

Town of Wayland,

County of Steuben, New York

Sign Use Local Law No. 3 of 2012

Sign Regulations.

A. Purpose.

- 1) The purpose of this section 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. This section 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 curtail the deterioration of the community's appearance and attractiveness.
- 2) This section is intended to promote attractive signs that 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 sign should convey their messages clearly and simply to enhance their surroundings.

B. Definitions: as used in this section, the following terms shall have the meanings indicated.

AREA OF A SIGN – The surface devoted to conveying of the message exclusive of the structure to support it, trim and framing device and any appurtenances required by building codes. In the case of open sign structures not having a solid surface or a sign not otherwise inscribed in a definitive area of the sign shall be taken as the area required to circumscribe all letters and devices exclusive of supports.

ERECT – To build, construct, alter repair, display, relocate, attach, hang, place, suspend, affix or maintain any sign, and shall also include the painting of exterior wall signs.

FRONT OR FACE OF A BUILDING – The outer surface of a building visible from any private or public street or highway.

LIGHTING DEVICE - Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

SIGN – Any material, structure or device, or any part thereof, composed of lettered or pictured matter, or upon which lettered or pictorial matter is placed when used or located out of doors or outside on the exterior of any building, including window display area, for display of an advertisement, announcement, notice, directional matter or name, and includes sign frames, billboards, sign-boards, painted wall signs,

hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs, and shall also include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interest of any person or business when the same is placed in view of the general public. Types of signs are as follows:

- (1) AWNING SIGN - Any visual message incorporated into an awning attached to a building.
- (2) COPY-CHANGE SIGN – A sign on which the visual message may be periodically changed.
- (3) DIRECTIONAL SIGN - A sign limited to providing information on the location of an activity, business or event.
- (4) FREESTANDING 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, masonry wall-type signs and ground signs.
- (5) GROUND SIGN – A freestanding sign, which has the bottom edge of the sign face resting directly on or within 24 inches of the ground.
- (6) ILLUMINATED – Any sign illuminated by electricity, gas or other artificial light; either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.
- (7) OFF-PREMISES SIGN – A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.
- (8) PORTABLE SIGN – A sign, whether on its own trailer, wheels, or otherwise, designed to be moveable and not structurally attached to the ground, a building, a structure, or another sign.
- (9) PROJECTING SIGN – A sign attached to the building wall or structure and which extends horizontally from the plane of such wall, or a sign perpendicular to the face of such wall or structure.
- (10) REPRESENTATIONAL SIGN – A three-dimensional sign built so as to physically represent the object advertised.
- (11) TEMPORARY SIGN – A sign related to the single activity or event having a duration of no more than 30 days.
- (12) VALUE OF SIGN – The cost of the sign when it was originally constructed.

C. General regulations. Except as otherwise provided, no person shall erect, alter, or relocate any sign without first obtaining a permit from the Code Enforcement Officer per the requirements.

Subsequent to obtaining a permit, no permit shall be required for a sign to be repainted or repaired.

(1) Exceptions. The following types of signs may be erected without a permit in any zoning district, provided that such signs meet all other requirements of this chapter:

- a) Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, similar material, or wood; and emblems installed by government agencies, religious or nonprofit organizations. None of the signs under this section shall exceed six square feet in size.
- b) Flags and insignia of any government, except when displayed in connection with commercial promotion.

- c) 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 square feet per face and which do not contain any advertising.
- d) Non-illuminated warning, private drive, posted or no trespassing signs; not exceeding two square feet per face.
- e) One on-premise sign, either freestanding or attached, in connection with any residential building in any zoning district, for permitted professional offices or home occupations; not exceeding 2 ½ square feet. Such sign shall state name and vocation only.
- f) Number and nameplates identifying resident, mounted on house or apartment, or mailbox not exceeding one square foot in area.
- g) Lawn signs identifying residents, not exceeding one square foot or two square feet if double-faced. Such signs are to be non-illuminated except by a light which is an integral part of a lamppost if used as support, with no advertising message thereon.
- h) Private-owner merchandise sale signs for garage sales and auctions; not exceeding four square feet for a period not exceeding seven days.
- i) Temporary non-illuminated "For Sale" and "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 10 square feet per side. In a business or industrial zoning district, one sign not exceeding 50 square feet set back at least 15 feet from all property lines. All such signs shall be removed within three days after the date, lease or rental of the premises.
- j) Temporary directional signs for meetings, conventions and other assemblies.
- k) One sign, not exceeding six square feet in the residential districts nor 16 square feet in the business districts, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress.
- l) Political posters, banners, promotional devices and similar signs; not exceeding four square feet in the residential districts nor 16 square feet in the business districts, provided that:
 - [1] Placement shall not exceed 30 days, and a period of 11 months shall elapse between the last day of one period showing and the first day of the next.
 - [2] The names and addresses of the sponsor and the person responsible for removal are identified.
- m) Signs erected by the State of New York or any subdivision.

(2) Prohibitions.

- (a) No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices. Said devices, as well as strings of lights shall not be used for the purposes of advertising or attracting attention when not part of the sign
- (b) No sign shall impair or cause confusion of vehicular or pedestrian traffic in its design, color or placement. No sign shall impair or cause confusion of vehicle 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 fifty feet of the intersection of the street or highway lines. On a corner lot, nothing shall be erected, placed or planted or grown in such a manner as to obstruct materially the line of sight from one road to another, between two and one-half (2 ½) and ten (10) feet above the centerline grades of such roads, within the triangular area bounded by the right-of-way lines and a line connecting points thereon fifty (50) feet from their point of intersection.

- (c) No signs shall contain flashing, intermittent, rotating light or lights.
- (d) No signs shall move or contain visible parts which move or simulate movement.
- (e) No signs shall contain luminous material, sequin-studded letters or lettering with fluorescent paint.
- (f) Portable A-frame signs are not allowed.
- (g) Signs will not be allowed which are affixed to or painted upon rocks, tress, utility poles or other such structures.

D. Permit Requirements.

- 1) Application procedures. Application for the permit shall be made in writing, in duplicate, upon forms prescribed and provided by the Code Enforcement Officer and shall contain the following information..
 - (a) The name, address, and telephone number of the applicant.
 - (b) The location of building, structure, or land to which or upon which the sign is to be erected.
 - (c) A detailed drawing or blueprint showing a description of the construction details of the sign and showing the lettering and/or pictorial matter composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any building or land and its position in relation to nearby buildings, structures or existing signs and to any private or public street or highway.
 - (d) Written consent of the owner of the building, structure or land to which or upon which the sign is to be erected, in the event that the applicant is not the owner thereof.
 - (e) A copy of any required necessary electrical permit issued for said sign or a copy of the application thereof.
- 2) Fees. The fees to be paid to the town of Wayland, for the erection of each sign and for each of the conforming signs now erected in the Town as of the effective date of this chapter, shall be \$250.00 in accordance with a schedule adopted by the Town Board.
- 3) Issuance of permit. It shall be the duty of the Code Enforcement Officer, upon the filing of any application for a permit to erect a sign, to examine such plans, specifications and other data submitted to him with the application and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure. If it shall appear that the propose sign is in compliance with all requirements of this chapter, the Code, and other laws of the Town of Wayland, he shall then, within 10 days, issue a permit for the erection of the sign. If the sign authorized under such permit has not been completed within six

months from the date of issuance of such permit, the permit shall become null and void but may be renewed within 10 days from the expiration thereof for good cause upon payment of an additional fee of \$250.00 set according to a scheduled adopted by the Wayland Town board.

Temporary signs. All signs of temporary nature, such as political posters and signs, may be granted a temporary permit for a period not to exceed 30 days, provided that such signs are not attached to fences, trees, utility poles or the like, and further provided that such signs are not placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public. A deposit of \$10 shall be paid upon issuance of a permit for such sign, and a cash deposit of a like amount shall be deposited with the Code Enforcement Officer, after 10 days' written notice to the permit holder to do so, shall cause the said sign to be removed and the cash deposit shall be forfeited to help defray the cost of removal.

E. Signs permitted in agricultural and residential districts.

- 1) One unlighted nameplate sign situated within the property line and not exceeding one square foot in area on either of two sides. Permitted professional offices and home occupation uses may be identified with a second lighted sign not to exceed up to 2 ½ square feet and which shall state name and vocation only.
- 2) One sign, which may be illuminated but non-flashing, identifying a church, public building or other nonresidential permitted use which is situated on the property to which it relates, not less than 25 feet from a street line and not more than 20 square feet in area on either of two sides.
- 3) On real estate "For Sale" or "For Rent" sign not exceeding 10 square feet in area. Such signs are to be removed immediately upon sale or rental of the real estate.

One temporary sign for a roadside stand selling agricultural produce grown on the premises in season, provided that such sign not exceed 24 square feet and be set back at least 10 feet from the public right-of-way, and such signs shall be removed following the sale period.

F. Signs permitted in business and industrial districts.

- 1) Signs shall be permitted which identify or advertise the permitted businesses or industrial activities located on the premises.
- 2) The total number of permitted signs on a single business or industrial lot shall not exceed two, of which only one may be freestanding. One projecting sign, indirectly or internally illuminated, shall be permitted provided that the sign projects no more than 18 inches in front of the building façade on which it is mounted.
- 3) The total cumulative area of all signs permitted on such lot shall be calculated at a rate of one square foot of sign area per lineal foot of building front, plus ¼ square foot per lineal foot set-back of the principal building of the property, but in no case shall exceed 120 square foot.

- 4) A minimum total sign area of 20 square feet shall be permitted for any use, regardless of building frontage.
- 5) Freestanding signs shall not exceed 20 feet in height, nor shall the bottom edge of the sign plate be closer to the ground level than 12 feet. Freestanding signs may not be located closer than four feet to any curb face or from the edge of pavement if there is no curb face.
- 6) Ground signs may not be located closer than 10 feet to any curb face or from the edge of pavement if there is no curb face.
One real estate "For Sale" or "For Rent" not exceeding 50 square feet in the area. Such signs are to be removed immediately upon sale or rental of the real estate.

G. Revocation of permit and removal of certain signs.

- 1) To prevent hardship, owners are allowed to use signs which have been in existence prior to the effective date of this chapter.
A non-conforming sign which is destroyed or which is damaged to an extent in excess of 50% of its original construction shall not be replaced except by a sign which conforms to the regulations of this chapter.

H. Revocation of permit and removal of certain signs.

No sign, whether new or existing, shall hereafter be erected or altered except in conformity with the provisions of this chapter. However, notwithstanding any provisions contained herein, the sign must be kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring and loose fastenings and must be maintained at all times in such safe condition so as not to be detrimental to the public health and safety. In the event of a violation of any of the foregoing provisions, the Code Enforcement Officer shall give written or personal notice specifying the named owner of the land upon which the sign is located sent to the addresses as stated in the application for the sign permit, to conform or remove such sign. The sign shall thereupon be removed by the owner of the sign and owner of the land within 30 days, the Code Enforcement Officer shall thereupon revoke the permit, and such sign shall be removed by the named owner of the sign and/or the named owner of the land.

Any sign existing on or after the effective day of these regulations which no longer advertise an existing business conducted or product sold on the premises upon which sign is located shall be removed by the owner of the premises upon which such sign is located after written notice as provided herein. The Code Enforcement Officer, after determining that any such sign exists, shall notify the owner of the premises, in writing, to remove and sign within 30 days from the date of such notice. Upon failure to comply with such notice within the prescribed time, the Code Enforcement Officer is hereby authorized to remove such sign and shall assess all costs and expenses incurred in said removal against the land or building upon which such sign is located. Any sign, which existed on the effective date of this chapter shall not be enlarged, structurally altered, or related, except in accordance with the provisions of this part. For the purposes of this section, the refurbishing of nonconforming signs does not extend the useful life

of the sign nor its value. Repairs are limited to those necessary to maintain the sign in a safe and attractive condition.

Effective Date:

This law shall take effect immediately in accordance with the applicable provisions of the Municipal Home Rule Law.

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2012 of The Town of Wayland was duly passed by the Town Board on October 8, 2012 in accordance with the applicable provisions of law.

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 , above.

Natalie Baird
Town Clerk
Wayland New York
County of Steuben

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.

John Vogel
Town of Wayland
October 8, 2012