

E. Exception. The provisions of this Section 7.03 shall not be applicable to moorings or other structures or vessels used solely in connection with municipal authorized milfoil control measure or similar purpose in water bodies other than Friends Lake. **[amended July 2011]**

F. Additional Enforcement. In addition to the enforcement authority granted to the Zoning Administrator under Section 12.01, the Loon Lake Constable shall have the power and duty to administer and enforce the provisions of this Section 7.03 on Loon Lake. **[amended July 2011]**

### **Section 7.04 Signs.**

#### A. 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.

#### B. 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.
3. Temporary business signs, such as signs advertising a change in management or the "grand opening" of a new business may be displayed for a period not exceeding 90 days. Such signs may be in the form of a cloth banner, limited to one banner per establishment and not exceeding 12 square feet in area.
4. Temporary signs advertising sales or other special events may be displayed for no more than 14 days before such event and must be removed no more than seven (7) days after such event. 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.
5. An incidental sign such as a single name plate indicating professional services, the accessory use of a dwelling for a home occupation or permitted use such as a restaurant in a club, institution or other non-residential building, and including hunting, fishing and trespassing signs,

historical markers and other signs, such as highway signs erected by duly authorized public agencies, may be erected without a permit, provided that such sign 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. Along any waterfront or facing within fifty (50) feet thereof, an un-illuminated incidental sign not exceeding two (2) square feet in area may be erected.

6. Real Estate Signs.

(a) Not more than one (1) sign four (4) square feet in area located on the individual lot and/or building and/or buildings being offered for sale or lease thereof. Any real estate sign larger than four (4) square feet in area, or advertising the sale of more than one (1) individual lot shall be treated as a business sign and shall be subject to the provisions of Section 7.04(C)(2).

(b) Real estate signs advertising property for sale shall be removed upon the sale of the property.

7. In any district, a directional sign designating the location of an institution of public or quasi-public nature or the location of a community or a community facility or the opening of an event of public interest, political signs, or similar signs may be erected, provided that such directional or informational sign(s) shall not exceed sixteen (16) 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. Temporary directional and informational signs shall be removed within five (5) days after the event or purpose for which they were displayed has been terminated.

8. Signs advertising yard or garage sales, etc. may be displayed up to three (3) days in advance of such sale and must be removed no later than the day following the end of the sale.

9. Portable signs - In addition to a business sign displayed with a permit, one portable sign, one or two sided, not exceeding fifteen square feet per side 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. *Portable Sign* means any sign, whether on a trailer, wheels or otherwise, designed to be movable and not structurally attached to the ground, a structure or another sign.

C. Signs Requiring a Permit.

The following signs require a permit:

1. Professional office signs which shall be one of the following types:

(a) A single sign board, one or two sided with a total size not exceeding twenty four (24) square feet; or

(b) Made up of a header and a series of individual name plates, one or two sided, suspended from a supporting hanger or posts. The total area may not exceed twenty four (24) square feet.

2. Business signs

(a) In any business or industrial district or on any legal use, 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 premises may be erected. No sign shall be erected or maintained more than two hundred (200) feet from the business or activity with which it is associated. For the purpose of this provision, the location of a business or activity shall include all of the principal private access roads and parking areas connecting the actual place of that business or activity with a public street or highway.

(b) 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). The maximum area of these signs shall be forty eight (48) square feet with no single sign exceeding twenty-four (24) square feet. 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.

(c) 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.

(d) In the case of off premises signs, the zoning administrator and the Planning Board shall, whenever possible, require that such sign be approved by and conform with the standards of yellow lettering on stained wood established by the New York State Department of Environmental Conservation and as set forth in its regulations for signs in Section 9.0305 of the New York State Environmental Conservation Law, for the purpose of encouraging within the Town of Chester the establishment of signs consistent with the maintenance of natural beauty in the Adirondack Park.

(e) Window signs for businesses shall be limited to one (1) sign attached directly to the glass and not exceeding 15% of the window area. With the exception of the one (1) permitted sign, no products or other advertising shall be attached directly to the glass of any door or window.

(f) 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.

#### D. 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. Banners - Any banner or any other advertising device painted or otherwise portrayed on canvas or other material displayed overhead by wire or cable over a street or other public thoroughfare or way. Non-profit quasi-public community events will be exempt but such signs may be displayed for no more than 14 days before such event and must be removed no more than seven (7) days after such event.
3. Miscellaneous signs on poles, fences, etc. - Tacking, painting, posting or otherwise affixing and displaying of signs or posters of a miscellaneous character, visible from the public highways, streets or other public way, on the walls of buildings, barns, sheds, trees, posts, utility and other poles, fences, walls and other structures except as provided for in this Local Law.
4. Waterfront signs - Waterfront signs or signs facing any waterfront area within fifty (50) feet thereof, except incidental un-illuminated signs not over two (2) square feet in area.

E. Illumination, Design and Size.

1. All illuminated signs shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent sequences or moving lights. No bare lamps, bare bulbs or fluorescent tubes over forty (40) watts shall be allowed. The provisions of this Section shall not be applied so as to prohibit a sign changing to show time or temperature. No sign shall use reflective material which sparkles or glitters. No interiorly illuminated signs shall be allowed.
2. Signs must contain neat and clear lettering on durable material such as stone, brick or wood and be approved by the zoning administrator prior to display.
3. No sign shall employ any mirror or mirror-like surface nor any day-glow or other fluorescent paint or pigment.
4. Except in hamlet districts, no sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner or other similar moving, fluttering or revolving device. Such devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of any sign. No sign or part thereof may rotate or move back and forth. No sign may contain neon or similar lighting.
5. No sign or illumination therefrom shall be so placed as to be a hazard to traffic or the public generally or a nuisance or annoyance to the residents or occupants of any other building or premises; nor shall any sign project illumination into any public right of way.
6. No sign shall be erected or maintained having a sign area greater than forty (40) square feet. No luminous sign shall be erected or maintained having a sign area greater than fifteen (15) square feet. If two signs are erected or maintained upon the premises of a given business or activity, the total sign area of the two signs shall not exceed sixty (60) square feet. 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 with respect to one such business or activity shall exceed thirty (30) square feet.

#### F. 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, nor shall it 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; nor shall such sign include words such as "stop", "slow", "go", "danger" or other words, phrases, symbols or characters that may be mistaken for or confused with a traffic signal, sign or device.
3. The use of vehicles or other movable devices for bringing signs to positions adjacent to a highway, street or road right of way is hereby prohibited. No motor vehicle upon which a sign intending to advertise the premises is displayed may be stationed on any premises in a manner primarily intended to display the sign.
4. No sign installed on any roof shall be permitted.
5. 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.
6. Free standing signs may be erected only in a business or industrial district and may not exceed a height of twenty (20) feet above the ground on which such sign is erected. Before issuance of a permit for such sign, the zoning administrator shall require a written statement from a professional structural engineer and/or evidence of insurance.
7. 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.

#### G. 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.

#### H. 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 as a basis for evaluating the proposal.

I. 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.

J. 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 is of the opinion that a sign proposed to be erected on 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.

K. 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 endorse the permit; but if the sign is not located in accordance with the plans or if there is evidence that the erection or construction thereof or the method of securing the same to a building or structure is not in accordance with the plans, the sign permit shall be revoked. The owner of said sign shall be given thirty (30) days within which to correct the deficiency or violation on which the permit revocation is based. Within the thirty (30) day period a revoked sign permit may be reinstated upon compliance with the

requirements governing its issuance, if the owner fails to correct the violation within the thirty (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.

#### L. 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.

#### M. Measurement of Sign Area.

In measuring the square foot area of sign permitted under this Local Law, the entire face of the sign and any wall work incidental to its decoration and, in the case of any open sign made up of individual boards, letters, figures or designs shall be measured as one sign. However, if the multiple faces of any sign are separated in any manner other than by being mounted on common posts, they shall be considered as separate signs. Only one (1) side of double faced signs shall be measured when determining the area. Lettering and colors of the sign may be changed so long as a new description is filed with the Zoning Administrator.

#### N. Unsafe, Illegal and Obsolete Signs.

In any case where the Zoning Administrator 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.

#### O. 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.