

VILLAGE OF TANNERSVILLE  
LOCAL LAW NO. 3 OF 1993

REVISED SIGN LAW

Be it enacted by the Village Board of the Village of Tannersville as follows:

I. PURPOSE

The purpose of this sign law is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to encourage the use of signs as a means of communication, protect pedestrians and traffic safety, protect property values, maintain and enhance the aesthetic environment and enhance the Village's ability to attract sources of economic development and growth. Regulation of signs is necessary to preserve the nature and character of the Village and to restore and maintain the rural and natural setting of this mountain resort village.

II. DEFINITIONS

**AWNING:** Any non-rigid material such as fabric or flexible plastic that can be rolled back or retracted and is supported by a frame that is attached to an exterior wall.

**AWNING SIGN:** Any visual message incorporated into an awning attached to a building.

**FREESTANDING SIGN:** Any sign that is not attached to or part of any building but is permanently affixed by any other means, in or upon the ground. Included are pole and monument signs.

**OFF-PREMISE SIGN OR BILLBOARD:** A sign which does not identify a business or a profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

**PORTABLE SIGN:** A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not structurally and permanently affixed to the ground, a building, a structure or another sign.

**POSTERS AND HANDBILLS:** A sign affixed to trees or other natural vegetation, rocks or utility poles.

**PRINCIPAL FACADE:** The facade which contains the primary entrance to the establishment.

**PROJECTING SIGN:** A sign that is attached to a building wall or structure and projects horizontally or at a right angle no more than 12 inches from the face of the wall.

**ROOF SIGNS:** A sign which is erected on a roof or which extends in height above the roofline of the building on which the sign is erected.

**SETBACK:** The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly from the property line.

**SHOPPING CENTER:** A structure or structures and customary parking and loading areas providing for a variety of retail commercial establishments managed as a unit and having the following characteristics:

- a. A unified architectural treatment and identifiable theme relating to each of the commercial establishments within.
- b. A common interrelated parking and site circulation system with consolidated access to public roads.

**SIGN:** Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

**SIGN AREA:** Includes all faces of a sign measured as follows:

- a. When any sign is framed or outlined, all of the area of the frame or outline shall be included;
- b. sign measurement shall be based upon the entire area of the sign with a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including structural supports if they are not used for advertising purposes.

**SIGNABLE BUILDING FACADE:** The continuous portion of a structure that is unbroken by door or windows.

**WALL SIGN:** A sign that is painted on or attached directly to the outside wall of a building, with the face of the sign parallel to the wall and having a visible edge or border extending not more than 12 inches from the face of the wall.

**WINDOW SIGN:** A sign visible from a sidewalk, street or other public place, affixed or painted on glass or other window material, or located inside within two feet of the window, but not including graphics in connection with customary window display of products.

### III. SIGN PERMIT PROCEDURES

#### A. PERMIT REQUIREMENT

After the effective date of this law and except as otherwise herein provided, it shall be unlawful and a violation of this law for any person to erect, construct, paint, alter, relocate, reconstruct, display or maintain or cause to be erected, constructed, displayed or maintained within the Village of Tannersville any exterior signs (including signs posted on interior side of windows) without first having obtained a permit therefor from the Village of Tannersville Clerk.

#### B. APPLICATION

Any person desiring to procure a permit for a sign shall file with the Village of Tannersville Clerk a written application which shall then be submitted to the Planning Board for its approval and shall contain:

1. Name, address and telephone number of:
  - a. applicant
  - b. owner of property
2. Location of the building, structure of land on which the sign now exists or is to be erected.
3. If a new sign is to be erected, elevation and plan drawings to scale should be included. In addition, a full description of the placement and appearance of the proposed sign should be included and should cover the following:
  - a. Location on the premises, specifically, its position in relation to adjacent buildings, structures and property lines.
  - b. The method of illumination, if any, and the position of lighting or other extraneous devices.
  - c. Graphic design including pictorial matter, letters, materials and colors.
4. Written consent, or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner.
5. With the exception of the first year after the effective date of this law, the original application fee of twenty five dollars (\$25.00) must be paid when the application is submitted. After the first year, the original application fee is \$50.00. If the permit is rejected, twenty five dollars (\$25.00) will be refunded to the applicant at the time the notice of rejection is sent. The annual renewal shall be filed on or before June 1st of each year. A photo of the sign, not less than thirty days old, must be included with all renewals.

6. The Planning Board will notify all applicants within 30 days of the disposition of their application.

C. ISSUANCE OF PERMIT:

The Village Board shall issue the permit provided that all requirements of this law have been complied with, the application has been approved by the Planning Board and structural features of the sign have been approved.

All signs must be approved by the Planning Board relative to the appropriateness and compatibility of their design, shape, materials, colors, illumination, legibility, location and size. The Board as a condition approval, may recommend changes in such feature, including size, that are more restrictive than permitted by this law. The Board may approve, approve with conditions that must be met, or disapprove signs provided that such disapproval shall be by the majority vote of all the members of said board and provided that the board finds that the sign for which the permit was applied would, if erected or painted, be detrimental to the desirability, property values or harmonious development of the surrounding area. Approval is based on consistency with the design criteria listed in this law.

D. ANNUAL RENEWALS

Every sign permit issued under this law shall be subject to an annual renewal. On or before June 1st, of each year, each permittee must file a renewal application with the Village of Tannersville clerk along with a \$25.00 application fee per sign. Each application will be reviewed and approved or disapproved in accordance with subsections III B and III C of this law.

IV. EXEMPT SIGNS (REQUIRE NO PERMITS)

A. Professional name plates not exceeding two (2) square feet in area.

B. Bulletin boards not over twelve (12) square feet in area for public, charitable or religious institutions when same are located on the premises of said institutions.

C. Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling house, and not exceeding two (2) square feet in area .

D. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

E. Temporary non-illuminated window advertising signs which occupy no more than twenty-five percent (25%) of the total window area of the principal facade or facades of the establishment.

F. Non-illuminated real estate "for sale" or "for rent" signs and signs of a similar nature not exceeding six (6) square feet on the premises for sale or lease. All such signs, not to exceed one (1) per premises, shall be removed immediately upon sale or lease of the premises.

G. Non-illuminated "garage sale," "yard sale," "barn sale," "tag sale," or similarly descriptive sign, up to six (6) square feet in area, located fully on the property on which such sale is being conducted. All such signs, not to exceed one (1) per premises, may be displayed for a period of up to 48 hours in advance of the sale and up to 12 hours after its completion.

H. Construction signs, limited to one (1) unlighted sign not exceeding twelve (12) square feet in surface area and identifying the parties involved in the design, financing and/or provision of labor and materials associated with the construction on the premises where the sign is located, but not including the advertisement of any product. Such signs shall be removed prior to the issuance of a certificate of occupancy.

I. Traffic or other municipal signs, legal notices, danger, and such temporary emergency signs as may be approved by the Village of Tannersville Planning Board.

J. Holiday lights and decorations with no commercial message, between November 15 and February 28.

#### V. PROHIBITED SIGNS

A. Off premise signs, including billboards

B. Roof signs

C. Portable signs

D. Posters and handbills

E. Signs with flashing, blinking or moving lights. Signs or parts thereof containing or consisting of banners, posters, pennant, ribbons, flags, balloons, streamers, spinners, or similar moving or fluttering or revolving devices. Included within this prohibition are signs which are mechanically animated, such as moving, rotating or revolving signs. The said devices, as well as strings of lights shall not be used for the purposes of advertising or attracting attention when not part of a sign, except for all non-profit organizations and religious institutions. They will be allowed banners, balloons and flags for a period of seven (7) days prior to the event and to be removed two (2) days after the event.

F. Simulated traffic signs and obstructions which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection, or extend into the public right-of-way.

G. Signs and other advertising devices which advertise a profit-making business or organization and which appear upon permanent pickup and delivery containers.

H. Signs that employ reflective, luminous material, day glow or iridescent paint in their construction.

I. Neon signs if they exceed more than 25% of the window area in which they are displayed, number more than three on any premises or if they are utilized above the ground floor. Neon signs are only permitted on Main Street and even there only on commercial buildings.

J. All internally lighted signs including those in use at the time of the effective date of this law.

K. Any vehicle so decorated and located primarily for advertising rather than transportation.

#### VI. TEMPORARY SIGNS

All signs of a temporary nature must receive permits with out a fee before being displayed except those specified under the Exempt Signs section in this law. Temporary signs shall be permitted for a period not exceeding two (2) weeks prior to the activity or event nor exceeding five (5) days after the activity or event. The permit shall note the date of the first day that the sign may be displayed and the date it must be removed.

#### VII. ABANDONED SIGNS

A. Any sign, existing on or after the effective date of this law, which no longer advertises an existing business conducted or product sold on the premises on which such sign is located, shall be removed. The Village Board shall immediately revoke the permit that was issued for this sign and shall give written notice to the named owner of the building on which the sign is mounted or, if sign is freestanding, to the named owner of the land upon which sign is located, who shall remove the sign within 30 days of notice. Failure to do so will result in the property owner being charged with a violation of this law and subject to a fine of not less than one hundred dollars (\$100.00) per day for each day of the violation.

## VIII. SIGN REQUIREMENTS

### A. GENERAL SIGN REQUIREMENTS

One sign shall be allowed on each business premise. In the event that a business premises faces on more than one public street or on a public street and a public parking lot then two (2) signs shall be allowed. No such sign shall exceed 32 square feet in surface if upon a building nor 20 square feet if freestanding or hanging. If the aforesaid sign is placed in a window of the premises, then its area shall not exceed 25% of the total window surface on the side of the building in which it is located

One additional sign of similar design, color and material of not more than 4 square feet may be attached to the principal sign authorized by the above paragraph, provided the accessory sign is limited to informing the public of entertainment and food specials. An accessory sign shall count against the total number of signs or allowable signs area for a business, provided that the primary sign meets all applicable requirements of these regulations. An accessory sign shall not be allowed on any non-complying sign or on any premises where the total number of signs are not in compliance with the regulations.

Awning size will be determined by the size of the sidewalk at the location. Lettering may appear on the valance only and reach up to 6 inches in height. The extent of the lettering may cover as much as 8 feet in width or fifty percent (50%) of the valance width, whichever is less.

### B. DESIGN CRITERIA

A sign should be compatible with its surroundings, including other signs, structures and the district as a whole; appropriate to the architectural character of the building on which it is placed (if wall, projecting or window sign) and should not cover architectural features.

A. Size: in relation to building proportions and architecture, street proportions, and nearby signage.

B. Colors: In relation to building, district and street colors.

C. Style: Lettering, materials and shape to coordinate with style of building and surrounding area.

D. Illumination: Appropriate to the character of the sign, building and surroundings.

Layout should be orderly and graphic/lettering should be clear, concise, easily readable and in proportion to the size of the sign (no greater than 60% of the total sign area).

Groups of signs should express uniformity and create a harmonious appearance.

### C. RULES BY SIGN TYPE:

Wall signs: the visible edge or border of a wall sign may extend up to 12 inches from the face of the wall and may not extend beyond the walls of the building. The placement of all wall signs must be above the display window and the cornice in a single story building or between the shop window and the second story window sill in a multi story building.

Window signs: permanent window signs must be painted on or attached directly and permanently to the window.

Freestanding signs: No freestanding sign shall be more than 10 feet in height.

Projecting signs: projecting signs may not extend above the height of the roofline. Projection beyond the face of the building may be as much as 6 feet.

Awning signs: awning signs must be of the fabric retractable or rollback variety.

Directional signs: the Village Board may issue sign permits for the erection of on-site directional signs provided that the individual signs are no more than two (2) square feet in area and are limited to generic text such as "entrance" and "exit". Permits will be granted only if the applicant can clearly demonstrate his or her necessity based on motorist safety and that any such on-site directional sign will be set back at least 5 feet from any public right-of-way or any property line.

### D. ILLUMINATION

1. Only white light may be used to illuminate a sign, except in the case of neon which is prohibited in all types of signs except window signs.

2. The illumination from any sign may not cause any reflection, or glare upon a public street, highway, sidewalk or adjacent property.

3. Exposed lighting sources such as bulbs, tubes or the like are prohibited. All direct sources of illumination must be hidden from view by shrubbery or some other permitted material.

### E. LETTERING

The lettering on any sign may not exceed 60% of the sign area of any one side of the sign.

## F. COLOR

1. The color contrast on all signs must consist of light lettering on a dark background.

2. Each sign may contain a maximum of five colors. Black and white are each considered a color.

## G. SIGNS FOR SHOPPING CENTERS/MALLS

Where four (4) or more business establishments are planned as a integrated shopping center or development, the following sign criteria shall apply:

A. One common freestanding sign, either monument or pole style, identifying the shopping center is permitted. Size and setback must conform to the Village requirements for freestanding signs.

B. Freestanding signs may not be displayed by individual establishments located within a center. The types of signs displayed by each individual establishment must follow a master sign plan to ensure visual compatibility and consistency. Each establishment may display one (1) primary sign on the common freestanding sign.

## H. MASTER SIGN PLAN

A master sign plan is required of two (2) or more establishments that share a common lot, parcel, building, or are part of a shopping center. The plan is a sign system which helps to create visual unity among the signs within the plan area and insures their compatibility with the character of the community. It must include requirements to which all signs within the plan area adhere. These requirements must include specifications for the following sign features: type, style, height, colors, lettering or graphic style, materials, shape lighting and location on establishment.

## I. GASOLINE SERVICE STATIONS

These types of establishments are permitted one (1) additional sign up to 1 square foot above each gasoline pump and all other signs required by federal, state and local law.

## IX. MISCELLANEOUS PROVISIONS

### A. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## B. VIOLATIONS

1. Violators of this law shall be notified of violation or violations and shall be allowed no more than 30 days from receipt of notice to remove said violations. Both the property owner and the tenant will be notified and held responsible.

2. Any person, partnership or corporation that constructs, erects, affixes or places any sign or lighting device upon any premises in the Village in violation of this local law charged with violation and upon conviction thereof shall be punishable by a fine of not less than one hundred (\$100.00) dollars for each and every day that the court finds that they allowed the violation to exist.

3. All requests for hearings on notices of violations must be made to the Village Board in writing via certified mail and dated no later than seven days from receipt of violation. Failure to do so within the seven days limit will result in the request being not considered.

## C. NON-CONFORMING SIGNS

Signs which fail to conform to the requirements of this law as of the effective date of this law shall be allowed to continue for limited periods of time as long as the following requirements are met:

1. One prohibited sign may be allowed to continue for two years as long as such sign is registered with the Village clerk and a \$25.00 registration fee is paid within 60 days after the effective date of this law.

2. All other non conforming signs shall be allowed to continue for three years if at the time of this law they have a permit for their existing sign and a \$25.00 registration fee is paid within 60 days after the effective date of this law. Thereafter a \$25.00 renewal fee shall be paid each year during the three year period.

## D. EFFECTIVE DATE

This local law shall take effect immediately.