

Chapter 86

SIGN LAW

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§ 86-1 PURPOSE

- A. The purpose of this Local Law is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space, and curb the deterioration of the community's appearance and attractiveness.
- B. This chapter is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with their 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.

§ 86-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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

BILLBOARD – Any sign of which the size and/or structure exceeds the maximum size and/or square footage for the district within which it is located

COPY-CHANGE SIGN- A sign on which the visual message may be periodically changed.

DIRECTIONAL SIGN - A sign limited to providing information as to the location of a business, activity, or event.

FREE-STANDING SIGN - 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 constructed of wood, masonry materials or any other material.

ILLUMINATED SIGN - 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.

NON-PROFIT ORGANIZATION - An organization which has been designated by all appropriate applicable state and federal agencies as a non-profit agency or organization, and has possession of such certification.

OFF-PREMISE DIRECTIONAL SIGN – A standardized sign for the purpose of directing persons to a business, attraction or community facility.

OFF-PREMISE SIGN - A sign not related to a business or a profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

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

PROJECTING SIGN - A sign which is attached to a building, wall, or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall or structure or a sign which is perpendicular to the face of such wall or structure.

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

RIGHT OF WAY - The area, as designated by the agency responsible for a specific highway or roadway, that is to remain free from any structures or encroachments.

SET BACK - The distance from any street, highway, roadway, structure or property line.

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 structure, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include, but not be limited to, any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interest of any person, business, organization or cause when such is placed in view of the general public. Any vehicle and or trailer bearing an advertizing message that is parked for an extended period of time or in such a manner that it can be construed that the purpose is to function as sign shall be subject to the provisions of this chapter.

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

SIGN STRUCTURE - The supports, uprights, bracing, framing, mountings and framework for a sign. In the case of a sign structure consisting of two or more sides in which the angle formed between any two sides or the projections thereof exceeds thirty (30) degrees, each side will 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 the sign shall be excluded unless the structure is designed in such a manner as to form an integral background for the display. One side of a double faced sign shall be used to calculate the total surface or area of such a sign.

TEMPORARY SIGN - A sign related to a single activity or event having a duration of seven (7) days or less which is sponsored by a nonprofit or municipal entity. Temporary signs cannot be used to promote or advertise a business or commercial event, sale or function.

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

WINDOW SIGN - A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside in such a manner to be viewed from outside, but not to include graphics in connection with customary window display of goods or products.

§ 86-3. Permit Required.

Except as otherwise provided, no person shall erect, alter, change or relocate any sign without first obtaining a Permit from the Code Enforcement Officer. No Permit shall be required for the general repair or maintenance of any permitted sign.

§ 86-4. Application Procedure

Applications shall be made in writing to the Code Enforcement Officer on forms obtained from the Town Clerk and shall contain the following information:

- A. Name, address and telephone number of the Applicant
- B. Name, address and telephone number of the property owner.
- C. Location of the building, structure and or land upon which the sign now exists or is to be erected.
- D. A plan, drawn to scale, as well as a description of the sign, sign structure, and placement and should include the following:

- 1. Location on the premises, specifically, its position in relation to existing buildings, structures, property lines, roadways, driveways, parking lots, and any -other existing or proposed signage, and indicating such distances.
- 2. The method of illumination, if any, and the position of lighting or other extraneous devices.
- 3. Graphic design including symbols, letters, materials, and colors.
- 4. The visual message, copy, text or content of the sign.

§ 86-5. Issuance of permit: permit conditions.

All signs in the Town of Urbana, other than those mentioned in 86-6, Exempt Signs, shall require a sign permit.

- c. Upon the filing of a completed application for a sign permit and the payment of the required fee which has been determined by a schedule of fees as established by the Town Board, the Code Enforcement Officer 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 sign is in compliance with the requirements of this Local Law, the Code Enforcement Office shall then, within thirty (30) days, issue a permit for the erection of the proposed sign or for an existing sign. The issuance of this permit shall not excuse the applicant from conforming to any other laws, or any Local Ordinances.

B. If the erection of the sign authorized under any such Permit has not commenced within six months from the date of issuance, the Permit shall become null and void, but may be renewed within thirty (30) days prior to the expiration of said Permit, for good cause shown, for an additional six (6) months, upon payment of one-half (1/2) of the original fee.

C. The term of such permit shall extend through the useful life of the sign unless otherwise indicated in this article. A new permit shall be required if-

1. Changes to the design, copy, structure, size, or supporting structure that are no longer consistent with the original application.
2. The name of the business or type of business is no longer consistent with the original application.
3. The business is sold or property, leased, or in some manner becomes under the management or is represented by a party or parties not consistent with the original application.
4. The original Permit is found to be in violation under the provisions of this, or any other Article.

D. Every Sign shall bear the Permit number, permanently and visibly displayed. Failure to do so shall constitute cause for the revocation of the Permit.

§ 86-6. Exempt Signs.

The following types of signs may be erected and maintained without a permit or fee, provided that such signs comply with the requirement of this Local Law, and any other law or ordinance imposed by the Town of Urbana, or other governing body:

- A. Historical markers, tablets and statues, memorial signs and plaques; names and dates of buildings; and non-advertising on-premises signs installed by religious or non-profit organizations; not exceeding six (6) square feet.
- B. Signs, notices, or emblems installed by governmental bodies.
- C. Flags or insignias of any government, except when displayed in connection with commercial promotion.
- D. On-premises non-advertising directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits, and similar signs not exceeding six (6) square feet per face. Freestanding signs shall not exceed six (6) feet in height. Business names and personal names shall be allowed, excluding advertising messages.
- E. Non-illuminated warning, private drive, posted or no-trespassing signs, not to exceed (6) square feet per face.
- F. One on-premises sign, either free-standing or attached, in connection with any residential building In any zoning district, for permitted professional offices or home occupations, not to exceed three (3) square feet- Such sign shall state name and vocation only. Illumination shall not produce a direct glare beyond the limits of the property line.
- G. Number and name plates identifying residents, mounted on house, apartment or mailbox, not exceeding one (1) square foot in area.

- H. Lawn signs identifying residents, not exceeding one (1) square foot, or two (2) square feet if double-faced. Such signs are to be non-illuminated except by a light which is an integral part of a lamp post if used as a support, with no advertising message thereon.
- I. Private-owner merchandise sale signs for garage sales and auctions, not exceeding six (6) square feet, for a period not exceeding seven (7) days.
- J. 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 six (6) square feet per side. In a business, industrial, and agricultural zoning districts, one sign shall be permitted, not exceeding sixty-four (64) square feet. All such signs shall be removed within three (3) days after the sale, lease or rental of the premises.
- K. Two temporary signs for a roadside stand selling agricultural produce, in season, provided that such sign shall not exceed thirty-two (32) square feet and shall not be located within any public right-of-way.
- L. Temporary, non-illuminated, window signs and posters.
- M. Holiday decorations, including lighting, are exempt from the provisions of this local law and may be displayed in any district without a permit.
- N. At gasoline stations:
1. Integral graphic or attached price signs on gasoline pumps.
 2. Two auxiliary signs per station, each not exceeding six (6) square feet.
 3. One portable sign per station, not exceeding twelve (12) square feet and four (4) feet in height.
- O. Directional signs for meetings, conventions, and other assemblies, each not exceeding six (6) square feet, for the period from five (5) days before until two (2) days following the event.
- P. One sign, not exceeding six (6) square feet in the residential districts nor thirty-two (32) square feet in the business, industrial, and agricultural districts, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation, or repair is in progress.
- Q. Promotional signage, including banners, for special events of limited duration not exceeding thirty two (32) square feet in the residential districts nor seventy two (72) square feet in the business, industrial, and agricultural districts, providing:
1. Placement shall not exceed 15 (15) days before, nor five (5) days following the event.
 2. The names and addresses of the sponsors and the persons responsible for removal are identified.

R. Political posters, banners, and similar signs, not exceeding six (6) square feet in the residential districts nor thirty-two (32) square feet in the business, industrial, and agricultural districts, providing:

1. Placement shall not exceed thirty (30) days before or five (5) days following the event.
2. The candidate named is responsible for removal within the period defined.
3. Such signage shall be set back at least fifteen (15) feet from all property lines and shall not be located within any public right of way.
4. Election sign must be free standing and may not be affixed to telephone or utility poles.

S. Display of one (1) permanent sign by a permitted business for the purposes of displaying its product, providing such sign does not exceed 12 square feet.

§ 86-7. Prohibitions

- A. No sign, in any district, shall be placed or located within or extend into the right of way of any public highway or roadway.
- B. No off-premises signs shall be allowed, other than as permitted under the Exempt Signs provision of Section 86-6 or under the Off-Premise Directional Signs provisions of Section 86-10.
- C. No sign shall be illuminated by or contain flashing, intermittent, rotating or revolving lights, except to show time and temperature.
- D. 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 right-of-way of the intersection of the street or highway lines.
- E. No sign or sign supports that exceed five (5) feet above the roof line shall be placed upon the roof of any building.
- F. No sign shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices.
- G. No advertising message shall be extended over more than one sign..

§ 86-8. Regulations By District.

Within all districts, the following provisions for permanent signs shall apply:

A. General Regulations

1. The total number of permitted signs on any lot in all districts shall not exceed three (3) per each business, of which only one (1) may be free-standing.
2. The cumulative area of any sign permitted on any lot shall be as follows:
 - a. Agricultural Districts - 100 square feet
 - b. Business Districts - 100 square feet

- c. Industrial Districts - 150 square feet
 - d. Residential Districts - 32 square feet
3. The cumulative height above road grade of any sign and supporting structure permitted on any lot shall be as follows:
- a. Agricultural Districts - 20 feet
 - b. Business Districts - 25 feet
 - c. Industrial Districts - 25 feet
 - d. Residential Districts - 6 feet

B. Specific Regulations

1. Residential Districts

- a. Permitted nonresidential uses and legal nonconforming nonresidential uses may display one freestanding, and/or one projecting sign pertaining to the use of property upon which the sign is situated. Freestanding signs shall have a total face area not exceeding sixteen (16) square feet, and shall be set back fifteen (15) feet from any adjoining property boundaries. Projecting signs shall have a total face area of not more than six (6) square feet and shall not project more than forty (40) inches from the principle building to which they are attached.
- b. Internally illuminated signs are not permitted in the Residential Districts. Externally illuminated permanent signs shall not be illuminated in such a manner that the illumination becomes an infringement to the adjoining residences.
- c. Temporary or Portable signs referring to a specific event or activity are permitted for a period of five (5) days prior to and two (2) following the activity or event to which they pertain. In no instance shall this period exceed seven (7) days.

C. Business Districts

- 1. Where groups of four (4) or more contiguous businesses are located together or where a lesser number of stores total not less than ten thousand (10,000) square feet of gross leasable area, one common free standing sign denoting the name of the shopping facility shall be permitted, not exceeding one hundred fifty (150) square feet (75 square feet per side) and with its bottom panel not more than eight (8) feet above grade. All other signs shall be attached to buildings, of a wall, projecting or soffit type, and coordinated in material, shape, lettering, color and/or decorative elements.

2. Representational signs shall not project in any direction more than five (5) feet beyond the principal structure to which they are attached, and shall not exceed fifteen (15) square feet. Only one (1) such sign per establishment shall be permitted, with the area of such sign structure included within the total sign area permitted.
3. Illuminated signs which indicate the time, temperature, date or similar public service information shall not exceed thirty-two (32) square feet and shall not employ less than sixty (60) percent of the total sign area on each side for said public service information.

§ 86-9. Regulations by Sign Type

The following are descriptions of signs varying in construction and type which may comply with the following additional conditions, unless otherwise specified elsewhere in a local law.

A. Temporary Signs and /or Portable Signs

1. All signs of a temporary nature, except as otherwise provided in this local law, shall be permitted for a period not exceeding thirty (30) days prior to the activity or event nor exceeding five (5) days after the activity or event. Such signs shall not exceed seventy-two (72) square feet in business, industrial, and agricultural districts, nor thirty-two (32) square feet in residential districts, Such Signage shall not be located within any public right-of-way, nor be attached to fences, trees, utility poles, rocks or other parts of a natural landscape, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.
2. 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 sixty (60) days or until installation of a permanent sign, whichever occurs first. Such a portable sign must meet all the onstruction standards of the municipality. A permit for such a portable sign shall be required. Upon completion and installation of the permanent sign, the permit fee paid for the portable sign shall be applied to the permit fee for the permanent sign.

B. Permanent Signs Within any zoning district, the following permanent signs may be erected, provided, however, that such placement shall not serve to expand the number of signs otherwise allowed, pursuant to the next subsection on business and industrial districts:

1. A non-illuminated, single-sided real estate development sign, including industrial and commercial development, residential subdivision, or construction sign denoting the architect, engineer and/or contractor, not exceeding thirty-two (32) square feet in business and industrial districts nor sixteen (16) square feet in residential districts,

may be erected on property being sold, leased or developed. Such sign shall be erected parallel to the fronting highway, set back a minimum of fifteen (15) feet from the property line or attached to the building face. Such sign shall be removed upon completion of the project and shall be in place for a period not exceeding two (2) years.

2. 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 (1) such sign or bulletin board, not exceeding thirty-two (32) square feet, may be erected for each entrance on a different street or highway.
3. For multiple dwellings or apartment developments, one (1) sign advertising availability of several dwelling units, not exceeding thirty-two (32) square feet. One (1) such sign shall be permitted for each entrance on a different street or highway.
4. Signs necessary for the identification, operation or production of a public utility, not exceeding thirty-two (32) square feet, may be erected on the premises of such public utility.

C. Wall Signs

1. 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.
2. Wall signs shall not extend more than fifteen (15) inches from the face of the buildings to which attached.
3. Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of seven (7) feet six (6) inches.

D. Projecting Signs

1. Projecting signs shall not have more than two (2) faces.
2. The exterior edge of a projecting sign shall extend not more than five (5) feet from the building face, or one-third (1/3) the width of the sidewalk, whichever is less.
3. No part of a projecting sign shall extend into vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of seven (7) feet six (6) inches.
4. Projecting signs shall not be higher than twelve (12) feet.
5. No projecting sign shall be closer than fifteen (15) feet from the corner of a building located at a street intersection.

E. Free-Standing Signs

1. No free-standing sign shall be located within the right-of-way, nor less than fifteen (15) feet from a side property line, nor be located less than fifty (50) feet from any other free-standing sign.
2. If for any reason the property line is changed at some future date, any freestanding sign made nonconforming thereby must be relocated within ninety (90) days to conform with the minimum setback requirements.
3. Except in the case of those situations defined in the General provisions of § 86-8 B, no free-standing sign shall be more than one hundred (100) square feet per side for a double-faced sign.
4. No free-standing sign shall be more than twenty (20) feet in height above highway grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.
5. No free-standing sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.
6. Free-standing signs under which a pedestrian walkway or driveway passes must have a minimum of ten (10) foot vertical clearance.
7. Masonry wall-type signs shall not exceed four (4) feet in height and shall not be placed so as to impair visibility for motorists.

F. Other Signs

1. Permanent Window Signs

- a. No more than one sign per window and a maximum of two (2) per business enterprise.
- b. The area of a window sign shall not exceed twenty-five (25) percent of the area of the window nor more than four (4) square feet.

2. Sign Directories

- a. The character and size of the sign matrix and of the individual sign components comprising the directory shall be regulated in accordance with guidelines provided by this local law.
- b. Sign directories shall contain identification of and direction to several business enterprises, but shall contain no promotional advertising.

3. Awning Signs

- a. No sign shall project from an awning.
- b. 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.

- c. The surface area of awning graphics shall be debited against the permitted wall sign surface area.

§ 86-10. Nonconforming Signs

In the event a sign lawfully erected prior to the effective date of this local law does not conform to its provisions and standards, then such signs shall be modified to conform or be removed according to the following regulations:

- A. If a nonconforming sign includes such features as included under the section on Prohibitions, then such sign shall be modified by its owner to comply, or be removed within thirty (30) days after the owner receives written notice from the Code Enforcement Officer to so comply.
- B. If an owner has complied, as necessary, with the above provision, yet remains in nonconformity in other respects, he may apply for a variance to maintain the nonconforming sign for a fixed period. Application for such variance shall be filed with the Zoning Board of Appeals within three (3) months of the effective date of this local law, and shall include satisfactory proof of the date of erection of said sign. A permit to continue a nonconforming sign shall in no case exceed one (1) year.
- C. All nonconforming off-premise signs shall not be enlarged within three (3) months of the effective date of this local law.

§ 86-11. Removal of Certain Signs.

- A. Any sign or sign structure existing on or after the effective date of this law, which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, shall be removed.
- B. If the Code Enforcement Officer shall find that any sign regulated in the local law is not used, is not in compliance with this or any other Article, is abandoned, unsafe or insecure, or is a menace to the public, the 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 thirty (30) days from the date of the notice. If the sign is not removed or repaired within said time period, the Code Enforcement Officer shall revoke the permit issued for such sign and may remove the sign and assess the owner for all costs incurred for such service.
- C. The Code Enforcement Officer may cause any sign, which is a source of immediate peril to persons or property, to be removed immediately and without notice.

§ 86-12. Construction Standards.

- A. General.
 - 1. All signs installed after the effective date of this local law shall have attached to the sign a name plate giving the sign permit number visibly posted on the sign or sign structure.

2. 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.
3. 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.
4. All free-standing signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of surface area.
5. All signs, including wall-mounted and projecting signs, shall be securely anchored.
6. 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.
7. All projecting, free-standing or wall signs shall employ acceptable safety material.
8. All signs shall be painted and/or fabricated in accordance with generally accepted standards.

B. Design Guidelines

1. Signs shall be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics shall be related with, and not cover, architectural features, and should be in proportion to them.
2. Signs shall be appropriate to the types of activities they represent.
3. Layout shall be orderly and graphics should be of simple shape, such as rectangle, circle or oval.
4. Illumination shall be appropriate to the character of the sign and surroundings.
5. Groups of related signs shall express uniformity and create a sense of harmonious appearance.
6. All signs are subject to site plan review by the planning board.

6. All signage shall be professional in appearance and construction as not to visually detract from the character of the area or have a negative effect upon the quality and value of surrounding properties.

§ 86-13. Off Premise Directional Signs (OPD)

Off-premises directional (OPD) signs for the convenience of the general public and for the purpose of directing persons to a business, attraction or community facility may be erected providing such signs are limited to name or identification, arrow or direction, and distance. Advertising messages and images shall be prohibited. All OPD signs within the Town of Urbana shall comply with the following regulations, standards and uniformity:

1. APPLICATION PROCEDURE. Applications shall be made in writing to the Code Enforcement Officer on forms obtained from the Town of Urbana Town Clerk and shall contain the following information:
 - A. Name, address and telephone number of the Applicant
 - B. Name, address and telephone number of the property owner of the site at which the sign will be located, as well as a written statement from such property owner acknowledging and permitting the installation of said sign.
 - C. Location of the site where the OPD sign will be located.

- D. A description of the proposed sign including the name of the business or attraction that is to appear on the panel, the directional information that is to be utilized, and the mileage information that is to be displayed.
- E. A fee in an amount as established by the Town Board.

2. Permits and Procedures

A. Upon the filing of a completed application for a sign permit and the payment of the required fee which has been determined by a schedule of fees as established by the Town Board, the Code Enforcement Officer 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 sign is in compliance with the requirements of this Local Law, the Code Enforcement Office shall then, within thirty (30) days, issue a permit for the erection of the proposed sign or for an existing sign. The issuance of this permit shall not excuse the applicant from conforming to any other laws, or any other Local Laws or Ordinances. Applicants are permitted up to six (6) signs per business. Each sign will require a separate application and fee.

3. Term

The term for each OPD sign permit shall be a maximum of one year, and shall expire on December 31 of the calendar year in which the permit was issued.

4. Renewal

All OPD sign Permits must be renewed on an annual basis by utilizing the application procedure and payment of any and all fees as indicated in Section 1, Paragraph 1. Applications for renewal must be received by January 31 of that calendar year. Should the Code Enforcement Officer determine the existing sign is not in compliance with this or any other article, or has fallen into disrepair, then the renewal for said sign shall be denied. Should the owner of any OPD sign fail to renew the Permit by January 31, the sign will be considered to be in violation and must be removed within Fifteen (15) days by the owner. Following that time period the Code Enforcement Office may remove the sign without further notice. The space allocated for said sign will be afforded to the next available applicant.

5. Fees

The fee for all OPD signs shall be paid annually and shall accompany the original or renewal application, and shall be determined by a schedule of fees as adopted by the Town Board.

6. Location and Placement Specifications

- a. OPD signs shall not be located any private property without the property owner's written consent.
- b. OPD Signs shall not be located within fifteen (15) feet from any adjoining property line.
- c. OPD Signs shall not be located within fifteen (15) feet from the paved or improved portion of any roadway.
- d. OPD Community Sign Structures. incorporate multiple OPD signs, representing a variety of different establishments. At any OPD Community Sign location the totals number of signs shall be six (6) and no OPD Signs other than those on the Community Sign structure shall be permitted.
- e. OPD Signs may not be located closer than 100 feet from any intersection and must not interfere with the line of sight of any municipal traffic sign(s).
- f. One set of Community signs, consisting of six (6) OPD Signs are permitted at each location. Permits are issued on a "first come – first serve" basis.
- g. No OPD Sign shall be placed further than seven (7) miles, measured in a straight line, from the location of the corresponding business.
- h. It is the responsibility of the applicant(s) to erect and maintain the sign structure and affix and maintain signage.

7. Construction Specifications:

To maintain a sense of continuity, insure standardization, and to familiarize travelers with OPD signs, all OPD signs will conform exactly to the following construction specifications:

a. One line of copy denoting the name of the business or attraction shall be permitted. The typestyle utilized shall be Helvetica face type, gloss or reflective white in color, and may be condensed to accommodate lengthy copy. Copy displaying the name of the business or attraction shall be located with the linear center located three inches from the top edge of the sign panel and shall be centered horizontally. Application of all sign copy is to be screen printed or computer cut vinyl.

b. One line of copy denoting the name of the direct of travel shall be permitted below the name of the business or attraction. The typestyle utilized shall be Helvetica face type, gloss or reflective white in color. Copy denoting the change in direction of travel is restricted to the use of the directional terms "RIGHT", "LEFT" and may include the distance represented in decimal

mileage followed by "MILE(S)". "STRAIGHT AHEAD" or similar verbiage is prohibited. Directional copy may be preceded or followed by an arrow, four (4) inches in height by three inches in width, illustrating the direction of travel. Directional copy shall be located with the linear center located three inches from the bottom edge of the sign panel and shall be centered horizontally. Application of all sign copy is to be screened or computer cut vinyl.

c. Sign panels shall be constructed of .080 inch thick aluminum stock, thirty six (36) inches in width and twelve (12) inches in height. Corners are to be radiused. The sign face coloration shall be a gloss coating limited to Calon #12 Burgundy (Pantone #202). Sign face coatings may not be of a reflective material. Color coating may be applied vinyl, screened, or sprayed and coverage must be from edge to edge. A gloss or reflective white border one quarter (.25") inch in width, located with the vertical and horizontal centers one quarter inch (.25") from the respect sign edge, shall appear on all sign faces. The back of the sign shall be mill finish.

d. Sign post material shall be 8' 2 lb U-channel attached to a 4' 3lb U-channel breakaway. Post height shall not exceed ten (10) feet in height about average grade.

8. Any signs not in compliance with this or any applicable section, or deemed to be a detriment to Public safety shall be removed, shall be removed within ten (10) days

§ 86-14. Nonconforming Signs.

In the event a sign lawfully erected prior to the effective date of this local law does not conform to its provisions and standards, then such signs shall be modified to conform or be removed according to the following regulations:

1. All nonconforming off-premise signs shall be removed within ninety (90) days after the adoption of this Chapter.
2. Permits for OPD Signs shall not be granted until the Applicant has removed all preexisting nonconforming off premise signage.

§ 86-15. Removal of Certain Signs.

Any sign, existing on or after the effective date of this law, 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 Code Enforcement Officer shall find that any sign regulated in the local law is not used, is not in compliance with this or any other Article, is abandoned, unsafe or insecure, or is a menace to the public, the 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 thirty (30) days from the date of the notice. If the sign is not removed or repaired within said time period, the Code Enforcement Officer shall revoke the permit issued for such sign and may remove the sign and assess the owner for all costs incurred for such service.
2. The Code Enforcement Officer may cause any sign, which is a source of immediate peril to persons or property, to be removed immediately and without notice.

§ 86-16. Amendments.

The Town Board may on its own motion, or on a petition, or on recommendations of the Planning Board, after Public Notice and Public Hearing, amend this Local Law pursuant to all applicable requirements of law.

All proposed amendments originating by petition, or by motion of the Town Board, shall be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within Sixty (60) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

§ 86-17 Enforcement

Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this Local Law, or any conditions imposed by a permit pursuant hereto, shall be guilty of an offense and subject to a fine not to exceed Two Hundred Fifty (\$250) Dollars or imprisonment for a period not to exceed Fifteen (15) days and/or both such fine and imprisonment. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

Nothing contained in this local law shall prevent the Town Board from maintaining an action or proceeding in the name of the Town in a Court of competent jurisdiction to compel strict compliance with the provisions of this local law or to restrain, by injunction, the violation of any of its provisions or any rule or regulation promulgated hereunder.

§ 86-18. Variances

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power, after Public Notice and Hearing, to vary or modify the application, so that the spirit of the Ordinance shall be observed, public safety and welfare secured.

A. Application Procedure

1. All applications for Variances shall be filed with the Town Clerk, in writing, and shall be accompanied by payment of a filing fee of \$25.00, accompanied by a written narrative describing special circumstances or conditions that are such that strict application of the provisions of this Ordinance render it impossible for the Applicant to comply with the requirements of this Chapter.

2. The Board of Appeals shall act in strict accordance with the specifications of this Chapter. A variance to the provisions of this Ordinance shall be granted by the Board of Appeals in order to vary or adapt the strict application of any of the requirements of this Ordinance in the case of conditions, whereby such strict application would result in practical difficulty or unnecessary hardship . In no case shall a Variance be granted allowing off-premise advertising or directional signage other than OPD Signs, nor shall any Variance be granted that waives any OPD Construction standards in §86-13.

3. No variance in the strict application of any provision of this Ordinance shall be granted by the Board of Appeals except by the adoption of a resolution fully setting forth the reasons for the following findings:

- a. That there are special circumstances or conditions that are such that strict application of the provisions of this Ordinance would render it impossible for the Applicant to comply with the requirements of this Chapter.
- b. The variance is granted by the Board of Appeals is the minimum variance that will accomplish this purpose.
- c. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the vicinity or otherwise detrimental to the public welfare.
- d. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege.

B. Notice of Decision

The Board of Appeals shall file its written Decision with the Town Clerk and notify the Applicant, in writing, within Sixty (60) days from the close of the Public Hearing.

1. Any variance which is not exercised within one year from the date of issuance is hereby declared to be revoked without further hearing by the Board of Appeals.

§ 86-19. Further Appeal

A. Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals may apply to the Supreme Court for relief by a proceeding under Article 78 of the Civil Practice Law and rules of the State of New York, the provisions of which shall govern such action except:

- 1. It must be instituted, as therein provided, within Thirty (30) days after the filing of the Decision with the Town Clerk:
- 2. The Court may take evidence or appoint a referee to take such evidence as it may direct and report the same, with his findings, of fact and conclusions of law, if it shall appear that testimony is necessary for the proper disposition of the matter, and
- 3. The Court at special term shall itself dispose of the case on the merits, determining all questions which may be presented for determination.

B. Costs shall not be allowed against the Board of Appeals unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision from which the subject appeal has been taken.

§ 86-20. Severability

The provisions of this Local Law are severable. If any article, section, paragraph, or provision of this Local Law shall be held by a

Court of competent jurisdiction to be invalid, such invalidity shall apply only to the article, section, paragraph, or provision adjudged invalid, and the rest of this Local Law shall remain valid and effective.

§ 86-21. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of the State of New York, and shall replace all existing Chapters.

§ 86-22. Amendments

- A. The Town Board may on its own motion, or on a petition, or on recommendations of the Planning Board, after Public Notice and Public Hearing, amend this Local Law pursuant to all applicable requirements of law.
- B. All proposed amendments originating by petition, or by motion of the Town Board, shall be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within Sixty (60) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

§ 86-23. Penalties for offenses

- A. Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this Local Law, or any conditions imposed by a permit pursuant hereto, shall be guilty of an offense and subject to a fine not to exceed Two Hundred Fifty (\$250) Dollars or imprisonment for a period not to exceed Fifteen (15) days and/or both such fine and imprisonment. Every such person or entity shall be deemed guilty of, a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.
- B. Nothing contained in this local law shall prevent the Town Board from maintaining an action or proceeding in the name of the Town in a Court of competent jurisdiction to compel strict compliance with the provisions of this local law or to restrain, by injunction, the violation of any of its provisions or any rule or regulation promulgated hereunder.