

## ARTICLE 11 SIGNAGE

### **Sec. 11.0. General.** [L.L. No. 4-02, § 1, 10-22-2002]

11.0.1 Intent. The purpose of this article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, 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 of designated areas, 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 open space, and curb the deterioration of natural beauty and community environment.

11.0.2 Scope. This article by its terms applies to all signs within the city excepting those signs erected and maintained within disposition parcels located in the neighborhood development area of the Urban Renewal Plan for the city.

11.0.3 Signs restricted.

1. The construction, erection, alteration, reconstruction, display, ownership, maintenance or operation of any sign within the city except as provided by this article is hereby prohibited.
2. Signposts are specifically prohibited from the public right-of-way with the exception of those that are necessary or recommended by the State of New York Manual of Uniform Traffic Control Devices.
3. Signs overhanging the public right-of-way are prohibited except in the city center and general commercial zones.
4. Signs judged obscene by the zoning board are prohibited.
5. No electric sign or electrically illuminated sign, or any sign board, signpost, portion of any advertising nature or otherwise shall be permitted or allowed to remain on the sidewalk nor on any portion of the city streets.

11.0.4 Institutional signs. Institutional signs shall not exceed 32 square feet in size nor shall there be more than one such sign per institution.

11.0.5 Temporary banners within rights-of-way. Signs, other than official street or traffic signs, shall not be erected within the right-of-way lines of any street, except that temporary banners may be permitted for festivals or special events with the requirement that special permits for such banners be issued by the mayor and common council of the city.

### **Sec. 11.1. Signs in residential use districts.**

Signs in the R1 Single-family Residential, R2 Single-family/General Residential, R3 General Residential and RT Residential Transition use districts shall conform to the following regulations:

11.1.1 Identification signs. Identification signs shall be permitted as an accessory use in any residential district as follows:

1. Customary professional or home occupation identification signs not over two square feet in size, related solely to the profession or home occupation conducted on the premises by a resident thereof.
2. No more than one such identification sign shall be permitted for each professional or other person so engaged and residing in the premises; but if a dwelling has frontage on more than one street, an additional identification sign shall be permitted for each additional frontage.
3. Such identification sign may be affixed to the face of the building or may be erected on a post not over four feet high, located in the yard but at least five feet from the property line or 20 feet from street pavement, whichever is greater.
4. The sign may not be illuminated.
5. A permit is required; however, no fee will be charged.

11.1.2 Bulletin boards.

1. Permanent bulletin boards or similar announcement signs are allowed only for churches and other nonprofit institutions. They may not exceed 20 square feet in gross area and shall be located either on the face of the building or on a post or posts at least five feet from the property line. One such sign shall be permitted for each street frontage.
2. Signs may be illuminated by night by back lighting or by direct lighting provided the latter is so screened as not to be visible from an adjacent residence.
3. A permit is required; however, no fee will be charged.

11.1.3 Temporary signs. Temporary "For Sale" or "To Let" signs relating to the premises and containing the name, address and telephone number of the owner or authorized agent, or both, and not exceeding six square feet in area in the aggregate shall be permitted. One such sign shall be permitted for each street frontage and may not be illuminated. Temporary signs must be removed within 48 hours after the intent of business of the sign is complete. See section 11.0.3. No fee will be charged for this sign.

11.1.4 Flags, civic insignia. Flags, flagpoles, badges, insignia of any government or government agency, or any civic, charitable, religious, patriotic, fraternal or similar organization shall be considered as being signs and subject to all provisions of this article except that no fee will be charged.

11.1.5 Attaching to trees, poles or structures. It shall be unlawful for any person to paint, post, place or fix any business or commercial advertisement, paper, handbills or circulars, or cause the same to be done, on or to any curbstone, flagstone or any other portion of any sidewalk or street, or upon any tree, lamppost, hitching post, telegraph post, telegraph pole, telephone pole, hydrant, bridge or any other structure within the limits of the city.

**Sec. 11.2. Signs in commercial use districts.** [L.L. No. 5-02, § 1, 10-22-2002]

11.2.0 Generally. Signs in the CC City Center and GC General Commercial use districts shall conform to the following regulations:

1. Permits required. A sign permit shall be required before any sign or billboard may be erected, altered, reconstructed or displayed within the city.
2. Application for permit. Written application shall be made to the code enforcement officer on a form provided by the code enforcement officer and shall be accompanied by complete plans and specifications showing the construction, method of support and materials to be used. Application may be made by the owner or by the lessee of the property upon which such sign is to be placed. The code enforcement officer may require the plans and specifications be signed by a professional engineer or architect registered in the state.
3. Permit fees. Each application shall be accompanied by a fee as established by the common council which may be amended or modified from time to time. The code enforcement officer of the city may require proof of the monetary value of sign. Licensed signs at the time of the enactment of this article must obtain permits under the provisions of this article upon expiration of their licenses. All other signs within the city must comply with the requirements of this article on the effective date of its enactment.

Upon the approval of the code enforcement officer of such application and of the place and manner of erecting the sign therein mentioned, and upon his writing or stamping thereon the amount of the fee required for the sign applied for, the applicant shall pay to the city clerk the fee prescribed by this division, and thereupon the city clerk shall issue to the applicant a license for the sign applied for.

Licenses shall be issued for a period of three years. New installations approved will be for three-year periods following the issuance of a permit; however, construction of an approved sign must be commenced within 30 days after the issuance of the permit and completed within 60 days thereafter.

License fees for the erection or maintenance of signs shall be established by the mayor and common council of the city by resolution from time to time.

Liability insurance must be obtained by the owner of a sign prior to approval by the code enforcement officer. Minimum liability coverage is \$10,000 property damage, and \$100,000 personal injury. All liability insurance policies shall be approved by the city attorney prior to issuance of a sign permit.

4. Temporary permits. Temporary signs shall require a permit from the code enforcement officer, but a fee will not be required.

A permit for a temporary sign may be issued for a period not exceeding 90 days; and such sign shall be removed within 24 hours after expiration unless an extension of time, not exceeding 30 days, shall have been granted in writing by the code enforcement officer.

Materials, except frames, used in the construction of temporary signs may be of light-weight material. Temporary signs shall conform to all other applicable provisions of this article.

5. Unsafe, unlawful and deteriorating signs. Whenever it shall appear to the code enforcement officer that any sign has been constructed or erected or is being maintained in violation of the terms of this article, or is unsafe or insecure, or is a menace to the public, or has been allowed to deteriorate, he shall give written notifications to the property owner and/or tenant. Said sign shall be removed or repaired and placed in a safe condition within 10 days after receipt of the written notification. If the foregoing is not complied with, the city will have the sign in question removed and the cost added to the property owner's tax bill.

In the event a sign has been damaged and presents an immediate threat to the public, the code enforcement officer may order the immediate removal of said sign and take appropriate action to protect the public and recover costs. Any time a business goes out of business or moves, the owner or company shall remove all signs of said business.

6. Sign mounting. All exterior signs shall be permanently mounted and securely anchored.

7. Restrictions. Signs and billboards shall not in any way obstruct the required door or window area of any building or structure.

Signs shall not be attached to or placed upon any portion of a fire escape.

Signs shall not be erected that will in any way interfere with the activities of the fire department.

Signs constructed or erected after the adoption of this zoning law shall not be rotating or contain any moving parts.

8. Traffic control signs. Signs necessary for traffic control on private property and containing no advertising may be erected, not to exceed an area of 12 square feet per sign.

9. Exemptions. The provisions of this article shall not apply to the following signs:

- a. Traffic signs erected by governmental bodies.
- b. Railroad warning signs.
- c. Municipal signs.
- d. Memorial signs or tablets, names of buildings and date of erection when cut in any masonry surface or when constructed of bronze or other combustible [non-combustible] materials.
- e. Occupational signs denoting only the name and profession of an occupant in commercial buildings and the name and nature of the occupancy in public and institutional buildings. Such signs shall not exceed two square feet in area.

10. Illumination. Signs may be illuminated at night by back lighting or direct lighting only provided the latter is so screened as not to cast any direct light upon any residence. No sign or lighting device shall be of the flashing, intermittent or reciprocating type.

Illuminated signs must bear the National Underwriters seal of approval or must be inspected and approved by the city electrical inspector.

11.2.1 Types of signs allowed. Each business establishment shall be allowed the following types of signs only and which shall be installed at the business location only. However, ground signs and pole or pylon signs may not be used in combination. Further, any area allowed in a ground sign or a pole or pylon type shall be deducted from the total area allowed under section 11.2.2, "Size limitations."

1. Wall sign. A sign attached to, erected against or painted on the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall.
2. Ground sign. A detached sign erected upon or supported by the ground.
3. Pole or pylon sign. A sign supported by or suspended from a free-standing column of concrete, structural steel, aluminum pipe or structural aluminum.
4. Projection signs. Each establishment in the city center and general commercial zones, shall be permitted one hanging sign for each frontage on a public right-of-way. Such signs shall not exceed 20 square feet in area per face nor exceed 24 inches from sign face to sign face. The bottom of such sign shall be a maximum of 13 feet above the sidewalk and shall not extend into any access driveways intended for service or emergency vehicles.

11.2.2 Size limitations. The total display area of all signs, including wall, ground, pole, pylon and window, permitted upon a single lot shall be determined as follows:

1. On an interior lot, two square feet of display area for each lineal foot of building frontage facing the main street or highway.
2. On a corner lot where building fronts on a second street, additional signs must be approved by the zoning board.

11.2.3 General requirements.

1. Any sign attached to a building shall not extend more than 50% above the roof line immediately behind the sign, and in no case shall the sign extend above same roof line by more than five feet.
2. Wall signs shall not extend more than 12 inches from the face of the building into any street, alley, sidewalk, thoroughfare or other public space.
3. Wall signs projecting six inches or more into any public space from the face of a building shall have a clearance of not less than eight feet between the bottom of such sign and the sidewalk level of any public thoroughfare.
4. Glass in any wall sign must be safety glass or comparable material.

11.2.4 Ground signs. Two ground signs may be permitted not exceeding 65 square feet in total area and subject to the following regulations:

1. Shall not be more than 10 feet in height as measured from the ground.

2. Any open space between the ground and the bottom of the sign shall not exceed three feet.
3. Ground signs may not be located in any area which shall affect visibility for motor vehicle traffic.
4. An additional sign shall be allowed under the provisions of this article, and subject to the above regulations.

11.2.5 Pole or pylon signs. One pole or pylon sign may be permitted not exceeding 65 square feet in area and subject to the following regulations:

1. The height of the pole or pylon shall not be more than 25 feet above the ground or curb, whichever is lower.
2. An open space of not less than 10 feet shall be maintained between the ground level and the bottom of such sign.

**Sec. 11.3. Signs in other use districts.**

11.3.0 Signs in the WC Waterfront Conservation Use District. Within the WC Waterfront Conservation Use District, all signs shall conform to the requirements of section 11.1.

In addition to the signs allowed to comply with the requirements of section 11.1, the owner of an approved mobile home park may be allowed to erect a single ground mounted sign, subject to the following regulations:

1. The sign shall only contain the name and address of the mobile home park.
2. The sign shall not be more than 10 feet in height as measured from the ground.
3. The sign shall not contain more than 24 square feet in total area on either of two sides.
4. The sign shall not be illuminated, except indirectly.
5. The sign shall not be located closer than 20 feet to any street or property line.

11.3.1 Signs in I Industrial Use Districts. Within the I Industrial Use Districts shall conform to CC and GC use district regulations.

11.3.2 Signs in industrial/business parks. Signs shall be allowed in industrial/business parks subject to the following regulations.

1. One sign of the pole or pylon type identifying the industrial/business park only and not exceeding 100 square feet in area and conforming to section 11.2.4.
2. One sign directing traffic to business locations. Such sign shall contain equalized areas not to exceed 12 inches by 72 inches for each business located within the park.
3. Entrance, exit, safety and other directional signs as required; size in accordance with size used for New York State signs.

4. Corporation identification signs, if intended to be seen from any road outside the park or area, will conform to regulations for business signs. Other corporate identification signs will be at the discretion of the corporation but will not extend more than five feet above the roof line.

**Sec. 11.4. Administration and violations.**

11.4.0 Billboards and off-premises advertising signs. Billboards shall be permitted by special use permit only and shall be permitted only in industrial districts. Offpremises advertising signs shall be permitted by special use permit only and shall be permitted in the CC, GC and I use districts only. Such special use permit shall be defined in and be issued as provided by the zoning ordinance.

11.4.1 Non-conforming uses. Notwithstanding any other provisions of this article, any nonconforming sign of any type in existence at the date of the enactment of this article shall, at the expiration of 12 months from such date, become a prohibited and unlawful use and shall be discontinued. If a party can show that he has been unduly burdened by this provision, he may apply in the alternative to the zoning board of appeals for a special permit to continue his non-conforming sign during the remaining or undepreciated useful life of such sign, as determined by an appropriate depreciation formula. For such purpose, the use of a formula commonly used for income tax purposes or the depreciation formula used in the depreciation schedules of the income tax returns of the owner of such sign shall be acceptable.

11.4.2 Variances. Notwithstanding any other provision of this article, upon application to the zoning board of appeals, that board may vary or adopt the strict application of any of the requirements of this article.