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[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.

88 BANNER, FLAG, OR PENNANT - Any cloth, bunting, plastic, paper, or similar non-rigid
89 material used for advertising purposes attached to any structure, staff, pole, line, framing, or
90 vehicle, not including official flags of the United States, the State of New York, and other states,
91 counties, municipalities, official flags of foreign nations and nationally or internationally
92 recognized organizations.
93

94 BENCH SIGN - A sign painted on or affixed to a bench.
95

96 BILLBOARD - A permanent off-premises outdoor advertising sign erected, maintained or used
97 for the purpose of commercial or noncommercial messages.
98

99 BRACKET SIGN - A small sign mounted on the ground using one or more posts.
100

101 BUILDING FRONTAGE - That building elevation that fronts on a public street or parking area
102 where customer access to the building is available.
103

104 BUSINESS FRONTAGE - That portion of a building frontage occupied by a single tenant space
105 having a public entrance within the building frontage. For businesses located in the interior of a
106 building without building frontage, the building elevation providing customer access shall be
107 considered the business frontage.
108

109 BUSINESS IDENTIFICATION SIGNS - A sign that serves to identify only the name, address,
110 and lawful use of the premises upon which it is located and provides no other advertisements or
111 product identification.
112

113 CABINET SIGN (CAN SIGN) - A sign that contains all the text and/or logo symbols within a
114 single enclosed cabinet and may or may not be illuminated.
115

116 CANDLEPOWER - The amount of light that will illuminate a surface one foot distant from a
117 light source to an intensity of one foot-candle. Maximum (peak) candlepower is the largest
118 amount of candlepower.
119

120 CANOPY - A roof-like cover, ~~either freestanding or~~ attached to a building wall. ~~and supported~~
121 ~~totally or partially by the ground below.~~
122

123 CHANGEABLE COPY SIGN - A sign designed to allow changing of copy manually.
124

125 CHANNEL LETTERS - Three-dimensional individually cut letters or figures, illuminated or
126 non-illuminated, affixed to a structure.
127

128 CIVIC EVENT SIGN - A temporary sign, other than a commercial sign, posted to announce a
129 civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar
130 not-for-profit organization.
131

132 COMMERCIAL SIGN – A sign that advertises, promotes or identifies a commercial business or
133 commercial operation, or which is otherwise related to or connected with trade and traffic or
134 business and commerce in general.
135

136 CONTRACTOR OR CONSTRUCTION SIGN - A sign that states the name of the developer and
137 contractor(s) working on the site and any related engineering, architectural or financial firms
138 involved with the project.
139

140 CONVENIENCE SIGN - A sign that conveys information (e.g., restrooms, no parking, entrance)
141 or minor business identification for directional purposes, and is designed to be viewed by
142 pedestrians and/or motorists.
143

144 COPY - Words, letters, numbers, figures, designs, or other symbolic representations incorporated
145 into a sign.
146

147 DIRECTLY LIGHTED SIGN - A sign that is illuminated by a light source that shines through
148 the letters or logo from the back of the sign.
149

150 DIRECTORY SIGN - A sign listing the tenants of a multiple-tenant structure or center.
151

152 DOUBLE-FACED SIGN - A sign constructed to display its message on the outer surfaces of two
153 identical and opposite parallel planes.
154

155 ELECTRONIC READER BOARD SIGN OR ELECTRONIC GRAPHICS SIGN - A sign with a
156 fixed or changing display/message composed of a series of lights that may be changed through
157 electronic means.
158

159 FLASHING SIGN - A sign that contains an intermittent or sequential flashing light source.
160

161 FUTURE TENANT IDENTIFICATION SIGN - A temporary sign that identifies the names of
162 future businesses that will occupy a site or structure.
163

164 GRAND OPENING - A promotional activity not exceeding 30 calendar days used by newly
165 established businesses, within two months after initial occupancy, to inform the public of their
166 location and services available to the community. "Grand Opening" does not mean an annual or
167 occasional promotion by a business.
168

169 GROUND SIGN - See "monument" signs.
170

171 HANGING SIGN - A sign hanging down from a marquee, awning or porch that would exist
172 without a sign.
173

174 HEIGHT OF SIGN - The vertical distance from the uppermost point used in measuring the area
175 of a sign to the average grade immediately below and adjoining the sign.
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177 ILLEGAL SIGN - Any of the following:

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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.

224 NONCONFORMING SIGN - An identifying structure or sign which was lawfully erected
225 through the issuance of a sign permit and maintained prior to the adoption of this chapter, and
226 which has subsequently come under the requirements of this chapter, but does not now
227 completely comply.

228
229 PERMANENT BANNER SIGNS - As a primary sign only, permanent banner signs shall look
230 like architectural elements of the building and shall hang from projecting metal brackets of a size
231 and design appropriate to the banner and the architectural character of the building. Banner signs
232 shall be mounted perpendicular to the face of the facade at both the top and bottom.

233
234 PERMANENT SIGN -A sign constructed of durable materials and intended to exist for the
235 duration of time that the use or occupant is located on the premises.

236
237 PLAQUE SIGN - Small version of a wall sign that is attached to a surface adjacent to the front
238 entry.

239
240 POLE SIGN - A sign mounted on a freestanding pole or other support. ~~so that the bottom edge of~~
241 ~~the sign face is six feet or more above finished grade (same as pylon sign).~~

242
243 POLITICAL SIGN - A sign designed for the purpose of announcing support of or opposition to a
244 candidate or proposition for a public election or a sign expressing political, religious, or other
245 ideological sentiment that does not advertise a product or service.

246
247 PORTABLE SIGN - Any sign not permanently attached to the ground or other permanent
248 structure, or a sign designed to be transported, including, but not limited to, signs designed to be
249 transported by means of persons or wheels; signs converted to A-frames; menu and sandwich
250 board signs; balloons used as signs; umbrellas for advertising; and signs attached to or painted on
251 vehicles parked and visible from the public right-of-way, unless said vehicle is used in the
252 normal day-to-day operations of the business, in which case the vehicle must be removed from
253 the site during non-business hours.

254
255 PROJECTING SIGN - A sign, attached to a building, the face of which is perpendicular or
256 nearly perpendicular to the building wall.

257
258 PROMOTIONAL SIGN - A sign erected on a temporary basis to promote the sale of new
259 products, new management, new hours of operation, a new service, or to promote a special sale.

260
261 PROPERTY FRONTAGE - The side of a parcel or development site abutting on a public street.

262
263 PYLON SIGN - See "pole sign."

264
265 REAL ESTATE SIGN - A sign indicating that a property or any portion thereof is available for
266 inspection, sale, lease, rent, or directing people to a property, but not including temporary
267 subdivision signs.

268

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

271
272 ROOF SIGN - A sign that is mounted on the roof of a building or which is wholly dependent
273 upon a building for support and which projects above the highest point of a building with a flat
274 roof, the eave line of a building with gambrel, gable, or hip roof, or the deck line of a building
275 with a mansard roof.

276
277 SIGN - Any announcement, declaration, demonstration, billboard display, illustration or insignia
278 used to promote or advertise the interests of any person, group of persons, company, corporation,
279 service or product when the same is placed, erected, attached, painted or printed where it may be
280 viewed from the outside of any structure on the premises where placed.

281
282 SIGN AREA - ~~The area including the frame or edge of the sign; where the sign has no such~~
283 ~~frame or edge~~, The area shall be the minimum area which can be defined by an enclosed four-
284 sided (straight sides) geometric shape which most closely outlines said sign. When two identical
285 sign faces are mounted back to back on the same sign structure and are either parallel or form an
286 angle not exceeding 30°, only one of the sign faces shall be used to compute the sign area. If the
287 angle of the sign faces exceeds 30°, then both faces shall be used to compute the sign area.

288
289 SIGN DESIGN GUIDELINES - The general and specific guidelines as set forth in this Chapter.

290
291 ~~STOREFRONT – The portion of building frontage that encompasses the main entrance and~~
292 ~~window area of a particular commercial operation, and which is limited to the width of the space~~
293 ~~occupied by a particular commercial operation along the building frontage.~~

294
295 SPECIAL EVENT SIGN/BANNER - A temporary sign or banner that is intended to inform the
296 public of a unique happening, action, purpose, or occasion (i.e., grand opening or community
297 event).

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

300
301 TEMPORARY SIGN - Any sign intended to be displayed for a limited period of time and
302 capable of being viewed from any public right-of-way, parking area or neighboring property.

303
304 THREE-DIMENSIONAL SIGNS - Signs that have a depth or relief on their surface greater than
305 six inches.

306
307 TIME AND/OR TEMPERATURE SIGN - A sign that accurately displays the current local time
308 and/or temperature, usually through arrays of small electric lights. No commercial advertising or
309 other message is generally allowed.

310
311 VEHICLE SIGN - A sign that is attached to or painted on a vehicle that is parked on or adjacent
312 to any property, the principal purpose of which is to attract attention to a product sold or business
313 located on the property.

314

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

317
318 WINDOW AREA - Window area shall be computed by calculating each window pane or panel.
319 The area shall be separate for each building face, and for each window. A group of window
320 panes or panels per business may be considered one window if they are adjoining on the building
321 face.

322
323 WINDOW SIGN - A sign posted, painted, placed, or affixed in or on the interior surface of a
324 window exposed to public view. An interior sign that faces a window exposed to public view
325 that is located within three feet of the window is considered a window sign for the purpose of
326 calculating the total area of all window signs.

327
328 **§ 199-5. Allowed locations by zoning district.**

329
330 This Chapter shall apply to all signs located in the following districts, which are the only districts
331 in which signs may be erected or installed: R District, R20 District, B1 District, B2 District, B3
332 District, C District, MU District, LMW District, OP District and PB District.

333
334 **§ 199-6. Obtaining a sign permit.**

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

350
351 **§ 199-7. Sign Standards.**

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

354 A. Message.

355 1. The message shall consist of letters and numbers displaying the name, nature of business,
356 telephone number and/or website address of the organization it advertises.

357 2. Graphics may be permitted pending Planning Board approval.

358 3. All signs must be posted on private property and must pertain to a business or occupant of
359 the property upon which it is erected or constructed.

360 B. Material

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

362 C. All signs must consist of colors from the Village approved color palette, which is available in
363 the office of the Village Clerk, and which may be changed from time to time by resolution of
364 the Board of Trustees.

365 1. All signs must have a solid background color.

366 2. Sign message may consist of up to 2 additional colors.

367 D. Illumination may be provided from a shielded light source, provided that the illumination
368 source does not project or reflect into nearby windows, or create a glare at the sidewalk level.

369 E. The area of a sign shall be as defined in Section 199-4 hereof.

370 F. One sign per business or occupant may be installed per building elevation fronting on a
371 public right-of-way.

372

373 **§ 199-8. Allowable commercial signs.**

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

377 A. Wall Signs

378 1. Permanently mounted on or attached to exterior wall.

379 2. Must be mounted parallel to the wall and shall not protrude more than 12 inches.

380 3. Must be placed below windows of the floor above the retail location, or below the
381 roof of a one-story building.

382 4. For any building, the allowable sign area shall not exceed 75% of the square
383 footage that is equal to the linear footage of the building's frontage towards a public
384 right-of-way, and shall not exceed 16 feet in length.

385 5. For any storefront, the allowable sign area shall not exceed 75% of the square footage
386 that is equal to the linear footage of the storefront of the commercial operation to
387 which the sign pertains, and shall not exceed 16 feet in length. The lettering of said
388 sign shall not exceed 10 inches in height.

389 B. Awnings and canopies

390 1. Metal frame clad with sloped opaque fabric attached over a door, window or
391 storefront.

392 2. May be installed in addition to a wall sign.

393 3. May be retractable or fixed.

- 394 4. An awning may have a skirt hanging parallel to the building wall, not longer than
395 12 inches, either framed or flexible.
- 396 5. The business name, nature of business, telephone number or website address may
397 be displayed on the skirt of an awning, or on the canopy.
- 398 6. Any graphic or message placed on sloped portion of an awning, or on a canopy,
399 shall not be larger than eight square feet or 25% of the surface area, whichever is less.
- 400 7. All permitted awnings or canopies shall be solid or striped, and must consist of no
401 more than two colors which are part of the Village approved color palette.
- 402 8. The width of all awnings or canopies shall not exceed 85% of the building
403 frontage or storefront width; or shall not extend beyond the outer edge of the
404 windows of the building frontage or store front, whichever is shorter.
- 405 9. Must have at least an 8 foot clearance between the sidewalk and the lowest
406 section of the awning or canopy.
- 407 10. May not utilize support poles connected to the sidewalk, and must be fully
408 supported by attachment to the building.

409

410 ~~C. Canopies~~

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

423

424 C. Window Signs

- 425 8. Sticker, paper or other object posted on interior of windows.
- 426 9. May be posted in addition to other types of signage, provided that all window
427 signs shall not cover more than 20% of the square footage of the window. Hours of
428 operation and contact information for the business shall not be calculated in the total
429 window area coverage provided that such signage does not exceed a total of one (1)
430 square foot.

431 10. No flashing, revolving, animated, moving or neon signs, or continuous strip
432 lighting.

433

434 D. Ground Signs

435 1. A sign may be fixed into the ground using proper construction methods.

436 2. Must be fully within the boundaries of the building's lot, and must be set back a
437 minimum of ten (10) feet from the property line.

438 3. ~~May not stand more than five (5) feet tall.~~ The size of the sign shall not exceed ~~12~~ 30
439 square feet, excluding the poles or posts, and the maximum height shall be 10 feet
440 which includes any base or pedestal.

441 4. The allowable sign area shall not exceed the square footage that is equal to the
442 linear footage of the building's frontage towards a public right-of-way.

443 5. Must not encroach on or overhang the street, sidewalk or right-of-way.

444 E. Bracket or Projecting Sign

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

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

448

449 F. Home Occupation Sign

450 1. The size of the sign shall not exceed two (2) square feet.

451 2. The sign must be set back a minimum of ten (10) feet from the property line.

452 3. The sign must not interfere with sight visibility on streets, roadways or driveways.

453 4. The sign may not exceed four (4) feet in height, including any and all supports for
454 the sign.

455 5. The sign may not be illuminated in any manner.

456 **§ 199-9. Non-Commercial Signs.**

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

461

462 **§ 199-10. Temporary signs.**

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

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

480

481 **§ 199-11. Signs permitted by special exception use permit.**

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

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

- 486 1. Any sign, mural or message painted directly onto a building façade, as long as
487 the following criteria are met in addition to the other criteria set forth in this
488 Chapter:
- 489 a) The size of the sign shall not exceed 75% of the wall area of
490 the wall upon which the sign, mural or message is placed.
- 491 b) There shall be no more than one sign per building, which shall
492 be located on only one side of that building.
- 493 c) The colors, if proposed to be different than otherwise
494 permitted, and design of the sign are approved by the Board of Trustees.
- 495 d) The type of paint used shall be weather resistant.
- 496 e) The sign must be re-painted as often as necessary to maintain
497 the sign.
- 498 f) Sufficient measures must be taken to ensure the safety of
499 pedestrians and automobiles traveling in the area where the sign is being
500 painted.
- 501 g) A full and complete rendering of the sign must be submitted
502 to the Board of Trustees exhibiting the exact mural or painting that is

503 proposed, including an estimate of the time it will take to complete the
504 sign.

505

506 2. Roof Sign, as long as the following criteria are met in addition to the other
507 criteria set forth in this Chapter:

508 a. The size of the sign shall not exceed 12 square feet.

509 b. The height of the sign shall be no more than 3 feet tall.

510 3. Pole Sign, as long as the following criteria are met in addition to the other
511 criteria set forth in this Chapter:

512 a. The size of the sign shall not exceed ~~12~~ 30 square feet,
513 excluding the poles or posts, and the maximum height shall be
514 10 feet which includes any base or pedestal.

515

516 4. Specialty Signs, as long as the following criteria are met in addition to the
517 other criteria set forth in this Chapter:

518 a. The size of the sign may not exceed 4 square feet.

519 b. If the sign is three-dimensional, it may not exceed 1 foot in
520 depth.

521 c. The manner in which the sign is to be displayed must be
522 approved by the Board of Trustees.

523 5. Marquee, as long as the following criteria are met in addition to the other
524 criteria set forth in this Chapter:

525 a. Only if a marquee is a necessity of the operation of the
526 business operated at the location of the marquee.

527 b. If illuminated, it may be illuminated by direct or indirect
528 illumination.

529 c. The sign may not exceed 15 feet in height, including all
530 supports.

531 d. The size of the sign may not exceed 12 square feet, excluding
532 supports.

533

534 B. All signs permitted by special exception use permit must conform to the following criteria to
535 be approved by the Board of Trustees, in addition to the criteria set forth herein for each
536 particular sign that is permitted by special exception use permit. The criteria set forth herein
537 may not be waived in whole or in part by the Board of Trustees.

538 1. Each sign must be inherent to the type of business operated on the premises
539 upon which the sign is to be erected or constructed.

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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.

548
549 **§ 199-12. Signs exempt from permit requirements.**
550

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

- 556
557 A. Memorial tablets, emblems, names of buildings and date of erection when cut into any
558 masonry surface or when constructed of bronze or similar material as an integral part of
559 the building. The total area of said signs shall not exceed 1% of the area of the building
560 wall on which they are located or four square feet, whichever is smaller. The area of said
561 signs shall not be included in the maximum permitted wall sign area.
562
563 B. Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs, and
564 such temporary emergency signs as may be erected by the government or public utility
565 employees in carrying out their official work.
566
567 C. Historic site and historic building plaques and markers subject to the provisions of any
568 applicable historic preservation ordinances.
569
570 D. Names on mailboxes.
571
572 E. Signs used on property warning the public against trespassing, parking, or soliciting
573 thereon.
574
575 F. Temporary safety, traffic, directional, and warning signs approved by the governmental
576 agency having jurisdiction.
577
578 G. Window and door signs and temporary signs attached to or painted on windows and
579 doors to indicate a suite number or apartment number for address purposes only.
580
581 H. Signs required by any provision of law or signs deemed necessary to the public welfare
582 by the governing body.
583

- 584 I. For any residential premises for sale or rent, one temporary non-illuminated "for rent" or
585 "for sale" sign not over six (6) square feet in area and one (1) "open house" sign not over
586 four (4) square feet in area. For any nonresidential premises for sale or rent, one (1)
587 temporary non-illuminated "for sale" or "for rent" sign not over sixteen (16) square feet
588 located at least fifteen (15) feet from any property line. Such signs shall not be
589 embellished by balloons, streamers or other distractive adornments and shall be placed
590 only on private property with the permission of the owner and shall in no event be placed
591 upon or over the street or road right-of-way. Real estate "for sale" or "for rent" signs shall
592 be removed within seven days after the execution of a lease or closing of a sale.
593
- 594 J. A nameplate sign, situated within the property lines and bearing only the name and
595 address of the principal occupant, provided that the sign does not exceed 12 inches in
596 height and 24 inches in length.
597
- 598 K. Signs not exceeding one square foot in area designating or calling attention to driveway
599 entrances and exits.
600
- 601 L. Signs erected to control the movement of traffic on a premises, provided these signs shall
602 provide traffic directions only and shall not be used for any advertising purposes. These
603 signs shall not exceed two square feet in area and shall have been approved by the
604 Planning Board.
605
- 606 M. The American flag, and governmental flags displayed by recognized governments or
607 governmental agencies, provided such flags are displayed in a respectful manner and in
608 accordance with established or recognized rules, standards and criteria as may be set forth
609 from time to time by resolution of the Board of Trustees of the Village of Brewster. Any
610 such flag shall be hung in a safe manner with adequate support based on its size, weight,
611 and exposure to wind in order to avoid hazard to persons and property.
612
- 613 N. Temporary signs as set forth in Section 199-10 hereof and subject to the provisions of
614 said section. Such signs shall not be embellished by balloons, streamers or other
615 distractive adornments and shall be placed only on private property with the permission
616 of the owner and shall in no event be placed upon or over the street or road right-of-way.
617

618 **§ 199-13. Prohibited signs.**

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

621
622 **§ 199-14. Nonconforming signs.**
623

- 624 A. Intent. This chapter is intended to encourage the eventual elimination of signs which do
625 not comply with this chapter.
626
- 627 B. Amortization. A permanent sign not complying with this chapter, but in place, by permit,
628 on the effective date of this chapter, shall be removed, or brought into compliance with

629 this chapter, within three (3) years after the effective date of this chapter. Signs which
630 were erected without a sign permit and which are prohibited by this chapter shall be
631 removed. Signs in compliance with this Chapter but with no permit, shall apply for a
632 permit within three (3) years from the date of enactment of this Chapter. An application
633 may be made to the Board of Trustees for an extension of the time period within which a
634 sign must comply with this Chapter for the purposes of depreciation of the sign or such
635 other reasons as the Board of Trustees may find to be reasonable and appropriate. This
636 Section shall not apply to temporary signs, which shall have no amortization period and
637 which shall immediately comply with the provisions of this Chapter.

638
639 C. Continuance. A nonconforming sign may be continued during the amortization period if
640 it is maintained in good condition. It shall not, however, be replaced by another
641 nonconforming sign. A nonconforming sign may not be structurally altered so as to
642 prolong the life of the sign. It may not be reestablished after damage or destruction if the
643 Code Enforcement Officer determines that the estimated cost of reconstruction exceeds
644 50% of the estimated replacement cost.

645
646 D. Nuisance. An unsafe or abandoned sign is declared a public nuisance, which shall be
647 abated by the owner within 30 days of receiving notice from the Code Enforcement
648 Officer.

649 **§ 199-15. Amortization schedule for billboards.**

650 Billboards are not permitted signs pursuant to the provisions of this Chapter. Billboards that
651 were in place on the effective date of this chapter shall be removed within the time period
652 specified below, based upon each billboard's fair market value at the time of the enactment of
653 this Chapter.

654 <u>Fair Market Value</u>	<u># of Years</u>
655 under \$1,999	3
656 \$2,000 to \$3,999	4
657 \$4,000 to \$5,999	6
658 \$6,000 to \$ 7,999	7
659 \$8,000 to \$9,999	9
660 \$10,000 and over	10

661
662 **§ 199-16. General provisions.**

663
664 A. No sign or other advertising structure as regulated by this chapter shall be erected at the
665 intersection of any streets in such a manner as to obstruct free and clear vision; or at any
666 location where by reason of the position, shape or color it may interfere with, obstruct the
667 view of, or be confused with any authorized traffic sign, signal or device, or which makes
668 use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER," or any other word,
669 phrase, symbol or character in such manner as to interfere with, mislead or confuse
670 traffic. This shall not prohibit signs in private parking lots as directed by the Planning
671 Board.

672

673 B. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress
674 from any door, window or fire escape.

675
676 C. Sign lighting. Illuminated signs may be directly or indirectly lighted in accordance with
677 this Chapter, provided that they comply with the following standards:

678
679 1. Illumination of directly illuminated signs shall be of the diffused
680 lighting type.

681
682 2. Indirectly illuminated signs with external spot or flood lighting must
683 be arranged such that the light source is directed away from passersby.
684 The light source must be directed against the sign such that it does not
685 shine into adjacent property or cause glare for motorists and
686 pedestrians.

687
688 3. Noticeable raceways and transformers for individual letters are
689 prohibited. Sign installation details shall indicate the location of the
690 transformer and other mechanical equipment.

691
692
693 4. Floodlights or spotlights used for the illumination of signs, whether
694 such lights are attached to or separate from the building, shall not
695 project light beyond the sign. Gooseneck reflectors and lights shall be
696 permitted, provided that the reflectors shall be provided with proper
697 glass lenses concentrating the illumination upon the area of the sign so
698 as to prevent glare upon the street or adjacent property.

699
700 5. Flashing signs and neon signs are prohibited.

701
702 6. All lighting shall be shielded to prevent light spillage in accordance
703 with this chapter.

704
705 D. All lighting in connection with signs shall be extinguished by 11:00 p.m. prevailing time,
706 or at the close of the business or activity services by said signs or lights, whichever is
707 earlier; provided, however, that the Code Enforcement Officer may authorize exterior
708 lighting at additional hours to assist in the protection of properties which otherwise may
709 be subject to this section when so recommended by the Village of Brewster Police
710 Department.

711
712 E. Moving, revolving or animated signs, or signs embellished by balloons, streamers or
713 other distractive adornments are prohibited.

714
715 **§ 199-17. Construction requirements.**

716
717 A. Material. Signs shall be constructed of quality materials in accordance with this Chapter and
718 completed with durable finishes.

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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. Comprehensive signage program.

A. A comprehensive signage program (the “program”) is required of two or more businesses that share a common zoning lot or parcel, or a commercial development that includes multiple entrances for commercial spaces. This includes directional/directory and identification signage. The program is a sign system intended to create visual and aesthetic harmony among the signs within the program area and compatibility with surrounding establishments and structures. The program shall include specifications for all signs within the program area, including but not limited to the following: sign type, lettering or graphic style, size, shape, scale, colors, lighting, materials, installation, and position on site plan. The complete sign program, including actual material and samples, must be presented to the Building Department, and must receive the approval of the Planning Board.

B. Prior to the acceptance of any individual sign applications for a building subject to the program, the program shall be proposed by the property owner or applicant, and shall be subject to review and approval in accordance with the standards set forth by the Planning Board and the Building Department. All approved programs shall remain on file with the Building Department.

765 C. Once a program has been approved by the Planning Board, individual sign applications shall
766 be reviewed by the Building Department to ensure compliance with the program and with all
767 applicable building codes, rules and regulations.

768

769 **§ 199-19. Enforcement.**

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

773

774 **§ 199-20. Penalties for offenses.**

775 Any person, corporation, firm, association, organization or other entity who violates any
776 provision of this Chapter shall be guilty of a violation and, upon conviction thereof, shall be
777 punishable for each offense by a penalty of not more than \$250 or by imprisonment for not more
778 than 15 days, or both. A person, corporation, firm, association, organization or other entity who
779 violates this Chapter after having been convicted of a violation of this Chapter within the
780 preceding three years, upon conviction thereof, shall be punishable by a penalty not greater than
781 \$350 and/or not more than 15 days in jail; and further provided that a person, corporation, firm,
782 association, organization or other entity who violates this Chapter after having been convicted
783 two or more times of a violation of this Chapter within the preceding three years, upon
784 conviction thereof, shall be punishable by a penalty not greater than \$500 and/or 15 days in jail.
785 Each day that a violation of this Chapter shall continue shall constitute a separate offense.