

Chapter 210

SIGNS

[HISTORY: Adopted by the Town Board of the Town of Lansing 2-26-2014 by L.L. No. 1-2014. Amendments noted where applicable.]

§ 210-1. Title.

Local Law No. 1 of 2014 shall be known as the "Sign Law" of the Town of Lansing (hereinafter the, or this, "chapter").

§ 210-2. Purpose.

The intent and purpose of this chapter is to establish specifications, procedures, and rules for signs in the Town of Lansing, excluding the Village of Lansing. Compliance with these regulations will permit proper identifications of businesses and important local facilities and buildings, preserve and enhance the visual quality of the area, and prevent installations which are particularly distracting and hazardous to vehicular or pedestrian traffic.

§ 210-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL SIGN DISTRICT — The R3 and RA land use area classifications as established and mapped in and by Chapter 270, Zoning, of the Code of the Town of Lansing.

BANNER — A type of flag, not an emblem of a government or institution, with graphics that are purely decorative or that identify, advertise, or convey commercial information.

BILLBOARD or OFF-PREMISES SIGN — Any outdoor sign that directs attention to a business, commodity, activity, service, or product not conducted, sold, or offered upon the premises where such sign is located.

COMMERCIAL ACTIVITY — An establishment, activity, or use that provides goods, merchandise, services, resources, or entertainment to the general public for gain.

COMMERCIAL SIGN DISTRICT — The B1, B2, and IR land use area classifications as established and mapped in and by Chapter 270, Zoning, of the Code of the Town of Lansing.

DARK SKY — Refers to the dark-sky standards for lighting and luminaires, generally designed to provide for glare-free, downward directed, and shielded lighting as promotes the dark-sky standards of the International Dark-Sky Association (IDA), Tucson, Arizona, including, for example, meeting the goals and standards expressed in the "Outdoor Lighting Ordinance and Community Standards" Information Sheet No. 172, and the IDA "Outdoor Lighting Code Handbook."

ELECTRONIC MESSAGE DISPLAY SIGN — A sign that utilizes computer-generated data or some other electronic means to display messages through the use of light, including through flashing, intermittent, rotating, or moving light, or light that has the appearance of flashing, moving, or scrolling. Common examples would be LCD and LED signage.

ENFORCEMENT OFFICER — The Town Code Enforcement Officer, the Town Building Inspector, and any other person appointed by the Town Board to represent the Town in particular matters pertaining to this chapter.

EXEMPT SIGN — A sign which may be erected or placed without a sign permit or a site plan review under the provisions of this chapter.

FREESTANDING SIGN — Any sign or sign structure not attached to the exterior of a building.

ILLUMINATED SIGN — Any sign illuminated, spotlighted, or lit by electricity, gas, or other artificial or concentrated light source, including, but not limited to, reflective, luminescent, or phosphorescent light, whether originating from outside the body of the sign or from within or behind it. Illuminated signs shall include electronic message display signs.

INSTITUTION — An organization established to serve a social, educational, or religious purpose. Common examples would be hospitals, schools, or churches.

NONCONFORMING SIGN — A lawfully existing sign as of the effective date of adoption of this chapter, or any subsequent amendment hereto, that does not conform to the requirements of this chapter; but not including off-premises signs.

OFF-PREMISES SIGN — See definition under "billboard or off-premises sign" above.

ON-PREMISES SIGN — A sign related to any activity, business, profession, service, or commodity provided, sold, or offered upon the premises where such sign is located.

PLANNED SIGN AREA — A geographical unit in which a coordinated design for visual communication is approved through a site plan review process, consisting mainly of a sign development plan.

PLANNING BOARD — The Planning Board of the Town.

POLITICAL SIGN — A sign which:

- A. Advertises, supports, or opposes any one or more persons for public elective offices or a political party;
- B. Expresses an opinion upon, or urges a particular vote or action upon, a social, political, or public issue.
- C. Conveys one's views on worship, ethics, philosophy of life, or similar beliefs.

PORTABLE OR MOBILE SIGN — Any sign or sign structure not permanently affixed to the ground or to the exterior of a building. A common example includes a temporary sign mounted upon a trailer.

PREMISES — A lot or parcel identified as a Tax Map parcel by the Tompkins County Assessment Department that is located in the Town. Where any land use spans multiple tax parcels, then all such parcels shall here be deemed one premises.

PUBLIC RIGHT-OF-WAY — Each, every, and all public streets, public sidewalks, public roads, public alleys, and public highways within the Town that are Town highways by use, highways by dedication, and/or highways by prescription or implication, including the paved or finished surfaces thereof, all governmental signage, all ditches, culverts, drains and drainage ways, all utility and similar structures and

appurtenances, and all land, improved or otherwise, within the bounds of the highway rights-of-way.

RESIDENTIAL SIGN DISTRICT — The R1, R2, and L1 land use area classifications as established and mapped in and by Chapter 270, Zoning, of the Code of the Town of Lansing.

RESIDENTIAL-BASED BUSINESS (INCLUDING A HOME BUSINESS OR OCCUPATION) — Any lawful or permitted business activity customarily conducted entirely within a dwelling or structure accessory to a dwelling.

SCROLLING — To cause displayed text, graphics, or light to move or appear to move up, down, or across the screen or the face of the sign.

SIGN — A device for visual communication publicly displayed to identify, advertise, or convey information. The term "sign" includes the sign's frame, border, base, pole, stand, and any other portion of the structure supporting the sign; however, for purposes of sign square footage calculations, only the sign and its frame or border shall be counted. "Signs" also include all types of signs whenever the sign is placed in view of the general public, including, but not limited to, sign boards, billboards, banners, painted wall signs, hanging signs, illuminated signs, ground and free-standing signs, and any announcements, declarations, demonstrational materials, displays, illustrations, posters, or insignia used to advertise or promote the interests of any person or commercial activity, whether or not related and unrelated to a commercial activity or to a commodity or service sold or offered upon the premises where such sign is located.

SIGN DEVELOPMENT PLAN — A collection of drawings and written statements describing all pertinent details of signs and related features included in a planned sign area.

SIGN PERMIT — A permit to erect, install, build, place, emplace, site, or substantially rebuild or repair any sign.

SIGN SQUARE FOOTAGE CALCULATION — Refers to a method of calculating the measurements, dimensions, and geometric area of a sign pursuant to basic mathematical rules reasonably applied, as follows: i) if a sign is irregular in shape or consists of independent or detached letters or symbols, the area of said sign shall be determined by measuring the area within a regular simple polygon completely enclosing the sign or enclosing such independent or detached letters or symbols as they are intended to be installed; ii) if a sign is regular in shape, by measuring the surface area of the sign, including its frame(s) and border(s); iii) all square footage limitations and similar dimensional rules and regulations herein are to be measured upon and in relation to a single face of the sign if the sign has two basic display sides; and/or iv) if a sign has more than two display sides or surfaces, then the Enforcement Officer shall determine and calculate the total dimensions of the sign by calculating the sum of all display sides or faces unless, in the reasonable determination of the Enforcement Officer, one or more display sides or faces are de minimus and should not be counted in calculating the sign square footage calculation (an example would be a standard two-sided rectangular sign with printing upon the frame of the sign).

SITE PLAN REVIEW — Refers to site planning standards as contained in Chapter 270, Zoning, of the Code of the Town of Lansing, including, where applicable, review and approval by the Planning Board.

TEMPORARY SIGNS — A sign limited to a period of use not to exceed 30 days, or such other period of time as allowed by this chapter (e.g., construction signs). Common examples include construction signs, for sale signs, portable signs, banners, flags, pennants, ribbons, streamers, and fluttering or revolving devices, usually intended to draw attention to a new commercial activity, a sale, a new product or service release, an activity temporary in nature, etc.

TOWN — The Town of Lansing, Tompkins County, New York, and each and all of its officers, employees, and agents.

VARIANCE — A departure from the rules, terms, or requirements of this chapter when duly authorized by the Zoning Board of Appeals, usually arising from practical difficulty or unnecessary and undue hardship peculiar to an individual situation which is not the result of the actions of the applicant. For this purpose, the definitions and standards of both use variances and area variances shall apply as set forth in, and construed under, Town Law §§ 267-a and 267-b.

WAYFARING SIGNS — A freestanding, off-premises sign, but not an illuminated sign, that includes a community welcome message or logo and individual placards displaying directional information for business establishments and public places to assist travelers in finding local businesses, services, and sites.

§ 210-4. Exempt signs.

- A. Except as to §§ 210-5 and 210-12 and any enforcement rights or powers as set forth below, certain signs are exempt from this chapter and do not require a sign permit or any site plan review when they meet the standards below or are classified by the Enforcement Officer as an exempt sign; such signs are not illuminated signs; and such sign(s) comply with the following listed conditions, regulations, and restrictions, if and as applicable:
- (1) Tourist-oriented signs and directional and informational signs, which may not exceed six square feet. Common examples include wine trail signs, historical signs, and Cayuga Scenic Trail signs. The Enforcement Officer shall reasonably determine whether a sign constitutes or qualifies as a tourist-oriented or directional and informational sign and, for this purpose, any design, logo, name, or trademark of or referencing any commercial activity shall be an indication that the sign is not a tourist-oriented or directional and informational sign, but such factor alone shall not be determinative of such question.
 - (2) Construction project signs, where:
 - (a) Such sign does not exceed 32 square feet in commercial sign districts or 12 square feet in any other districts; and
 - (b) Such sign is a temporary sign or is removed within 30 days of substantial completion of the project or the issuance of a certificate of occupancy, whichever shall first occur.
 - (3) Signs advertising the sale, lease, or rental of the premises, where:
 - (a) The sign is an on-premises sign;

- (b) Such sign does exceed 32 square feet in commercial sign districts or nine square feet in any other districts;
 - (c) Such sign is a temporary sign or is removed within 30 days after the sale, lease, or rental of the premises.
- (4) Temporary signs, including banners, flags, pennants, streamers, ribbons, and mobile or portable signs are allowed where:
- (a) Such signs, in total area, do not exceed 16 square feet;
 - (b) Such signs are not emplaced for more than 30 days; and
 - (c) Such signs shall be and are removed within seven days from the end of the event, and/or are not re-emplaced within 30 days of their removal, whether in the same or any other nearby location.
- (5) Political signs are allowed whenever they do not exceed 32 square feet in all sign districts.
- (6) Signs erected and maintained by any governmental agency pursuant to and in discharge of any governmental function or any sign that is required by any law, ordinance, or governmental regulation;
- (7) Any flags, emblems, or symbols of a nation or a governmental body or school;
- (8) Memorial tablets or historical markers erected by any governmental agency;
- (9) signs or temporary signs erected or emplaced for public safety, when in the discretion of the Enforcement Officer such signs are allowed or are necessary for public safety or regulating pedestrian or vehicular traffic;
- (10) Signs or decorations emplaced in celebration of national holidays, generally recognized days of observance, or significant local, regional, or national events, provided that they do not constitute a public nuisance or hazard and do not contain names, trademarks, or logos relating to any commercial activity.
- (11) Traditional residential accessory signs. Common examples of such signs include signs promoting a favorite college, university, or team, temporary signs portraying household or neighborhood events, or signs displaying a historical location or family crest.
- (12) Wayfaring signs, where:
- (a) Such wayfaring signs are owned, installed, and maintained by the Town or a governmental authority granted a sign permit by the Town.
 - (b) The location of wayfaring signs shall be determined by the Town Board and should be located at or near appropriate intersections.
 - (c) The maximum size of wayfaring signs shall be determined by the Town Board upon a case-by-case basis.
 - (d) Each wayfaring sign shall incorporate a Town of Lansing logo or welcoming message, as determined by the Town Board, and each placard

placed on the wayfaring sign shall be reasonably identical in size, style, color, and design.

- (e) Wayfaring signs shall be located so as not to impede vehicular sight distances and shall be designed and constructed to minimize maintenance.
 - (f) Wayfaring signs will, to the extent practical, be located in a public right-of-way or on public property, subject to any necessary approvals or permits from the applicable government with jurisdiction. If the wayfaring sign is to be located upon private property, appropriate permission or a license or easement shall be obtained from the property owner(s).
- B. If any sign listed or referenced above exceeds any conditions or limitations stated above, then each such sign shall require a sign permit or site plan review as elsewhere required by this chapter.

§ 210-5. Rules of general applicability for all signs.

- A. All non-exempt signs shall require a sign permit. Where and whenever required by this chapter or by any determination or opinion of the Enforcement Officer, certain signs may also be subject to site plan review.
- B. All sign square footage calculations and all numerical, dimensional, and area references in this chapter shall apply to each sign; and all non-temporary signs collectively shall not exceed any numerical, dimensional, or area references as stated in this chapter. However, when sign square footage calculations are applied to temporary signs, existing lawful signs and their sign square footage calculations shall be excluded. Thus, and by way of example and not limitation, if Joe's Auto Dealership has a permitted sign at the maximum sign square footage calculation for its premises and wants to place banners to advertise a weekend car sale, such dealership would be limited to a maximum amount of temporary sign(s) square footage as based upon the maximum allowable signage for the premises upon which the dealership is located, without regard to, or any reduction for, the existing and lawful non-temporary signs upon such premises.
- C. The following regulations shall apply to all illuminated signs:
 - (1) Illuminated signs shall not be lit or illuminated from one hour after sunset until sunrise each day; except that business identification signs may remain lit or illuminated during normal business hours.
 - (2) The illumination of any sign shall employ only light emitting a constant intensity, shall comply to the reasonable extent possible with dark-sky requirements, and shall not emit a light exceeding 0.3 footcandles measured at night.
 - (3) No illuminated sign shall contain flashing, intermittent, rotating, or moving light, or may otherwise have the appearance of flashing, moving, or scrolling, however the overall static image may periodically change, but no more frequently than every 15 seconds.

- (4) In no event shall an illuminated sign be placed, or its light directed, so that the illumination is: i) directed upward; ii) directed at or upon any public right-of-way in any manner which may be reasonably expected to cause, create, or contribute to glare or distracting reflected light; iii) directed at or upon any adjacent occupied building or structure in any manner which may be reasonably expected to cause, create, or contribute to glare or distracting reflected light. The Enforcement Officer shall reasonably determine whether any illuminated sign causes, creates, or contributes to glare or any distracting reflected light as such terms are used in this subsection. In making any such determination the Enforcement Officer may employ dark-sky standards.
 - (5) All illuminated signs shall be subject to site plan review.
- D. Electronic message display signs are allowed only in commercial sign districts and all such signs shall be subject to site plan review.
 - E. Except for wayfaring signs issued pursuant to a sign permit, no billboards or off-premises signs are permitted or allowed in any sign district or area of the Town without a use variance.
 - F. Except for wayfaring signs, or unless otherwise allowed by this chapter, or unless a permit therefor has been obtained by any governmental or public authorities having jurisdiction over such public right-of-way, no signs may be located within any public right-of-way unless approved through a site plan review process or pursuant to a variance. Any sign located within such public right-of-way shall require permission or permits from any governmental or public authorities having jurisdiction over such public right-of-way.
 - G. No freestanding sign for residential-based businesses located within a residential sign district shall exceed nine feet in height. No other freestanding sign shall exceed 15 feet in height. Signs located or mounted upon the exterior of any building or structure shall not extend above the fascia or be mounted on the roof.
 - H. No planned sign area may be sited within any residential sign district.
 - I. Unless expressly otherwise permitted by this chapter, a variance is granted, or unless within a planned sign area:
 - (1) For all commercial activity signs and other commercial and business signs, no more than two signs shall be allowed per each premises and the area of each such sign shall not exceed the maximum allowed area for each such sign as based upon its use and location and the requirements of this chapter; and
 - (2) Only one residential-based business sign is allowed per each premises upon which a residential business (or home occupation) is located.
 - J. The failure to timely comply with any conditions stated in any site plan review approval, any variance, or upon any sign permit shall be deemed a violation of this chapter.

§ 210-6. Rules applicable to residential sign districts.

- A. Commercial signs shall not exceed 18 square feet.

- B. Residential-based business signs shall not exceed nine square feet.
- C. Multifamily dwelling, townhouse, mobile home park, housing development, and like residential signs shall not exceed 12 square feet and only one sign is allowed per entrance.
- D. Institution signs shall not exceed 40 square feet.

§ 210-7. Rules applicable to agricultural sign districts.

- A. Commercial signs shall not exceed 48 square feet.
- B. Residential-based business signs shall not exceed 24 square feet.
- C. Multifamily dwelling, townhouse, mobile home park, housing development, and like residential signs shall not exceed 12 square feet and only one sign is allowed per entrance.
- D. Institution signs shall not exceed 40 square feet.

§ 210-8. Rules applicable to commercial sign districts.

- A. Commercial signs shall not exceed 48 square feet.
- B. Residential-based business signs shall not exceed 24 square feet.
- C. Multifamily dwelling, townhouse, mobile home park, housing development, and like residential signs shall not exceed 12 square feet.
- D. Shopping center or plaza signs shall not exceed 48 square feet, and individual store or business signs within such shopping center or plaza shall not exceed 16 square feet for each business (and are in addition to the center's or plaza's signage), unless pursuant to an approved planned sign area.
- E. Institution signs shall not exceed 48 square feet.

§ 210-9. Planned development areas.

The Enforcement Officer shall examine the predominant purposes and uses of any Planned Development Area (PDA) and shall then, for purposes of this chapter, classify the PDA as subject to residential sign district rules, agricultural sign district rules, or commercial sign district rules.

§ 210-10. Planned sign areas.

- A. A planned sign area must be classified either as:
 - (1) A business and technology park and research park planned sign area. For the purposes of this section, a "business and technology park" or "research park" is specifically defined as an integral unit to be used for business, technology, industry, research, or office purposes, or a combination thereof, which: i) is under the ownership and/or developmental control of a single entity; and ii) contains a minimum of three detached structures and five acres of land, unless

lesser minimums are approved by the Planning Board. Contiguous businesses may be added to a business and technology park and research and its park planned sign area; or

- (2) Shopping mall planned sign area. For the purpose of this subsection, a "shopping mall" is specifically defined as any group of three or more stores which share a common vehicular entrance or entranceways, common off-street parking, and that contain a minimum of three acres. Contiguous businesses may be added to a shopping mall and its planned sign area; or
 - (3) Contiguous business planned sign area. A "contiguous business" is any business, technology, industry, research, or office facility which is contiguous to a shopping mall, a business and technology park, a research park or to any other business or facility which is included in an existing planned sign area.
- B. Such classification shall be performed by the Enforcement Officer.
- C. The purpose of a planned sign area is to introduce a degree of flexibility in the conventional regulation of signs in such a way as to encourage improved visibility, readability, coordination of height, color, shape, lighting, and other sign design features.
- D. All planned sign areas shall submit a sign development plan. A sign development plan shall meet the following criteria:
- (1) The sign development plan must be coordinated to cover the entire area.
 - (2) The sign development plan must result in a more desirable environment than would be possible through the strict application of other sections of this chapter, including aspects of public safety, coordinated identification and non-distracting communication to the public concerning the goods and services offered within the planned sign area.
 - (3) To the extent practical, a sign development plan shall preserve or enhance any significant scenic, historical, geological, or architectural features within the proposed planned sign area.
 - (4) A written explanation of the character and purpose of the planned sign area and an indication of the expected timetable for development.
 - (5) Sketches necessary to illustrate typical sign designs, lighting, coloration, and locations.
- E. The Enforcement Officer, upon receipt of a completed application and sign development plan, shall forward such information to the Planning Board for site plan review.
- F. The Planning Board shall approve, reject, or approve with conditions the sign development plan and the proposed planned sign area pursuant to the timetables, rules, and requirements set forth for site plan review.
- G. If a conditional approval is issued, the applicant and owner of the premises shall comply with such conditions.

- H. If any approval is issued, the sign development plan may not be changed without the review by, and site planning approval from, the Planning Board, but new signs may be emplaced and existing signs replaced, repaired, or relocated, when:
- (1) A sign permit is issued there for by the Enforcement Officer;
 - (2) The proposed sign, or changes to any sign, are designed, installed, and constructed in accord with the approved sign development plan; and
 - (3) The proposed sign, or to-be-relocated or changed sign, is located within the planned sign area.
- I. Withdrawal from or the termination of any planned sign area is permitted as follows:
- (1) For a shopping mall or plaza, such withdrawal or termination is for the entire premises and the whole of the planned sign area, all signs and sign owners agree to come into compliance with this chapter before the effective date of such termination or withdrawal, and such compliance is achieved within one year of the date of such withdrawal or termination. Individual commercial activities and businesses may not individually withdraw or terminate their participation in, or compliance with, the conditions or requirements of such planned sign area.
 - (2) For a business and technology park or research park, such withdrawal or termination is for the entire premises and the whole of the planned sign area, all signs and sign owners agree to come into compliance with this chapter before the effective date of such termination or withdrawal, and such compliance is achieved within one year of the date of such withdrawal or termination. Individual commercial activities and businesses may not individually withdraw or terminate their participation in, or compliance with, the conditions or requirements of such planned sign area.
 - (3) For a contiguous business or premises to withdraw or terminate participation in a planned sign area, such withdrawal or termination is only permitted in relationship to a genuine change of ownership of the business or premises, or a genuine change in the type and nature of any business or operations upon such premises, and all signs and sign owners agree to come into compliance with this chapter before the effective date of such termination or withdrawal, and such compliance is achieved within one year of the date of such withdrawal or termination.
 - (4) Any of the time requirements for compliance may be waived or extended by the Enforcement Officer upon good cause shown, but no compliance deadline may be extended beyond 24 months of the date of any termination or withdrawal.

§ 210-11. Nonconforming signs.

- A. Each sign existing upon the date of adoption of this chapter that does not comply with this chapter shall be deemed a lawful preexisting nonconforming sign.

- B. Any such nonconforming sign may continue to exist in its current location and configuration, and the owner of the sign, or the premises upon which such sign is situated, may continue to maintain and regularly repair and perform upkeep upon such sign.
- C. However, and in limitation of the above Subsections A and B and subject to § 210-13C if any nonconforming sign shall be voluntarily replaced due to age, a lack of care and maintenance, obsolescence, or due to the choice or election of the sign owner, and not as a result of an involuntary event, such as, by way of illustration only, accidents, storms, or vandalism, then any replacement sign shall conform to the requirements of this chapter.
- D. Notwithstanding any other provision of this chapter, existing off-premises signs over 120 square feet that do not comply with this chapter shall be deemed a lawful preexisting nonconforming signs and shall be entitled to all benefits of "grandfathering" as provided in and by this chapter.

§ 210-12. Sign permits.

- A. Except as otherwise herein provided, no person or entity may erect or emplace any non-exempt sign without first obtaining a sign permit from the Enforcement Officer. Failure to obtain such a sign permit will be deemed a violation of this chapter.
- B. An application for a sign permit shall be made to the Enforcement Officer upon such forms as prescribed and provided by the Enforcement Officer.
- C. A nonrefundable application fee for a sign permit shall be submitted with each sign permit application delivered to the Town in an amount as the Town Board may, from time to time, establish by resolution. No application shall be deemed complete unless all information requested is provided and the sign permit fee paid. The Town Board may also establish, by resolution, a standardized fee schedule for permits and other required reviews, inspections, and reports created, performed, or filed under, in accord with, or in furtherance of this chapter, which fee schedule shall:
 - (1) Be limited to such amounts as are reasonably estimated as the administrative and other costs and expenses incurred by the Town in connection with any matter for which a fee is scheduled; and
 - (2) Be reviewed at least once every year by the Enforcement Officer or the Town Board to ensure that the fees remain reasonable in light of the Town's actual and generally incurred costs and expenses.
- D. Upon the filing of a completed application for a sign permit, the Enforcement Officer shall examine the plans, specifications, and other data submitted to him, including, if necessary, the building or premises upon which any sign is proposed to be emplaced or located. The Enforcement Officer shall then take one of the following actions:
 - (1) If the proposed sign(s) require site plan approval, refer the matter to the Planning Board. Once the Planning Board issues any site plan approval, with or without conditions, and once the application and the proposed sign(s) are in

compliance with the requirements of this chapter, then the Enforcement Officer shall issue the sign permit with any Planning Board conditions stated thereupon. If the Planning Board denies site plan review approval, then the Enforcement Officer shall deny the application for a sign permit.

- (2) If the proposed sign(s) require a variance, refer the matter to the Zoning Board of Appeals (ZBA). If the ZBA issues any variance, with or without conditions, then once the proposed sign(s) are otherwise in compliance with the requirements of this chapter, the Enforcement Officer shall issue the sign permit with any ZBA conditions stated thereupon. If the ZBA denies the variance, then the Enforcement Officer shall deny the application for a sign permit.
- (3) If the proposed sign(s) require neither a site plan approval nor a variance, and the application and proposed sign(s) are in compliance with this chapter, then the Enforcement Officer shall issue a permit for the proposed sign.

§ 210-13. Sign maintenance requirements and procedures.

- A. All signs, whether exempt, permitted, nonconforming, or otherwise, shall at all times be kept in good repair and neatly finished or painted as necessary to maintain its appearance and to ensure the sign is free from all hazards, such as, but not limited to, faulty wiring, exposed sharp edges, falling parts or paint, or loose fastenings.
- B. All signs must at all times be maintained in such condition as to not be detrimental to public health or safety.
- C. If any sign requires repair or maintenance the Enforcement Officer may issue an order to remedy the defect or effect such repairs as are necessary to comply with this article, and such order shall state a date by which such maintenance or repairs shall be substantially completed. If the repairs or maintenance are not completed by the date stated in the compliance order, then such noncompliance shall be deemed a violation of this chapter and, in addition, the Enforcement Officer may order the removal of the sign. If any sign is ordered to be removed and such sign was a nonconforming sign that received the benefits of § 210-11 of this chapter, all such benefits shall expire and be deemed forfeited and any future or replacement sign shall be required to be in compliance with this chapter.

§ 210-14. Enforcement officer discretion and consultation.

- A. Whenever any provision of this chapter directly or by implication calls for or requires an opinion, decision, determination, or classification (all together and hereafter, an "opinion") by the Enforcement Officer, such opinion shall in all cases be reasonably made, placed in writing, promptly delivered to the applicant or other person requesting or receiving such opinion, and immediately filed in the Town Code Enforcement Office. Any person aggrieved by any such opinion may appeal such opinion to the ZBA per the rules and requirements of Town Law § 267-a.
- B. In reviewing any application, any sign, any sign permit, or in making any opinion or determination under this chapter, or when taking any other action under or in

furtherance of this chapter, the Enforcement Officer may seek input and advice from any person or entity, including, but not limited to, the Planning Board, the Town Board, the Town Supervisor, the Attorney for the Town, any building inspector, the Town Highway Superintendent, the County Highway Department, NYSDOT, the NYS Codes Division, and any other local or state agencies; but in no event may the Enforcement Officer consult with, communicate with, or obtain advice from the ZBA unless a variance application is pending and the ZBA has requested an opinion.

§ 210-15. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

- A. All provisions of New York State law generally applicable to misdemeanors shall apply to any criminal proceeding brought under this chapter, and any misdemeanor shall be deemed an unclassified misdemeanor. For purposes of this chapter the Town's justice court is hereby vested and imbued with jurisdiction to issue administrative and other warrants in compliance with the New York Criminal Procedure Law and administrative codes of the State of New York, as well as to hear and adjudicate allegations relating to the criminal or civil violation of this chapter and thereafter, if appropriate, impose any fine, penalty, or sanction.
- B. Any person or entity that violates any of the provisions of this chapter shall be guilty of a criminal violation and subject to a fine of not more than \$250, or subject to a civil penalty of not more than \$500 be recovered by the Town in a civil action. Each week that any noncompliance or violation continues is and may be charged as a separate violation.
- C. The application or pursuit of any civil or criminal fine, sanction, or penalty shall not preclude the pursuit of any other lawful remedy by the Town, including, but not limited to, the right to seek equitable relief.
 - (1) Whenever the Town shall believe from evidence satisfactory to it that there is a violation of this chapter, the Town may bring an action to enjoin and restrain the continuation of such violation and in any such action:
 - (a) Preliminary relief may be granted under Article 63 of the Civil Practice Law and Rules; and
 - (b) The Town shall not be required to post any bond or undertaking; and
 - (c) The Town need not prove that:
 - [1] There is or will likely be irreparable harm; or
 - [2] That the Town has no adequate remedy at law.
 - (2) In such action, the court may also award any damages or other relief requested, including declaring the rights and interests of any parties and imposing any civil penalties. The remedies provided by this chapter shall not be in lieu of, and shall be in addition to, any other right or remedy available to the Town, whether sounding in enforcement or otherwise.

