

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 Town Village
(Select one.)

of Chester

Local Law No. 4 of the year 2013

A local law entitled "Amendment to Chapter 98 Zoning - Signs"
(Insert Title)

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

County City Town Village
(Select one.)

of Chester as follows:

Section 1. The Code of the Village of Chester Chapter 98, Zoning, Section 98-19, Signs, is amended to replace Section 98-19 in its entirety with the following:

§ 98-19. Signs. [Amended 2-10-1992 by L.L. No. 2-1992]

- A. Objective of Sign Ordinance. These regulations are promulgated for the purpose of controlling existing and proposed outdoor signs of all types which are visible from streets in the Village in order to:
- (1) Promote public safety and welfare by reducing distraction and obstructions to motorists which may contribute to traffic accidents and by reducing hazards that may be caused by signs overhanging streets in the Village; and
 - (2) Create a more attractive economic and business climate, lessen congestion of land and air space, enhance and protect the physical appearance of the

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

community visible from the streets in the Village and provide a more aesthetically enjoyable and pleasing community. It is further intended to provide more visual open space and enhance the community's appearance and attractiveness.

- B. Unless specifically permitted herein or required to be permitted as a matter of freedom of speech by the Constitution of the United States or the Constitution of the State of New York, all signs are prohibited.

[Amended 2-11-2002 by L.L. No. 2-2002]

- C. Signs permitted in residence districts. The following signs shall be permitted in residence districts:

- (1) Real estate signs not exceeding six square feet in area, advertising the sale, rental or lease of the premises on which they are maintained. Such signs shall be distant at least 25 feet from any street line or not more than five feet in front of any building that sets back less than 25 feet from the street line.
- (2) One nameplate or professional or announcement sign in connection with a residential building not exceeding two square feet in area.
- (3) One identification sign not exceeding 16 square feet in area, for a place of worship, parish house, religious school building, hospital, nursing home, private school or apartment building, subject to Article V hereof. Such sign shall refer only to the premises upon which it is located. Such sign shall not be located in a required yard unless affixed to the wall of a building, except that in no case need it be located more than 25 feet from the street line. Notwithstanding the above, a bulletin board of a place of worship, not more than 12 feet square, may be placed no closer than 10 feet to a street line.
- (4) A ground-mounted sign shall not project more than five feet above the ground.
- (5) A sign mounted on a building shall not project above the roofline or a line five feet above the top of the roof beams where they join the exterior bearing wall, whichever is lower.

- D. Signs permitted in B-1 Districts. The following signs shall be permitted in B-1 Districts:

- (1) Any sign permitted in a residential district, according to residential district regulations.

- (2) Flat business signs which shall not project more than 12 inches beyond the building facade and shall not extend above the roofline or a line five feet above the top of the roof beams where they join the exterior bearing wall, whichever is lower.
 - (3) Suspended business signs hung off buildings over sidewalks no larger than 12 square feet in size. Lowest edge of sign must be higher than 8 foot 6 inches over sidewalk surface and be supported solely by the building (no post). Sign must not be closer than 12 inches from road curb.
 - (4) The total surface display area of flat business signs and suspended business signs shall not exceed in square feet two times the number of linear feet of the width of the store or building frontage, except that in the case of a corner lot such square foot display area may be increased by one times the number of linear feet of the length of the store or building which faces the secondary street. Said increased permitted display area shall be used only for the erection of a permitted sign on the length of the building or store which faces the secondary street. Where the premises abut a parking lot, the total display area may be increased by 1/2 times the number of linear feet of the width of the store or other building fronting on such parking lot. Such increased display area shall only be utilized for the erection of a permitted sign on that part of the store or building which abuts said parking lot.
 - (5) No sign of any kind shall be painted or mounted on the side of a building facing an adjoining residence district, nor shall signs of any kind be placed in the side yard or rear yard area adjoining a residence district.
- E. Signs permitted in B-2 Districts. The following signs shall be permitted in B-2 Districts:
- (1) Any sign permitted in a B-1 District, according to B-1 District regulations except suspended signs which are permitted in B-1 District. However, the maximum total area for all permitted flat signs shall not exceed 200 square feet for the frontage on one street and shall not exceed 400 square feet for all sides of a store or building.
 - (2) One identity sign per individual use, exclusive of uses in a shopping center. One identity sign is permitted for a shopping center less than 10 acres in area, and two identity signs are permitted for shopping centers in excess of 10 acres.
 - (3) Identity signs, which shall not be over 20 feet high above ground level with no part or projection closer to a street line than 20 feet.

- (4) The maximum area for identity signs shall be:
 - (a) For individual uses: 50 square feet for one face or 100 square feet for the two faces of a double-faced sign.
 - (b) For shopping centers: 100 square feet for one face or 200 square feet for the two faces of a double-faced sign.
- (5) In addition to identity and wall signs, gasoline filling stations may have incidental signs indicating services, products, prices, trade information or other information, not including product advertising, which may be attached to the structure or may be listed on one permanently installed sign structure at least 20 feet from any property line.
- (6) No products or product containers or signs shall be closer to a street line than 20 feet.
- (7) The total sign area of incidental signs other than identity and wall signs shall not exceed a total of 40 square feet.
- (8) Billboards and other advertising signs which are not clearly visible from any street in the Village.

F. Signs permitted in M Districts. The following signs are permitted in M Districts:

- (1) For each industrial establishment, one identity sign for each street frontage, each with a maximum area of one square foot for each linear foot of a building facade which fronts on a street.
- (2) Flat wall signs located anywhere on the surface of the building, but in no case shall they project above the roofline or a line five feet above the top of the roof beams where they join the exterior bearing wall, whichever is lower, or ground-mounted signs not to exceed five feet in height and set back at least 25 feet from a street line.
- (3) Billboards and other advertising signs which are not clearly visible from any street in the Village.

G. Signs permitted in any district. The following signs shall be permitted in any district and shall not require a permit:

- (1) Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including

any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of 32 square feet for each industrial or B-2 use and to a maximum area of four square feet for each firm in all other districts. The signs shall be confined to the site of the construction and shall be removed within 14 days of the beginning of the intended use of the project.

- (2) Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of 12 square feet unless otherwise regulated by Subsection C(1) above. Such signs shall be removed within 14 days of the sale, rental or lease of the premises.
- (3) Political campaign signs announcing the candidates seeking public political office and other data pertinent thereto or other signs publishing noncommercial content, up to an area of 16 square feet for each premises. These signs shall be confined within private property.

[Amended 2-11-2002 by L.L. No. 2-2002]

- (4) A sign of the temporary poster-type erected for temporary use only and displayed inside a business establishment or affixed to the outside of its show window or on the building which houses such establishment, advertising a special sale for a limited time only of goods, services or entertainment on the premises where displayed; or a similar sign not over three square feet in area advertising some civic event.
- (5) Signs directing traffic movement onto a premises, not exceeding two square feet in area for each sign. Horizontal directional signs on and flush with paved areas are exempt from these standards.
- (6) Signs of educational, religious, governmental or nonprofit organizations containing general public information, or signs of public, quasi-public, commercial, industrial or real estate development uses giving directions thereto. Such signs:
 - (a) Shall require approval of controlling agencies when located on street rights-of-way.
 - (b) Shall not exceed four square feet in area.
 - (c) May be located on a premises other than that on which the use to which the signs refer is located.

(d) Shall be limited to three signs per use.

(e) Shall be located at least 1,500 feet apart as measured along a street.

H. Signs prohibited in any district. The following signs and types of signs shall be prohibited in any district:

- (1) Signs, advertising a structure or device erected or maintained adjacent to a state park or parkway in violation of § 13.07 of the Parks, Recreation and Historic Preservation Law.
- (2) Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning" or similar words.
- (3) Signs or lights which are of a size, location, movement, content, coloring, shape or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- (4) Signs which move in any manner, consist of moving devices, have a major moving part or which may swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.
- (5) Billboards and other advertising signs which are clearly visible from a street in the Village, and signs mounted on rooftops and signs which project out from buildings more than one foot.
- (6) Freestanding or projecting signs within an area bounded by the intersection of the right-of-way of two or more streets and located within 30 feet from such intersection along the rights-of-way of such streets, except informational signs erected by a governmental body.
- (7) Signs that are displayed in such a manner as to be hazardous to traffic or disturb occupants of any other building.
- (8) Signs attached to or incorporated onto any utility pole or light pole.
- (9) Signs erected or located on, within or over any public right-of-way, unless specifically permitted herein.

- (10) Except as otherwise permitted in this chapter, signs which are not accessory to a use located on the premises.
 - (11) Inflatable signs.
- I. Illumination of signs in any district. The following regulations as to illumination of signs shall apply in all districts:
- (1) Signs may be internally lighted or illuminated by a hooded reflector.
 - (2) No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color.
 - (3) Exposed reflective-type bulbs or incandescent lamps which exceed 15 watts shall neither be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property nor be strung in a series of bulbs.
 - (4) In the B-2 District, Signs, or portions of, can be of Electronic Message Display (EMD) provided they meet the following criteria.
 - (a) EMD does not change more than once every 8 (eight) seconds and the electronic message center does not exceed 50% of total sign area permitted.
 - (b) EMD change is to be instant and take no more than 1 (one) second.
 - (c) EMD will not flash, fade or scroll.
 - (d) All devices will be required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.
 - (e) Only one Electronic Message Display per zoning lot. Gasoline filling stations are allowed digital pricing at each pump not to be included in overall sign allotment.
 - (5) In the M Districts, Signs, or portions of, can be Electronic Message Display (EMD) provided they meet the following criteria.
 - (a) EMD does not change more than once every 8 (eight) seconds and the electronic message center does not exceed 50% of total sign area permitted.

- (b) Billboards and other advertising signs which are not clearly visible from any street in the Village can be up to 100% EMD.
- (c) EMD change is to be instant and take no more than 1 (one) second.
- (d) EMD will not flash, fade or scroll.
- (e) All devices will be required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.
- (f) Billboards and other advertising signs facing State Route 17/Interstate 86 must meet the more restrictive standard of state or village requirements.

- J. Noncommercial copy. Notwithstanding any other provisions of this section, any sign authorized herein is allowed to contain noncommercial copy in lieu of any other copy. Any provision authorizing commercial copy may be read so as to authorize noncommercial copy in lieu thereof.
- K. Severability. If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provisions or application, and to this end the provisions of this section are severable.
- L. Governmental agencies. The provisions of this § 98-19 shall not apply to the Village of Chester.

Section 2. Repealer. All Local Laws, Ordinances or parts of Local Laws or Ordinances inconsistent or in conflict with these Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability. In the event that any clause, sentence, section or other part of this Local Law is declared to be invalid, such invalidity shall not affect the remainder of this chapter.

Section 4. This Local Law shall become effective immediately upon filing with the Office of the Secretary of State pursuant to the 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. 4 of 2013 of the (County)(City)(Town)(Village) of Chester was duly passed by the Village Board on November 4, 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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 November _____ 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 cities of said county as a unit and 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.

(Seal)

Rebecca Rivera

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
Rebecca Rivera, Village Clerk

Date: 11/8/13