

F. Additional Enforcement. In addition to the enforcement authority granted to the Zoning Enforcement Officer under Section 12.01, the Lake Constable/Safety Officer may notify the Zoning Enforcement Officer of suspected violations of this Section 7.03.

### **Section 7.04 Signs.**

#### A. Purpose and Objective.

The purpose and objective of this law is to accommodate the needs of effective signage, ensure safety and provide acceptable visual aesthetics for the Town of Chester.

#### B. General Provisions.

1. Every sign hereafter erected or displayed, including signs not requiring a permit for display, shall comply with the provisions of this Local Law.
2. No sign exceeding sixteen (16) square feet in area may be erected or displayed without a permit and in no case may any sign exceeding forty (40) square feet in area be erected or displayed.
3. Signs requiring permits connected with projects subject to site plan review under Article 4 shall be included in that project's review pursuant to Article 5 of this Local Law.
4. In the case of residential and other non-business uses only one sign may be erected or maintained on any parcel of real property.
5. The Zoning Administrator and/or Planning Board may require an Engineer report on the safety of any sign to be erected or installed.

#### C. Signs Not Requiring a Permit.

The following signs do not require a permit from the Town:

1. Any sign erected and/or permitted pursuant to Section 9-0305 of the Environmental Conservation Law.
2. Directional signs of a public or quasi-public nature identifying or locating a town, hospital, public building, parking lot, church, college, service club or civic, educational, cultural or public recreational building, facility or use and similar signs, including informational signs relating to the opening of an event of public interest.
  - (a) Directional signs shall not exceed six (6) square feet in area and shall not extend over any property line or over any public road or public or private right of way except by approval of the governmental body, agency or individual having jurisdiction thereof and site plan review approval by the Planning Board.
3. Temporary on-premise business signs may be displayed for a period not exceeding ninety (90) days per calendar year. Such signs may be in the form of a cloth banner or advertising flag, limited to two (2)

banners or flags per establishment and not to exceed twelve (12) square feet in area.

- (a) Temporary business signs advertising sales or special events may be displayed for no more than fourteen (14) days before such event and must be removed no more than three (3) days after such event. Maximum of 4 events per calendar year.
4. Garage and yard sale type signs may be displayed up to three days in advance of such sale and must be removed no later than the day following the end of the sale.
5. Political signs relating to a particular election may be displayed for no more than sixty (60) days before the election and must be removed no more than seven (7) days after the election.
6. Incidental Signs
  - (a) Shall not exceed two (2) square feet in area except in cases where the regulations of a state or other governmental agency require a larger sign.
  - (b) Along any waterway or facing within fifty (50) feet thereof, an un-illuminated incidental sign shall not exceed two (2) square feet in area may be erected.
7. Real Estate Signs.
  - (a) Maximum of two signs on the property for sale or lease.
  - (b) Any real estate sign larger than four (4) square feet in area, or advertising the sale for more than one (1) individual lot shall be treated as a business sign and shall be subject to the provisions of Section 7.04(D), signs requiring a permit and/or site plan review.
  - (c) Real estate signs shall be removed upon the closing or lease of the property within seven (7) days.
  - (d) Real estate signs facing any waterfront area within fifty (50) feet thereof shall not exceed four (4) square feet in area.
  - (e) Open house real estate signs shall be allowed the day of the open house.
  - (f) A maximum of 2 directional signs are allowed and must be removed upon closing or lease of the property.
8. Interior Signs
9. Window Signs
10. Private Drive Signs – one sign per driveway entrance, not to exceed two (2) square feet in area.
11. Temporary Off-Site Business Signs.
  - (a) Maximum of eight (8) square feet.
  - (b) May not obstruct vision of sight or impede pedestrian or bike traffic.
  - (c) May not be illuminated.
  - (d) May be displayed during hours of operation and be removed at the end of each day.

- (e) Construction of signs must be sturdy enough, such as sandwich boards, to withstand and maintain placement in normal weather conditions.
  - (f) Legibility of signage must be adequate as to not create a safety hazard.
12. Home Occupation Signs – No more than one (1) sign shall be permitted for each home occupation. Each sign shall be a maximum of two (2) square feet in area. Allowed signs should blend in with the neighboring surroundings.

D. Signs Requiring a Permit and/or Site Plan Review.

- 1. All signs not listed in Section 7.04(C)

E. Prohibited Signs.

The following signs are prohibited:

- 1. Outdoor Advertising Signs - Such signs, including billboards, poster panels, signs painted on a building and any other signs advertising products or services not offered for sale or not available on the premises where such sign is displayed or situated.
- 2. Miscellaneous signs on poles, fences, etc. - Tacking, painting, posting or otherwise affixing and displaying of signs or posters of a non-business character, visible from the public highways, streets or other public way, on the walls of buildings, barns, sheds, trees, posts, utility or other poles, fences, walls and other structures except as provided for in this Local Law. Exempt from this ordinance are signs displayed for a non-profit venue.
- 3. Reflective signs or signs containing mirrors or any day-glow or other fluorescent paint, pigment or glitter.
- 4. Pennant strings, ribbons, and streamers. Except in Hamlet district.
- 5. Mechanical movement signs, including revolving signs. Except in Hamlet district.
- 6. Animated signs or flashing signs (except time and temperature), or signs that scroll or flash text or graphics.
- 7. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations. Except in Hamlet district.
- 8. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- 9. Rooftop Signs – no sign shall be permitted on any rooftop.
- 10. Any signs that imitate, resemble, interfere with or obstruct official traffic lights, signs, or signals or are nuisance or annoyance to the residents or occupants of any other building or premises. No sign shall include words such as “stop”, “slow”, “go”, “danger”, or other words, phrases, symbols or characters that may be mistaken for or confused with traffic signal, sign or device.
- 11. The use of vehicles or other moveable devices as signs adjacent to a highway, street or road right of way is hereby prohibited.

## F. Sign Regulations

1. No internally illuminated sign shall be erected or maintained having a size area greater than fifteen (15) square feet.
2. Free standing signs may not exceed twenty (20) feet above the ground on which such sign is erected.
3. Business signs shall be located on premise of business advertised, except off-premise signs (see below).
4. Business signs which advertise a bona fide business or service conducted on the premises and/or advertise products and/or merchandise stocked and sold on the premise may be erected.
5. Portable signs – In addition to a business sign displayed with a Permit, one portable sign, one or two sided, and not exceeding sixteen (16) square feet in area may be displayed. Such signs must be placed so as not to interfere with pedestrian or vehicular traffic and must be removed during non-business hours.
6. If two sign are erected or maintained upon the premises of a given business activity, the total sign area of the two signs combined shall not exceed sixty (60) square feet in area.
7. With respect to any building, group of buildings or other project involving more than one business or activity, such as shopping centers or multiple unit office or commercial building, no sign on building or adjacent to with respect to one such business or activity shall exceed thirty (30) square feet in area.
8. In the case of a sign advertising a center or facility where more than one principal activity is being conducted, only one sign not exceeding forty (40) square feet in area or twenty (20) feet in height may be erected. This sign may identify the center as a whole and list the individual names of any businesses at the site, but may not contain any advertising matter. An overall sign design plan for any such center or facility shall be required, which shall include the sign design plan or plans for each principal activity therein and shall reflect a reasonable uniformity of design, lettering, lighting and material.
9. No more than two (2) business signs may be erected or maintained advertising or otherwise relating to a single business or activity (except for directional signs that do not exceed two (2) square feet in sign area and are limited to such texts as "office", "entrance", "exit", "parking" and "no parking" signs).
10. Any free standing sign, including posts, shall be located on private property, set back from the street or highway right of way a minimum distance of five (5) feet. The maximum size of any sign at this five (5) foot minimum distance shall be twelve (12) square feet. This area may increase by two (2) square feet for every one (1) additional foot of setback up to a maximum area of forty (40) square feet.
11. Off premise signs shall be designed so as to blend in with the neighboring surroundings. Off premise signs require a site plan review.
12. No more than one (1) pole sign may be erected or maintained upon the premises of any gasoline station or other automotive service station. The size of any such sign shall not exceed fifteen (15) square feet. The maximum height of any pole sign shall not exceed twenty (20) feet.

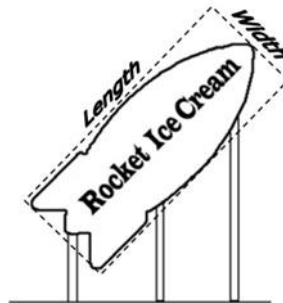
13. Before issuance of a Permit for free-standing sign or hanging sign, the Zoning Administrator or Planning Board may require a written statement from a professional engineer/architect and evidence of insurance.

G. Illumination, Design and Size.

1. All illuminated signs shall employ only lights emitting a light of constant intensity. No illuminated sign shall contain flashing or moving lights.

H. Measurement of Sign Area.

“Sign area” means the total area of all faces or surfaces of a sign anywhere upon which writing or any illustrative, emblematic, or other artistic or expressive matter appears, or, in cases where writing or illustrative, emblematic, or other artistic or expressive matter is not set against any face or surface, the total area within a single continuous rectangular perimeter enclosing the extreme limits of such writing or illustrative, emblematic, or other artistic or expressive matter. The sign area of a sign having more than one face or surface on which writing or illustrative, emblematic or other artistic or expressive matter appears shall be the total area of all such faces or surfaces; but if a sign consists of two such faces or surfaces placed back-to-back, the sign area of the side having the greater sign area shall constitute the total sign area. The sign area of a group of connected or related signs shall be the sum of the sign areas belonging to it.



I. Location of Signs.

1. No sign shall be so located, erected or attached in a manner to obstruct either partially or wholly, free access to any door, window, stairway, fire escape or other wall opening, nor shall any sign be attached to a fire escape or standpipe.
2. No sign shall be erected or located in such a manner as to obstruct free and clear vision along any highway, street or other public way or waterway.
3. No sign shall be located in such manner or constructed, illuminated or in any way interfere with, obstruct the view of or be confused with a traffic control light, signal, sign or device.
4. No sign shall be placed upon or be supported by any water body or any tree, rock or other natural object other than the ground.

5. A projecting sign may extend over a sidewalk not more than three (3) feet from the face of the building to which it is attached and in no case shall it extend beyond a vertical plane measured two (2) feet back from the highway right of way. The bottom of such sign shall be at least ten (10) feet above the elevation of the sidewalk directly under the sign and for a distance of at least five (5) feet in each direction therefrom along the said sidewalk. No sign shall be permitted to overhang the vehicular travel way of any highway, street or other public way.

J. Maintenance and Continuation.

All signs must be maintained in a visually appealing, clean and safe condition. Defunct signs and their support systems must be removed within six (6) months of the date of their disuse.

K. Unsafe, Illegal and Obsolete Signs.

In any case where the Zoning Enforcement Officer shall find any sign unsafe or insecure, endangering, in his opinion, public safety or property, or if he shall find any sign which in his judgment has been erected, installed, attached, established, painted or however created in violation of this Local Law, he shall follow the procedures in respect to violations set forth in Article 13 and the provisions of said Article shall apply in respect to prosecution, penalties and punishment for such violations.

In the case of an unsafe sign which, in the opinion of the Zoning Administrator, is an immediate peril to persons or property, he may order and arrange for the removal of such sign, without notice to the owner thereof.

Such sign shall be declared obsolete and in violation of this Local Law, and the Zoning Administrator shall forthwith follow the procedures in respect to violations as set forth in Article 13 and the provisions of the said article shall apply in respect to prosecution, penalties and punishment for such violation.

In any case where the Zoning Administrator finds it necessary to cause the removal of a sign because of the failure to do so by the owner thereof or of the premises on which such sign is located, the cost of any other expense incidental thereto shall be charged against the owner of the property and such charge shall be a lien against the property until paid.

L. Non-Conforming Signs.

For the purposes of this Local Law and this Article, a sign is considered a "structure" and subject to the provisions of Article 9 herein.

M. Sign Permit Procedure.

1. Applications - Applications for sign permits shall be submitted on sign application forms obtainable at the Town office. Each application shall be accompanied by a processing fee in cash or check payable to the Town of Chester and two (2) copies of plans showing the following information:
  - (a) Building, structure or lot to which or upon which the sign is to be attached or erected and the exact location proposed for the sign on the building or lot;
  - (b) Position of the sign in relation to nearby buildings or structures, if any;

(c) Area of the sign, its dimensions, character and structural design, lettering, color, pictorial and/or design characteristics, height of the bottom of sign above any adjacent sidewalk or other public or pedestrian way, distance from curb line or center line of roadway if there be no curb, method of illumination, if any, and light or lamp colors proposed and any moving characteristics, either mechanical or lighting;

(d) Method of fastening the sign to the building or erecting a freestanding sign and all specifications relating to the sign;

(e) Name of person, firm, corporation or other body, contractor or agency erecting the sign;

(f) Endorsement by the owner of the building or property on which the sign is to be erected, indicating his approval of the sign as shown on the plans;

(g) An estimate of the cost of erecting the sign and the value thereof; and

(h) Such additional information as may be required by the Zoning Administrator and/or Planning Board.

#### N. Fees for Sign Permits.

Fees in cash or by check payable to the Town of Chester in an amount determined by the Town Board shall accompany each application for a sign permit.

#### O. Issuance of a Permit

A permit shall be issued on the basis of an acceptable plan meeting the requirements of this Local Law and such permit shall be subject to endorsement (see Section 7.04(k)). In cases where the Zoning Administrator and/or Planning Board is of the opinion that a sign proposed to be erected or the building or structure upon which such sign is proposed to be erected will be or is unsafe or unsuited for such purpose, he may withhold the issuance of a permit until the applicant submits a written statement from a professional structural engineer registered in the State of New York certifying as to the safety of such sign and the method of erection and/or securing the same to the said building or structure. The cost of providing such proof of safety shall be borne by the applicant.

#### P. Enforcement Procedure.

After a sign for which a permit has been issued is in place, the owner of such sign shall so notify the zoning administrator who shall inspect the sign to determine its conformity to the approved plans. If the sign is in accordance with the approved plans, the zoning administrator shall provide a Zoning Permit and endorse the permit. If the sign is not in accordance with the plans, the owner of said sign shall be given 30 days to correct the deficiency or violation. If the violation or deficiency is not corrected within that 30 day period, the Zoning Administrator shall order the sign removed. Non-compliance with the order within ten (10) days shall be deemed a violation punishable as provided in Article 13. In the case of a sign deemed to be unsafe, procedures as outlined in Article 7.02(K) and Article 13 shall apply in respect to prosecution, penalties, and punishments for such violations.

#### Q. Permits Not Transferable.

No sign permit issued under the provisions of this Local Law shall be assigned or transferred to another by the holder thereof unless it is a continuation of an existing use. The

Town of Chester and the officials authorized herein have the exclusive responsibility for issuance of sign permits, and any assignment or transfer of such permit is hereby declared to be null and void, a violation of this Local Law and subject to the penalties and remedies provided for in Article 13.

R. Sign Variances.

Any variance from the requirements of this Article shall be considered an Area Variance and not a Use Variance.

**Section 7.05 Junkyard Regulations.**

A. Intent

The intent of this Section is to ensure a clean, wholesome, attractive environment in the Town of Chester through regulation of junkyards. The operation of junkyards in the vicinity of highways, dwellings, buildings, bodies of water, and wooded areas, including, but not limited to the burning of inflammable parts of motor vehicles machinery, appliances or equipment and of paper and any other waste materials, constitutes a public nuisance, a constant fire menace and a danger to such health, safety, and welfare of the inhabitants of the Town of Chester and creates an environment which tends to discourage continuing development of the economy of the Town of Chester.

B. Location Requirements.

No junkyard shall be located within one hundred (100) feet of the boundary line of any public highway, street, avenue, road or place nor within three hundred (300) feet of any dwelling, church, school, hospital, public building or any other place of public gathering. The Planning Board shall also consider whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke, or of any other cause.

C. Aesthetic Considerations.

The Planning Board shall take into account the clean, wholesome and attractive environment which has been declared to be of vital importance to the continued general welfare the inhabitants of the Town of Chester, by considering whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon. In this connection the Planning Board may consider collectively the type of road servicing the junkyard or from which the junkyard may be seen, the natural or artificial barriers protecting the junkyard from view, the proximity of the proposed junkyard to established residential and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the junkyard.

D. Fencing.

A junkyard shall be completely surrounded with a fence approved by the Planning Board, at least eight (8) feet in height which substantially screens the junkyard. Said fence shall be constructed of materials that are durable and attractive that will blend with the surroundings and shall have a suitable gate which shall be closed and locked except during the working hours of such junkyard or when the applicant or his agent shall be within. No advertising or other matter of any kind shall be attached to or painted on any fencing enclosing the junkyard. All motor vehicles, parts thereof, machines, appliances, equipment, metal, rags, paper, fabric, rubber and any other waste materials or their combinations, stored