

# 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.

~~XXXXXX~~

~~City~~

Town

~~XXXXXX~~

of Windham

Local Law No. 1 of the year 2018

A local law entitled "Sign Law of the Town of Windham"  
(Insert Title)

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

~~XXXXXX~~

~~City~~

Town

~~XXXXXX~~

of Windham

as follows:

See Local Law annexed hereto.

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

# **SIGN LAW OF THE TOWN OF WINDHAM**

## **SECTION 1 - PURPOSE**

The Town Board of the Town of Windham finds that signs are a necessary means of communication that can benefit and detract from the community and neighborhood and should conform to the following provisions. The purpose of this Local Law is to promote and protect the public health, welfare and safety of the people of the Town of Windham by regulating existing and proposed outdoor advertising signs and signs of all types. This Local Law is intended to protect property value, create a more attractive business and tourist climate, enhance and protect the physical appearance and historic character of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended to reduce distractions and obstructions that may adversely affect traffic safety, reduce hazards that may be caused by signs overhanging or projecting into public right of way, provide more visual open space, protect green space, and trees, and to maintain and restore the generally high level of the community's appearance and attractiveness.

## **SECTION 2 - GENERAL CONSIDERATIONS**

All signs shall be erected and constructed in a fashion so as not to obstruct traffic, cause visual blight, nor detract from the value of property adjacent to that property upon which said sign is erected. All signs shall be compatible within the context of its visual and physical environment. In making such determinations, consideration shall be given but need not be limited to the following elements:

- (a) Size, bulk and mass
- (b) Texture and materials
- (c) Colors
- (d) Lighting and illumination
- (e) Orientation and elevation
- (f) General and specific location
- (g) Proximity to streets, highways and transit routes
- (h) Design, including size and character of lettering, logos and related contents
- (i) Background or field, including the skyline
- (j) Character of structural members
- (k) Frequency and nature of all signs and official regulatory signs and devices which are within the immediate field of vision.

## **SECTION 3 - GENERAL REGULATIONS**

After the effective date of this Local Law and except as otherwise herein provided, no person, firm or corporation shall erect any sign without obtaining a sign permit, and a building permit, if required by law therefore from the Town Board, or its designee. The fee for each sign permit shall be Five Dollars (\$5.00), payable when application is filed.

- A. Application for Permit - Application for a sign permit shall be made in writing, to, and upon forms

provided by the Town Clerk and shall contain the following information:

- 1) Name, Address and Telephone number of the applicant.
- 2) A detailed drawing, to scale, showing the construction details of the sign, including the dimensions, lettering and/or pictorial material to be shown on the sign, proposed lighting, (if any), and any other information which the petitioner feels will be helpful.
- 3) An original site plan showing the location of the sign regarding existing buildings and structures as well as its intended position in relation to the property lines of the lot on which it is to be erected, including existing signs.
- 4) Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected if the petitioner is not the owner.
- 5) A copy of any necessary electrical permit issued for said sign.
- 6) Any such information as should be required by the Code Enforcement Officer.
- 7) No permit will be issued until all necessary approvals have been received from all other agencies involved .

B. Issuance of Permit - It shall be the duty of the Town Board, or its designee, upon the filing of an application for a sign permit, to examine such plans, specifications, and other data submitted with the application, and the building or premises upon which said sign is supposed to be located. If it shall appear that the proposed sign meets all the requirements of this Local Law and of all other laws and ordinances of the Town of Windham, the issuing Officer shall, within twenty (20) days issue a permit for the erection of the proposed sign. If the sign authorized under such a permit is not completed within six (6) months of the date of issue of such permit, the permit shall become null and void. However, this permit may be renewed once, for a period of six (6) months, upon the payment of an additional fee in the same amount as the original fee.

C. Each sign shall bear the officially issued permit tag, showing the permit number, prominently and permanently affixed. Failure to affix the permit number shall constitute cause for the revocation of the permit by the Code Enforcement Officer. This is in addition to any other penalties or remedies provided in this Local Law.

D. No application shall be accepted or processed for a sign which has been erected without obtaining a permit.

E. Revocation of Permit - In the event of a violation of any provisions of this Local Law, the Code Enforcement Officer shall give written notice specifying the violation, to the named owner of the sign and/or the named owner of the land upon which the sign is erected, sent to the addresses as stated in the application for the sign permit, to conform or remove such sign. The sign shall thereupon be made conforming by the owner of the sign and/or the owner of the land within thirty (30) days. In the event that said sign is not made conforming within said thirty (30) days, the Code Enforcement Officer shall revoke the permit for said sign which shall then be removed by the named owner of the sign and/or the named owner of the land, within thirty (30) days. The provisions of this paragraph shall not limit the remedies available to the Town of Windham.

F. Permit exemptions - Signs identified in Section 4(A) are exempt from a permit.

G. Unsafe and unlawful signs - If the Code Enforcement Officer shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this section written notice shall be given to the permitted thereof if the permittee fails to remove or alter the structure to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure shall be removed or altered to comply with the Code Enforcement Officer at the expense of the permitted or owner

of the property upon which it is located. The Town Board or its designee shall refuse to issue a permit to any permitted or owner who refuses to pay costs so assessed. The Town Board or its designee, in addition to exercising any and all other remedies provided for in this Local Law for a violation hereof, may, in addition, cause any sign or other advertising structure which is an immediate peril to the health or safety of persons or property to be removed summarily and without notice. Any expense incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached.

H. Nonconforming Signs - In the event a sign lawfully erected prior to the effective date of this Local Law does not conform to the provisions and standards of this Local Law, then such signs shall lawfully remain, except according to the following regulations:

1. Signs Rendered Nonconforming.

- (a) If at the time of the adoption of this Local law or amendments thereto, any sign which is being used in a manner or for a purpose of which was otherwise lawful, but does not conform to the provisions of this Local Law shall be deemed nonconforming. Such sign may continue only in the manner and to the extent that it existed at the time of such adoption, amendment, or extension.
- (b) Any sign, which becomes nonconforming subsequent to the effective date of this Local Law so as to render such sign nonconforming, shall be subject to the provisions and standards of this Local law.
- (c) Notwithstanding any other provision of this Local Law, legal nonconforming signs that are located on a parcel of property may continue provided that the nonconforming sign:
  - (i) The area, height, and sign context do not change.
  - (ii) Remains unchanged in size and structure except for reasonable repairs; and
  - (iii) Remains in the same position on the property.

2. Sign Rendered Discontinued.

- (a) The use of any sign which is located on property which becomes vacant and unoccupied for a period exceeding thirty (30) days shall be deemed to have been discontinued. Any sign whose use has been discontinued is prohibited and shall be removed by the owner of the sign or owner of the premises. Sign structures shall be deemed discontinued if left vacant and unoccupied for a period exceeding thirty (30) days. Discontinued signs shall be removed within ten (10) days of notice from the Code Enforcement Officer.
- (b) Any sign now or hereafter existing which no longer conveys a current message to the public, or intends to advertise, direct, invite, announce or draw attention to, directly or indirectly, a use conducted, events, goods, products, services or facilities no longer available shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign may be found within thirty (30) days after written notification from the Code Enforcement Officer.

3. Removal of Nonconforming Signs.

- (a) A nonconforming sign structure shall not be re-erected, relocated, or replaced unless it is brought into compliance with the requirements of this Local Law.

- (b) Any change of use, sale of property, change of occupancy or tenancy of any use, or construction permit which invokes Certificate of Occupancy requirements, shall specify and require that any non-conforming sign located within the boundaries of the development site authorized by said permit shall be brought into conformance with the provisions and standards of this Local Law, provided that if the nonconforming sign is a type of sign that is prohibited under Section 4(8) of this Local Law said sign shall be removed.
- (c) Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this Local Law if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is ten (10 %) percent of the cost of reconstruction of such sign

I. Penalty for failure to apply for sign permit - Any person who proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit, shall be considered in violation of a section or sections of this Local Law pertaining thereto, and shall be subject to prosecution according to Section 8 - Enforcement, Violations, and Penalties. Further, the owner shall be required upon receipt of written notice from the Code Enforcement Officer, to file application for the necessary permit or permits, and shall be required to pay the requisite fees.

J. All notices, of any type or kind, may be given to anyone pursuant to this Local Law may be given by the Code Enforcement Officer or any other designee of the Town Board.

#### **SECTION 4 - SPECIFIC REGULATIONS**

A. The following restrictions apply to all signs in the Town of Windham.

1. No artificial illuminated sign shall be placed or located so as to permit the illumination therefrom to be directed or beamed upon a public street or highway, a sidewalk, or upon any adjacent premises so as to cause glare or reflection that may constitute a hazard to public safety or a nuisance.
2. A business shall be allowed no more than three (3) off premises signs no more than one(1) of which may be in the Hamlet, and three (3) on premise signs. Advertising signs at the Little League field are exempt. No signs are to be on the outside of the fence.
3. No sign shall project from a building for a distance of more than six (6) feet.
4. Free standing signs and signs attached to buildings shall be of no more than eighteen (18) square feet in the hamlets, and an additional amount not to exceed thirty-two (32) square feet outside the Hamlets. Signs on the sides of buildings should be in relationship to the size of the building and its proximity to the roads and its impact on other adjoining properties.
5. No signs with the exception of sandwich boards shall be permitted within the right-of-way of any public street, highway, road, or other traffic way except those placed by a governmental agency for the control of traffic or for informational purposes or directional signs.
6. Directional signs having a sign area of four (4) square feet or less may be permitted, providing they do not constitute a hazard to the public. Location to be on road junction or designated trail.
7. All signs shall be maintained in such a condition that they shall always present a neat

appearance and shall not be detrimental to public health or safety and must be executed in a professional manner.

8. No sign or its supporting structure shall be erected, signage or structure altered, moved or used except in conformance with this Local Law and then only as an accessory use to a permitted use or to a non-conformity use which may lawfully continue in accordance with the terms and requirements of this Local Law.
9. No existing sign or structure shall be altered or replaced except in such a manner as to comply with this Local Law. Accidentally damaged signs may be restored to their original condition.
10. A color drawing depicting the proposed sign and its colors shall be submitted to the Planning Board for approval.
11. No sign shall be painted on, erected upon, placed upon, or affixed to any trees, utility poles, stone, cliff or other natural object.
12. Sign local law variances must come before the Windham Town Board, ARB where appropriate, and receive three-fifths (3/5) vote of the Town Board. Before being submitted to the Windham Planning Board
13. Signs listed in this section are permitted in all areas, shall not require licenses and shall not be counted when calculating the quantity of signs and the total allowable sign area. However, such signs shall conform to all other applicable provisions of this chapter.
  - (a) No trespassing signs or other such signs regulating the use of the property on which they are located, providing that such signs do not exceed an area of two (2) square feet DEP and DEC signs are exempt from this section
  - (b) Signs identifying on premises traffic, parking or another functional activity, such as lavatory facilities and telephones, signs denoting entrances, offices, etc., bearing no advertising except if on their own property and is not visible from the traveling highway. There shall be not more than one (1) sign for each activity, and no sign shall exceed two (2) square feet if wall mounted or four (4) square feet if freestanding. All such signs may be illuminated, as long as they conform with other provisions of this local law.
  - (c) Signs erected by the Town and traffic control devices erected by the State.
  - (d) Incidental business signs indicating hours of operation, credit cards, business affiliations and the like, provided that the aggregate area of such signs for a single business does not exceed two (2) feet per square entrance.
  - (e) Election campaign signs are permitted on private property, only with the property owner's permission, in any district
  - (f) No more than one (1) off premise sign may be in the Hamlet in all Districts.
  - (g) Temporary signs no larger than eight (8) square feet may be erected to advertise an event. They may be erected no earlier than fourteen (14) days before the event and must be removed three (3) days after the event has finished.
14. All digital and LED signage shall be prohibited with the exception of digital price signs advertising the price of a gallon of gasoline.

B. Exempt signs (require no permits). The following types of signs may be erected and maintained without permits or fees, providing such signs comply with the general requirements of this Local Law and other conditions specifically imposed by the regulations:

- (1) Historical markers, tablets, statutes, memorial signs and plaques, and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material not exceeding six (6) square feet.
- (2) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (3) Safety, directional, gateway or entranceway signs, or other types of signs of any government.
- (4) On premise directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, non-illuminated, not exceeding four (4) square feet per face and six feet tall. Business names and business logos shall not be allowed. No directional signs shall extend more than six (6) feet in height above finished grade
- (5) Non-illuminated warning, private drive, posted or no trespassing signs not exceeding one (1) square foot per face.
- (6) House/buildings numbers: For structures, the street address number and/or name plate identifying occupant, mounted on building not exceeding one (1) square foot in area.
- (7) Lawn signs identifying residents, not exceeding four (4) square feet. Such signs are to be non-internally illuminated with no advertising message thereon.
- (8) Private owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet for a period not exceeding seven (7) days. Sign shall only be allowed upon the premises of the sale.
- (9) Temporary non-illuminated "For Sale", "For Rent", real estate signs and signs of similar nature, concerning the premises upon which the sign is located.
  - (a) One sign per agent or owner, each not exceeding four (4) square feet per side. All such signs shall be removed within thirty (30) days after the sale, lease or rental of the premises.
- (10) At gasoline stations, a sign attached on gasoline pumps, displaying the price of fuel not exceeding two (2) square feet. However, the total size of price, logo and any other signage on a pump shall not exceed a combined total of three (3) square feet.
- (11) All signs advertising a candidate for public office or any other ballot initiative. Such signs must be displayed on private property. The Town encourages but does not require that such signs be displayed no sooner than thirty (30) days prior to the relevant election and no later than five (5) days after said election.
- (12) Building identification signs, naming the building, which are incorporated within the facade of a structure, not exceeding (18) inches in height nor more than five (5%) percent of the facade of the building side upon which it is constructed. Building identifications shall not identify any tenant or occupant of the structure. Only one building identification sign shall be allowed on the facade and only on a facade that has street frontage. No illumination of these signs is permitted.