

Local Law Filing

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

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

FILED
STATE RECORDS

County City Town Village
(Select one:)

of MONTEBELLO

MAR 28 2014

DEPARTMENT OF STATE

Local Law No. 2 of the year 2014

A local law to amend the Village Code and adopt Chapter 143 to comprehensively address signs
(Insert Title)
at one place in the code.

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

County City Town Village
(Select one:)

of Montebello as follows:

see attached local law

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20¹⁴ of the ~~(County)(City)(Town)~~ (Village) of MONTEBELLO was duly passed by the Board of Trustees on February 19, 20¹⁴, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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

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

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

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

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

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

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

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

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

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

Debra M. Gastrucci

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

(Seal)

Date: March 24, 2014

(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 ROCKLAND

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.

Stan E. Becht

Signature
Village Attorney

Title

~~XXX~~
~~XX~~ of MONTEBELLO

~~XXX~~
Village

Date: March 24, 2014

LOCAL LAW 2 of 2014
VILLAGE OF MONTEBELLO
STATE OF NEW YORK
ADOPTED FEBRUARY 19, 2014
A Local Law amending Chapter 143
of the Montebello Code with respect to signs

BE IT ENACTED by the Board of Trustees of the Village of Montebello as follows:

Section 1. Legislative Intent:

The purpose of this Local Law is to amend the Village Code and adopt Chapter 143 to comprehensively address signs at one place in the code, by this means better promoting and protecting the public health, welfare and safety by regulating existing and proposed outdoor signs of all types and certain indoor signs. That Chapter is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the entire Village, protect the architectural and historic heritage of the Village, and preserve its scenic, manmade and natural beauty by ensuring that signage is appropriate to the character of Montebello and all its districts; to reduce sign distractions and obstructions that may contribute to traffic accidents; to reduce hazards which may be created by signs projecting over sidewalks or pedestrian areas or streets; and to regulate signs in a manner consistent with the legislative intent and purpose of the Montebello Comprehensive Plan, adopted by the Village Board in December, 2009 and the Montebello Zoning Code.

That Chapter is also intended to promote attractive signs which 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 message clearly and simply to enhance and integrate well with their surroundings.

Section 2. Amendments of Village Code:

A. Amend Chapter 195, as follows:

1. Delete "Article VIII Signs" in its entirety, and replace with "Article VIII-Reserved"
2. At the end of the Table of Contents, under "General References" add "SIGNS- see Chapter 143".
3. Delete from 195-124 the words and definition from "SIGN" through and including "SIGN, WINDOW".
4. Add to 195-124 the following: "SIGNS- see Chapter 143 for word usage and definition for this and related terms".
5. Amend 195-63.B(1) to read "Signs in accordance with Chapter 143".

6. Amend "195 – Attachment 1:2 Table of General Use Requirements, ER-80 District, Column E No. 8" to read: "For any residence one announcement sign subject to Chapter 143-4.F.A".
7. Amend "195- Attachment 1:2 Table of General Use Requirements ER-80 District, Column E. No. 9" to read: "For any property for sale or rent, signs subject to Chapter 143-4.N".
8. Amend "195 – Attachment 1:2 Table of General Use Requirements ER-80 District, Column E No. 10", to read: "Accessory to any permitted non-residential establishment, identification signs subject to Chapter 143".
9. Amend "195 – Attachment 1:9 Table of General Use Requirements, NS District, Column E," to read: "For any property for sale or rent, signs are subject to Chapter 143-4.O".
10. Amend "195 – Attachment 1:9 Table of General Use Requirements, NS District, Column E.7." to read: "For any permitted use, business identification, directory, and shopping center identification signs subject to Chapter 143".

B. Amend Chapter 146 Site Development Plans, as follows:

1. Delete 146-11 in its entirety.
2. At the end of Table of Contents, under "General References" add: "Signs – See Chapter 143".

C. Add Chapter 143 Signs, as follows:

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|--------|--|
| 143-1. | Legislative purpose |
| 143-2. | General requirements |
| 143-3. | Permit required |
| 143-4. | Exempt signs |
| 143-5. | Permitted and prohibited signs |
| 143-6. | Application procedure for signs (other than temporary signs) requiring permits |
| 143-7. | Criteria for granting sign approval |
| 143-8. | Application procedure for temporary or political signs requiring permits. |

- 143-9. Additional requirements for certain signs
- 143-10. Additional sign standards
- 143-11. Master signage plan
- 143-12. Enforcement
- 143-13. Nonconforming signs
- 143-14. Appeals
- 143-15. Penalties
- 143-16. Word Use and Definitions
- 143-17. Adjustment of regulations

§ 143-1. Legislative purpose.

- A. The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor signs of all types and certain indoor signs. This chapter is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the entire Village, protect the architectural and historic heritage of the Village, and preserve its scenic, manmade and natural beauty by ensuring that signage is appropriate to the character of Montebello and all its districts; to reduce sign distractions and obstructions that may contribute to traffic accidents; to reduce hazards which may be created by signs projecting over sidewalks or pedestrian areas or streets; and to regulate signs in a manner consistent with the legislative intent and purpose of the Montebello Comprehensive Plan, adopted by the Village Board in December, 2009 and the Montebello Zoning Code.
- B. This chapter is intended to promote attractive signs which 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 message clearly and simply to integrate well with their surroundings.

§ 143-2. General requirements.

Pursuant to § 10 of the Municipal Home Rule Law, the Village Board is authorized to adopt sign plan rules and regulations which shall include standards for signs and lighting. Signs heretofore validly erected are permitted subject to the provisions of this Chapter.

§ 143-3. Permit required.

No sign shall hereafter be erected, re-erected, constructed, enlarged or altered without a sign permit unless exempt pursuant to § 143-4 below.. No sign permit shall be issued except as shown on an approved site development plan or sign plan. Where only the sign display portion of a validly erected sign is being changed, no sign permit is required, but where colors are proposed to be changed approval by the Architectural Review Board is required. Required signs for special permit uses shall be established by the Planning Board taking into account the zoning district, the nature of the use, and the criteria of § 143-7. Signage standards for uses in the Route 59 Development District will be established by the Village Board as part of the review of a development proposal, based on the mix of uses proposed.

§ 143-4. Exempt signs.

The following types of signs may be erected and maintained without permits or fees, providing such signs comply with the general requirements of this chapter and other conditions specifically imposed by the regulations:

- A. 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 bronze, stainless steel, or similar material; not exceeding four square feet.
- B. Flags and insignia of any government, except when displayed as an integral part of a sign or commercial message.
- C. On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, as shown on an approved site development plan; or signs installed pursuant to order of traffic control agencies including the NYS Thruway Authority, NYS Department of Transportation and the Rockland County Highway Department and shall conform to the Manual of Uniform Traffic Control Devices (MUTCD), New York State Department of Transportation.
- D. Nonilluminated warning, private drive, posted or no trespassing signs; not exceeding two square feet per face and not more than one sign per 100 feet of street frontage.
- E. One announcement sign for any home professional office or home occupation, as permitted by Section 195-82.A., provided that the home professional office or home occupation is approved as required by Section 195-82.
- F. One announcement sign containing a number and name plate identifying residence, mounted in lawn or on house or mailbox: not exceeding one square foot in area and set back at least 10 feet from the edge of road pavement if not on mailbox. Where illuminated, such signs shall be indirectly illuminated by a constant light and the light source should not be visible.

- G. Farmers market type signs or other temporary recurring signs, subject to size limitation of the zoning district in which located, non-illuminated. One permit is necessary for entire season or event cycle, but not to exceed ten (10) months. The date of installation shall be shown on the sign.
- H. On premises sign advertising merchandise for sale (such as garage sale, tag sale, auction, etc.). Such sign shall not exceed four square feet in area and shall not be in place for a period of more than seven days. The date of installation shall be shown on the plan. Temporary signs advertising merchandise for sale in or upon the premises where such temporary signs are displayed shall be exempt from the permit and security deposit provisions of this chapter. This provision does not apply to commercial establishments or to persons regularly engaged in the sale of merchandise.
- I. Temporary advisory signs. See definition of Sign, Temporary Advisory.
- J. In the NS District temporary window signs and posters placed on the interior side of the window and not exceeding a total area of fifteen (15) percent of the window surface. See Sec. 143-10.H. for additional provisions.
- K. One sign, not exceeding six square feet in sign area in residential districts or sixteen (16) square feet in sign area in nonresidential districts, listing the architect, engineer, contractor, financing institution, builder and/or owner(s), on premises where construction, renovation, or repair is in progress: said sign must be set back at least fifteen (15) feet from edge of pavement, but shall not be within the designated street lines, said signs shall be removed upon occupancy of the structure or thirty (30) days following issuance of a certificate of occupancy, whichever occurs first. Where the contractor's work does not involve a certificate of occupancy or reoccupancy, the sign shall be removed within thirty (30) days of completion of work. The date of sign installation shall be located on the sign.
- L. Building permit, stop work order and similar Village issued signs.
- M. Public interest, property protection, or advisory signs shall be exempt from the security deposit provisions of this chapter, but from no other provisions hereof.
- N. On residentially zoned properties temporary non illuminated For Sale or For Rent signs, not exceeding four (4) square feet in area, not more than one sign per 100 feet of street frontage, located at least fifteen (15) feet from the edge of road pavement. Such signs shall be promptly removed when property is sold or rented.
- O. On non-residentially zoned properties non-illuminated For Sale or For Rent Signs, not to exceed fifteen (15) square feet in area (total of all signs), located at least ten (10) feet from the edge of road pavement. One such sign may be provided on each street frontage except that each 500 feet of frontage shall be considered an additional frontage. Each sign shall be promptly removed when premises are sold or rented. Sign size shall be limited to 50% greater area than permanent freestanding or monument

signs in the zoning district.

- P. Safety Precautionary signs. See definition of Sign, Safety Precautionary.

§ 143-5. Permitted and prohibited signs.

Any signs not expressly permitted by this chapter are prohibited.

- A. Permitted signs. In addition to Exempt signs as set forth in Section 143-4, the following signs are expressly permitted by this chapter, subject to the requirements of this chapter:

- (1) Announcement signs.
- (2) Business identification signs.
- (3) Directional signs, on premises provided same are erected on the same premises as the activity, business or event to which they relate. Directional signs, off premises, on public roads and rights of way.
- (4) Directory signs.
- (5) Freestanding signs.
- (6) Illuminated signs.
- (7) Public Interest Signs
- (8) Representational Signs, subject to Planning Board approval.
- (9) Temporary signs, including political signs; provided, however, that such signs may not be illuminated.
- (10) Wall signs. The sign wall area in all districts shall be derived by measurement or by utilizing an assumed building height of 15 feet for one-story buildings and 25 feet for two-story buildings, whichever is less.
- (11) Window signs, projecting signs and awning signs, but only in an NS zone.

- B. Prohibited signs include, but are not limited to, the following sign types:

- (1) Flashing signs, including any sign or device on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use, except to show time and temperature. Signs with a sequence of messages of short duration (copy change signs) shall be considered to be flashing signs.

- (2) Off-premises signs.
- (3) Signs referencing or depicting to any degree official traffic signs or signals or signs suggesting endorsement by or representation of a governmental agency.
- (4) Signs which emit noise, sounds or smoke, including audio signs.
- (5) Animated signs, whether by mechanical or electrical processes, including signs with banners, streamers, spinners or other paraphernalia attached to or associated with such signs.
- (6) Signs advertising businesses, commodities or services for any unlawful business or undertaking.
- (7) Signs of a prurient nature or advertising businesses, commodities or services of a prurient nature, which do not meet community standards.
- (8) Illuminated signs outlining any part of a building, such as a gable, roof, window, sidewall or corner.
- (9) Signs made of cardboard, paper or similar impermanent material, except temporary signs.
- (10) Portable signs and signs mounted on parked vehicles or trailers or other similar mobile advertising media, except signs advertising the vehicle for sale.
- (11) Signs which project over a street.
- (12) Signs obstructing traffic visibility. No freestanding sign shall be erected or maintained in the shaded area shown in Sketch A found at the end of the Zoning Chapter, as such shaded area relates to the intersection of two streets or to the intersection of a driveway with a street.
- (13) A sign on which the illuminating source is visible from a public way, park or any property line, except for signs constructed from LED or neon-type tubes, or similar illuminating systems.
- (14) Signs attached to trees, utility poles, fences, traffic signs, street corner markers, or the like.
- (15) Billboards

§ 143-6. Application procedure for signs (other than temporary signs) requiring permits.

- A. No sign permit will be issued except in accordance with a sign plan approval or a site

development plan approval.

- B. If no sign plan approval or site development plan approval has been obtained, the applicant must submit an application to the Planning Board for either site development plan approval or sign plan approval, whichever is applicable. In the case of a sign which is not submitted as part of a site development plan, a sign plan for such sign shall be subject to review and approval by the Planning Board. In the case of a sign which is part of a site development plan, no separate sign plan approval is required, provided that such sign was approved as part of the site development plan.
- C. Applications for sign plan approvals (which are not part of a site development plan application) shall be accompanied by copies of a drawing showing elevation view, dimensions, sign area (both sides) and external illumination. For freestanding signs, also show setback from designated street line. For wall signs also show height of signs above grade, and overall height.
- D. Upon the approval of a site development plan or a sign plan, a copy of the approved plan shall be transmitted to the Building Inspector by the applicant, together with an application for a sign permit. Such application shall be made to the Building Inspector on forms prescribed by the Building Inspector and shall contain the information specified in this chapter. All applications shall be accompanied by the required fee in accordance with the standard schedule of fees of the Village of Montebello.
- E. The Building Inspector, upon receipt of an application for a sign permit, shall review same. If the sign requested has been approved on a site development plan or a sign plan, conforms to the specifications contained in this chapter, and meets all applicable electrical and safety requirements, the Building Inspector shall issue a sign permit for that sign.

§ 143-7. Criteria for granting sign approval.

The Planning Board shall provide for a limitation on the size of signs, type and characteristics of illumination, number and location, taking into consideration the uses on the site including special permit uses, and the reasonable requirement for communicating information to the vehicular or pedestrian public, in accordance with the intent of these regulations. The Planning Board shall consider the following supplemental use criteria in granting any approvals for signs:

- A. Signs must be clearly accessory to the use or uses on the lot on which they are located, and such signs and lighting must be shown to be essential to the conduct of the principal use or uses upon the lot.
- B. The size and content of the sign shall be the minimum essential for legibility and for the provision of information to patrons or invitees seeking the particular use described on such sign.
- C. The sign content shall not hawk or peddle and must clearly provide only the information

necessary to identify the use or uses upon the lot.

- D. The sign shall not be confused with any traffic signal or other safety device nor be composed of elements depicting in exaggerated size or grotesque style the use or uses upon the lot.
- E. All signs, together with their supportings, braces, guys, anchors, etc., shall be kept in repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or maintained at all times.

§ 143-8. Application procedures for temporary or political signs requiring permits

- A. Applications for temporary and political sign permits shall be made in writing to the Building Inspector in duplicate, and the Building Inspector shall file one copy with the Village Clerk-Treasurer, on forms prescribed by the Building Inspector. An application for a temporary or political sign permit may pertain to all signs to be posted in the Village for a particular candidate, party, referendum issue or other purpose for which a temporary sign is permitted. Such application shall contain the following information:
 - (1) Name, address and telephone number of the applicant.
 - (2) Location of the building, structure or land upon which the sign is to be erected.
 - (3) Location on the premises; specifically, its position in relation to adjacent buildings, structures and property lines.
 - (4) A description of the dimensions of the sign surface area and materials of construction of the sign and the sign structure, together with either of the following:
 - (a) The graphic design, including symbols, letters, materials and colors, visual message, text, copy or content of the sign; or
 - (b) A sample of the actual sign to be posted; provided, however, that this option shall be available only with respect to signs constructed of cardboard, to be erected on a wooden stake or temporarily attached to a permanent structure, or on a metal or similar frame, and having sign surface area dimensions of not more than 36 inches by 24 inches, or an overall area of not more than 864 square inches.
 - (5) Affidavit from the applicant confirming that permission has been received from owners of properties on which signs are to be placed, if the applicant is not the owner.
 - (6) The period of time for which the signs are intended to be in place, but no more than 74 days.

- (7) The duration or date of any event to which the sign pertains.
- (8) Additionally, the applicant shall provide to the Village Clerk-Treasurer and/or the Building Inspector any other information said official deems necessary to process said application.

B. Security deposit; time limits; exemptions.

- (1) A security deposit as specified in the standard schedule of fees of the Village of Montebello is intended as a guaranty that each such sign subject to this section will be removed within two weeks following expiration of the permit. Only one such security deposit shall be required for each application for a sign permit. If such removal is not made within the specified time, the Village shall have such signs removed and the security deposit shall be forfeited to the Village to defray the cost of removal of such signs.
- (2) No sign subject to this section may be posted or displayed in the Village for more than 60 days and must be removed within two weeks after expiration of the permit, provided that if the sign pertains to an event which is postponed or continued to a date later than originally anticipated, then the date for removal shall be deemed to be so extended. In the case of signs relating directly to an election, the date for removal shall be deemed to be two weeks after the last election to which such sign related.
- (3) Public interest signs, temporary advisory signs, and safety precautionary signs are exempt from the provisions of this section and must be removed within two weeks after said event, provided that if the event is postponed or continued to a date later than originally anticipated, then the date for removal shall be deemed to be so extended. In the case of signs relating directly to an election, the date for removal shall be deemed to be two weeks after the last election to which such sign related.
- (4) Signs for a primary election are subject to the time limits herein. Application for a new permit for the general election is subject to the 60 days plus two weeks for removal. Temporary signs for non-election purposes are subject to the 74 day limitation, after which a new permit application must be made.

§ 143-9. Additional requirements for certain signs.

The following additional requirements and standards shall apply to the types of signs identified below:

A. Freestanding business identification signs.

- (1) The vertical dimension of a business identification sign shall not exceed 2 ½ feet.
- (2) For permitted nonresidential establishments in residential districts:

- (a) One freestanding sign, the top of which shall not be more than eight feet above ground level for each street frontage. Internally illuminated signs may not be more than six (6) square feet in area; externally illuminated signs may not be more than twelve (12) square feet in area; while non illuminated signs may not be more than twenty (20) square feet in area. Two-sided signs may not be more than fifteen (15) square feet in area on each side or, if illuminated, not more than nine (9) square feet in area on each side. Illumination from an external source shall be directed away from the street. The light source shall not be visible. The illumination shall not produce glare as defined in the Illuminating Engineering Society of North America, IES Lighting Ready Reference nor obstruct the view of oncoming drivers. Freestanding signs shall be no closer than 20 feet to the designated street line, except that the Planning Board may modify the distance to provide for visibility where otherwise obscured by trees, stone walls, or other elements of visual interest:
 - (b) Where two signs are permitted, one shall be identified as the primary sign, the secondary sign shall be smaller and less prominent.
 - (c) A sign whether or not architecturally integrated with the building design shall be subdued in appearance.
- (3) For permitted nonresidential establishments in nonresidential districts, not in NS District.
- (a) One freestanding sign not higher than the building but in no case higher than 25 feet, may contain only the name of the center and not individual tenants; not more than 20 square feet of sign area on each side, set back at least 10 feet from the designated street line. In the alternative a monument-type sign may be provided, with a total sign area not to exceed 50 square feet, set back at least 10 feet from the designated street line with a height not to exceed 15 feet.
 - (b) For multitenant or multibuilding properties, directional signs with tenant names may be permitted within site by the Planning Board.
- (4) For permitted nonresidential establishments in nonresidential districts - NS District.
- (a) One freestanding sign for each frontage street not higher than the building, but in no case higher than 25 feet, may contain the name of the center and individual tenants with not more than forty (40) square feet of sign area on each side, set back at least ten (10) feet from the designated street line. In the alternative, a monument-type sign may be provided with a total sign area of not more than sixty (60) square feet of sign area on each side, and a height not to exceed fifteen (15) feet.
 - (b) Illumination of signs is limited to the hours of 6 a.m. to 10 p.m. except that

stores may have one illuminated wall sign in operation at all times. Illumination of pylon signs has no time restriction.

- (c) For retail centers suspended identification signs may be permitted perpendicular to storefronts under pedestrian area overhangs and canopies to identify individual places of business. A suspended sign may not be larger than 1.5 square feet. Lettering shall not be more than four inches in height as part of the overall sign plan to be approved by the Planning Board.

B. Wall Signs

- (1) The dimensional requirements for wall signs shall include canopy, projecting and integral roof signs. The vertical dimension of a wall sign shall not exceed 2 ½ feet.
- (2) For permitted nonresidential establishments in residential districts, one sign for the principal use on the front facade, with a maximum size of 5% of the area of the facade wall. The sign may not extend more than three feet from the building wall; shall not extend above the roof level of the building; shall not be illuminated; shall be composed of lettering only.
- (3) For permitted nonresidential establishments in nonresidential districts, not in NS Districts.
 - (a) Single-establishment buildings may have one indirectly illuminated sign on a facade facing a street, with a total sign wall area of such sign not to exceed 10% of the wall area of the facade, but not greater than 40 square feet in PO, LO, and LO-C districts.
 - (b) In the PI district same as Subsection B(3)(a) above but the total area of all signs may not exceed 10% of the wall area of the facade, with no individual sign greater than 40 square feet.
 - (c) Multi-establishment buildings may have one indirectly illuminated sign on a facade facing a street containing only the name of the center and not individual tenants, and/or the building number, with a total sign wall area of all such signs not to exceed ten percent (10%) of the wall area of the facade, but not greater than forty (40) square feet.
- (4) For permitted nonresidential establishments in nonresidential districts - NS District.
 - (a) Single-establishment buildings may have one indirectly illuminated sign on each facade facing a street, with a total sign wall area of such sign not to exceed ten percent (10%) of the wall area of the facade, but not greater than forty (40) square feet. The sign wall area in all districts shall be derived by

utilizing an assumed building height of 15 feet for one-story buildings and 25 feet for two-story buildings.

- (b) Multiestablishment buildings same as Subsection B(4)(a) above but each sign may not be greater than seventy percent (70%) of the length of the building facade associated with each use or establishment. A single establishment shall not have more than one sign. All signs on a site must have a consistency in appearance, design, color, and dimension.

§ 143-10. Additional sign standards.

A. Directional Signs

- (1) On premises. Such signs are permitted in all districts and accessory to any use requiring site development plan review. Such signs shall be located as determined by the Planning Board and shall generally not exceed two square feet in area and, if illuminated, shall not exhibit glare. In nonresidential districts the Planning Board may allow tenant names on directional signs.
 - (2) Off premises. Such signs are permitted within public road rights of way, subject to the regulations of the public agency controlling the right of way, and this chapter. These provisions do not apply to the NYS Thruway. Such signs shall be located as determined by the Building Inspector and Village Engineer, and shall generally not exceed two square feet in area, and shall not be illuminated.
- B. Projection. A sign attached to a building shall not extend more than three feet from the building wall, and shall not extend above the roof level of the building or the façade, and no sign or sign support shall be placed upon the roof of any building.
 - C. Signs on site features. No signs shall be placed, painted or drawn upon trees, rocks or natural features on the site, or on utility poles, bridges, culverts, towers or similar structures.
 - D. Signs near county or state park or New York State Thruway. If the applicant intends to propose a sign near, adjacent to or visible from any county or state park or the NYS Thruway, the applicant should first consult the appropriate county or state agency charged with the responsibility for the maintenance of such property. For purposes of the sign regulations, the NYS Thruway is considered to be a street. The Planning Board may at its sole discretion modify the requirements for signs visible from the Thruway to reduce distraction or increase legibility.
 - E. In the RSH and R-AH zoning districts, signs may be approved by the Village Board or Planning Board as part of the approval of a special permit.
 - F. Maximum length and area. In no case may a sign be more than 50 feet in length or exceed 50 square feet in area.

- G. Illumination. Signs may be illuminated by back lighting or by an external source unless otherwise limited. Signs for nonresidential establishments in residential districts, when illuminated, shall be by an external source. The type and intensity of illumination shall be as determined by the Planning Board. Illumination shall not produce glare as defined in the Illuminating Engineering Society of North America, IES Lighting Ready Reference nor create a light spill in excess of that permitted under the provisions of this code.
- H. Window signs. The maximum coverage of each window cannot exceed 15%, (fifteen percent) except that public interest signs (missing children, school events, etc.), may cover an additional 5%. Required licenses may be displayed and are exempt from the percentage limitation. Trade symbols are subject to the percentage limitation. Price information displayed in the windows is subject to the percentage limitation. The actual sign size is to be measured, not the size of the sign as it is viewed from the exterior. Window signs may not be individually externally illuminated. Handheld size restaurant menus may be posted in windows and be illuminated and are considered to be window signs. Window signs other than public interest signs must be grouped together, within the 15% area of the window. Temporary painted window displays of a non-commercial nature (e.g. holiday-themed) are not subject to these requirements.
- I. Facing residential zoning districts or residential properties. Wall signs are not permitted on nonresidential buildings and in nonresidential zoning districts facing residential zoning districts or residential properties. Freestanding signs on nonresidential properties in nonresidential zoning districts facing residential zoning districts or residential properties are limited to monument-type signs, not to exceed thirty (30) square feet in size and which, if illuminated, may only be from an external source, directed away from the street and the residential zoning district or residential properties.
- J. Where an awning or canopy on which a sign is proposed to be placed is translucent, the entire awning or canopy shall be considered to be part of the sign, and dimensional requirements shall apply.
- K. Landscaping. The Planning Board may require landscaping along the base of monument and freestanding signs.
- L. No more than two signs for the same subject may be located within 50 feet of each other, measured along a street line, whether on one or both sides of the street.

§ 143-11. Master signage plan

Master signage plans are required for all sites with more than one sign, and shall include the following:

- A. An up-to-date site plan showing location of buildings, parking lots, driveways and landscaped areas.

- B. Location, size and height of all proposed business, identification and traffic directional signs (and existing to remain signs).
- C. Computation of the maximum total sign area allowed and requested, the maximum area allowed and requested for each individual sign, the conceptual approach proposed for window signage.
- D. The owner's proposed standards for consistency among all signs, which may be in narrative or graphic depiction, with regard to: color scheme, lettering or graphic style; lighting, location of each sign on the site and on buildings; material; and sign proportions.

§ 143-12. Enforcement.

- A. Applicability. The installation of any sign not conforming to an approved sign permit shall be deemed a violation of this chapter. No sign permit shall hereafter be approved or issued, except pursuant to the requirements of this chapter. No permit shall be issued for any sign which does not conform with an approved sign plan.
- B. Removal of certain signs. Any sign, including all structural supports or frame, now or hereafter existing which no longer identifies a use on the subject premises, or which is not being maintained, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within 10 days after written notification from the Building Inspector, and upon failure to comply with such notice within the time specified in such order, the Building Inspector is hereby authorized to cause removal of such sign. The cost of such removal shall be borne by the owner of the property on which such sign was erected and shall become a lien upon such property until paid.
- C. Dangerous signs. Should a sign be or become insecure or in danger of falling or otherwise unsafe in the opinion of the Building Inspector, the owner thereof or person maintaining the same shall, upon receipt of written notice from the Building Inspector and in any case within five days thereafter, secure the same in a manner to be approved by the Building Inspector. If such order is not complied with, the Building Inspector is hereby authorized to cause removal of such dangerous sign. When any sign is in such dangerous condition as to be immediately dangerous to the safety of the public, the Building Inspector is hereby authorized to take such action as in his opinion shall be necessary to protect the public or property. The cost of such removal shall be borne by the owner of the property on which such sign was erected and shall become a lien upon such property until paid.

§ 143-13. Nonconforming signs.

- A. Any sign which was in existence prior to the effective date of this chapter, and which

conformed to the applicable provisions of law at the time of installation but which does not conform to the applicable provisions of this chapter, shall be deemed nonconforming, and such sign shall be removed or made conforming within six months of adoption of this chapter. An owner of a non-conforming sign may apply to the Board of Appeals for an extension of time based on factors such as the cost to manufacture and install said sign, the age of the sign, and a reasonable period of amortization.

- B. A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. Any maintenance or repair of a nonconforming sign shall not cost more than 50% of the current estimated value of the sign as of the date of the repair.

§ 143-14 Appeals

Whenever the Building Inspector or Planning Board shall approve or disapprove an application for a sign, such decision shall be reviewable by appeal to the Board of Appeals. Such appeal shall be taken not more than 30 (thirty) days after the filing of the decision by the Building Inspector or the Planning Board.

§ 143-15 Penalties for offenses

Any person who shall violate any provision of this chapter, or who shall build or install or repair any sign in violation of any approved or pre-existing conforming sign, or who shall knowingly assist therein, shall be liable to a fine as may be established by the Village Board. Each day's continued violation, beginning 10 days after notification by the Building Inspector of said violation, shall constitute a separate and additional violation. In addition to the foregoing provisions, the Village shall have such other remedies for any violation or threatened violation of this chapter as are now or may hereafter be provided by law.

§ 143-16 Word Use and Definitions

BILLBOARD - A sign which directs attention to a business, commodity, service, entertainment or attraction conducted, sold, offered or existing elsewhere than on the same lot where such sign is displayed or not for the principal use of such lot.

SIGN - Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and which includes any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

SIGN, ADVERTISING - Any exterior sign which contains a sign display that attempts to solicit business through the inclusion of information which is not pertinent to the identification of a particular establishment and its location. Such information includes, but is not limited to, hours of operation; detailed description of merchandise offered for sale, lease or rent; sales and marketing policies, including prices; and promotional slogans.

SIGN, ANNOUNCEMENT - Any sign used to announce the use of the lot or direction or location of buildings and structures on the lot for an office, home occupation, religious, charitable or other institutional use. An announcement sign may be indirectly illuminated.

SIGN AREA – The definition of “sign area” was deleted at time of adoption of Code (see Ch1, General Provisions, Art. III) See definition of SIGN SURFACE AREA.

SIGN, AUDIO - The use of an audio message, whether words or music, in a manner intended to attract customers or visitors or announce the presence of a business or service.

SIGN, AWNING – Any visual message incorporated into an awning attached to a building.

SIGN, BUSINESS IDENTIFICATION - A sign containing the name of an institution or establishment and information regarding the business or activity conducted therein, but specifically excluding phrases directing an action (e.g., stop, buy, eat).

SIGN, CANOPY – A visual message incorporated into a canopy attached to a building.

SIGN, COPY-CHANGE - A sign on which the visual message may be periodically changed. A copy-change sign is not to be considered as a temporary sign.

SIGN, DIRECTIONAL, OFF PREMISES – An off premise sign within a public road right of way limited to providing directional information on the location of an activity, event or facility.

SIGN, DIRECTIONAL, ON PREMISES - A sign limited to providing information on the location of an activity, business or event at the premises on which displayed.

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

SIGN DISPLAY - A display or legend, including but not limited to letters, words, logos and insignia which are used as or presented as an announcement or identification.

SIGN, FLASHING - An illuminated sign on which the artificial light changes intensity or color.

SIGN, FREESTANDING - Any sign not attached to or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs and masonry wall-type (monument) signs.

SIGN, IDENTIFICATION - A sign used to identify a permitted institution or establishment

which is the principal use upon the premises.

‘ SIGN, ILLUMINATED - Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

SIGN, INTEGRAL ROOF - A sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, MONUMENT – See Sign, Freestanding.

SIGN, OFF-PREMISES - A 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.

SIGN PLAN - A plan depicting the size, location, materials and display of a sign, which plan shall be the sole permitted display for any sign subject to the sign plan..

SIGN, POLITICAL - A temporary sign or advertisement, the import of which asks or suggests that the viewer vote for or against a proposition or the equivalent, or merely announces, a particular candidate whether for a primary, special or general election seeking any political or elective office, as well as any sign or advertisement, the import of which asks or suggests that the viewer vote for or against, or merely announces, a particular ballot.

SIGN, PORTABLE - A sign, whether on its own trailer, wheels, or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign.

SIGN, PROJECTING - 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.

SIGN, PROPERTY PROTECTION OR ADVISORY - A sign with an advisory message relating to protection of persons or a specific property. Example: Invisible fence, burglar alarm company, utility company property, no trespassing, caution or warning signs.

SIGN, PUBLIC INTEREST – A sign providing information of a non-commercial nature to members of the community such as missing pets; school, club, or religious events or similar activities, subject to the size limitation for window signs.

SIGN, PYLON – See Sign, Freestanding.

SIGN, REPRESENTATIONAL - A three-dimensional sign built so as to physically represent the object advertised.

SIGN, SAFETY PRECAUTIONARY – A sign installed by a public agency (highway, police, fire, ambulance) limiting parking or closing traffic lanes in the interest of public safety.

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 SURFACE AREA - The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display. All faces of a multifaced sign shall be included as surface area of such a sign. Lighting devices projecting from a sign are to be considered part of the sign surface area.

SIGN, SUSPENDED - A sign that is suspended from the underside of a horizontal surface or supporting frame of an overhang and is supported by such surface or frame.

SIGN, TEMPORARY - A sign, not including a portable sign or wall sign, intended to be in place for not more than seventy-four (74) days (See Section 143-8.B.). The right to have same posted shall be terminated by the sale of the premises or product advertised or occurrence of the work or event to which the sign refers.

SIGN, TEMPORARY ADVISORY – A sign with an advisory message relating to a short term condition. Examples: Pesticide applied (date); keep off for ___ days; construction mark out flags, no parking signs for school or similar events placed by police agencies and similar.

SIGN, WALL - A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than 15 inches from the face of such wall.

SIGN, WALL AREA - The area of a building wall (not exceeding 15 feet above ground level in NS District and 25 feet in all other districts) measured in the plane of the street frontage, including windows and doors.

SIGN, WINDOW - Any sign that is affixed to or painted on the interior or exterior of a window, or any sign designed to be visible from the exterior of the window at a distance exceeding 10 feet. Each window is a separate entity, distinguished by its own frame. For purposes of this definition, a "window sign" includes copy, a logo, trademark, agency identification mark, product price information, or similar, statues, caricatures, etc. Signs are intended to be for identification, not advertising purposes, and interpretations will be made on that basis.

§ 143-17. Adjustment of Regulations

Where the Planning Board finds that, because of special circumstances of a particular site, extraordinary difficulties may result from strict compliance with these regulations, it may adjust the regulations so that substantial justice may be done and the public interest secured, provided that any such adjustment will not have the effect of nullifying the intent and purpose of these regulations. In granting any adjustment, the

Planning Board shall attach such conditions as are, in its judgment, necessary to secure substantially the objectives of the regulations so adjusted.”

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Section 4. This Local Law is enacted by authority of Article 7 of the Village Law and §20, Subdivision 5, of the Municipal Home Rule Law