

VILLAGE OF BREWSTER

County of Putnam, State of New York

RESOLUTION 111809-3

RESOLUTION OF ADOPTION
LOCAL LAW NO. 3 OF 2009

INTRODUCED BY: TRUSTEE CHRISTINE PICCINI

SECONDED BY: TRUSTEE YOSHI ITO

DATE OF CONSIDERATION/ADOPTION: November 18, 2009

WHEREAS, an amendment of Chapter 199 of the Code of the Village of Brewster, entitled "Signs," has been introduced before the Board of Trustees of the Village of Brewster in the County of Putnam as Local Law I-3 of 2009, and

WHEREAS, a public hearing was held on 9/2/2009, 9/16/2009 and 10/7/2009, upon notice duly published and posted, and

WHEREAS, public discussion was heard at such hearing concerning the merits of said introductory local law, and

WHEREAS, the Board of Trustees of the Village of Brewster wishes to amend Chapter 199 of the Code of the Village of Brewster, entitled "Signs," which amendments will implement regulations regarding signs within the Village of Brewster as set forth in the local law as drafted and attached hereto, and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act) and 6 NYCRR Part 617 of the implementing regulations the action under consideration constitutes a TYPE II action and therefore requires no further review under 6 NYCRR Part 617;

THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Brewster hereby amends Chapter 199 of the Code of the Village of Brewster, entitled "Signs,"

which amendments will implement regulations regarding signs within the Village of Brewster as set forth in the local law as drafted and attached hereto, and

BE IT FURTHER RESOLVED, that Introductory Local Law I-3 of 2009 of the Village of Brewster is hereby enacted by the Board of Trustees of the Village of Brewster as Local Law No. 3 of 2009 of the Village of Brewster, and

BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

UPON ROLL CALL VOTE:

Mayor Schoenig AYE Trustee Ito AYE

Trustee Stockburger AYE Trustee Piccini AYE

Trustee Banks AYE

VOTE: RESOLUTION CARRIED BY A VOTE OF FIVE TO ZERO

STATE OF NEW YORK)
) ss.:
COUNTY OF PUTNAM)

I, PETER BREWSTER HANSEN, Village Clerk of the Village of Brewster, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Board of Trustees of the Village of Brewster at a meeting of said Board on November 18, 2009.

DATED: November 18, 2009

PETER BREWSTER HANSEN, Village Clerk

NOTICE OF ADOPTION
VILLAGE OF BREWSTER
LOCAL LAW 3 OF 2009
AMENDMENTS TO VILLAGE OF BREWSTER CODE

PLEASE TAKE NOTICE, that after a public hearing held on 9/2/2009, 9/16/2009 and 10/7/2009 the Board of Trustees of the Village of Brewster amended Chapter 199 of the Code of the Village of Brewster, entitled "Signs," which amendments will implement regulations regarding signs within the Village of Brewster as set forth in the local law as drafted and attached hereto.

DATED: November 18, 2009

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF BREWSTER

PETER B. HANSEN, VILLAGE CLERK

VILLAGE OF BREWSTER
AMENDMENT TO
BREWSTER VILLAGE CODE

BE IT ENACTED by the Board of Trustees of the Village of Brewster, Putnam County, New York, as follows:

Section 1. Chapter 199 is hereby amended to read as follows:

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF

Section 2. If any provision of this local law shall be deemed by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this local law shall remain in full force and effect.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Dated: November 18, 2009

SCHEDULE "A"

Chapter 199

SIGNS

- § 199-1. Title.**
- § 199-2. Statement of purpose.**
- § 199-3. Compliance required.**
- § 199-4. Definitions.**
- § 199-5. Allowed locations by zoning district.**
- § 199-6. Obtaining a sign permit.**
- § 199-7. Sign Standards.**
- § 199-8. Allowable commercial signs.**
- § 199-9. Non-Commercial Signs.**
- § 199-10. Temporary signs.**
- § 199-11. Signs permitted by special exception use permit.**
- § 199-12. Signs exempt from permit requirements.**
- § 199-13. Prohibited signs.**
- § 199-14. Nonconforming signs.**
- § 199-15. Amortization schedule for billboards.**
- § 199-16. General provisions.**
- § 199-17. Construction requirements.**
- § 199-18. Enforcement.**
- § 199-19. Penalties for offenses.**

[HISTORY: Adopted by the Board of Trustees of the Village of Brewster __ - __ - 2009 by L.L. No. __ - 2009. Amendments are noted where applicable.]

§ 199-1. Title.

This chapter shall hereafter be known and cited as the "Sign Local Law of the Village of Brewster."

§ 199-2. Statement of purpose.

The Village of Brewster recognizes and supports the right of all citizens to communicate using signs. However, the Village also recognizes that the location, number, size and design of signs significantly influence public health, safety and visual environment, and subsequently the perception of the Village's social and economic condition. It is the intent of these regulations to maintain and enhance the quality of life within the Village of Brewster by permitting orderly signage and minimizing visual clutter, while continuing to recognize the rights of business owners as well as all members of the public.

§ 199-3. Compliance required.

No person, including any owner, lessee, or other occupant of any premises, shall erect, construct or display, or permit the erection, construction, or display of any sign within the Village of Brewster, other than in accordance with the provisions of this chapter.

§ 199-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED SIGN - Any sign that advertises a business, lessor, owner, product, service or activity that is no longer located on the premises where the sign is displayed.

ALTERATION - Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

ANIMATED OR MOVING SIGNS - A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

AWNING - A roof-like cover that projects from a building wall for the purpose of shielding a window or doorway from the elements.

BANNER, FLAG, OR PENNANT - Any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of New York, and other states, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

BENCH SIGN - A sign painted on or affixed to a bench.

BILLBOARD - A permanent off-premises outdoor advertising sign erected, maintained or used for the purpose of commercial or noncommercial messages.

BRACKET SIGN - A small sign mounted on the ground using one or more posts.

BUILDING FRONTAGE - That building elevation that fronts on a public street or parking area where customer access to the building is available.

BUSINESS FRONTAGE - That portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located in the interior of a building without building frontage, the building elevation providing customer access shall be considered the business frontage.

BUSINESS IDENTIFICATION SIGNS - A sign that serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.

CABINET SIGN (CAN SIGN) - A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

CANDLEPOWER - The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one foot-candle. Maximum (peak) candlepower is the largest amount of candlepower.

CANOPY - A roof-like cover, either freestanding or attached to a building wall and supported totally or partially by the ground below.

CHANGEABLE COPY SIGN - A sign designed to allow changing of copy manually.

CHANNEL LETTERS - Three-dimensional individually cut letters or figures, illuminated or non-illuminated, affixed to a structure.

CIVIC EVENT SIGN - A temporary sign, other than a commercial sign, posted to announce a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar not-for-profit organization.

COMMERCIAL SIGN – A sign that advertises, promotes or identifies a commercial business or commercial operation, or which is otherwise related to or connected with trade and traffic or

business and commerce in general.

CONTRACTOR OR CONSTRUCTION SIGN - A sign that states the name of the developer and contractor(s) working on the site and any related engineering, architectural or financial firms involved with the project.

CONVENIENCE SIGN - A sign that conveys information (e.g., restrooms, no parking, entrance) or minor business identification for directional purposes, and is designed to be viewed by pedestrians and/or motorists.

COPY - Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

DIRECTLY LIGHTED SIGN - A sign that is illuminated by a light source that shines through the letters or logo from the back of the sign.

DIRECTORY SIGN - A sign listing the tenants of a multiple-tenant structure or center.

DOUBLE-FACED SIGN - A sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes.

ELECTRONIC READER BOARD SIGN OR ELECTRONIC GRAPHICS SIGN - A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

FLASHING SIGN - A sign that contains an intermittent or sequential flashing light source.

FUTURE TENANT IDENTIFICATION SIGN - A temporary sign that identifies the names of future businesses that will occupy a site or structure.

GRAND OPENING - A promotional activity not exceeding 30 calendar days used by newly established businesses, within two months after initial occupancy, to inform the public of their location and services available to the community. "Grand Opening" does not mean an annual or occasional promotion by a business.

GROUND SIGN - See "monument" signs.

HANGING SIGN - A sign hanging down from a marquee, awning or porch that would exist without a sign.

HEIGHT OF SIGN - The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below and adjoining the sign.

ILLEGAL SIGN - Any of the following:

- A. A sign erected without first obtaining a permit, if required by this Chapter, and

complying with all regulations in effect at the time of its construction or use.

B. A sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises.

C. A nonconforming sign for which the amortization period hereunder has expired.

D. A sign that is a danger to the public or is unsafe; or a sign that pertains to a specific event that has not been removed within five (5) days after the occurrence of the event.

E. A temporary sign displayed for over twenty one (21) days.

INDIRECTLY LIGHTED SIGN - A sign that is illuminated by a light source that shines directly on the surface of the sign, which light source is designed specifically to illuminate only the sign.

INFLATABLE DEVICE - An object that is blown up with air or gas.

INTERNALLY ILLUMINATED SIGN - A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign; same as a directly lighted sign.

LOW-PROFILE MONUMENT SIGN - A freestanding sign with a lower height configuration. Such signs are usually used for building complexes that are separated from adjacent streets by substantial setbacks.

MARQUEE - A permanent structure attached to a building wall, having horizontal or nearly horizontal top and bottom surfaces, which is intended to serve as a covering over the area thereunder.

MONUMENT - Any detached sign on the same lot or parcel as the use it identifies which has its bottom portion attached to a proportionate base or plinth, integrated ground planter box, or structural frame.

MULTIPLE-TENANT BUILDING - A development consisting of two or more separate uses or tenancies that share either the same parcel or structure and use common access and parking facilities.

NEON SIGN - Glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

NON-COMMERCIAL SIGN – A sign that does not advertise, promote or identify a commercial business or commercial operation, and which is not otherwise related to or connected with trade and traffic or business and commerce in general.

NONCONFORMING SIGN - An identifying structure or sign which was lawfully erected through the issuance of a sign permit and maintained prior to the adoption of this chapter, and

which has subsequently come under the requirements of this chapter, but does not now completely comply.

PERMANENT BANNER SIGNS - As a primary sign only, permanent banner signs shall look like architectural elements of the building and shall hang from projecting metal brackets of a size and design appropriate to the banner and the architectural character of the building. Banner signs shall be mounted perpendicular to the face of the facade at both the top and bottom.

PERMANENT SIGN - A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

PLAQUE SIGN - Small version of a wall sign that is attached to a surface adjacent to the front entry.

POLE SIGN - A sign mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above finished grade (same as pylon sign).

POLITICAL SIGN - A sign designed for the purpose of announcing support of or opposition to a candidate or proposition for a public election or a sign expressing political, religious, or other ideological sentiment that does not advertise a product or service.

PORTABLE SIGN - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of persons or wheels; signs converted to A-frames; menu and sandwich board signs; balloons used as signs; umbrellas for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business, in which case the vehicle must be removed from the site during non-business hours.

PROJECTING SIGN - A sign, attached to a building, the face of which is perpendicular or nearly perpendicular to the building wall.

PROMOTIONAL SIGN - A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

PROPERTY FRONTAGE - The side of a parcel or development site abutting on a public street.

PYLON SIGN - See "pole sign."

REAL ESTATE SIGN - A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

RESTAURANT MENU SIGN - A sign that incorporates a menu containing a list of products and prices offered by the business.

ROOF SIGN - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

SIGN - Any announcement, declaration, demonstration, billboard display, illustration or insignia used to promote or advertise the interests of any person, group of persons, company, corporation, service or product when the same is placed, erected, attached, painted or printed where it may be viewed from the outside of any structure on the premises where placed.

SIGN AREA - The area including the frame or edge of the sign; where the sign has no such frame or edge, the area shall be the minimum area which can be defined by an enclosed four-sided (straight sides) geometric shape which most closely outlines said sign. When two identical sign faces are mounted back to back on the same sign structure and are either parallel or form an angle not exceeding 30°, only one of the sign faces shall be used to compute the sign area. If the angle of the sign faces exceeds 30°, then both faces shall be used to compute the sign area.

SIGN DESIGN GUIDELINES - The general and specific guidelines as set forth in this Chapter.

SPECIAL EVENT SIGN/BANNER - A temporary sign or banner that is intended to inform the public of a unique happening, action, purpose, or occasion (i.e., grand opening or community event).

SPECIALTY SIGN - A sign made using techniques or materials akin to the type of business it advertises.

TEMPORARY SIGN - Any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property.

THREE-DIMENSIONAL SIGNS - Signs that have a depth or relief on their surface greater than six inches.

TIME AND/OR TEMPERATURE SIGN - A sign that accurately displays the current local time and/or temperature, usually through arrays of small electric lights. No commercial advertising or other message is generally allowed.

VEHICLE SIGN - A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

WALL SIGN - A sign that is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

WINDOW AREA - Window area shall be computed by calculating each window pane or panel. The area shall be separate for each building face, and for each window. A group of window panes or panels per business may be considered one window if they are adjoining on the building face.

WINDOW SIGN - A sign posted, painted, placed, or affixed in or on the interior surface of a window exposed to public view. An interior sign that faces a window exposed to public view that is located within three feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.

§ 199-5. Allowed locations by zoning district.

This Chapter shall apply to all signs located in the following districts, which are the only districts in which signs may be erected or installed: R District, R20 District, PB District, B1 District, B2 District, B3 District, B4 District, B5 District, LMW District, and P District.

§ 199-6. Obtaining a sign permit.

An application for a permanent sign that is permitted by this Chapter must be submitted to the Code Enforcement Officer for review and approval, along with the appropriate fee. The fees for the application are as set forth in the Schedule of Fees of the Village of Brewster, which may be amended from time to time by resolution of the Board of Trustees of the Village of Brewster. After a complete application is submitted in accordance herewith, the appropriate fees paid, and a finding by the Code Enforcement Officer that the proposed sign is in conformance with the provisions of this Chapter, the Code Enforcement Officer shall issue the appropriate permit to the applicant. If a proposed sign requires a special exception use permit or a variance pursuant to the provisions of this Chapter, then in that case a permit shall not be issued by the Code Enforcement Officer until the applicant has obtained the special exception use permit from the Board of Trustees or the variance from the Zoning Board of Appeals, as the case may be. If the Code Enforcement Officer determines that a variance is required for a particular sign, then the applicant may submit an application to the Zoning Board of Appeals to apply for a variance. If a special exception use permit is required, the applicant may then submit an application to the Board of Trustees to apply for the special exception use permit.

§ 199-7. Sign Standards.

All permanent signs require a sign permit, not inconsistent with any other regulations stated in this Code. The standards that shall apply to all permanent signs are as stated in this Section.

A. Message.

1. The message shall consist of letters and numbers displaying the name, nature of business, telephone number and/or website address of the organization it advertises.
2. Graphics may be permitted pending Planning Board approval.
3. All signs must be posted on private property and must pertain to a business or occupant of the property upon which it is erected or constructed.

B. Material

1. All signs must be made of wood, metal, plastic or other quality materials.

- C. All signs must consist of colors from the Village approved color palette, which is available in the office of the Village Clerk, and which may be changed from time to time by resolution of the Board of Trustees.
 - 1. All signs must have a solid background color.
 - 2. Sign message may consist of up to 2 additional colors.
- D. Illumination may be provided from a shielded light source, provided that the illumination source does not project or reflect into nearby windows, or create a glare at the sidewalk level.
- E. The area of a sign shall be as defined in Section 199-4 hereof.
- F. One sign per business or occupant may be installed per building elevation fronting on a public right-of-way.

§ 199-8. Allowable commercial signs.

All permanent commercial signs must have an application filed in accordance with Section 199-6 of this Chapter. Each allowable sign type must adhere to the corresponding specifications below:

A. Wall Signs

- 1. Permanently mounted on or attached to exterior wall.
- 2. Must be mounted parallel to the wall and shall not protrude more than 12 inches.
- 3. Must be placed below windows of the floor above the retail location, or below the roof of a one-story building.
- 4. The allowable sign area shall not exceed the square footage that is equal to the linear footage of the building's frontage towards a public right-of-way.

B. Awnings

- 1. Metal frame clad with sloped opaque fabric attached over a door, window or storefront.
- 2. May be installed in addition to a wall sign.
- 3. May be retractable or fixed.
- 4. May have a skirt hanging parallel to the building wall, not longer than 12 inches, either framed or flexible.
- 5. The business name, nature of business, telephone number or website address may be displayed on the skirt.
- 6. Any graphic or message placed on sloped portion shall not be larger than eight square feet or 25% of the surface area, whichever is less.
- 7. All permitted awnings shall be solid or striped, and must consist of no more than two colors which are part of the Village approved color palette.

C. Canopies

1. An overhead covering or structure projecting from a building wall over the sidewalk.
2. May be installed in addition to a wall sign.
3. Must have at least an 8 foot clearance between the sidewalk and the lowest section of the canopy.
4. Must be fixed to the sidewalk no more than 12 inches from the curb.
5. The business name, nature of business, telephone number or website address may be displayed on the canopy.
6. Any graphic or message placed thereon shall not be larger than eight square feet or 25% of the surface area, whichever is less.
7. All permitted canopies shall be solid or striped, and must consist of no more than two colors which are part of the Village approved color palette.

D. Window Signs

1. Sticker, paper or other object posted on interior of windows.
2. May be posted in addition to other types of signage, provided that all window signs shall not cover more than 20% of the square footage of the window. Hours of operation and contact information for the business shall not be calculated in the total window area coverage provided that such signage does not exceed a total of one (1) square foot.
3. No flashing, revolving, animated, moving or neon signs, or continuous strip lighting.

E. Ground Signs

1. A sign may be fixed into the ground using proper construction methods.
2. Must be fully within the boundaries of the building's lot, and must be set back a minimum of ten (10) feet from the property line.
3. May not stand more than five (5) feet tall.
4. The allowable sign area shall not exceed the square footage that is equal to the linear footage of the building's frontage towards a public right-of-way.
5. Must not encroach on or overhang the street, sidewalk or right-of-way.

F. Bracket or Projecting Sign

1. The size of the sign shall not exceed four (4) square feet.

2. The sign shall not protrude more than eighteen (18) inches from the exterior wall of the building.

G. Home Occupation Sign

1. The size of the sign shall not exceed two (2) square feet.
2. The sign must be set back a minimum of ten (10) feet from the property line.
3. The sign must not interfere with sight visibility on streets, roadways or driveways.
4. The sign may not exceed four (4) feet in height, including any and all supports for the sign.
5. The sign may not be illuminated in any manner.

§ 199-9. Non-Commercial Signs.

Non-Commercial permanent signs must adhere to the Sign Standards set forth in Section 199-7 hereof, as well as the specifications that apply to commercial signs as set forth in Section 199-8 hereof. Any non-commercial signs that are subject to special exception use permit as set forth herein must comply with the provision of Section 199-11 hereof.

§ 199-10. Temporary signs.

Temporary signs may be commercial or non-commercial, and free-standing or placed in the window of an occupied building, provided that:

- A. All temporary signs are posted on private property by the property owner, or with the permission of the property owner, and must be set back at least three (3) feet from the property line.
- B. The sign must not exceed six (6) square feet, and may be no larger than six square feet on each side if the sign is double-sided.
- C. A limit of five (5) signs may be erected per property.
- D. Temporary signs may be posted for 21 days around an event, provided that they are removed no later than 5 days after the corresponding event.
- E. No temporary sign may be posted on public property.
- F. The total area of temporary signs placed in windows may not exceed ten (10%) percent of the window area of each window in which a sign is placed.
- G. All temporary signs must contain sufficient information to easily identify the owner of the sign.
- H. No fluorescent colors or reflective materials shall be used.
- I. No illumination shall be permitted.

§ 199-11. Signs permitted by special exception use permit.

The following signs shall require a special exception use permit issued by the Board of Trustees of the Village of Brewster, which shall be subject to the criteria set forth herein, and which shall be subject to the special exception use permit procedures set forth in Section 263-20 of the Code.

A. Types of signs permitted by special exception use permit:

1. Any sign, mural or message painted directly onto a building façade, as long as the following criteria are met in addition to the other criteria set forth in this Chapter:
 - a) The size of the sign shall not exceed 75% of the wall area of the wall upon which the sign, mural or message is placed.
 - b) There shall be no more than one sign per building, which shall be located on only one side of that building.
 - c) The colors, if proposed to be different than otherwise permitted, and design of the sign are approved by the Board of Trustees.
 - d) The type of paint used shall be weather resistant.
 - e) The sign must be re-painted as often as necessary to maintain the sign.
 - f) Sufficient measures must be taken to ensure the safety of pedestrians and automobiles traveling in the area where the sign is being painted.
 - g) A full and complete rendering of the sign must be submitted to the Board of Trustees exhibiting the exact mural or painting that is proposed, including an estimate of the time it will take to complete the sign.
2. Roof Sign, as long as the following criteria are met in addition to the other criteria set forth in this Chapter:
 - a. The size of the sign shall not exceed 12 square feet.
 - b. The height of the sign shall be no more than 3 feet tall.
3. Pole Sign, as long as the following criteria are met in addition to the other criteria set forth in this Chapter:
 - a. The size of the sign shall not exceed 12 square feet, excluding the poles or posts.
4. Specialty Signs, as long as the following criteria are met in addition to the other criteria set forth in this Chapter:
 - a. The size of the sign may not exceed 4 square feet.
 - b. If the sign is three-dimensional, it may not exceed 1 foot in depth.

- c. The manner in which the sign is to be displayed must be approved by the Board of Trustees.
 5. Marquee, as long as the following criteria are met in addition to the other criteria set forth in this Chapter:
 - a. Only if a marquee is a necessity of the operation of the business operated at the location of the marquee.
 - b. If illuminated, it may be illuminated by direct or indirect illumination.
 - c. The sign may not exceed 15 feet in height, including all supports.
 - d. The size of the sign may not exceed 12 square feet, excluding supports.
- B. All signs permitted by special exception use permit must conform to the following criteria to be approved by the Board of Trustees, in addition to the criteria set forth herein for each particular sign that is permitted by special exception use permit. The criteria set forth herein may not be waived in whole or in part by the Board of Trustees.
 1. Each sign must be inherent to the type of business operated on the premises upon which the sign is to be erected or constructed.
 2. Each sign must be so closely associated with and common to the business operated on the premises upon which the sign is to be located that it may be considered necessary for the operation of the business.
 3. No sign may be too dissimilar to the character of the surrounding neighborhood, and must reasonably conform to the character of the surrounding neighborhood.
 4. In addition to the criteria set forth herein, each sign must also conform to the sign standards and all other provisions of this Chapter.

§ 199-12. Signs exempt from permit requirements.

The following signs are permitted in all zoning districts in accordance with Section 199-5 hereof and are exempt only from the requirements for a sign permit. An exemption from obtaining a sign permit shall not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance in good and safe condition and for complete compliance with the requirements of this chapter.

- A. Memorial tablets, emblems, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or similar material as an integral part of the building. The total area of said signs shall not exceed 1% of the area of the building wall on which they are located or four square feet, whichever is smaller. The area of said signs shall not be included in the maximum permitted wall sign area.

- B. Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs, and such temporary emergency signs as may be erected by the government or public utility employees in carrying out their official work.
- C. Historic site and historic building plaques and markers subject to the provisions of any applicable historic preservation ordinances.
- D. Names on mailboxes.
- E. Signs used on property warning the public against trespassing, parking, or soliciting thereon.
- F. Temporary safety, traffic, directional, and warning signs approved by the governmental agency having jurisdiction.
- G. Window and door signs and temporary signs attached to or painted on windows and doors to indicate a suite number or apartment number for address purposes only.
- H. Signs required by any provision of law or signs deemed necessary to the public welfare by the governing body.
- I. For any residential premises for sale or rent, one temporary non-illuminated "for rent" or "for sale" sign not over six (6) square feet in area and one (1) "open house" sign not over four (4) square feet in area. For any nonresidential premises for sale or rent, one (1) temporary non-illuminated "for sale" or "for rent" sign not over sixteen (16) square feet located at least fifteen (15) feet from any property line. Such signs shall not be embellished by balloons, streamers or other distractive adornments and shall be placed only on private property with the permission of the owner and shall in no event be placed upon or over the street or road right-of-way. Real estate "for sale" or "for rent" signs shall be removed within seven days after the execution of a lease or closing of a sale.
- J. A nameplate sign, situated within the property lines and bearing only the name and address of the principal occupant, provided that the sign does not exceed 12 inches in height and 24 inches in length.
- K. Signs not exceeding one square foot in area designating or calling attention to driveway entrances and exits.
- L. Signs erected to control the movement of traffic on a premises, provided these signs shall provide traffic directions only and shall not be used for any advertising purposes. These signs shall not exceed two square feet in area and shall have been approved by the Planning Board.
- M. The American flag, and governmental flags displayed by recognized governments or governmental agencies, provided such flags are displayed in a respectful manner and in

accordance with established or recognized rules, standards and criteria as may be set forth from time to time by resolution of the Board of Trustees of the Village of Brewster. Any such flag shall be hung in a safe manner with adequate support based on its size, weight, and exposure to wind in order to avoid hazard to persons and property.

- N. Temporary signs as set forth in Section 199-10 hereof and subject to the provisions of said section. Such signs shall not be embellished by balloons, streamers or other distracting adornments and shall be placed only on private property with the permission of the owner and shall in no event be placed upon or over the street or road right-of-way.

§ 199-13. Prohibited signs.

Any sign that is not expressly permitted by this Chapter, or permitted by Special Exception Use Permit pursuant to this Chapter, is expressly prohibited.

§ 199-14. Nonconforming signs.

- A. Intent. This chapter is intended to encourage the eventual elimination of signs which do not comply with this chapter.
- B. Amortization. A permanent sign not complying with this chapter, but in place, by permit, on the effective date of this chapter, shall be removed, or brought into compliance with this chapter, within three (3) years after the effective date of this chapter. Signs which were erected without a sign permit and which are prohibited by this chapter shall be removed. Signs in compliance with this Chapter but with no permit, shall apply for a permit within three (3) years from the date of enactment of this Chapter. An application may be made to the Board of Trustees for an extension of the time period within which a sign must comply with this Chapter for the purposes of depreciation of the sign or such other reasons as the Board of Trustees may find to be reasonable and appropriate. This Section shall not apply to temporary signs, which shall have no amortization period and which shall immediately comply with the provisions of this Chapter.
- C. Continuance. A nonconforming sign may be continued during the amortization period if it is maintained in good condition. It shall not, however, be replaced by another nonconforming sign. A nonconforming sign may not be structurally altered so as to prolong the life of the sign. It may not be reestablished after damage or destruction if the Code Enforcement Officer determines that the estimated cost of reconstruction exceeds 50% of the estimated replacement cost.
- D. Nuisance. An unsafe or abandoned sign is declared a public nuisance, which shall be abated by the owner within 30 days of receiving notice from the Code Enforcement Officer.

§ 199-15. Amortization schedule for billboards.

Billboards are not permitted signs pursuant to the provisions of this Chapter. Billboards that were in place on the effective date of this chapter shall be removed within the time period

specified below, based upon each billboard's fair market value at the time of the enactment of this Chapter.

<u>Fair Market Value</u>	<u># of Years</u>
under \$1,999	3
\$2,000 to \$3,999	4
\$4,000 to \$5,999	6
\$6,000 to \$ 7,999	7
\$8,000 to \$9,999	9
\$10,000 and over	10

§ 199-16. General provisions.

- A. No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. This shall not prohibit signs in private parking lots as directed by the Planning Board.
- B. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
- C. Sign lighting. Illuminated signs may be directly or indirectly lighted in accordance with this Chapter, provided that they comply with the following standards:
 - 1. Illumination of directly illuminated signs shall be of the diffused lighting type.
 - 2. Indirectly illuminated signs with external spot or flood lighting must be arranged such that the light source is directed away from passersby. The light source must be directed against the sign such that it does not shine into adjacent property or cause glare for motorists and pedestrians.
 - 3. Noticeable raceways and transformers for individual letters are prohibited. Sign installation details shall indicate the location of the transformer and other mechanical equipment.
 - 4. Floodlights or spotlights used for the illumination of signs, whether such lights are attached to or separate from the building, shall not project light beyond the sign. Gooseneck reflectors and lights shall be permitted, provided that the reflectors shall be provided with proper

glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

5. Flashing signs and neon signs are prohibited.

D. All lighting in connection with signs shall be extinguished by 11:00 p.m. prevailing time, or at the close of the business or activity services by said signs or lights, whichever is later; provided, however, that the Code Enforcement Officer may authorize exterior lighting at additional hours to assist in the protection of properties which otherwise may be subject to this section when so recommended by the Village of Brewster Police Department.

E. Moving, revolving or animated signs, or signs embellished by balloons, streamers or other distractive adornments are prohibited.

§ 199-17. Construction requirements.

A. Material. Signs shall be constructed of quality materials in accordance with this Chapter and completed with durable finishes.

B. Codes. All signs shall conform to the latest edition of the applicable building and electrical codes.

C. Fastenings. All signs must remain safe and secure during the period of use. All parts of the signs, including bolts and cables, shall remain painted, and free of corrosion.

D. Fire escapes. A sign may not obstruct a fire escape.

E. Lighting. External lighting shall be shielded from view and shall be focused upon the sign to avoid stray lighting. Flashing, rotating, and intermittent lighting are prohibited.

F. Proximity to electrical conductors. Signs and all supporting structures shall be no closer to electrical utilities than is permitted by applicable codes. No sign, including cables and supports, shall, in any event, be within six feet of any electrical conductor, electrical light pole, electric street lamp, traffic light, or other public utility pole.

G. Sanitation. Property surrounding any ground sign shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish, and flammable material.

H. Landscaping. The area beneath and around a monument sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.

I. Responsibility for compliance. The owner of the parcel on which a sign is placed and the tenant are each fully responsible for the condition and the maintenance of the sign, and the area around the sign.

§ 199-18. Enforcement.

This Chapter shall be enforced by any official authorized to issue and serve appearance tickets under Chapter 4, Appearance Tickets, of the Code of the Village of Brewster or the laws of the State of New York.

§ 199-19. Penalties for offenses.

Any person, corporation, firm, association, organization or other entity who violates any provision of this Chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable for each offense by a penalty of not more than \$250 or by imprisonment for not more than 15 days, or both. A person, corporation, firm, association, organization or other entity who violates this Chapter after having been convicted of a violation of this Chapter within the preceding three years, upon conviction thereof, shall be punishable by a penalty not greater than \$350 and/or not more than 15 days in jail; and further provided that a person, corporation, firm, association, organization or other entity who violates this Chapter after having been convicted two or more times of a violation of this Chapter within the preceding three years, upon conviction thereof, shall be punishable by a penalty not greater than \$500 and/or 15 days in jail. Each day that a violation of this Chapter shall continue shall constitute a separate offense.