

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(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.

~~XXXXX~~
~~XXX~~ of CLAY
Town
~~XXXXX~~

Local Law No. 4 of the year 2008

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 08 2008

MISCELLANEOUS
& STATE RECORDS

A local law Amending Chapter 230, "ZONING" of the Code of the Town of Clay, by Repealing Section 230.22 entitled "Signs" of Chapter 230, Zoning, Article IV, Supplementary Regulations and adding a new Section 230.22 entitled "Signs" to the Code of the Town of Clay.

Be it enacted by the Town Board of the Town of Clay of the
(Name of Legislative Body)

~~XXXXX~~
~~XXX~~ of Clay as follows:
Town
~~XXXXX~~

SEE ATTACHED LOCAL LAW NO. 4 OF THE YEAR 2008

(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. 4 of 20 08 of the ~~(County)(City)~~(Town)~~(Village)~~ of Clay was duly passed by the Town Board of the Town of Clay on April 7th 20 08, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.)

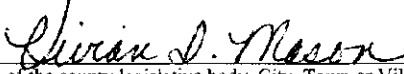
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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
VIVIAN I. MASON, TOWN CLERK
Date: APRIL 23RD, 2008

(Seal)

(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 ONONDAGA

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
ROBERT M. GERMAIN
TOWN ATTORNEY
Title

~~XXXXXX~~
~~County~~
~~XXXXXX~~
~~City of~~ CLAY
Town
~~XXXXXX~~

Date: APRIL 23RD, 2008

**LOCAL LAW NO. 4 OF THE YEAR 2008
TOWN OF CLAY**

**LOCAL LAW NO. 4 OF THE YEAR 2008 AMENDING CHAPTER 230
ENTITLED "ZONING" OF THE CODE OF THE TOWN OF CLAY.**

IT IS ENACTED by the Town Board of the Town of Clay, County of Onondaga and State of New York, as follows:

AMENDMENT TO CHAPTER 230, ZONING, entitled Local Law No. 4 of the Year 2008, Repealing 'Section 230.22 Signs' of CHAPTER 230, ZONING, ARTICLE IV SUPPLEMENTARY REGULATIONS and adding a new Section 230.22 Signs' to CHAPTER 230, ZONING, ARTICLE IV SUPPLEMENTARY REGULATIONS of the Code of the Town of Clay

The purpose of this local law is to define, promote and regulate signs that identify a business, service, or product in a manner that provides for or promotes public safety and are compatible with and enhance their existing and planned surroundings.

(SEE ATTACHED LOCAL LAW NO 4 OF 2008)

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

ZONING

ARTICLE IV
SUPPLEMENTAL REGULATIONS

§ 230-22 Signs.

A. Intent. *The purpose of this section is to define, promote, and regulate signs that identify a business, service, or product in a manner that provides for or promotes public safety and are compatible with and enhance their existing and planned surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly, simply, and should be aesthetically designed in a manner that is compatible with their existing and planned surroundings.*

B. Definitions.

"A" FRAME SIGN - a temporary sign that remains moveable and self-supporting, placed directly on the ground surface with two sides connected or hinged at the top each side is capable of displaying sign text.

ADVERTISING SIGN -- A sign, including those which are composed of light rays only, calculated to attract public attention to a product, service or undertaking encompassing activities off the property where such signs are situated, including what are commonly termed "posters" or "symbols," and similar devices of whatever composition, size, location or color.

ANIMATED SIGN -- any portion of a sign or attachments to a sign that move by electronic, mechanical or natural means, including, by way of illustration and not limitation, rotating signs, wind signs and signs where movement is simulated by illumination devices such as from flashing and intermittent light, as opposed to light of a constant intensity (see also electronic message board sign and electronic display screen)

AWNING SIGN -- a major sign painted on, attached to or incorporated into the surface materials of an awning on the front face (side parallel to building façade) or the projecting awning sides. It may include multiple sign text areas within the allowable sign area.

BANNER SIGN -- A temporary sign hung either with or without frames, possessing written communication applied to non-rigid paper, plastic or fabric of any kind.

BILLBOARD -- a sign constructed or installed as a principal structure or principal or secondary land use of a lot to display information unrelated to the site location.

BUILDING IDENTIFICATION SIGN -- A sign identifying the street number and/or name of a structure.

BUSINESS SIGN -- A sign identifying and directing attention to a business offering a commodity, service, industry or other activity which is sold, offered or conducted. Such sign is to be located, pursuant to this code, directly on or at the business location, within the property boundaries or within the leased area for multiple occupants. See freestanding, marquee, projecting, roof and wall signs, as defined by this code.

CANOPY SIGN -- a major sign painted on, attached to or incorporated into the surface materials of a canopy on the front face (side parallel to building façade) or on the projecting canopy sides. It may include multiple sign text areas within the allowable sign area.

COMMUNITY/PERSONAL EVENT SIGN - a temporary sign announcing an activity or event on a specific date and location; examples include garage sale, rummage sale, and fund-raiser.

CONTRACTOR SIGN (residential, commercial, non-residential) – a temporary sign displaying the names and contact information about businesses responsible for design and construction related work performed on the lot.

DIRECTORY SIGN - a minor sign displaying a list of occupants or tenants of a building or lot commonly with some location (bldg or room #) and/or graphic directional information. This sign type is distinct from a major sign depicting multiple messages within the allowed sign area.

ELECTRONIC DISPLAY SCREEN -- a device, designed to display changeable text or imagery on a video screen or comparable surface, installed within a permanent sign structure occupying a portion of, or the entire allotment of sign area as allowed in this code.

ELECTRONIC MESSAGE BOARD SIGN-- Any sign or portion of a sign that uses an electronic display screen or changing lights to form a message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

FREESTANDING SIGN -- a major sign within its own structure located directly on the ground with its own foundation or structural support; and includes monument, pole and pylon signs. It may include multiple sign text areas within the allowable sign area.

HOME OCCUPATION SIGN -- see business sign - a sign used for the business use on a residential property.

INFORMATION SIGN -- A minor sign which contains information intended exclusively as a public service and of a noncommercial nature indicating such facilities as rest rooms, public telephones, bus stops, rest areas and on-site building identification signs.

LANDSCAPING SIGN -- A minor sign located on a section of ground constructed by the arrangement of flowers, shrubs, trees or other similar natural elements.

MARQUEE SIGN – a major sign painted on, attached to or incorporated into the surface materials of a marquee on the front face (side parallel to building façade) or on the projecting marquee sides. It may include multiple sign text areas within the allowable sign area.

MONUMENT SIGN – a style of freestanding sign constructed as a solid structure or one which gives the appearance of a continuous, non-hollow, unbroken, mass that may display one side or two parallel sides of sign area. May also be called pedestal sign.

MENU BOARD SIGN – A minor sign for the point-of-purchase advertising display that allows the retailer to list products and prices, including order conformation display.

NONCONFORMING SIGN – Signs legally established which do not conform to the regulations herein.

NEIGHBORHOOD IDENTIFICATION SIGN -- A sign identifying a neighborhood, residential tract, multifamily development, apartment complex or similar neighborhood identification. See free standing sign

OFF-PREMISE SIGN - A sign unrelated to the property upon which it is located. (See also billboard)

OFFICIAL SIGN -- A sign established pursuant to governmental authority or used for the identification of public buildings, facilities and activities, and shall include traffic regulation devices authorized by the Vehicle and Traffic Law of the State of New York and any other sign authorized and required under local, state or federal law.

OPEN HOUSE SIGN, RESIDENTIAL -- A temporary sign announcing the availability of a residence to visited and examined by the public in order to promote a real estate sale.

POLITICAL SUBDIVISION AND CIVIC SIGN -- A minor sign includes flag or pennant containing the insignia or emblem of a political subdivision, nonprofit civic-oriented organization or fraternal order.

POLITICAL SIGN -- a temporary sign installed in the ground or attached to a building relating to the election of a person to a public office, or relating to a political party, or relating to a matter to be voted upon at an election called by a public body.

POLE SIGN- a style of free-standing sign, usually double-faced, mounted on a pole(s), tube(s) or other vertical supports that are installed directly within the ground and has no other connection or means of stability for secondary support. See FREESTANDING SIGN.

PRIVATE TRAFFIC SIGN -- A minor sign situated within private property providing information for traffic movement and storage, such as directional signs, parking areas, freight and loading areas, prohibited parking areas, points of ingress and egress, speed limits and related items, but expressly excluding off-street parking lot or garage identification signs.

PROJECTING SIGN -- A major sign which is affixed and is perpendicular to any building wall or structure and extends beyond the building wall or parts thereof, and no portion of which projects above the roofline or parapet of a building. It may include multiple sign text areas within the allowable sign area.

PUBLIC SAFETY SIGN -- A minor sign containing information designed for the protection and safety of the occupants or users of site or the public about aspects of the lot. Examples are warnings of danger areas, trespassing notices, work areas, utility warnings, street elevators, sentry dogs, security systems, safety warning devices and similar notices.

PYLON SIGN -- A style of freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground. See FREESTANDING SIGN.

REAL ESTATE SIGN (RESIDENTIAL, COMMERCIAL, NON-RESIDENTIAL) -- a temporary sign indicating a specific lot or property is for sale, rent or lease.

REPRESENTATIONAL SIGN -- A three-dimensional sign built so as to physically represent the object advertised.

SANDWICH BOARD SIGN – see ‘A’ frame

ROOF SIGN – a major sign placed partially or entirely above the upper edge of any building wall or parapet or a sign painted, installed or incorporated into the surface material of the roof covering; roof signs shall also include signs located on the side or roof of a penthouse, roof tank, roof shed, elevator housing or other roof structure. It may include multiple sign text areas within the allowable sign area.

SIGN – An accessory structure that is a natural object or part thereof; device; or inscription, which is represented on any land or the outside of any building used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, words, numerals, emblems, symbols, models, banners, flags, pennants, insignia, trademarks, devices or representations used as, or which is in the nature of, an announcement, direction, advertisement, attention-arrester, warning or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, industry or public performance.

- All signs in this code have been organized with the following groups or categories in order to administer these sign regulations in an effective and balanced manner signs while recognizing the similarities and differences of sign structural type and general function.
- Major signs – permanent structures or modifications to a structure or lot to direct information to the general public about the land use(s) of the lot. (See section C 1 a)
- Minor signs permanent structures or modifications to a structure or lot and to facilitate movement or activity within a lot.
- Temporary signs – non-permanent signs allowed for limited duration direct information to the general public.

SIGN AREA – The area of a sign is the entire area within a single continuous perimeter enclosing the extreme limits or writing, representation, emblem, or any figure of similar character, as included in the definition of sign, together with any frame or material or color forming an integral part of the display used to differentiate such sign from the background against which it is placed. Sign area calculation excludes the necessary supports or uprights on which such sign is situated. See also §230-22 E (3)

SIGN COPY CHANGES -- Change of copy on a sign, the customary use of which involves frequent and periodic changes of copy such as those customarily associated with theatre marquees and bulletin boards.

SIGN DISPLAY SURFACE -- The surface made available by the structure, either for the direct mounting of letters and decoration or for the mounting of facing material intended to carry the entire advertising message.

SIGN FACING -- The surface of the sign upon, against, or through which the message of the sign is exhibited.

SIGN HEIGHT -- The vertical distance from the uppermost point of a sign (measured from a ten-foot radius of the sign structure or structural trim) to the average unaltered ground height beneath the sign and within the structure thereof.

SIGN LETTERS AND DECORATIONS -- The letters, illustrations, symbols, figures, insignia, and other devices employed to express and illustrate the message of the sign.

SIGN MAINTENANCE -- Routine maintenance, including minor repairs, such as repainting, bulb replacement and repair of electrical or mechanical parts.

SIGN STRUCTURAL TRIM -- The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

SIGN STRUCTURE -- The supports, uprights, bracing and framework of the sign

SITE DEVELOPMENT SIGN - see contractor sign

STATUARY SIGN -- An inscription commemorating an event of unique historical, social, cultural or geographical significance.

TEMPORARY SIGN -- A sign installed and maintained pursuant to this code, that may be constructed of non-permanent or disposable material such as cloth, plastic, paper, wood or similar products and which is intended to inform of a time sensitive event. Notwithstanding the materials temporary signs are subject to the time, location and maintenance requirements of this code.

TIME AND/OR TEMPERATURE DEVICE - A device providing information of the current time and/or meteorological conditions.

VEHICULAR SIGN - A motor vehicle covered or decorated, modified to display a sign as defined in this section

WALL SIGN -- A major sign which is painted upon or directly attached and parallel to an exterior wall of a building. It may include multiple sign text areas within the allowable sign area.

WINDOW SIGN -- A sign situated on the glazed surface of a window, not forming an integral part of a window display.

WINDOW DISPLAY SIGN -- A sign situated beyond 12 inches of the interior of a window face and forming an integral part of a window display.

C. Sign Standards and Requirements.

All signs are regulated by one of the following three categories: major, minor and temporary signs. In addition, **all signs are subject to the general standards and procedures described following this section.**

(1) Major sign standards

See Table A for specific sign requirements

- (a) Generally: Major signs are permanent, substantial yet accessory structures designed, sized and located to present information to the general public about the business or operation of the principal land use located on the property.
- The types of signs considered to be major signs are included in the accompanying Table.

- Table A requirements are premised and intended to be a balance between maximizing commercial/property needs of the lot with community objectives of preserving safety of vehicular and pedestrian movements, minimizing visual clutter, and encouraging well-conceived community design and aesthetics.
 - The sign requirements apply to all land uses and structures allowed in each zone district; it shall include all zone districts within a district group unless a zone district or exception is specifically listed.
- b) Approval method, numerical and other requirements subject to Table A requirements.

(2) Minor sign standards

- (a) **Generally:** Minor signs are permanent accessory structures designed, sized and located to present limited information to the users, visitors, or occupants within a lot. Such signs shall be installed for limited navigation and safety, directory or other purposes related to the internal operation on the property and are regulated pursuant to the following requirements. These requirements shall be applied to promote the safe and effective use of the property in manner and design that enhances the appearance of the lot and surrounding properties.
- (b) **Approval Method:** All minor signs shall be subject to approval during the review required for the principal use or structure and shall be within the jurisdiction of the applicable reviewing board (Town Board, Planning Board, ZBA). These boards may as a condition of approval direct the Commissioner of Planning and Development to finalize and adjust details of design and location of all minor signs within the parameters of the approved plan.
- (c) **Types of Minor Signs:** The following are recognized as minor signs subject to this section: private traffic, public safety, information, directory, menu and statutory signs.
- (d) **Size of Minor Signs:** should not exceed 4 sq. ft. and may be adjusted by the reviewing board for enhancing sign purpose, the site conditions, and/or the activity of the internal user (driver or pedestrian, customer, visitor or employee).
- (e) **Number of Minor Signs:** minimal number to accomplish sign purpose, the site conditions and activity of the internal user.
- (f) **Location of Minor Signs:** located to maximize the internal operation of the lot and away from the public or private ROW and from adjoining properties.

(3) Temporary sign standards.

- (a) **Generally:** Temporary signs are non-permanent accessory structures designed and installed to present time-limited information to the public that may be of a commercial or non-commercial nature. The following requirements have been established to allow for the broadest opportunities for expression while preserving public safety and the aesthetic qualities of community appearance.
- (b) **Contact Information:** All temporary signs shall have local contact information, either printed on or attached to some portion of the sign itself or as an alternative the placement of temporary signs shall be recorded with the Commissioner of Planning and Development. This local contact shall be the person, agency or enterprise responsible for proper installation, care and the prompt removal of temporary signs. Signs lacking printed contact information or the alternative of recording with the Commissioner may be removed by the Town.

- (c) Approval Method: No prior approval is required for signs less than 16 sq. ft. Signs greater than 16 sq. ft. shall be reviewed by the Commissioner of Planning Development to ensure that the proposed location does not impede pedestrian or vehicular movements, is fully and adequately secured to the ground or structure and meet all applicable safety standards.
- (d) Location of Temporary Signs: No temporary sign shall be placed within any public Right-of-Way (ROW). All temporary signs shall be located within the boundaries of a private lot upon permission of the property owner if located on lot unrelated to event. See also General Prohibitions and Requirements for corner lots.
- (e) Installation, maintenance and removal of temporary signs: All temporary signs shall be installed in a manner consistent with these regulations. Any damaged, dislodged or deteriorated temporary sign shall be immediately removed. Temporary signs shall be removed within the time period allotted for each type of temporary sign.
- (f) Types of temporary signs:
- [1] Long duration temporary signs include signs related to real estate and construction activity on a specific property displayed during the sales or construction period.
- Commercial/Non-Residential Use Real Estate Sales Sign – A maximum of three signs per lot shall be permitted. No sign shall exceed sixteen (16) square feet in area on frontages of 100 feet or less. Signs on frontages greater than 100 feet shall not exceed thirty-two (32) square feet. On corner properties, if either frontage does not exceed 200 feet, only one such sign shall be allowed on the lot. If the lot exceeds 200 feet in frontage in both directions one sign shall be allowed on each road frontage of the lot. These signs shall be removed from the sales lot within 48 hours of the passing of title to a new owner or withdrawal from the market.
 - Residential Real Estate Sales Sign – A maximum of one sign per lot shall be permitted. The sign shall not exceed four (4) square feet in area and it shall be removed from the sales property within 48 hours of the passing of title to a new owner or withdrawal from the market.
 - Commercial/Non-residential Contractor Sign - A maximum of one sign per street frontage shall be permitted. The sign shall not exceed 32 square feet in area. In residential subdivisions, the sign may be placed at the inception of the filed section of the project and may only be located at major entrances to the subdivision and be maintained within a period commencing not more than 14 days prior to the start of construction of the section and terminating not more than 14 days following completion of the filed section or after three years after the start of construction.
 - Residential Contractor Sign - A maximum of one sign per lot shall be permitted. The sign shall not exceed 4 square feet in area. The sign shall be removed within 48 hours of completion or cessation of work on the lot
- [2] Short duration temporary signs include signs related to the occurrence of a specific event or related to a date-certain activity.
- Residential Open House Real Estate Sign - A maximum of three signs per event are permitted only during the hours of the sales event. No sign shall exceed four square feet in area. The signs may be located on any property with prior permission of the owner or tenant.

- Community/Personal Event Sign – These signs may be installed a maximum of three (3) times per year for a maximum of 14 days prior to the each event and shall be removed within 48 hours of conclusion of the event. No sign shall exceed four square feet in area. One sign per lot may be located on any property with prior permission of the owner or tenant.
- Political Sign - These signs may be installed a maximum of two (2) times per year for a maximum of 60 days prior to the each event and shall be removed within 48 hours of the conclusion of the event. No sign shall exceed 32 square feet in area in any zone district and in the Residential Districts no sign shall exceed 6 square feet in area. These signs may be located on any property with prior permission of the owner.

D. Procedures for Obtaining a Sign Approval

- (1) **Generally.** Unless exempted by this section or waived by the reviewing Board all signs shall be evaluated during Site Plan Review or Special Permit Review when required by this zoning ordinance for the principal use or structure. When no other review is required for the principal use or structure the Planning Board shall review proposed signs pursuant to the requirements of Table A. All major and minor signs shall be subject to a building permit prior to the performance of any sign work. Such permits shall be issued by the Commissioner of Planning and Development in accordance with the conditions of the reviewing board approval.
- (2) **Referrals.** The Town Board and Zoning Board of Appeals shall refer to the Planning Board all proposals that are accompanied by free-standing sign requests in a special permit or variance applications before those boards.
- (3) **Exceptions.**
 - (a) No sign permit shall be required for the following:
 - [1] Temporary signs less than 16 sq. ft.
 - (b) The foregoing exceptions shall not be deemed to waive any regulations contained in this or any other law which is otherwise applicable.
- (4) **Prerequisites to issuance of approval or permits.** As a prerequisite to the issuance of any permit, in addition to any other restrictions applicable thereto, the following findings shall be made:
 - (a) The proposed sign is not in conflict with the general prohibitions contained in Subsection E of this section, the provisions of which may not be waived, and complies with all other applicable provisions.
 - (b) The proposed sign will not have any adverse impact upon the character or integrity of any land use having unique cultural, historical, geographical, architectural or other significance.

E. Construction and Design Standards.

- (1) **Design standards.** The following design standards are provided to encourage and direct appropriate and compatible graphic design, material, colors, illumination and placement of proposed signs. In general, sign design shall be consistent with the purpose and intent of this chapter.
 - (a) Signs should be designed to be compatible with their existing and planned surroundings and should be consistent with the architectural character of the buildings on which they are located.
 - (b) Sign panels and graphics should relate with and not obstruct architectural features or details and should be in proportion to them.

- (c) Layout should be orderly and graphics concise.
- (d) Illumination should be appropriate to the character of the sign and its surroundings and shall be in accordance with §230-22 E (2) (e) of this Chapter.
- (e) All illuminated signs shall meet Underwriters Laboratories (UL) rating standards.
- (f) The addition of a street address on freestanding signs shall be required unless otherwise determined by the Planning Board.

(2) General prohibitions and requirements.

The following regulations shall be applicable to all signs, except, official signs, as defined in Subsection B, are exempt from the provisions of this section.

- (a) Signs are accessory structures: Only signs that are accessory structures as defined in this code and shall be permitted pursuant to the requirements of this section. No sign shall be installed or used as a principal structure or principal or secondary use. Unless otherwise permitted no sign shall be unrelated to the property upon which it is located.
- (b) Maintenance, Care and Public Safety. No sign shall be maintained that due to its condition, location, materials or method of installation poses a risk of littering or public safety, as determined by the Commissioner of Planning and Development.
- (c) Obstructions. No sign shall obstruct by physical or visual means any fire escape, window, door or any opening providing ingress or egress or designed for fire or safety equipment; any passageway from one part of a structure or roof to another portions thereof; or any opening required for ventilation, or which is required to remain unobstructed by any applicable law.
- (d) Projections.
 - [1] No sign shall project into a vehicular driveway at an elevation less than 14 feet above grade.
 - [2] No sign shall project into an area on designed as a pedestrian way at an elevation less than 10 feet above grade.
- (e) Placement. No sign shall be placed upon or attached to any public right-of-way, utility pole, lamppost, water or fire hydrant, sidewalk, bridge, tree or similar installation or improvement, whether situated upon public or private property.
- (f) Signs are prohibited which by their use or simulation of colors, design or placement, tend to confuse, detract from or in any manner obstruct the utilization of traffic regulatory devices. All determinations of this type shall be made by the enforcement officer, who shall consider, but not be limited to, the following aspects of such signs:
 - [1] The use of words such as "stop," "go," "look," "caution," "danger," "warning" and similar nomenclature.
 - [2] The use of colors and lights in the spectrum of colors utilized for traffic regulatory devices.
 - [3] All blinking, intermittent, flashing, or other animated forms of illumination or light, and all sources of illumination which, through direct or indirect means, create glare.
- (g) Illumination. No sign shall produce illumination in excess of one foot-candle at a distance of four feet.
- (h) Corner visibility. On a corner lot within the areas formed by right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of 25 feet from their intersection, no sign shall project into the elevation between a height of two and half feet and a height of 10 feet above the grade of each street at the center line thereof.

(i) Vehicular Signs – Signs on motor vehicles.

- [1] All commercial vehicles related to business or enterprise shall be stored or parked in locations approved during Site Plan Review, Special Permit or Variance approval.
- [2] No person shall park any vehicle or trailer on a public right-of-way / public property / private property so as to be intended to be viewed from a vehicular public right-of-way, which has for its basic purpose the providing of advertisement of products/services or directing people to a business or activity located on the same property or any other premises, and in a manner such that motor vehicle functions as a sign.
- [3] This section is not intended to prohibit any form of vehicular signage, such as a sign attached to a bus or lettered on a motor vehicle or signs that are part of a vehicle, such as a construction trailer, whose primary purpose is not advertising to the public.

(j) Prohibited Signs The Town having considered and observed its overall community objectives, its physical and administrative resources, the visual and physical character of the community, the variety of communication opportunities for lots and land uses, and the negative visual, aesthetic and physical impact of certain types of signs declare that the following are prohibited types of signs:

- Billboard
- Electronic Message Board Sign

(3) **Computation of sign area.**

- (a) The area of the sign support should be in relationship to the area of overall dimension of the signage with approval of the reviewing board.
- (b) The area of a sign is the entire area within a single continuous perimeter enclosing the extreme limits or writing, representation, emblem, or any figure of similar character, as included in the definition of sign, together with any frame or material or color forming an integral part of the display used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is situated.
- (c) When a wall sign consists of individual letters, symbols or characters, its area shall be computed as the area of the smallest rectangle, which encloses all of the letters, symbols and characters.
- (d) When a sign consists of two or more faces, only one face of the sign shall be used in computing the sign area if the faces are parallel to and within 12 inches of each other. Otherwise, all faces of the sign shall be used to compute the sign area.
- (e) The allowed area of a three dimensional representational sign shall be determined by the Town of Clay Planning Board.

F. Sign Maintenance.

Sign maintenance. The Commissioner shall order the removal of any sign (major, minor or temporary) that is not kept in good repair and a proper state of preservation. In making such determination, the Commissioner shall consider, but need not be limited to, the following elements: defective lighting; broken, loose or missing parts; fading, flaking or blistering paint; illegibility; or any condition which may constitute a littering or safety hazard.

G. Signs for lots with nonconforming use, lot or structure.

Sign for properties that may be nonconforming lots or have a non-conforming use or structure shall be subject to a Special Permit from the Planning Board. Any proposed sign shall conform to the sign standards currently applicable to the property based on its zoning classification. In reviewing a sign proposal the Planning Board may consider the nature of the nonconformities as well the nature of the current zoning and surrounding land development pattern. It may modify, but not exceed, the current sign standards to have any proposed sign fit compatibly within the site.

H. Non-conforming signs.

Intent- this section is intended to encourage the eventual elimination of signs which do not comply with §230-22 Signs of the Town of Clay Zoning Code. The elimination of nonconforming signs is important to the Intent as stated in §230-22 A.

1. Any sign which, on **April 7, 2008**, the date of adoption of this Local Law, does not conform to the provisions of this chapter shall be considered a legal nonconforming sign and shall be permitted, provided that when originally installed, it was in compliance with all applicable codes, ordinances, and regulations which were in effect.
2. Sign faces may be changed on nonconforming signs when there is no change to the primary use of the site or when only a portion of a multiple-tenant sign is being changed.
3. If a business leaves its premises, the owner of the property/building shall be responsible for the removal of any business sign from said premises, within 60 days.
4. A nonconforming sign may be continued and shall be maintained in good condition as required by this chapter but it shall not be:
 - (a) Structurally changed to another nonconforming sign.
 - (b) Structurally altered to prolong the life of the sign, except to meet safety requirements.
 - (c) Altered in any manner that increases the degree of nonconformity.
5. All nonconforming signs shall be terminated or brought into compliance by **December 31, 2018**.

I. Abandoned signs.

- (1) **Determination.** The Commissioner shall order the removal of any sign which has become abandoned. In making such determination, the Commissioner shall consider, but need not to be limited to, the following elements:
 - (a) Period of nonuse of the activity, product, service or other item relative to the business activity has been discontinued for a period of 90 days, the sign shall be presumed to have become abandoned, unless the owners, beneficial user, or other party in interest files a written certification with the enforcement officer indicating that such business activity (including its appurtenances) is to be reactivated within 30 days following such ninety-day period.

- (b) The sign is situated upon or incidental to a site which has been scheduled for demolition and it appears that the activity, product, service or other item relative is no longer viable irrespective of the lapse of time.
 - (c) The sign is otherwise nonconforming or illegal, and the owner or beneficial user cannot with reasonable diligence be located.
- (2) **Removal of signs.** Any abandoned, or illegal sign existing after **December 31, 2008** shall be removed by the owner of the premises upon which such sign is located after written notice as provided herein. Upon removal of any wall sign (including signs painted on walls), the surface area of the facade shall, within 30 days of removal, be restored to a condition substantially equivalent to the remaining portion of the facade in appearance. The enforcement officer, upon determining that any such sign exists, shall, upon expiration of the continuance period or such other time limit which may be provided for, notify the owner or beneficial user of such sign, in writing, to remove the sign within 30 days from the date of such notice. Upon failure to comply with such notice within the prescribed time, the enforcement officer shall remove or cause removal of such sign and shall assess all costs and expenses incurred in the removal against the property on which such sign is located.

J. Penalties for offenses. See Section 230-9.

Permit Method:
 C - Commission Ofc Sign Permit
 NP - No permit required
 P - Plan Bd Review
 SP - Plan Bd, Special Permit
 X - NOT permitted

Town of Clay

Table A - Major Signs

DISTRICT GROUPS	RESIDENTIAL DISTRICTS 230-13			RECREATION DISTRICTS 230-14		OFFICE DISTRICTS 230-15		COMMERCIAL DISTRICTS 230-16				INDUSTRIAL DISTRICTS 230-17	
Zone Districts	ALL			ALL		0-1	0-2	NC-1	HC-1, LAC-1, LAC-2	RC-1		I-1	I-2, S-1
Land use or other sub-groups (see 230-12G)	Residential	Neighborhood Apts, Proj ID	Agriculture & Non-Ros	Less than 10 acres	10 acres or greater				Less than 5 acres	5 acres or greater			
exceptions or other specific conditions													
SIGN TYPES and requirement list													
PRESTANDING SIGNS													
Permit type	X	P	P	P	P	P	P	P	P	P	X	P	P
MAX #	1/entry	1/lot	1/lot	1/lot	1/lot	1/lot	1/entry	1/lot	1/lot	1/entry		1/entry	1/entry
MAX area	24 sqft	24 sqft	24 sqft	64 sqft	128 sqft	24 sqft	32 sqft	24 sqft	32 sqft	64 sqft		32 sqft	64 sqft
MIN letter hgt.	6"	10"	10"	12"	12"	10"	10"	10"	10"	12"		12"	12"
MAX height	6ft	6 ft	6 ft	15 ft	15 ft	15 ft	15 ft	15 ft	25 ft	25 ft		25 ft	25 ft
MIN setback	25ft.	25ft.	25ft.	25ft.	25ft.	25ft.	25ft.	25ft.	25ft.	25ft.		25ft.	25ft.
(In addition to free-standing sign (when allowed))													
CHOICE of ONE:													
WALL SIGNS													
Permit type	P	P	P	P	P	P	P	P	P	P		P	P
MAX # (sq. ft. or ft. wall facing ROW)	Per lot	Per bldg	Per lot	Per Tenant	Per Tenant	Per Tenant	Per Tenant	Per Tenant	Per Tenant	Per Tenant		Per Tenant	Per Tenant
MAX area (% of vertical face)	2sqft	4sqft	16sqft	16sqft	16sqft	16sqft	32sqft	16sqft	8sq.	8sq.		8sq.	8sq.
MIN letter hgt.	2"	2"	4"	4"	4"	4"	4"	4"	8"	8"		8"	8"
MAX height	1st story	1st story	1st story	na	na	na	na	na	na	na		na	na
MAX projection (from wall face)	4"	4"	15"	15"	15"	15"	15"	15"	15"	15"		15"	15"
PROJECTING SIGNS													
Permit type	P	P	P	P	P	P	P	P	P	P		P	P
MAX #	Per lot	Per bldg	Per lot	Per Tenant	Per Tenant	Per Tenant	Per Tenant	Per Tenant	Per Tenant	Per Tenant		Per Tenant	Per Tenant
MAX area	2sqft	4sqft	16sqft	16sqft	16sqft	16sqft	16sqft	16sqft	16sqft	16sqft		16sqft	16sqft
MIN letter hgt.	2"	2"	4"	4"	4"	4"	4"	4"	4"	4"		10"	10"
MAX height	8 ft	1st story	1st story	1st story	1st story	1st story	1st story	1st story	2nd story	2nd story		2nd story	2nd story
MAX projection (from wall face)	2 ft	4 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft		8 ft	8 ft
MARQUEE-AWNING-CANOPY SIGNS													
Permit type	X	P	P	P	P	P	P	P	P	P		P	P
MAX #	1	1	1	Per bldg	Per bldg	Per bldg	Per bldg	Per bldg	Per bldg	Per bldg		Per bldg	Per bldg
MAX area (% of vertical face)	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%		25%	25%
MIN letter hgt.	4"	4"	4"	4"	4"	4"	4"	4"	4"	4"		4"	4"
ROOF SIGNS													
Permit type	X	X	X	X	X	X	X	X	X	X		X	X
MAX #													
MAX area													
MIN letter hgt.													
MAX height above roof line													
MAX Vertical projection (above top of wall)													

Notes:

- Per Tenant - also includes owner or other occupants
- Per Bldg. - applies to principal buildings only
- Per Lot - see lot definition
- RC site - when part of approved site plan may include multiple lots
- PDD lots - signs subject to approved Project Plan