

Local Law Filing

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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 New Lebanon

Introductory Local Law No. 3 of the year 2016

A LOCAL LAW AMENDING CHAPTERS 162 AND 205 OF THE TOWN CODE OF THE TOWN OF NEW LEBANON

Be it enacted by the Town Board of the Town of New Lebanon as follows:

**TOWN OF NEW LEBANON
INTRODUCTORY LOCAL LAW NO. 3 OF THE YEAR 2016
A LOCAL LAW AMENDING CHAPTERS 162 AND 205 OF THE CODE OF THE TOWN
OF NEW LEBANON CODE ENTITLED “SIGNS & POSTERS” AND “ZONING”**

Section 1. Name of Local Law

This local law shall be referred to as “A Local Law amending Chapters 162 and 205 of the Code of the Town of New Lebanon entitled “Signs & Posters” and “Zoning”

Section 2. Findings and Intent

The Town of New Lebanon seeks to relocate and modify provisions of the existing code in order to address needs within the town that have not already been adequately addressed by the code.

Section 3. Authority

This Local Law is enacted pursuant to the authority of Section 10 of the New York State Municipal Home Rule Law.

Section 4. Enactment

This Local Law supersedes and replaces Chapter 162 Signs and Posters in its entirety, inserts a new provision 205-17 Signs and Posters, and renumbers previous section 205-17 Definitions to new section 205-18. This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law. All provisions of the Zoning Code of the town of New Lebanon regarding legal

requirements for the enactment of this Local Law to the extent inconsistent with the Municipal Home Rule Law are hereby superseded.

Be it enacted by the Town Board of the Town of New Lebanon that Chapters 162 and 205 of the Code of the Town of New Lebanon be hereby amended as follows:

§205-17. Signs and Posters.

[HISTORY: Adopted by the Town Board of the Town of New Lebanon on October __, 2016 by L.L. No. _____

Editor's Note: This local law relocates, amends and supercedes former Ch. 162, Signs and Posters, L.L. No. 1-2011]

A: Intent and Purpose. The intent of this section is to promote and protect the public health, safety and welfare of the residents of the town by regulation of advertising and signage.

B: Rules and regulations.

(1). All exterior signs and posters must be constructed of durable materials, shall be lettered in a professional and workmanlike manner and shall be maintained in good condition and repair at all times. Exterior signs and posters made of cardboard, paper or similar nonpermanent material are prohibited except for conservation and no-trespassing signs.

(2). In any residential district, a sign not exceeding two square feet in surface which announces the name, address or professional or home occupation of the occupant of the premises on which said sign is located is permitted.

(3). A bulletin board not exceeding 24 square feet is permitted in connection with any church, school or similar public structure.

(4). A temporary real estate sign not exceeding six square feet or a construction sign not exceeding 24 square feet is permitted on the property being sold, leased or developed. Such sign shall be removed promptly when it has fulfilled its function.

(5). An exterior business sign located in a commercial, recreational commercial or industrial district shall be permitted in connection with any authorized business or industry located on the same premises and meeting the following requirements:

(a) Two signs are permitted with any legally established business; one freestanding, the other attached to the building, and neither to exceed 24 square feet.

(b) The primary purpose of the sign shall be for identification and may state only the owner, trade names, trademarks, products sold and/or the business or activity conducted on the premises on which the sign is located.

(c) Signs shall not extend above the roof or parapet of the building. The height of a freestanding sign shall not exceed 30 feet.

(d) Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign itself.

(e) Signs which are animated, flashing or with intermittent illumination are prohibited.

(f) Signs shall not project over public rights-of-way or adjoining property lines.

(g) Lettering or symbols on the exterior structure of a business shall be considered a sign and shall be measured by connecting the extremities of the borders, lettering or symbols to be inscribed within a regular geometric form and, in addition, shall meet all the requirements of this chapter.

C. Signs for multi-business complexes, shopping centers, malls, PCID, etc.

(1) The owner of a business complex shall be permitted one freestanding sign which shall not exceed 24 square feet.

(2) One freestanding sign shall be permitted for the common use by all the businesses operating from the complex. Each business identification included on this sign shall not exceed 10 square feet, shall be measured as prescribed in the sign definition of this chapter and shall be uniform in design. (The total area of the signs permitted by Subsection C(1) and C(2) shall not exceed 75 square feet.)

(3) Such freestanding signs shall not exceed a height of 30 feet.

(4) In addition, within a shopping center, one sign for each individual business shall be allowed, such sign to be attached to the building, with a maximum projection of 18 inches off the face of the building wall. Such sign shall not exceed 24 square feet.

D. Any sign in disrepair or which becomes obsolete shall be removed, at the expense of the owner, upon order of the Town Board, if not repaired after 30 days' notice. Any replaced or repaired sign must conform to all regulations in this chapter.

E. Two signs off site may be permitted by the Zoning Enforcement Officer for business located in New Lebanon only, if necessary to direct customers to the place of business. The primary intent shall be directional and not for advertising. In every zoning district, the total square footage of each sign shall not exceed nine square feet.

F. A floral or stone sign may be permitted with a special permit as long as it conforms with other regulations of the sign chapter.

G. Mobile unit signs may be permitted by the Planning Board for businesses located in New Lebanon on a temporary basis only, not to exceed three months, and shall not exceed 24 square feet and shall meet all other provisions of this chapter.

H. None of the above provisions shall be construed to permit signs relating to businesses located out of the Town of New Lebanon.

I. Approvals. All signs require application for and issuance of a zoning permit from the Zoning Enforcement Officer and payment of any and all applicable application and permit fees. All sign permit applications shall be reviewed to ensure that the proposed signs will be erected, sited and constructed so as not to obstruct traffic, cause visual blight, nor detract from the value of adjacent properties.

J. Enforcement: Any person who constructs, erects or alters any sign without the required permit and approvals shall be in violation of this section and shall be subject to enforcement measures and penalties as defined in Chapter 205, Zoning.

K. Nonconforming signs. A lawful pre-existing, nonconforming sign may be maintained subject to the provisions of this section.

(a) Any existing on premises sign which was legally constructed and erected under the sign provisions or other regulations set forth in the Zoning Code, Town Code or which was granted a variance may be continued and maintained, provided, however, that such sign may not be moved, altered, enlarged or modified unless such sign is changed to a conforming sign. Once modified or changed, such sign may not be changed back into a nonconforming sign.

(b) The Town Board may require the removal of any nonconforming sign upon the unamortized value of the sign being realized if the Town Board, in its judgment, feels that the sign detracts from the general appearance of the community or endangers the public safety.

(c) All other signs in existence on the effective date of this chapter shall be made to conform to the standards herein or shall be removed within 60 days after receipt of written notice from the Zoning Enforcement Officer to the owner to comply.

L. Appeals. Any applicant aggrieved by an order, requirement, decision, interpretation, or determination made by the Zoning Enforcement Officer, the Planning Board, or its authorized representative pursuant to this chapter may appeal such order, requirement, decision, interpretation or determination and/or apply for a variance from the requirements of this chapter to the ZBA in accordance with the procedure set forth in Section 12 of the Town's Zoning Law.[1]

[1] Editor's Note: For applicable Zoning regulations, consult Town officials.

M: Sign schedule. The following sign schedule shall be read in conjunction with the rules and regulations set forth in this chapter:

Use	Zoning District	Maximum Size	Number Permitted	Comments
Name, address or profession or home occupation	Residential	2 square feet	1	---
Temporary real estate	All zones	6 square feet	1	Must be removed promptly after serving its purpose
Temporary construction sign	All zones	24 square feet	1	Must be removed promptly after serving its purpose
Business signs	C, C-Rec, C-I and C-R	24 square feet	2**	1 attached to building and 1 freestanding
Business complexes, shopping centers, malls, etc.	---	24 square feet	1*	For identification of the complex, center, mall, etc
Business complexes, shopping centers, malls, etc.	---	---	1*	10 square feet per business
Business complexes, shopping centers, malls, etc.	---	24 square feet	1	Attached to each business in shopping center
Bed-and-breakfast and boardinghouse	All zones, or where ZBA allows	2 square feet	1	Identification purposes
Directional/ identification signs	All zones	9 square feet	2	Off site, permit from Planning Board
Mobile unit signs	---	24 square feet	1	Temporary use, not to exceed 3 months duration

* Maximum permitted area of composite (freestanding) sign shall be 75 square feet.

** Height of individual freestanding signs shall not exceed 30 feet.

Signs attached to a structure shall not extend above the roof or parapet of the structure, nor shall the sign project more than 18 inches from the structure wall.

§205-18 Definitions *[Editor's note: Definitions section renumbered.]*

SIGN – Any device, including but not limited to letters, words, numbers, figures, emblems, logos, pictures or any combination of these, used for visual communication intended to attract the attention of the public and visible to the public right of way and/or other properties. The term sign shall not include any official traffic signs or signals.

Section 5. Severability

If any part or provision of this local law is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in application to the part of provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this law even without such part of provision or application.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State pursuant to the New York State Municipal Home Rule Law.

(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. 162 of 2016 of the (County)(City)(Town)(Village) of New Lebanon was duly passed by the Town Board of the Town of New Lebanon on October ____, 2016, in accordance with the applicable provisions of law.

~~**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.~~

~~**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____.~~

~~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.~~

* 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 _____ 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 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.

Tistrya Houghtling, Town of New Lebanon Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____