

**TOWN OF WHITEHALL
COUNTY OF WASHINGTON
STATE OF NEW YORK
LOCAL LAW NO 1 of 2019**

Titled "Amending Local Law No 4 of 2000, Town of Whitehall Sign Law"

ARTICLE I INTRODUCTION

Section a. Authority

The Town Board of the Town of Whitehall, Washington County, New York, hereby amends Local Law No. 4 of 2000, "Town of Whitehall Sign Law" and replaces with Local Law No 1 of 2019 Titled "Amending Local Law No 4 of 2000 Town of Whitehall Sign Law" pursuant to the Authority and provision of Section 10 of the Municipal Home Rule Law and Statutes of Local Government.

Section b. Title

This law shall be known as "Amending Local Law No. 4 of 2000, Town of Whitehall Sign Law."

Section c. Purpose.

It is the purpose of this local law to promote the health, safety, and general welfare of the inhabitants of the Town of Whitehall through the efficient regulation for the continuing use of outdoor signs in order to encourage an attractive environment for businesses, inform and direct the general public, ensure public safety along streets and highways, and provide business with a format for advertising the goods and services made available by the private and business community, protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas and provide a more enjoyable and pleasing community.

ARTICLE II DEFINITIONS

Except where specifically defined herein, all words used in this law shall carry their customary meanings. Words in the present tense include the future, words in the singular, the plural and the plural, the singular, and the word "shall" is intended to be mandatory.

- a. **Enforcement Officials:** Local Compliance Officer, Town Supervisor, or any person duly appointed by the Town Board.
- b. **Sign:** Any structure of part thereof or any device attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model,

banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement direction or advertisement. A “sign” includes any billboard, but does not include any real estate signs, directional or official signs authorized by law, the flag, pennant or insignia of any nation or group of nations, or of any state, city or other political unit of any political, educational, charitable, philanthropic, civic, professional, religious, or like group. However, a “sign” as defined herein shall not include a similar structure or device located within a building.

- c. **Business Sign:** A sign which directs attention to a business or profession conducted or to products sold upon the same lot.
- d. **Advertising Sign:** Any sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot.
- e. **Flashing Sign:** Any illuminated sign on which the artificial light is not maintained stationary and constant intensity and color at all times when in use.
- f. **Illuminated sign:** Any sign designed to give forth any artificial light or designed to reflect such light deriving from any source which is intended to cause such light or reflection.
- g. **Personal Sign:** Signs less than two (2) feet in square area used for illumination of personal names.
- h. **Back-to-back Sign:** Any off-premise sign consisting of two sign facings oriented in opposite directions with not more than two faces per sign facing.
- i. **Directional Sign:** A sign erected for the convenience of the public, such as for directing traffic movement, parking, or identifying restrooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message.
- j. **Nonconforming Advertising Signs:** A “nonconforming advertising sign” is an advertising sign which was installed under laws or ordinances in effect prior to the effective date of this chapter but which is in conflict with the provisions hereof.
- k. **Double Faced Sign:** An off-premise sign with two adjacent faces oriented in the same direction and not more than ten (10) feet apart at the nearest point between the two faces.
- l. **Facing:** That portion of an off-premise sign upon which advertising is affixed or painted and visible in one direction at one time.
- m. **Freestanding Sign:** An off-premise sign erected on a freestanding frame work supported and affixed by one or more uprights or braces in or upon the ground.
- n. **Multiple-faced Sign:** An off-premise sign comprised of sections which rotate to display a series of advertisements, each advertisement being displayed for at least (6) seconds continuously without movement; the duration of movement of sections between advertisements not exceeding two (2) seconds.
- o. **Official Sign:** A sign erected by a government agency or its designee, setting forth information pursuant to law.
- p. **Non-Conforming Sign:** A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and /or property upon which the sign is located; also called a “Billboard”. The following shall not be considered an off-premise sign for the purpose of this ordinance:

1. Directional or Official Signs authorized by law
 2. Real Estate Signs
 3. On-Premises Signs
- q. **On Premises Signs:** A sign which advertises the primary goods or services sold or taking place upon the premises on which the sign is located.
 - r. **Real Estate Sign:** A sign which advertises the sale or lease of the property upon which the sign is located.
 - s. **Roof Mounted Sign:** An off-premises sign attached to the roof of a building.
 - t. **V Type Sign:** An off-premises structure which consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.
 - u. **Wall Sign:** An off-premises sign attached to the wall of a building or structure.

ARTICLE III "REGULATIONS"

Section A.

#1 Bill Boards

- a. No off-premise sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device.
- b. Off-premise signs shall be constructed in accordance with local and state building and electrical codes. Stamped structural engineering plans shall accompany sign permit applications and shall be subject to wind speed requirements as set forth in the latest edition of the uniform Building Code.
- c. Off-premise signs shall be regularly maintained in good and safe structural conditions.
- d. No off-premise sign shall be located on a property without the consent of the property's owner or legal representative.
- e. The general area in the vicinity of any freestanding sign on undeveloped property shall be kept free and clear of sign materials, debris, trash and refuse.

#2 Sizes of Signs

- a. The maximum sign area for any one face of an off-premise sign shall not exceed 250 square feet, excluding the base or apron, trim, supports, and other structural elements.
- b. The sign area shall be measured by the smallest square, circle, rectangle, or combination thereof which will encompass the entire sign face.
- c. Signs may be back-to-back, double faced, V-type, and multiple-faced with not more than two faces to each facing and such structure shall be considered as one off-premise sign.

3 Height of an Off-Premise Sign

- a. An off-premise sign shall maintain a minimum clearance of ten feet measured from the ground level at the base of the sign to the bottom of the sign face.

- b. An off-premise sign shall have a maximum height not to exceed fifty (50) feet above grade level of the roadway to the bottom of the sign face, as measured from the centerline of the roadway to which the sign is oriented.

#4 Spacing For Off-Premise Signs

- a. No off-premise sign may be established within 500 feet of any other off-premise sign, measured along the same side of the street or highway to which the sign is oriented.
- b. The spacing between signs does not apply to structures separated by buildings or other obstructions in such a manner that only one sign located within the spacing distances is visible from the street at any one time.
- c. Spacing from Directional and Official Signs, On-Premise signs, or any other sign which does not constitute an off-premise sign shall not be counted nor shall measurements be made from such signs for the purpose of determining compliance with these spacing requirements.
- d. The minimum distance between off-premise signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along each side of the highway and shall apply to structures located on the same side of the same street or highway.
- e. There will be no more than 10 billboards per highway mile.

#5 Setback Requirements Follow State of New York

- a. In no case shall any portion of an off-premise sign overhang into or be placed in the public right-of-way, unless allowed by the public entity. An off-premise sign may overhang into the property on which it exists up to the point of the public right-of-way or adjacent public or private property.

#6 Lighting Off-premise signs may be illuminated subject to the following restrictions:

- a. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited if such signs interfere with traffic safety. Reflective surfaces or devices on sign faces, and multiple-faced signs, with illumination, are permitted, provided such signs do not interfere with traffic safety and comply with Subsections C and D of this Section.
- b. Electronic variable message signs giving public information such as, but not limited to, time, date, temperature, weather, or other similar information, and commercial electric variable-message signs which function in the same manner as multiple-faced signs are permitted, provided such signs do not interfere with traffic safety and do not resemble or simulate traffic control or safety devices or signs.
- c. Signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.
- d. No sign shall be illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

#7 Sign Permits

- a. **No off-premise sign shall be erected without securing a permit from (Town of Whitehall) and payment of the permit fee as set by resolution of the Town Board. Before such permit is issued, an inspection shall determine that the off-premise sign complies with the provisions of this Local Law.**

OTHER SIGNS

Section B.

The size, type and location of any sign or advertising device shall be allowed only in accordance with the following regulations, and whenever districts are set forth in these regulations.

- a. **Signs in agricultural and residential districts.**
 1. **Nameplate and identification signs indicating the name and address of the occupant or permitted home occupation in any residence shall be allowed, provided that the combined area of such signs shall not exceed a total of three (3) square feet and shall not include any flashing or intermittent illumination, nor shall any source of illumination be directed toward any public street or adjacent residential property.**
 2. **Agricultural signs for customary agriculture operations selling farm products grown on the premises may not exceed a combined total area of fifteen (15) square feet and shall not include any flashing or intermittent illumination, nor shall any source of illumination be directed toward any public street or adjacent residential property.**
 3. **Institutional signs for schools, churches or similar public and semipublic institutions shall be allowed, provided that such signs shall not exceed a combined total of fifteen (15) square feet in area and shall not include any flashing or intermittent illumination, nor shall any source of illumination be directed toward any public street or adjacent residential property.**
 4. **Business signs pertaining only to legal nonconforming uses of the premises on which they are located shall be allowed, provided that such signs shall not omit any flashing or intermittent illumination, nor shall any source of illumination be directed toward any public street or adjacent residential property. However business signs legally in existence on the date of enactment of this chapter which pertain to nonconforming uses may continue to be used, except that all intermittent or flashing illumination shall be converted to a constant light source.**
 5. **Temporary business signs advertising a sale, rental, construction or improvement of the premises on which they are located shall be allowed, provided that such signs shall not exceed a combined total of six (6) square feet area, shall not be illuminated and shall be promptly removed by the property owner when the circumstances leading to their erection no longer apply.**

- b. **Signs in Commercial and Industrial Districts.**
1. The signs permitted in agricultural and residential districts shall be allowed.
 2. Business signs relating to the use conducted in the building or on the immediate premises thereof shall be allowed, provided that such signs shall not exceed a combined of forty (40) square feet in area.
 3. A business sign in existence on the date of the enactment of this chapter which does not conform to the specifications of this section may not be extended, except that all intermittent or flashing illumination shall be converted to a constant light source.
 4. Temporary signs advertising the sale or rental or construction or improvement of the premises on which they are located shall be allowed, provided that such signs shall not exceed a combined total of ten (10) square feet in area and shall be promptly removed by the agent or owner when the circumstances leading to their erection no longer apply.
- c. **General Regulations.**
1. Signs shall be constructed of durable materials and shall be maintained in good condition. Signs which are permitted to deteriorate shall be removed upon direction of the Building Inspector and/or Compliance Officer following notification to the owner.
 2. No sign shall be erected so that any portion thereof shall be any closer than ten (10) feet to the nearest lot line or within five (5) feet of any utility pole.
 3. No signs shall be erected which may cause hazardous or unsafe conditions. Any sign which shall have been erected and which, since the date of its erection, because of changed conditions, becomes hazardous shall be removed following notice to owner.
 4. Signs to be erected by a nonprofit community service organization which are intended as a public service for the good of the community may be erected upon the granting of a special permit.
 5. All signs of temporary nature, such as political posters, banners, promotional devices and other signs of a similar nature, may be granted a temporary permit for a period not to exceed thirty (30) days, provided that such signs are not attached to fences, trees, utility poles or the like and further provided that such signs are not placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public. A fee as set by resolution of the Town Board and on file in the town offices shall be paid upon the issuance of a permit for such sign or group of identical signs, and a cash deposit of fifty dollars (\$50.00) shall be deposited with the town clerk to ensure removal of such sign or signs at the expiration of the permit. In the case that the sign is categorized as a "Billboard" sign, a fee as set forth by resolution of the Town Board and on file in the town offices shall be paid upon the issuance of a permit for such sign or group of identical signs, and a cash deposit of two hundred dollars (\$200.00) shall be deposited with the town clerk to ensure removal of such sign or signs at the

expiration of the permit. The Building Inspector and/or Compliance Officer, after seven (7) days written notice to the failure of the permit holder to do so, shall cause said sign or signs to be removed, and the cash deposit shall be forfeited to help defray the cost of removal.

6. Signs erected for the purpose of posting private lands shall be in accordance with Article 11 of the Environmental Conservation Law of the State of New York.
7. Such off-premises directional signs as may be necessary to direct persons to commercial, industrial, service or community facilities may be erected in any zone, subject to the following:
 - a) No such sign shall exceed ten (10) square feet per establishment, and no more than thirty-two (32) square feet of signage shall be on any one (1) lot.
 - b) No commercial or service use shall be permitted to have more than one (1) directional sign.
 - c) Text shall be limited to name or identification, arrow or direction and distance but shall contain no advertising message.
 - d) Such signs shall not be illuminated.
 - e) Such signs shall be limited to arterial and collector streets only.
 - f) An applicant for a sign permit hereunder shall be required to produce evidence of approval for the erection of the sign by the owner of the property on which it is to be placed.
 - g) Permits for such signs shall be subject to approval of the Planning Board of the Town of Whitehall, Local Compliance Officer, Town Supervisor or any person duly appointed by the Town Board.

#2 Permit Required

After the effective date of this chapter and except as otherwise herein provided, no person shall erect any signs as allowed herein without first obtaining a permit therefore from the Town Office.

SECTION C

#1 Application for Permit

Application for permit shall be made in writing, in duplicate, upon forms prescribed and provided by the Building Inspector and/or Compliance Officer or the Town Clerk to the Building Inspector and/or Compliance Officer and shall contain the following information:

- a) The name, address and telephone number of the applicant.
- b) The location of the building, structure or land to which or upon which the sign is to be erected.
- c) A detailed drawing or blueprint showing a description of the construction details of the sign and showing the lettering and/or pictorial matter composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any building or land, and its position in relation to nearby buildings or structures and to any private or public street or highway.

- d) **Written consent of the owner of the building, structure or land to which or on which the sign is to be erected, in the event that the applicant is not the owner thereof.**
- e) **Certification of an electrical inspection by the New York Board of Fire Underwriters for any sign having electrical connections.**

#2 Issuance of Permit

It shall be the duty of the Building Inspector and/or Compliance Officer, upon the filing of an application for a permit to erect a sign, to examine such plans, specifications and other data submitted to him with the application and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure. If it shall appear that the proposed sign is in compliance with all the requirements of this chapter and other laws and ordinances of the Town of Whitehall and that the necessary fee has been paid to the Town Clerk, and/or Compliance Officer shall, within seven (7) days, issue a permit for the erection of the proposed sign. If the sign authorized under any such permit has not been completed within six (6) months from the date of the issuance of such permit, the permit shall become null and void but may be renewed within thirty (30) days from the expiration thereof, for good cause shown, upon payment of an additional fee set by resolution of the Town Board and on file in the town offices.

#3 Revocation of Permit

No sign, whether new or existing, shall hereafter be erected or altered except in conformity with the provisions of this chapter. However, notwithstanding any provisions contained herein, the sign must be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings and the sign must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety. In the event of a violation of any of the foregoing provisions, the Building Inspector and/or Compliance Officer shall give written notice or personal notice specifying the violation to the named owner of the sign and 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 conformed by the owner of such sign and the owner of the land within thirty (30) days from the date of said notice. In the event that such sign shall not be so conformed within thirty (30) days, the Building Inspector and/or Compliance Officer shall there upon revoke the permit and such sign shall be removed by the named owner of the sign and/or the named owner of the land. Upon failure of said persons to remove such sign within (30) days from the expiration of said thirty-day period, the Building Inspector and/or Compliance Officer is hereby authorized to remove or cause removal of such sign and shall assess all costs and expenses incurred in said removal against the land or building on which such sign is located.

#4 Removal of Certain Signs

- a) **Any business sign existing on or after the effective date of this chapter which no longer advertises any existing business conducted or product sold on the**

premises shall be removed by the owner of the premises upon which such sign is located after written notice as provided herein. The Building Inspector and/or Compliance Officer, upon determining that any such signs exists, shall notify the owner of the premises in writing to remove said sign within thirty (30) days from the date of such notice. Upon failure of the owner to comply with such notice within the prescribed time, the Building Inspector and/or Compliance Officer is hereby authorized to remove or cause removal of such signs and shall assess all costs and expenses incurred in said removal against the land or building on which the sign is located.

- b) If the Building Inspector and/or Compliance Officer shall find that any sign regulated by this chapter is unsafe or insecure or is a menace to the public, he shall give written notice to the named owner of the sign and the named owner of the land upon which the sign is erected who shall remove or repair said sign seven (7) days from the date of said notice. If said sign is not removed or repaired, the Building Inspector and/or Compliance Officer shall revoke the permit issued for such sign as herein provided, and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building or which such sign was located. The Building Inspector and/or Compliance Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

SECTION D

1 Variances

The Town Board of the Town of Whitehall may in appropriate cases and after public notice and hearing may or modify the application of this local law in harmony with its general purpose and intent and act on special permits wherever the same are required by the terms of this Local Law.

2 Review and Appeal

Any person aggrieved by any decision of the Building Inspector and/or Compliance Officer relative to the provisions of this chapter may appeal such decision to the Whitehall Town Board.

3 Penalties of Offenses

Failure to comply with any of the provisions of this chapter shall be deemed a violation and the violator shall be liable to a fine of not more than three hundred fifty dollars (\$350.00) or imprisonment for a term not to exceed 6 months or both. Each week such violation continues shall constitute a separate violation. A violation of any of the provisions of this chapter shall be grounds for revocation of any business license previously granted to the violator and removal of the sign by the Town of Whitehall.

4 Enforcement

This Local Law shall be enforced by the Building Inspector and/or Compliance Officer of the Town of Whitehall, Town Supervisor or any person duly appointed by the Town Board.

5 Amendments

The Town Board may, from time to time, on its own motion or on recommendations of the Planning Board after public notice and hearing, amend, supplement, change, modify, or repeal this chapter pursuant to the provisions of the Town Law applicable thereto.

ARTICLE IV "EFFECTIVE DATE"

This law shall become effective immediately on filing of the same with the Secretary of State of the State of New York.

I, Julie Millett, Clerk of the Town of Whitehall, do hereby certify that the foregoing is a true and correct copy of Local Law No. 1 of 2019 of the Town of Whitehall, which Local Law was passed by the Town Board on the 20th day of February 2019 and approved by the Supervisor and deemed duly adopted on the same date, in accordance with the following compliance with the applicable provisions of Law.

Julie Millett
Town Clerk of the Town of Whitehall