

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.

County City Town Village
(Select one.)

of Austerlitz _____

Local Law No. 2 of the year 2011

A local law regulating signs in the Town of Austerlitz.
(Insert Title)

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

County City Town Village
(Select one.)

of Austerlitz _____ as follows:

See Attached

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

- I. Definition of Signs
- II. Types of Signs
- III. Allowed Signs
- IV. Sign Standards – General Provisions
- V. Procedures for obtaining a Sign Permit
- VI. Enforcement
- VII. Penalties for offenses
- VIII. Severability

Statement of Purpose: The purpose of this local law is to promote and protect public health, welfare and safety by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create an attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of the Town. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents.

Intent: The Town of Austerlitz finds that signs are a necessary means of communication that can benefit or detract from the community and neighborhood character. All signs should conform to the following provisions. At no time should these provisions be interpreted to regulate any aspect of the content of any sign.

- I. **Definition of signs:** Any material, structure or device composed of lettered or pictorial material which is placed for public display of an advertisement, announcement, notice, commercial symbol, directional matter or name, including sign frames, billboards, sign boards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projected signs or ground signs. Signs may vary by length of intended use (e.g., permanent or temporary); by style (e.g., portable, moveable or freestanding); by location (e.g., on site or off premises), or by purpose (e.g., commercial or individual).
- II. **Types of Signs:**
 - A. **Permanent Sign:** Any sign intended to be permanently in place at a given location and is installed by means of suitable fastening to a building or to a structure specifically erected to hold such sign to the ground.
 - B. **Temporary Sign:** Any sign intended to be removed upon the completion of an event, a program, or rendition of contractor services. Examples of temporary signs include portable signs such as sandwich board signs, sidewalk signs, signs on wheels, or leaning signs.
 - C. **Sandwich Board Sign:** An outdoor double-sided temporary sign. The dimensional measurements of such signs shall not exceed a total width of twenty-four (24) inches, including supports thereof.

- D. **Freestanding Sign:** An outdoor sign not painted on or affixed to a building. No freestanding sign shall exceed ten feet in height, measured from the ground elevation to the top of the sign; exceed ten feet in any dimension; or be located within fifteen (15) feet of any property line or edge of road, except as otherwise specified herein. The bottom edge of a freestanding sign shall be at least seven (7) feet above the ground when located in an area where the public walks or where it would impair visibility.
- E. **Non-conforming signs.** All signs not in compliance with this local law, upon the effective date, shall be deemed non-conforming.

1) Old signs that do not conform to new standards shall be grandfathered as originally approved.

2) A nonconforming sign relating to an existing use shall be removed or made conforming prior to the issuance of any subsequent sign permit for such use.

3) An application for sign approval and permit for the replacement of an existing nonconforming sign by a legal conforming sign which is submitted before two years from the effective date of this local law shall be exempt from all fees required by this local law, but not from any subsequent fees.

III. Allowed Signs: The following types of signs are allowed without any municipal approval except that any such sign shall not exceed the maximum dimensional, height or area requirements in this ordinance:

- A. **Election signs:** All signs advertising a candidate for public office or any other public ballot initiative are exempt.
- B. **Temporary signs:** Any property owner is permitted to erect a single, temporary, non-illuminated sign on said property advertising the sale or lease of merchandise, or a special event, or the performance of services by contractors. The property owner shall remove such sign within three (3) days after the sale, lease, event or performance of services.
- C. **Locational, Street Address and Public Safety Signs:** Any property owner is permitted to erect one non-illuminated sign identifying the property name or residents of the property and the official street address. Other signs offering information necessary for public safety including by example, 911 signs, customary posted or non-trespassing signs, private drive, parking or exit/entrance signs along with other signs required pursuant to any governmental function, law or regulation are also exempt.
- D. **Other:** When not associated with a commercial activity, all historical or memorial markers as well as flags, insignia, or emblems of any government or religious organization and any religious holiday decorations are also exempt from these regulations.
- E. **Landmark signs:** Any older sign of artistic or historic merit or of uniqueness to the Town of Austerlitz, each of which must be recognized by the Town Board or Historian or as defined by the NYS Dept of Parks & Recreation, is entirely exempt from this section, including all dimensional, height and area requirements.

- F. For Sale and For Rent signs: No more than two (2) non-illuminated signs advertising the sale or rental of a property may be erected and maintained on the said property by the owner or broker or any person with legal interest in the sale or rental of such property provided that:
 1. The size of any such sign shall be no more than six (6) square feet; and
 2. Up to two additional, non-illuminated signs may be erected or maintained if said property abuts more than one public right-of-way.
- G. Home occupation signs: ZONING LAW: Level 1 home occupations allows no signs; level 2 allows up to 25 sq ft.
- H. General directory or directional signs shall include only the name(s) of the establishment and basic directional information.

IV. Sign Standards - General Provisions:

- A. No sign shall exceed twenty-five (25) square feet in size. Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the sign surface. For a sign painted on or applied to a building, the area shall be considered to include the smallest rectangle or other shape which encompasses all lettering, numbering, designs, logos or lights together with any background or different color than the finish material of the building. The area of supporting framework, such as brackets or posts, shall not be included in the area if such framework is incidental to the display. When a sign has two (2) or more faces or is composed of multiple signs each with a face, the sum of the areas of all the faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this latter case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.
- B. Construction and Maintenance: Any sign must be constructed of durable materials and be maintained in good condition. Signs painted on or attached to buildings shall be preferred to free standing signs.
- C. Obstruction of Rights-of-Way; Setbacks: Signs attached to a structure shall not project more than three (3) feet from the structure. No sign shall extend over a public right-of-way or obstruct views from any public right-of-way to any other public right-of-way. No signs shall be located on property covered by a government or private landowner's right-of-way, unless written consent is granted by the owner.
- D. Illumination: Sign illumination shall only be with a steady, stationary, shielded light source directed at the sign without causing glare on adjoining properties or any public right-of-way.
- E. All sign fabrication, erection, attachment and installation shall conform to the requirements of the latest edition of the New York State Uniform Fire Prevention and Building Code and other applicable codes and regulations.
- F. One sign per business is permitted, but no parcel shall have more than one freestanding sign, even if there is more than one business building or use on the parcel, except as otherwise provided herein.
- G. If a business or individual closes or relocates, it shall remove all of its signs within forty-five (45) days.

H Unsafe, damaged or deteriorated signs or signs in danger of falling shall be put in order, or removed, upon written notice from the CEO/ZEO, which notice shall prescribe the timeframe for action. Immediate compliance is expected for the repair or removal of unsafe signs

I. Prohibited Signs:

1. Signs designed with flashing, intermittent, rotating or moving lights.
2. Off premises signs: Signs displaying information on uses, goods, products, services or facilities offered at a location other than on the tax lot where the sign is located

V. **Procedures for obtaining a Sign Permit:**

A. It shall be unlawful for any person to erect or cause to be erected, alter, redesign, relocate or reconstruct an existing sign within the Town without first having obtained and paid for and having in force a permit therefore from the CEO/ZEO.

1. Exceptions to the requirement to obtain a Sign Permit:

a. Routine maintenance or repair (by the sign owner or premises owner where the sign is located) to keep such sign, including its illumination sources, in a neat and orderly condition and good working order at all times, including painting or cleaning, and to prevent the deterioration in the physical appearance or safety of such sign;

b. The changing of the advertising or message on an approved sign which is specifically designed for the use of a replaceable copy.

B. Application for a sign permit shall be made on a form provided by the CEO/ZEO, which application shall include detailed responses to all questions on said form. The CEO/ZEO shall establish the submission format and content for the application, including the number of copies, drawing scale, sheet size, sign dimensions, and site plan delineating property lines, public rights-of-way, street lines and other traveled ways, structures/building locations and dimensions, parking areas, location and dimensions of all other signs on the parcel, including the sign permit number for such signs, exact location of the proposed sign and setbacks from property lines, construction details, materials, illumination source, wiring and other electrical details and structural details, including fastening and joining methods and materials.

C. The applicant shall pay the permit fee as established by the Town Board.

D. The applicant shall provide any additional information as the CEO/ZEO may require to insure compliance with this Sign Law.

E. In those cases where an applicant does not wish to implement the conditions of approval outlined by the CEO/ZEO, the matter shall be referred to the Zoning Board of Appeals for a final decision.

F. Appeals: Questions of alleged error in any order or determination by the CEO/ZEO involving the interpretation of the provisions of this local law or requests for variances from the provisions of this local law shall be referred to the Zoning Board of Appeals for resolution.

G. Any sign placed on a state, county, or town easement or right-a-way needs approval of the appropriate agency.

VI. Enforcement: The provisions of this local law shall be administered and enforced by the CEO/ZEO who shall have the power to make necessary inspections. No sign permit shall be approved by the CEO/ZEO except in compliance with this local law. Failure to comply with specific sign regulations will result in a fine to be determined by the Town Board and removal of the offending sign.

VII. Penalties for offenses:

A. In the event of a breach of any provision of this local law, the CEO/ZEO shall notify the owner of the premises, in writing, to remove, repair or bring the sign into conformance within the time frame noted, but in any case, no later than within thirty days of the date of the notice.

B. Any person, firm or corporation, whether as owner, lessee, agent or employee who violates any of the provisions of this local law, or who erects, moves or alters any sign in violation of any detailed statement or plans submitted and approved under this local law shall be guilty of a violation as the same is defined in the Penal Law and shall be fined not more than \$100 for each violation.

C. Each day that such violation is permitted to exist shall constitute a separate violation.

D. If any sign is erected, altered or moved in violation of the provisions of this local law, proper officials may, in addition to other remedies, institute an appropriate action to prevent such unlawful operation.

E. Upon failure to comply with any notice within the prescribed time, the CEO/ZEO shall remove or cause removal, repair or conformance of a sign, and shall assess all costs and expenses incurred against the owner of the building or land on which the sign is located.

F. All costs and expenses incurred by the Town in causing the removal or repair of any sign shall be collected from the sign owner or the owner of the premises on which such sign is located. Payment shall be made in not more than five days after the receipt of a written demand.

VIII. Severability: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remaining portions hereof, but shall be confined to the clause, sentence, paragraph or section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(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 2011 of the ~~(County)(City)(Town)(Village)~~ of Austerlitz was duly passed by the Town Board on June 9, 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

* 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.

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

Date: 6/9/11

(Seal)

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

STATE OF NEW YORK
COUNTY OF Columbia

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.

Robert Rappaport
Signature
ATTORNEY FOR THE TOWN
Title

County
City of AUSTEPLITZ
Town
Village

Date: 6/9/11