

# 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 of North Greenbush  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Local Law No. 4 of the year 2005

A local law THE 2005 NORTH GREENBUSH SIGN LAW  
(Insert Title)

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

County \_\_\_\_\_  
City of North Greenbush  
Town \_\_\_\_\_ as follows:  
Village \_\_\_\_\_

## "The 2005 North Greenbush Sign Law"

Section I. This local law is adopted pursuant to the authority granted the Town Board by Section 10 of the Municipal Home Rule Law. Article VIII of Chapter 197 of the Codes of the Town of North Greenbush is hereby repealed. The definition of "SIGN" as set forth in Section 197-3 of the code of the Town of North Greenbush is hereby repealed.

Section II. The North Greenbush Town Board hereby adopts the following new sections as part of the Code of the Town of North Greenbush.

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

## Article VIII – Signs

197-33

### A. Purpose

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 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-ways, provide more visual open space, and curb deterioration of the community's appearance and attractiveness.

This local law 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 messages clearly and simply to enhance their surrounds.

### B. Definitions

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 shall include any declaration, demonstration, display, representation, illustration or insignia cause when such is placed in view of the general public

Awning Sign – Any visual message incorporated into an awning attached to a building.

Directional Sign – A sign limited to providing information on the location of an activity, business of event.

Freestanding Sign – Any sign not attached 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 signs.

Portable Sign – 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.

Projecting sign – A sign which is attached to the building wall or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall or structure.

Temporary Sign – A sign related to a single activity or event having duration of no more than thirty (30) days.

Wall Sign – 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 exceeding 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 within four (4) feet of the window.

197-34

### Permits

A permit shall be required for all signs hereafter constructed, erected, painted or otherwise established, moved, altered or changed, unless otherwise exempted in this local law, and shall comply with the following regulations.

Permit. Upon the filing of a completed application for a sign permit and payment of the required fee, the Building Department Coordinator or his designee 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 all the requirements of this local law, he shall then, within fifteen (15) days, issue a permit for the erection of the proposed sign or for an existing sign. The issuance of a permit shall not excuse the applicant from conforming to other laws and ordinances of the municipality.

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

(Every sign shall bear the permit number, permanently and visible shown. Failure to do so shall constitute cause for revocation of the permit.)

### Permit Fee

Any sign requiring a permit shall have a permit fee in accordance with 95.2.

197-35

### Exempt Signs

The following types of signs are illustrative of the kinds that may be erected and maintained without permits, or fees, providing such sign comply with the general requirements of the local law and other conditions specifically imposed by the regulations:

Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface of when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations; not exceeding six (6) square feet.

Flags and insignia of any government, except when displayed in connection with commercial promotion.

On-premise directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, not exceeding four (4) square feet per face and six (6) feet in height.

Private-owned merchandise sale signs for garage sales and auctions, not exceeding seven (7) days.

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 four (4) square feet per side. In a business or industrial zoning district, one sign not exceeding fifty (50) square feet set back at least fifty (50) feet.

Temporary non-illuminated window signs and posters shall not exceed 25% of the window space or four square feet, whichever is greater.

One sign not exceeding six (6) square feet in the residential districts nor sixteen (16) square feet in the business districts, listing the architect, engineer, contractor and/or owner, on the premises where construction, renovation, or repair is in progress.

Posters – Temporary, nonpermanent posters covering such things as political events, sporting events, shows and elections shall not be displayed until four (4) weeks prior to the event and must be removed within one (1) week after the event. Such posters shall not be placed within the right-of-way of any public highway.

Political posters, banners, promotional devices and similar signs, not exceeding four (4) square feet in the residential districts or sixteen (16) square feet in the business districts providing:

- a. Placement shall not exceed thirty (30) days.

- b. The names and address of the sponsor and the person responsible for removal are identified

197-36

### General Regulations and Standards

- A. Any sign or use of signs not specifically allowed by provision of these regulations may be permitted upon approval of *the Zoning Board*
- B. No sign shall be located in such a way as to interfere with driver vision or other traffic.
- C. Any illuminated sign or lighting device shall employ only lights emitting a constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- D. No portable or temporary sign shall be placed on the front or face of a building or any premises, except as otherwise provided herein.
- E. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices. Included in this prohibition are signs, which are mechanically animated, such as moving, rotating or revolving signs. Said devices, as well as strings of lights, shall not be used for the purposes of advertising or attracting attention when not part of a sign.
- F. All signs shall be constructed of wood, metal or other durable material approved by the Building Department Coordinator or his designee.
- G. All signs shall be of simple forms, such as rectangles, squares, ovals or circles. Lettering, coloring, and decorative elements are subject to review and approval by the Planning Board.
- H. No swinging signs which may cause a hazard shall be permitted.
- I. A-Frame or sandwich board, sidewalk or curb signs other than exempted temporary signs are prohibited.
- J. All illuminated freestanding signs shall have lighting to sign turned off within one hour of close of business.
- K. Signs consisting of letters painted on or attached to a building surface or to a

Freestanding masonry wall shall be computed by multiplying the average height of the letters by the linear distance from the first letter to the last letter of the sign.

- L. Where advertising material is displayed in a random manner without an organized relationship of elements, each element shall be considered to be a single sign
- M. Non-accessory advertising signs, including but not limited to billboards, shall be strictly prohibited, except as temporary and off-site directional signs are provided for in announcement signs.
- N. All non-accessory signs and sign structures shall be removed within five (5) years of the effective date of this section.

197-37

**A. Announcement signs**

- 1. Announcement signs of clubs, lodges, public and semipublic buildings shall be not greater than twelve (12) square feet in area and shall be on the premises of the facility, except that a single announcement sign not exceeding six (6) square feet may be located off premises as a direction sign if the facility is not located on a county or state road or highway. Such signs may be illuminated.
- 2. Announcement signs of churches, charitable institutions and clubs not exceeding six (6) square feet may be located at strategic entrances to the Town of North Greenbush and other locations as approved by the Zoning Board of Appeals upon written request from the appropriate officials of the facilities. Such signs may be illuminated.

**B. Professional and home occupation signs**

- 1. Professional and home occupation signs in residential and professional office (PO) districts shall not exceed two (2) square feet in area.
- 2. Such signs must be affixed to the main wall of the building, except that plate signs not exceeding one (1) square foot in area may be placed in the front-yard.
- 3. Such signs may be illuminated, provided that such lighting does not produce a direct glare beyond the limits of the property line.
- 4. No more than two (2) signs shall be permitted for any residential structure or building

5. No other signs are allowed in residential districts except as provided in 197-38 or 197-35B.

**C. Exterior Advertising**

1. One permanently fixed advertising display or message board may be Permitted in BG, IG, IT and LB Districts only by special permit or by Planning Board site plan approval. Such display may be wall mounted or free standing.
2. Where permitted, such advertising displays or message boards may only advertise the products or service offered on the premise which the sign is located and shall meet the following minimum standards.
  - a). Maximum size per sign face: 20 sq. ft.
  - b). Minimum setback from highway right-of-way: 5 ft.
  - c). Maximum height: 8 ft.

**D. Business and professional signs in business and industrial districts**

1. There shall be no more than two (2) signs per business unit, one of which can be a freestanding sign.
2. Such signs or lettering must contain only the name of the lawful Owners or occupants or their trademarks or dispensed on the premises. Such signs may contain a street address, phone number and fax number.
3. Except as provided in subsection (6) herein, the total area of all professional and business signs shall not exceed two (2) square feet per linear foot of width of each store unit. The greatest dimension of any sign shall not exceed twenty (20) feet.
4. Such signs may be illuminated provided that such lighting is not Intermittent, does not produce a direct glare beyond the property line and does not use a color or shape which may be confused with official traffic lights or signals.
5. Such signs shall not be placed in such a manner as to fully or partially obstruct a town, county or state highway or sidewalk.
6. Where the building is more than one hundred and fifty (150) feet from the road right of way, then the greatest dimension of any sign shall not exceed one-third of the linear width of the building or thirty-three (33) feet, whichever is less.

**E. Wall Signs**

1. The total area of a wall sign shall not exceed sixty (60) square feet.
2. 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.
3. Wall signs shall not extend more than nine (9) inches from the face of the buildings to which attached.
4. Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of seven (7) feet six (6) inches.

**F. Projecting Signs**

1. The total area of a sign face of a projecting sign shall not exceed twenty (20) square feet.
2. Projecting signs shall not have more than two (2) faces
3. The exterior edge of a projecting sign shall extend not more than five (5) feet from the building face.
4. No part of a projecting sign shall extend beyond the lot line of the premise on which the sign is located.
5. Projecting signs shall have a minimum clearance of seven (7) feet six (6) inches. Projecting signs shall not extend above the level of the second floor of the buildings to which attached, or in any case be higher than twelve (12) feet.
6. No projecting sign shall be closer than fifteen (15) feet from the corner of a building located at a street intersection.

**G. Freestanding Signs**

1. Freestanding signs shall not be more than thirty-two (32) square feet per side for a double-faced sign.
2. Such signs shall not exceed the highest part of the building or twenty-five (25) feet, whichever is greater.
3. No freestanding sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.

4. Freestanding signs under which a pedestrian walkway or driveway passes must have a ten (10) foot vertical clearance.
5. Masonry wall-type signs shall not exceed four (4) feet in height and shall not be placed so as to impair visibility for motorists.
6. No freestanding sign shall be located less than fifteen (15) feet from the front property line nor less than five (5) feet from the side property line. No freestanding sign may be located less than fifty (50) feet from any other freestanding sign.

197-38

**A. Maintenance**

1. The owner of any sign shall maintain the same in a safe condition. All signs shall be subject to inspection by the Code Enforcement Officer or his duly authorized representatives and, if found by such inspector to be in an unsafe condition, shall be repaired or removed by the owner. If the owner shall fail to make the needed repairs or removal, the Code Enforcement officer shall have the authority to have the sign removed at the expense of the owner.
2. It shall be the responsibility of the owner to maintain its appearance in all respects and, where signs constructed upon the ground are permitted by this chapter, to cut the grass or remove any other growth and to remove all rubbish from the base area of the sign.
3. Signs that advertise any activity, business, product or service no longer conducted or available on the premises shall be considered abandoned and shall be removed at the request of the Code Enforcement Officer or his duly authorized representatives. If the sign has not been removed 90 days after the date of a written request, the Code Enforcement Officer shall have the authority to have the sign removed at the expense of the owner

**B. Review and Appeals**

Any person aggrieved by a decision of the Code Enforcement Officer or his duly authorized representatives to the provision of this local law may appeal such decision in writing to the Board of Appeals as provided in the Zoning Regulations and shall comply with all procedural requirements prescribed by such Board.

In granting any variance from the provisions of this ordinance, the Board of Appeals must find that the variance is necessary for the reasonable use of the land or buildings, that granting the variance is in harmony with the

general purposes and intent of this local law, that such will not be injurious to the neighborhood character or otherwise detrimental to the public welfare, and that denial of the variance would result in practical difficulty or unnecessary hardship to the applicant.

Any person, firm or corporation, whether as owner, lessee, agent or employee, who proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit, or who in any other way violates any provision of this local law, shall be guilty of an offense and shall be subject to the penalties as established in Article 2 of the Code of the Town of North Greenbush. Each week's continuous violation shall constitute a separate additional violation.

In case of a violation of this local law, the municipality and its officers may, in addition to any other remedies specifically conferred by law or ordinance, institute any appropriate proceedings to prevent unlawful erection, construction, reconstruction, alteration or use of any sign not in compliance with the ordinance.

**Section III.** The local law supercedes existing Article VIII of the Code of the Town of North Greenbush as well as the existing definition of "Sign" as set forth in Section 197-3 of the Town Code.

**Section IV.** This local law shall be effective immediately upon filing of same with the New York Secretary of State.