

PART II – GENERAL LEGISLATION

Chapter 202 – Sign Control

[Adopted as Local Law # 1 of 1975, Amended and Adopted, December 27, 2012, as Ch. 202 of the Code, Amended by L.L. #4 of 2013]

Article I Sign Control

Sections 202-1 – 202-25

Article I Sign Control

Section 202-1 – Purpose and Intent

The purpose and intent of this sign law is to permit only those signs necessary and compatible with the uses permitted in each district (RA, RB, RC, RS, PD, VC, C and OL) within the Village of Marcellus, New York, to insure their harmonious incorporation into the surrounding area, especially in the Village Center District, and to encourage the effective location, construction and design of all such signs in relation to the district and area where they are located, the purpose they are intended to serve and the use which they are associated.

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 sign overhanging or projecting, and curb the deterioration of natural beauty and community environment.

Section 202-2 – Short Title – This chapter shall hereafter be known and cited as the "Sign Law."

Section 202-3 – Definitions – As used in this Sign Law unless otherwise expressly stated:

- a. The term "sign" shall mean 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 for display of an advertisement, announcement, notice, directional matter or name and includes sign frames, 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. The term "erect" shall mean 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.
- c. The term "front" or "face" of a building shall mean the outer surface of a building, which is generally parallel to any private or public street or highway.

- d. The term "illuminated sign" shall mean any sign illuminated by electricity, gas, or other artificial light including reflective or phosphorescent light and any electronic sign, including Light Emitting Diode (LED) signs
- e. The term "lighting device" shall mean any light, string of lights, or group of lights located or arranged so as to illuminate a sign.
- f. The term "person" shall mean any person, partnership, association, corporation, institution, or organization of any kind.
- g. The term "building inspector" or "code enforcement officer" shall mean the building inspector or code enforcement officer empowered, authorized, or charged by the village board with the duty to inspect buildings or to enforce zoning and the New York State Building Code.
- h. The term "roof" shall mean the exterior upper covering of a building.
- i. The term "canopy" and "secondary roof" shall mean any roof projecting from the exterior of a building whether supported or unsupported.
- j. The term "roof line" shall mean the intersection of the front or face of a building and its roof. Where the front or face of a building extends above the roof line of a building, the term "roof line" shall mean the top of such front or face.
- k. The term "sidewalk" shall mean any paved area whether publicly or privately owned which is used for pedestrian traffic.
- l. The term "sign area" shall mean the entire area within a single continuous perimeter enclosing the extreme limits of writing, letters, representations, emblems, or any figure of similar character, as included within the definition of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate such signs from the background against which it is placed, excluding the necessary supports, uprights, or special structure. In the instance of a double-faced sign, the term "sign area" shall apply to one side of such sign. In the instances of all other sign shapes, the entire area of such signs shall be considered as one area.
- m. The term "sign height" shall mean the maximum distance from the ground where the sign is situated to the top of the sign as measured vertically.

Section 202-4 – Signs defined by purpose and location – The following further definitions shall apply to this Sign Law:

a. Signs defined by purpose:

1. Principal business sign. A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted other than incidentally, on the premises upon which such sign is located.
2. Secondary business sign. A sign having the same definition as a principal business sign but differing in it is of limited size and scope in relation to the principal business sign.
3. Information sign. A sign that contains information intended exclusively as a public service and of a noncommercial nature such as the location of facilities designed for public convenience and accommodation, e.g., restrooms, public telephone and bus stop rest areas.
4. Official sign. A sign established pursuant to governmental authority or used for the identification of public buildings, facilities and activities sponsored by or of an official character such as traffic regulation devices.
5. Fraternal order sign. A sign containing the insignia or emblem of a fraternal order and displayed routinely or on special occasions as an incident to the activities of such organization.
6. Private traffic sign. A sign situated within private property providing information for traffic movement and storage, such as directional sign, parking areas, freight and loading areas, prohibited parking areas, points ingress and egress, speed limits and related items.
7. Time and/or temperature sign. Any instrumentality visible to the general public and providing information as to time and/or meteorological conditions.
8. Window display sign. A sign interior of a window and forming an integral part of a window display.
9. Recreational facility sign. A sign that identifies the name and/or owner of recreational facility whether public or privately owned.
10. Construction sign. A sign containing only the identification of persons or firms associated with the development or improvement of real property, such as architects, engineers, developers, construction companies, suppliers and sponsors, but expressly excluding products, services and other forms of advertising.

11. Home occupation sign. A sign indicating the location of a business residing on the premises.

12. Public safety sign. A sign containing information designed for the protection and safety of the general public, such as warnings, danger areas, trespassing notices, work areas, utility warnings, safety warning devices and other forms of notice.

13. Real estate sign. A sign advertising the sale, lease or management of real property.

14. Temporary sign. A sign designed exclusively to inform the general public of a fund raising campaign, political campaign, social event, civic undertaking, annual festivity or related enterprise of a temporary nature.

15. Multiple dwelling identification sign. A sign indicating the name of an apartment building, apartment building complex, or similar type of housing.

b. Signs defined by location: (Amended by Local Law No. 4 of 2013)

1. Wall sign. A sign which is affixed to the front or face of a building, projecting not more than fifteen (15) inches there from and extending not more than one and one-half (1½) feet above the roof line of the building.

2. Window sign. A sign situated on a window, not forming an integral part of a window display.

3. Roof sign. A sign, any portion of which is either situated above a distance of one-half (1½) feet of the roofline of a building or erected or painted on the roof of a building.

4. Projecting sign. A sign which affixed to any building face or front and extends beyond the building's face or front more than fifteen (15) inches horizontally and no portion which projects above the building's roof line.

5. Off-premise advertising sign. A sign which directs attention to a business, commodity service, industry or other activity which is so offered or conducted elsewhere than on the premises upon which such sign is located, and which is so offered or conducted on such premises only incidentally, if at all.

6. Secondary roof or canopy sign. A sign erected on top of a secondary roof or canopy of a building which does not extend above building's roof line in excess of one and one-half (1½) feet.

7. Ground sign. A sign that is supported by one or more uprights or braces in or upon the ground.

Section 202-5 – General Regulations – The prohibitions contained in this chapter shall apply to all signs and all use districts, regardless of designation, of the Village of Marcellus:

a. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. 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. LED signs may only display an amber hue and must be turned off between the hours of 10 p.m. and 6 a.m. daily.

b. No projecting sign shall be erected or maintained from the front or face except as permitted by section 202-6(b).

c. No sign shall be placed on the roof of any building, except that aviation directional signs, painted on the surface of a roof, will be allowed if they comply with federal and state regulations.

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 section 202-12 herein.

e. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving or revolving devices. The said devices as well as strings of light, shall not be used when not part of a sign except as provided in Section 202-12.

f. No sign shall be erected, constructed or maintained to obstruct any fire escape, window, door or opening used as a means of egress for firefighting purposes or required for legal ventilation.

g. No sign shall be erected or maintained in any public right-of-way, except as permitted in section 202-6(f).

h. No sign shall extend above the face of a building to which it is attached except certain signs as defined in section 202-4(b)(1) and (6).

i. Temporary or permanent signs resting or attached to vehicles shall not be used as a means to circumvent the provisions of this sign law.

j. Off-premise advertising signs shall be prohibited in the Village of Marcellus.

Section 202-6 – Permitted sign in all districts – The following signs are permitted (in any district).

- a. Real estate signs. One sign per lot which sign may only be a ground sign not to exceed four (4) feet in height and six (6) square feet and shall not remain longer than two (2) weeks after sale or rental of the premises.
- b. Professional nameplates. One shall not exceed two (2) square feet in area, which may be a projecting sign.
- c. Home occupation sign. One sign not exceeding one (1) square foot in area which sign may be a sign attached to a residential structure or a ground sign not exceeding the height of six (6) feet, ten (10) feet from the edge of the pavement, or two (2) feet from the edge of a public sidewalk.
- d. Construction sign. One sign that, from the commencement of work, shall be removed within two (2) weeks after completion of work.
- e. Signs incident to places of worship. One sign or bulletin board customarily incident to places of worship which sign shall be located on the premises of such institution.
- f. Directional signs customarily incident to places of worship. Such signs shall not exceed four (4) square feet and may be erected in a public right-of-way by special permit of the village board of trustees.
- g. Information signs. Such signs shall be situated on the premises where such facilities are provided. No such sign shall exceed three (3) square feet in area.
- h. Time and temperature signs. No restrictions except that where such devices are incorporated in any other sign, such sign shall be subject to restrictions or the district where such sign is situated.
- i. Private traffic sign. No such sign shall exceed two (2) square feet in area.
- j. Recreational facility sign. No such sign shall exceed ten (10) feet in area and if a ground sign, not more than five (5) feet in height.
- k. Multiple dwelling sign. Such signs shall be permitted by special sign permit. Section 11(a) shall not apply.

Section 202-7 – Residential districts – The following regulations shall apply in all residential districts.

- a. Permitted signs. All nonresidential uses expressly allowed as principal, accessory, or special permit uses may only be identified by wall or ground signs, which shall require a permit as set forth in section 202-13.
- b. Location. No sign shall be located within any yard area except those that identify permitted nonresidential uses.
- c. Height and area. No wall sign or portion thereof shall extend above the first story of the building face or front to which it is attached. No wall or ground sign shall exceed an area of eighteen (18) square feet. No ground sign shall exceed a height of six (&) feet.
- d. Number. No more than one principal business sign shall be permitted.

Section 202-8 – Village Center District – The following regulations shall apply to the Village Center District: (Amended by Local Law No. 4 of 2013).

a. Permitted signs. All permitted uses, except institutional uses, and uses permitted by special permit may only be identified by a wall, ground or window sign. Such signs shall require a permit as set forth in section 202-13. Site Plan Review shall be required in accordance with Chapter 204 of the Village Code before the issuance of a permit for a ground sign.

- i. Area. A wall or window sign identifying a building or a use shall have an area not in excess of one (1) square foot for each foot of linear building street frontage of such use, up to thirty-five (35) square feet. Signs identifying other uses that do not have ground level street frontage may not be larger than the smallest wall sign of said building. No ground sign shall exceed a height of six (6) feet nor an area of six (6) square feet per side.

- ii. Number. Each permitted use or specially permitted use shall be limited to one principal business sign. Any such use located on more than one street shall be allowed one secondary sign.

b. Window signs – shall be allowed for each business. Window signs shall not exceed 50% of the window glass surface on which they appear, measured around the exterior edges of the sign or the lettering as a whole when directly applied to the window. Window signs above the first story are limited to lettering directly on the window, which shall be a maximum height of eight inches per line with a maximum of two lines, and such signs shall only be located on the primary street frontage of the building, except for corner lot buildings.

c. One non-illuminated A-frame sandwich sign, not to exceed 6 square feet in area and 4 feet in height, shall be allowed to be placed in front of a business during business hours. Such signs must be placed so as not to obstruct pedestrians and vision of drivers. Only one such sign shall be permitted per business and during business hours only.

Section 202-9 – Commercial District – The following regulations shall apply to the Commercial District:

- a. Permitted signs. All permitted signs uses and use permitted by special permit may only be identified by a window, wall or ground sign. Such signs shall require a permit as set forth in section 202-13.
- b. Location. No restrictions.
- c. Height. No ground sign shall exceed a height of six (6) feet.
- d. Area. A wall or window sign identifying a building or a use which is the sole tenant shall have an area not in excess of one-half ($\frac{1}{2}$) square foot for each foot in width of the building wall to which such sign is attached up to thirty-five (35) square feet. Signs identifying other uses shall have an area not in excess of one square foot linear building street frontage of such use. Signs identifying other uses which do not have ground level street frontage may not be situated on the exterior of the building. Ground signs shall not be in excess of eighteen (18) square feet.
- e. Number. Each permitted use or specially permitted use shall be limited to one principal business sign. Any such use located on more than one street shall be allowed one secondary business sign.

Section 202-10 – Open Land District – The following regulations shall apply to the Open Land District.

- a. Permitted signs. All nonresidential uses or specially permitted uses may only be identified by a wall or ground sign that shall require a permit as set forth in section 202-13.
- b. Location. No sign shall be located within any yard areas except those which identify permitted nonresidential uses.
- c. Height and area. No wall sign or portion thereof shall extend above the first story of the building face or front to which it is attached and no ground sign shall exceed a height of six (6) feet. No ground or wall sign shall exceed an area of eighteen (18) square feet.

d. Number. Each permitted use or specially use shall be limited to one principal business sign. Any such use located on more than one street shall be allowed one secondary sign.

Section 202-11 – Special Sign Permits – Principal business and secondary business signs, existing at the original effective date of this Sign Law (1975), which do not conform to the provisions of this Sign Law may be granted a special sign permit by the Marcellus Village Board of Trustees. Issuance of such special sign permits shall be subject to the following restrictions:

- a. Applications for a special sign permit must be made within eight (8) weeks of the date of mailing of a written notice of said violations by the building inspector to the assessed owner of the property in question.
- b. As a prerequisite to issuance of any sign permit, in addition to any other restrictions applicable thereto, the following findings shall be made:
 1. The proposed sign is not in conflict with the general prohibitions contained in section 5 of this sign law, and complies with all other applicable provisions for which no waiver is requested.
 2. The proposed sign will not have any adverse impact upon the character or integrity of any land use having a unique cultural, historical, geographical or architectural significance.
 3. The proposed sign will not adversely affect the character of the districts in close proximity within which such signs would be prohibited.
 4. The proposed sign will not hide, obstruct or in any way shield other signs from view, and,
 5. The proposed sign is otherwise compatible within the context of its visual and physical environment within the district in which it is proposed; in making this determination, consideration shall be given to existing and allowable land use activities within the subject district and also to the scale of structures located within close proximity.
- c. In no case shall a ground sign be granted with a sign area in excess of forty (40) square feet, height of twenty-five (25) feet or which will project into any public right-of-way. Only one such sign shall be allowed per building use.
- d. Non conforming Signs and Amortization – In the event a sign which has been erected prior to the effective date of this sign law, which does not conform with the provisions and standards of this sign law, the requisite permit as provided herein may be granted, upon application of the owner for every such sign or other advertising structure, by the village board of trustees for 2 reasonable period of time, in any case not to exceed six (6) months, to enable the owner to alter, remove or replace the non conforming sign.

Section 202-12 – Temporary Signs – Signs of temporary nature such as posters, banners, promotional devices and other signs of a similar nature may be granted a temporary permit for a period of 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 general public. Political signs may not be posted more than 45 days prior to a primary or general election and shall not require a temporary sign permit.

- a. A fee shall be paid upon the issuance of a permit for such signs and a cash deposit for a like amount shall be deposited with the building inspector to insure the removal of such sign at expiration of the permit. The building inspector, after three (3) 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, and,
- b. No fee or deposit shall be required of nonprofit organizations which are charitable in nature, but a permit shall be obtained pursuant to the provisions of this sign law.

Section 202-13 – Permit – No person shall erect any sign as defined herein without first obtaining a permit therefore from the Code Enforcement Officer (Amended by Local Law #4 of 2013)

- a. Exceptions: Construction Sign advertising the contractor completing construction activities upon the premise
- b. Other exceptions: On-site Real Estate or For Rent Sign, Political Signs, Window Display signs and Window signs

Section 202-14 – Application for permit – Application for a sign permit shall be made in writing on forms available at the village clerk's office and shall contain the following information:

- a. Name, address, and telephone number of the applicant.
- b. Location of building, structure or land to which or upon which the sign is to be erected.
- c. A scaled detailed drawing of blueprint showing a description of the construction details of the sign and showing the lettering and/or pictorial matter composing the sign; position of lighting or other extraneous devices; a location plan showing the position in relation to nearby buildings or structures and to any private or public street or highway.
- d. 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 the applicant is not the owner thereof.

e. A copy of any required or necessary electrical permit issued for said sign or a copy of the application therefore.

Section 202-15 – Fees – Fees shall be determined by resolution of the Board of Trustees of the Village of Marcellus

Section 202-16 – Issuance of permit – It shall be the duty of the Code Enforcement Officer upon the filing of an application for a permit to erect a sign, to examine such plans, specifications and other data submitted to him/her with the application and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure. If it shall appear that the proposed sign is in compliance with all the requirements of this sign law and other laws and ordinances of the Village of Marcellus, he/she shall then, within five (5) 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.

Section 202-17 – Revocation of permit

a. No sign, whether new or existing, shall hereafter be erected or altered, except in conformity with the provisions contained herein, all signs must be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring, 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 notice, specifying the violation, to 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 such sign shall not be so conformed within thirty (30) days, the building inspector shall thereupon revoke the permit, and such sign shall be removed by the named owner of the sign and/or the named owner of the land.

Section 202-18 – Removal of Certain Signs – Certain signs shall be removed in accordance with the following conditions:

a. Any sign existing on or after the effective date of this sign law which no longer advertises an existing business conducted or product sold on the premises, or is an abandoned sign, shall be removed by the owner of the premises upon which said 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 such 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 sign law is unsafe and 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 thirty (30) days from the date of said notice. If the 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 the source of immediate peril to persons or property, to be removed summarily without notice.

Section 202-19 – Variances – The zoning board of appeals of the Village of Marcellus may, in appropriate cases, after public notice and hearing and subject to appropriate safeguards, vary or modify the application of this Sign Law in harmony with its general purpose and intent, to prevent undue hardship.

Section 202-20 – Review and Appeal – Any person aggrieved by any decision of the Code Enforcement Officer relative to the provisions of this Sign Law, or the Village of Marcellus, may appeal such decisions to the Zoning Board of Appeals as provided in the zoning regulations of the Village of Marcellus, and shall comply with all procedural requirements prescribed by such Zoning Board of Appeals.

Section 202-21 – Violations – Failure to comply with any of the provisions of this Sign Law shall be deemed a violation and the violator shall be liable to a fine of not more than two hundred and fifty dollars (\$250.00) and each week such violation continues shall constitute a separate violation.

Section 202-22 – Validity – If any section, subsection, phrase, sentence or portion of this sign law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be separate, distinct, and independent and such holding shall not affect the validity of the remaining portions thereof

Section 202-23 – Application and Construction – This sign law is applicable within the Village of Marcellus and shall be construed as an exercise of the powers of such municipality to regulate, control, and restrict the use of buildings, structures and land for advertising purpose displays, signs and other advertising media in order to promote the health, safety, morals and general welfare of the property of the municipality and its inhabitants and of peace and good order, for the benefit of trade and all matters related thereto.