

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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

- County
- City of Ilion, NY
- Town
- Village

JUL 15 2009

Local Law No. 3 of the year 20 09

**MISCELLANEOUS
& STATE RECORDS**

A local law to amend Chapter 185, Signs of the Codes of the Village of Ilion
(insert Title)

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

- County
- City of Ilion, NY as follows:
- Town
- Village

See Schedule A Attached

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

(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. 3 of 20 09 of the (County)(City)(Town)(Village) of Ilion was duly passed by the Village Board of Trustees on July 8 20 09, in accordance with the applicable (Name of Legislative Body) provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____ in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (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) (Name of Legislative Body) (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.

* 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.


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

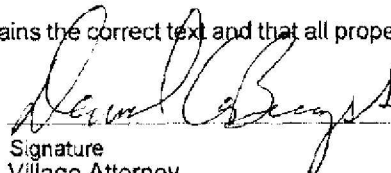
(Seal)

Date: 7/14/09

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Herkimer

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature
Village Attorney
Title

County _____
City of Ilion, NY
Town _____
Village _____

Date: 7/14/09

Schedule A

Village of Ilion Local Law 3-2009

Local Law to amend Chapter 185 , Signs , of the Codes of the Village of Ilion.

GENERAL REFERENCES

§ 185-1. Purpose and intent.

The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to 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. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space and curb the deterioration of natural beauty and community environment.

§ 185-2. Definitions.

As used in this chapter, unless otherwise expressly stated, the following terms shall have the meanings indicated:

ACCESSORY SIGN -- Any sign related to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located

ERECT -- To build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any sign, and shall also include the painting of exterior wall signs.

FRONT OR FACE OF A BUILDING -- The outer surface of a building, which is visible from any private or public street or highway.

ILLUMINATED SIGN -- Any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent light.

LIGHTING DEVICE -- Any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.

NONACCESSORY SIGN -- Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.

PROJECTING SIGN -- Any sign which projects from the exterior of any building.

SIGN:

- A. Any material, structure or device, or part thereof, composed of lettered or pictorial matter or upon which lettered or pictorial matter is placed when used or located out of doors or outside or on the exterior of any building, including window display area, for display of an advertisement, announcement, notice, directional matter or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs and shall also include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public.
- B. Does not include signs erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation.

§ 185-3. General regulations.

The prohibitions contained in this section shall apply to all signs and all use districts, regardless of designation of the village:

- A. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than ten (10) inches, including those projecting from the face of any theater, hotel or motel marquee.
- C. No signs shall be placed on the roof of any building.
- D. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in § 185-4 herein.
- E. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than ten percent (10%) of the area of said window.
- F. No person shall place upon or affix or cause or procure to be placed upon or affixed to any sidewalk, hydrant, lamppost, tree, telephone, telegraph or electric light pole or public building in any public street or on the public right-a-way or place within the village any words, characters, device, bill, placard, poster, notice, letters or pictures of any kind as a notice of or reference to any article, business, exhibition, profession, matter or event of any nature, including political contests.

§ 185-4. Signs permitted in all districts.

A The following signs are permitted in any use district without a permit:

- (1) Signs advertising the sale, lease or rental of the premises, which signs shall not exceed the area specified in § 250-22 of Chapter 250, entitled "Zoning," of this Code.
- (2) Professional nameplates that shall not exceed the area specified in said § 250-22.
- (3) Signs denoting the architect, engineer or contractor placed on premises where construction, repair or renovation is in progress, which signs shall not exceed thirty-two (32) square feet in area.

B The following signs are permitted in any use district but require a permit as provided herein:

- (1) Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies, which signs or bulletin boards shall not exceed eight (8) square feet in area and shall be located on the premises of such institutions.
- (2) Any sign advertising a commercial enterprise, including real estate developments or subdivisions, permitted in a district zoned residential by any zoning regulation shall not exceed thirty-two (32) square feet in area and shall advertise only the name of the owner, trade names, products sold and/or the business or activity conducted on the premises where such sign is located, provided that no more than two (2) signs shall be allowed for each such business or commercial activity conducted on the premises, which shall in all respects conform to the provisions of this chapter respecting establishments in business districts.
- (3) A sign or notice having an area of three (3) square feet or less of a public utility, gasoline service station, public garage and outdoor display area necessary for the direction, information or safety of the public.
- (4) On any gasoline service station, not more than one (1) pole sign erected for the purpose of advertising the brand of gasoline sold at such service station, provided that such pole sign have a maximum area of not more than twenty-five (25) feet and a maximum height of not more than twenty-five (25) feet to the top of such pole sign.

§ 185-5. Temporary signs; fee.^{EN(1)}

A All signs of a 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 and are placed on private property not on the public right-of-way.

- B All temporary signs will be limited to 6 square feet within the districts of the Village.
- C A fee as determined by resolution of the Village Board^{EN(2)} shall be paid upon the issuance of a permit for such sign, and a cash deposit for a like amount shall be deposited with the Building Inspector to ensure the removal of such sign at the expiration of the permit. The Building Inspector, after ten (10) days' written notice to the permit holder to remove such sign and after the failure of the permit holder to do so, shall cause said sign to be removed, and the cash deposit shall be forfeited to help defray the cost of removal.

§ 185-6. Signs permitted in business and manufacturing districts.

In districts zoned BN Neighborhood Business District, B-1 Retail Business District, B-2 General Business District and M-1 Manufacturing District, by Chapter 250, Zoning, of this Code, no signs shall be erected or maintained except as follows: two (2) signs, one (1) not exceeding thirty-two (32) square feet in area nor twenty-five (25) feet in height above ground level, when not attached to a building, and which advertises only the name of the owner, trade names, trademark, products sold and/or the business or activity conducted on the premises whereon such sign is located and which shall be set back at least five (5) feet from any public highway or street; and one (1) sign attached to or applied on each building or portion thereof, which sign shall not exceed one (1) square foot for each linear foot of frontage occupied by each business conducted on the premises. Where a building has frontage on more than one (1) street or public highway, one (1) such sign shall be permitted for each street frontage. In the event that a sign is painted or applied to the front or face of a building, the area of the sign shall be taken as the area required to circumscribe all letters and devices.

§ 185-7. Signs prohibited in all districts.

- A Commercial, industrial or professional signs which are not related to or erected for the purpose of directing to a place of business, industry, profession or properties for sale or lease within the village are prohibited. Except for directional signs, such signs must be erected only on the premises to which the signs pertain and as provided in this chapter.
- B Billboards on the face of buildings are prohibited.

§ 185-8. Permit required to erect sign.

After the effective date of this chapter and except as otherwise herein provided, no person shall erect any sign as defined herein without first obtaining a permit therefor from the Building Inspector.

§ 185-9. Permit application and fees.

- A Application for permit. Application for the permit shall be made in writing, in duplicate, upon forms prescribed and provided by the Building Inspector, to the Building Inspector and shall contain the following information:
- 1) The name, address and telephone number of the applicant.
 - 2) The location of the building, structure or land to which or upon which the sign is to be erected.
 - 3) 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, the 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.
 - 4) The 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.
 - 5) A copy of any required or necessary electrical permit issued for said sign or a copy of the application therefor.
- B. Fees. Fees which shall accompany the application for permit shall be as determined by resolution of the Village Board.^{EN(3)}

§ 185-10. Permit review and issuance.

- A Duty of Building Inspector. It shall be the duty of the Building Inspector, 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.
- B Issuance of permit. If it shall appear that the proposed sign is in compliance with all the requirements of this chapter and other provisions of this Code and rules and regulations of the village and is in general conformity and compatible with other signs adjoining the affected premises, the Building Inspector shall then, within fifteen (15) 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 ten (10) days from the expiration thereof, for good cause shown upon payment of an additional fee as determined by resolution of the Village Board.^{EN(4)}

§ 185-11. Conformity and maintenance required; violations; revocation.

- A 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 must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.
- B In the event of a violation of any of the foregoing provisions, the Building Inspector shall give written 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 the 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 ten (10) days, the Building Inspector shall thereupon revoke the permit, and such sign shall be removed by the owner of the sign or the owner of the land.

§ 185-12. Removal of certain signs.

- A Any sign existing on or after the effective date of this chapter which no longer advertises an 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, upon determining that any such sign 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 to comply with such notice within the prescribed time, the Building Inspector 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.
- B If the Building Inspector 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 within ten (10) days from the date of said notice. If said sign is not removed or repaired, the Building Inspector 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 on which such sign was located. The Building Inspector may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

§ 185-13. Nonconforming signs.

- A In the event that a sign is erected prior to the effective date of this chapter, which sign does not conform to the provisions and standards of this chapter, the requisite permit, as provided herein, shall be granted for every such sign or other advertising structure for a period of time not exceeding the remaining or undepreciated useful life of such sign, based on the appropriate depreciation formula used for income tax purposes in the depreciation schedules of the income tax returns of the owner of such sign.

- B Unless the owner of the nonconforming sign furnishes the Building Inspector with a true copy of the depreciation schedule of his latest income tax return, the period of the remaining useful life shall be deemed to be three (3) years.

§ 185-14. Variances.

The Board of Appeals may, in appropriate cases, after public notice and hearing and subject to appropriate safeguards, vary or modify the application of this chapter in harmony with its general purpose and intent.

§ 185- 15. Review and appeal.

- A Any person aggrieved by any decision of the Building Inspector relative to the provisions of this chapter, or the village, may appeal such decision to the Board of Appeals as provided in Chapter 250, Zoning, of this Code and shall comply with all procedural requirements prescribed by the Board of Appeals.
- B Any person aggrieved by any decision of the Board of Appeals may have the decision reviewed by a special term of the Supreme Court in the manner provided by Article 78 of the Civil Practice Law and Rules.

§ 185- 16. Applicability.

This chapter is applicable to the entire village and shall be construed as an exercise of the powers of the village to regulate, control and restrict the use of buildings, structures and land for outdoor advertising purposes, displays, signs and other advertising media in order to promote the health, safety, morals and general welfare of the community, including the protection and preservation of the property of the village and its inhabitants and of peace and good order, for the benefit of trade and all matters related thereto.

§ 185-17. Penalties for offenses.^{EN(5)}

Any person committing an offense against any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable for each offense by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

This law shall take effect immediately upon the filing with the Secretary of State