the building face or 1/3 the width of the sidewalk, whichever is less.
 - (c) No part of a projecting or representational sign shall extend into vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of seven feet six inches.
 - (d) Projecting or representational signs shall not extend above the level of the second floor of the buildings to which attached or in any case be higher than 12 feet.
 - (e) No projecting or representational sign shall be permitted within 15 feet of a street intersection.
- (3) Freestanding signs.
- (a) No freestanding sign shall be located less than 15 feet from the front property line nor less than five feet from the side property line. No freestanding sign may be located less than 50 feet from any other freestanding sign.
 - (b) If for any reason the property line is changed at some future date, any freestanding sign made nonconforming thereby must be relocated within 90 days to conform to the minimum setback requirements.
 - (c) No freestanding sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.
 - (d) Freestanding signs shall not be located within, or project into or over, any pedestrian walkway or driveway if the sign could interfere with safe vertical or horizontal clearance to pedestrians or vehicles.
 - (e) Freestanding signs under which a pedestrian walkway or driveway passes must have a ten-foot vertical clearance.
 - (f) At the base of all ground signs, landscaping of live ground cover shall be planted and maintained at the base of the supporting structure equal to twice the area of one face of the sign, shielding all utility boxes and structures.
- (4) Other signs:
- (a) Window signs.
 - [1] No more than one sign per window.
 - [2] The area of a window sign shall not exceed 25% of the area of the window nor more than four square feet.
 - (b) Sign directories.
 - [1] The character and size of the sign matrix and of the individual sign components comprising the directory shall be regulated in accordance with design guidelines provided by this article.
 - [2] Sign directories shall contain identification of and direction to several business enterprises, but shall contain no promotional advertising.

- (c) Awning signs.
 - [1] No sign shall project from an awning.
 - [2] Awning graphics may be painted or affixed flat to the surface of the front or sides and shall indicate only the name and/or address of the enterprise or premises.
 - [3] Awning graphics shall be a single line of lettering not exceeding six inches in height, but, if over three inches in height, shall be debited against the permitted wall sign surface area.
- (5) Illumination of signs.
 - (a) External light sources shall be directed and shielded to prevent direct illumination of any object other than the sign.
 - (b) Electrical raceways and conduits shall be placed so that they are not within public view to the greatest extent practicable. Any visible conduit shall be painted to match the surface on which it rests.
 - (c) No outdoor sign shall be illuminated by a light source directed at the sign from the interior of any building or store.
 - (d) No sign shall contain flashing, intermittent, rotating, or moving lights.
- (6) Sign material. The permitted materials used for the construction of signs vary by zoning district.
 - (a) On any parcel within a commercial zoning district, signs are permitted to be constructed of wood, wood-like material, metal, stone, and/or plastic.
 - (b) In all residential zoning districts, signs shall be constructed of wood or a wood-like material, or stone.

§ 138-77 Design guidelines.

- A. The following design guidelines apply to all non-residential properties within the Town of Southeast. These guidelines are intended to assist applicants, design professionals and the Town of Southeast Planning, Zoning and Architectural Review Boards in the review and approval process. The following shall apply to the review of all sign applications:
 - (1) The sign should serve to define or enhance architectural elements of the building, not obscure or obliterate them. Each building has a character based on its age and the quality of the original design. Signs should be made of the appropriate materials and complement the design.
 - (2) Sign size and dimensions shall be proportionate to the size and dimensions of the building, site and setting. This chapter sets maximum allowances.
 - (3) Sign design should reflect consistency, simplicity, neatness, and minimum wording.
 - (4) The business name should be the largest lettering. Any subsidiary message, if used, should be smaller than the business name.
 - (5) Sign colors should be limited in number and should be compatible with the facade. More sign colors may be allowed in cases of extraordinary design and creativity. In

most circumstances, dark backgrounds for signs are preferred over light backgrounds.

- (6) Creative use of high-quality materials should be encouraged.
- (7) If multiple signs are to be placed on a site, all signs should follow a coordinated theme.
- (8) No more than two typefaces should be used on any one sign.
- (9) No Day Glo, luminous or sparkling colors shall be used.

§ 138-78 Appeals.

- A. Any person aggrieved by a decision of the Building Inspector or Town Code/Zoning Enforcement Officer relative to the provisions of this article may appeal such decision in writing to the Zoning Board of Appeals as provided in this article and shall comply with all procedural requirements prescribed by such Board.
- B. In granting any variance from the provisions of this chapter, the Zoning Board of Appeals must find that the variance is necessary for the reasonable use of the land or buildings, that granting the variance is in harmony with the general purposes and intent of this article, that such will not be injurious to the neighborhood character or otherwise detrimental to the public welfare and that denial of the variance would result in practical difficulty or unnecessary hardship to the applicant.

§ 138-79 Penalties for offenses.

- A. Any person, firm or corporation, whether as owner lessee, agent or employee, who proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit or who in any other way violates any provision of this article shall be guilty of an offense and receive punishment as established in the Penal Code. Each week's continuous violation shall constitute a separate additional violation.
- B. If it shall be found, upon inspection by the Building Inspector or Town Code/Zoning Enforcement Officer, that persons or organizations displaying temporary signs in violation of this article, including exempt signs regulated by § 138-75.A by virtue of location and/or length of time posted, the responsible person, firm or corporation, as the case may be, shall be liable to a fine of not more than \$250 per sign.
- C. In case of a violation of this article, the Municipality and its officers may, in addition to any other remedies specifically conferred by law or ordinance, institute any appropriate proceedings to prevent unlawful erection, construction, reconstruction, alteration or use of any sign not in compliance with this article.

[INTENTIONALLY LEFT BLANK]

(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 2013 of the ~~(County)(City)(Town)(Village)~~ of SOUTHEAST was duly passed by the TOWN BOARD on January 24, 2013, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, 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 disapproval) by the _____ on _____ 20____.

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

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

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

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

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

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

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

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

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

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

Michelle Stancati

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: January 24, 2013