

Chapter 204, SIGNS

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads 3-12-1990 by L.L. No. 1-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention -- See Ch. 102.

Electrical standards -- See Ch. 129.

Property maintenance -- See Ch. 179.

Outdoor sales -- See Ch. 192.

Zoning -- See Ch. 245.

§ 204-1. Title.

This chapter shall hereafter be known and cited as the "Sign Law."

§ 204-2. Definitions.

As used in this chapter, unless the context indicates otherwise, the following terms shall have the meanings indicated:

ADVERTISING SIGN -- A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

BUSINESS SIGN -- A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

ERECT -- To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

FLASHING SIGN -- Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at any times when such sign is in use. For the purpose of this chapter, any revolving, illuminated sign shall be considered a flashing sign.

FACING OR SURFACE -- The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

GROSS SURFACE AREA OF A SIGN -- Includes all surfaces or faces through which a message is displayed or illustrated on the sign and shall be the entire area within the perimeter

enclosing the extreme limits of such sign surface or surfaces. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

ILLUMINATED SIGN -- Any sign which has any face or surface, character, letter, figure, design or outline lighted or illuminated internally or externally, whether the source of light or illumination be a part of the sign proper or otherwise.

OTHER ADVERTISING STRUCTURE -- Any marquee, canopy, awning or street clock as further defined herein.

OWNER -- Person, firm, partnership or association, company or corporation holding title to the land and/or building or structure upon which or to which said sign or advertising structure is erected, supported or affixed.

PERSON -- Includes any person, firm, partnership, association, corporation, company or organization of any kind.

SIGN -- Any name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. However, a sign shall not include any display of official court or required public official notices or signs, nor any official traffic control device, nor shall it include the flag, emblem or insignia of a nation, political unit, school, or religious group. A sign shall not include a sign located completely within an enclosed building unless the context shall so indicate. Each display surface of a sign shall be considered to be a sign.

STATE BUILDING CODE -- The uniform regulations in terms of performance covering all types of building construction as promulgated by the Division of Housing and Community Renewal, Housing and Building Codes Bureau, pursuant to its authority under Article 18 of the Executive Law of the State of New York (§§ 375, 377) in the NYS Uniform Fire Prevention and Building Code, as amended from time to time.

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

§ 204-3. Permits required.

It shall be unlawful for any person to erect, alter or maintain, within the Village of Horseheads, any sign or other advertising structure, as defined within this chapter, without first obtaining an erection permit from the Code Enforcement Officer and paying of the fee as required by § 204-9 hereof, excepting only those exempt pursuant to § 204-12, hereof.

§ 204-4. Permit review and approval.

It shall be the duty of the Code Enforcement Officer, upon the filing of an application for an erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure. If it appears that the proposed structure is in compliance with all other requirements of this chapter, the State Building Code and other laws and ordinances of the Village of Horseheads, the Code Enforcement Officer shall then recommend that the Village Clerk issue the erection permit, and the Village Clerk may issue such permit.

§ 204-5. Duration of permit.

If the work authorized under an erection permit has not been completed within six months after date of issuance, such permit shall be null and void.

§ 204-6. Permit revocable at any time.

All rights and privileges acquired under the provisions of this chapter or any amendment thereto are merely licenses, revocable at any time by the Board of Trustees or other authorized person or body, and all such permits shall contain this provision.

§ 204-7. Sign restrictions.

A. District locations.

- (1) Business and advertising signs are prohibited in all residential districts as designated in Chapter 245, of the Zoning Ordinance of the Village of Horseheads, excepting only those permitted under § 204-12 hereof.
- (2) Business and advertising signs are allowed in all commercial, manufacturing and industrial districts as designated in Chapter 245, of the Zoning Ordinance of the Village of Horseheads.

B. Size.

- (1) The total gross surface area of all signs or advertising structures situate on any plot or lot shall not exceed the following limits:
 - (a) Nonilluminated: 250 square feet.

- (b) Illuminated: 200 square feet.
- (c) Flashing: 100 square feet.
- (2) Sign Table. All signs shall be subject to further limitations of size, based upon the front footage of each plot or lot whereon such sign is located, as specified in the Sign Table^{EN(1)} hereinafter set forth, but in no event shall the total gross surface area exceed the maximum limits allowed in § 204-7B(1).
- C. Height. No sign placed in a C-1, C-2, C-3 or M-1 Zoning District shall be higher than 35 feet. Further, all signs or advertising structures are subject to further restrictions of height as herein specified. [Amended 8-14-2005 by L.L. No. 3-2005]
- D. Advertising signs.
 - (1) Advertising signs facing a public highway shall be no closer to one another than 500 feet.
 - (2) No advertising sign, including billboards shall be located within an area of 660 feet of the right-of-way of a federally aided primary highway, including the Southern Tier Expressway.
 - (3) No advertising sign shall be located within 300 feet of a Residential (R) District, nor within 300 feet of a school, library, church or hospital. Further, such advertising sign shall be so located that its message or legend shall not be legible from any residential district, school, library, church or hospital or portion thereof.
 - (4) Advertising signs shall comply with all setback requirements set forth in Chapter 11, Schedule II, of the Zoning Ordinance, for the particular district in which said sign is located.
- E. Revolving beacons. It shall be unlawful for any person to erect or maintain any revolving beacon, oscillating light, flashing light, strobe light, flashing wand or pointer designed to imitate any emergency vehicle warning light.

§ 204-8. Application for erection permit.

Application to erect a sign shall be made upon blanks provided by the Village Clerk and shall contain or have attached thereto the following information:

- A. Name, address and telephone of applicant, together with the name, address and telephone of the owner of the land or structure upon which the sign is to be located.
- B. Designation of the type or types of signs or advertising structures, including whether

permanent or temporary.

- C. Location of building, structure or lot to which or upon which the sign or advertising structure is to be attached or erected.
- D. Exact position of the sign or other advertising structure in relation to buildings, structures, highways and/or adjacent properties.
- E. Two blueprints or ink drawings of the plans and specifications and method of construction and attachment to the building or on the ground. Details shall include height to the highest portion of the sign or advertising structure in relation to the ground or building or structure upon which it is to be attached.
- F. Name of person, firm, corporation or association erecting the sign or other advertising structure.
- G. Proof of insurance, as required by § 204-9C, shall be filed with the Village Clerk and approved by the Village Attorney.
- H. Approximate date upon which erection shall be commenced.
- I. Such other information as the Code Enforcement Officer shall require to show full compliance with this and all other laws and ordinances of the Village.
- J. All illuminated signs shall comply with Ch. 129, Electrical Standards, of the Village of Horseheads and shall comply with the provisions of the State Building Code.
- K. All illuminated signs shall be approved by the Fire Underwriters' Laboratories or a similar standard establishing organization. The laboratory-assigned permit number shall be endorsed on the sign permit application.

§ 204-9. Permit fees; insurance requirements.

- A. Erection fee. The erection fees for sign permits shall be computed on the basis of square foot area with each sign face calculated as an individual sign, as follows:
 - (1) Projecting signs and wall signs: \$2 minimum for the first four square feet; \$1 for each additional square foot; and a maximum fee of \$10 per sign.
 - (2) Ground, roof, and pole signs: \$2 minimum for the first four square feet; \$1 for each additional square foot; and a maximum fee of \$15 per sign.
 - (3) Temporary signs: Up to 10 square feet, \$2; over 10 square feet, \$10.

- (4) Special permit: permit fee of \$24.
- B. Insurance. Before any erection permit is issued, granting authority to erect a sign or advertising erection structure, the applicant and owner shall file with the Village Clerk an insurance policy approved by the Village Attorney, containing personal injury and property damage provisions to indemnify, keep and save harmless the Village against any loss, cost, damage, expense, judgment or liability of any kind whatsoever which may accrue against, be charged to or recovered from said Village or any of its officials from or by reason or on account of accidents to persons or property during the erection, construction and maintenance of such sign or advertising structure. The insurance contract shall furnish continuous coverage for the effective period of the permit (see § 204-9C).
- C. Proof of insurance. The minimum liability limits of such public liability insurance contract shall be in the amount of \$300,000 personal injury to any one person; \$300,000 for personal injuries arising from any one event; and \$50,000 for property damage arising from any one event. In the case of a contract of public liability insurance, the Village of Horseheads shall be named as an additional insured. In the event of any material change in or cancellation of the above-mentioned policy, the company will give 10 days' advance written notice to the Village of Horseheads, Horseheads, New York, and a provision to that effect must be included in insurance contract.

§ 204-10. Notice and removal of unlawful signs or advertising structures.

- A. If the Code Enforcement Officer shall find that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he/she shall give written notice to the permittee and owner thereof.
- B. If the permittee or owner fails to remove or alter the sign or other advertising structure so as to comply with the standards herein set forth within 30 days after such notice, such sign or other advertising structure may be removed or altered to comply by order of the Code Enforcement Officer or the Village Board of Trustees, and the expense thereof shall be levied against the owner of the land, building or structure to which said sign was attached. Thereafter, the Code Enforcement Officer shall refuse to issue any permit to any permittee or owner who refuses to pay the cost so assessed until same is paid.
- C. The Code Enforcement Officer may cause any sign or advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

§ 204-11. Removal of certain signs.

Any sign now or hereafter existing which no longer advertises a bonafide business conducted, or a product sold, shall be taken down and removed, painted over or eradicated by the owner, permittee or person having beneficial use of the land, building or structure upon which said sign may be found within 30 days after written notification by the Code Enforcement Officer. Upon failure to comply with such removal notice, within the time specified in said order, the Code Enforcement Officer or the Village Board of Trustees is hereby authorized to cause removal of such sign, and any expenses incidental thereto shall be levied upon and paid by the owner of the land, building or structure to which said sign is attached.

§ 204-12. Exemptions.

The provisions and regulations of this chapter shall not apply to the following signs; provided, however, that all signs shall be subject to the provisions of § 204-10 (Notice and removal of unlawful signs or advertising structures) and § 204-13 (Obstruction of doors, windows or fire escapes prohibited).

- A. Real estate signs not exceeding six square feet in area which advertise the sale, rental or lease of premises on which said signs are located. Not more than one sign is to be placed upon any property unless such property fronts upon more than one street. In such event, an additional sign may be erected upon each frontage. Such sign or signs shall be promptly removed after the premises have been sold or leased.
- B. Professional nameplates not exceeding 60 square inches in area.
- C. Signs painted on the exterior surface of a building or structure shall be subject to all applicable sections of this chapter and shall be properly repaired and painted as necessary to maintain their appearance. If repairs and painting are not provided by the owner within 60 days after notice from the Code Enforcement Officer as provided in § 204-10 (unlawful signs), thereafter the Code Enforcement Officer or Village Board of Trustees may cause their removal or repairs as provided in § 204-10 (unlawful signs).
- D. Temporary signs not over 50 square feet in area for a period of time not exceeding 60 days and permanent bulletin boards not exceeding 15 square feet in area for public, charitable or religious institutions when the same are located on the premises of said institution.
- E. Signs denoting the architect, engineer, contractor, mechanic, painter and other artisan when placed on work while in progress. Thereafter, they are to be removed promptly upon completion of the work.
- F. Occupational signs denoting the name and profession of an occupant in any commercial building, public institutional building or dwelling and not to exceed six square feet in area.

- G. Memorial signs, name of building and date of erection when cut into any masonry surface or any constructed of bronze or any incombustible materials.
- H. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary emergency or nonadvertising signs as may be approved by the Village Board of Trustees.
- I. Entrance and exit signs for designated parking areas not exceeding two square feet each.
- J. Development signs advertising the development of the premises upon which they are erected by the developer or other persons interested in such land development, not exceeding 32 square feet and nonilluminated; if fronting on more than one street, two signs may be erected.

§ 204-13. Obstruction of doors, windows or fire escapes prohibited.

No sign or advertising structure shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

§ 204-14. Signs not to constitute traffic hazard.

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 or obstruct the view of pedestrians, operators of vehicles and others 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.

§ 204-15. Goose-neck reflectors.

Goose-neck reflectors and lights shall be permitted on ground signs, roof signs, and wall signs; provided, however, 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.

§ 204-16. Ground signs.

- A. Definition. "Ground signs" as regulated by this chapter, shall include any sign supported by uprights or braces placed upon or in the ground and not attached to any buildings.

- B. Height and area limitations. It shall be unlawful to erect any ground sign whose height exceeds the maximum in feet permitted in the zone in which it is located as appears in Chapter 11, Schedule II of the Zoning Ordinance of the Village of Horseheads. Height, under this chapter, shall be determined as being that distance between the highest point of the sign or advertising structure and the level of the street upon which the sign faces or the adjoining ground level, whichever shall be the lower of the latter two measuring surfaces. No ground sign shall have surfaces or facings exceeding the allowed gross surface area as specified in this chapter.
- C. Space between sign and ground and other signs and structures. Ground signs, where permitted, within 20 feet of the adjoining street limit shall have an open space not less than five feet between the baseline of said sign and the ground level. This open space may be filled with a planter or decorative lattice work which does not close off the three feet of open space between two feet above ground level and the baseline of said sign or advertising structure. No ground sign shall be nearer than three feet to any other sign, building or structure.
- D. Setback line. No ground sign shall be nearer the street than the building line established by Schedule II of the Zoning Ordinance, Chapter 11. No ground sign shall be located within the following prohibited area at the intersection of two public thoroughfares or highways. The prohibited area is described as follows: that area being within a rectangle measured and being 20 feet on each side extending along both highway limits from the point of intersection of the highway limits and, further, extending on lines parallel to the respective highway limits and being 20 feet therefrom until they intersect. The entire area enclosed thereby is the prohibited area.
- E. Premises to be kept free of weeds, etc. All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition and free and clear of all obnoxious substances, rubbish and weeds.
- F. Other limitations. All ground signs shall comply with all other provisions of this chapter as well as the State Building Code.

§ 204-17. Roof signs.

- A. Definition. "Roof sign," as regulated by this chapter, shall mean any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
- B. Height and area limitations. No roof sign shall have surfaces or facings exceeding the allowed gross surface area as specified in this chapter, nor have its highest point extend more than 10 feet above the roof at the level upon which it is supported, nor shall it exceed the

maximum height limit of the area in which it is located.

- C. Prohibited obstructions. No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage from one part of said roof to any other part thereof or interfere with openings in said roof and shall comply with § 204-13 (Obstruction of doors, windows or fire escapes prohibited).
- D. Other limitations. All roof signs shall comply with all other provisions of this chapter and the State Building Code.

§ 204-18. Wall signs.

- A. Definition. "Wall signs," as regulated by this chapter, shall include all flat signs of solid face construction which are placed against a building or other structure and attached to the anterior front, rear, or side wall of any building, or other structure, and which do not extend more than 12 inches beyond the wall of said building or other structure.
- B. Limitation on placement and area. No wall sign shall cover, wholly or partially, any wall opening, nor project beyond the ends or top of the wall to which it is attached. Wall signs shall not exceed the allowed gross surface area as specified in this chapter.
- C. Projection above sidewalk and setback line. No wall sign shall be permitted to extend beyond the minimum lot restrictions set forth in Chapter 11, Schedule II, of the Zoning Ordinance of the Village of Horseheads, and it shall be at a height of at least 10 feet above the sidewalk or ground when attached to a wall.
- D. Other limitations. All wall signs shall comply with all other provisions of this chapter and the State Building Code.

§ 204-19. Projecting signs.

- A. Definition. "Projecting sign," as regulated by this chapter, shall include any sign which is attached to a building or other structure and extends more than 12 inches beyond the line of said building or structure or beyond the surface of that portion of the building or structure to which it is attached.
- B. Construction. Every projecting sign, including the frames, braces and supports thereof, shall be in compliance with the State Building Code and the Electrical Inspector as being in compliance with the Chapter 129, Electrical Standards.
- C. Limitation of glass. The lettering or advertising designs to be illuminated may be composed of glass or other transparent incombustible material. Any glass forming a part of any sign

shall be safety glass or plate glass at least 1/4 inch thick, and in any case any single piece or pane of glass has an area exceeding three square feet, it shall be wired glass. One section, not exceeding three square feet in area, constructed of wire glass or safety glass may be permitted on each side of a sign.

- D. Movable parts to be secured. Any movable part of a projecting sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.
- E. Height and area limitations. No projecting sign shall have surfaces or facings exceeding the allowed gross surface area as specified in this chapter, nor shall it exceed the height allowed by this chapter.
- F. Projection over public property. Every projecting sign shall be placed at least 10 feet above the public sidewalk over which it is erected. No sign or part thereof shall extend nearer to the curbline than one foot.
- G. Obstructions and traffic hazards. Every projecting sign shall be in full compliance with all other provisions of this chapter, Village of Horseheads local laws, rules, regulations and codes, and the State Building Code.

§ 204-20. Marquees.

- A. Definition. A "marquee sign" is any sign affixed to a hood or canopy over the entrance to a place of business, extending wholly or in part over the sidewalk and supported from the building. Marquee signs, as regulated by this chapter, shall include any hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a sidewalk.
- B. Drainage. The roof of all marquees shall be properly guttered and connected by downspouts to a sewer or dry well so that the water therefrom will not drip or flow onto public property.
- C. Roofs, use. The roofs of all marquees shall be used for no other purpose than to form and constitute a roof.
- D. Location.
 - (1) Height above sidewalk. No portion of a marquee shall be less than 10 feet above the level of the sidewalk or other public thoroughfare.
 - (2) Setback from curbline. No marquee shall be permitted to extend beyond a point two feet inside the curbline.
 - (3) Width. No marquee shall be wider than the entrance of entrances of the building, plus five feet on each side thereof; provided, however, that where the entrances to a building

are not more than 20 feet apart, a marquee may be made a continuous single structure between said entrances.

§ 204-21. Awnings and canopies.

A. Definitions.

- (1) Awning. An awning, as regulated by this chapter, shall include any structure made of cloth, plastic or other flexible, pliable material with a metal frame attached to a building and projecting over a public thoroughfare or sidewalk when the same is so erected as to permit its being raised to a position flat against the building when not in use.
- (2) Canopy. A canopy, as regulated by this chapter, shall include any structure, other than an awning, made of cloth, plastic, or other flexible or pliable material or metal with metal frames attached to a building, projecting over a public thoroughfare or sidewalk.

B. Construction.

- (1) Materials, awnings. Awnings may be constructed of plastic, cloth or metal; provided, however, all frames and supports shall be of metal.
- (2) Materials, canopies. Canopies may be constructed of plastic, cloth or metal hood; provided, however, all frames and supports shall be of metal.

C. Location.

- (1) Height above sidewalk, awnings. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight feet above the level of the sidewalk or public thoroughfare.
- (2) Height above sidewalk, canopies. All canopies shall be constructed and erected so that the lowest portion thereof shall be not less than nine feet above the level of the sidewalk or public thoroughfare.
- (3) Setback from curblines. No awning shall be permitted to extend beyond a point 12 inches inside the curblines.
- (4) Width: no limitation on width of awnings; however, no canopy shall be permitted to exceed eight feet in width.

D. Erection; awnings and canopies, support. Every awning shall be securely attached to and supported by the building. Posts or columns beyond the building line shall not be permitted.

E. Permits and inspection. Permits for awnings and canopies shall be required as provided in

§§ 204-3 and 204-9.

§ 204-22. Temporary signs.

- A. Definition. Temporary signs, as regulated by this chapter, shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a period of time not exceeding 60 days. Temporary signs shall include those of mechanics, painters and other artisans which may be erected and maintained during the period such persons are performing the work on the premises on which such signs are erected.
- B. Area limitations. No temporary sign shall exceed 50 square feet in size.
- C. Removal of temporary signs. All temporary signs shall be removed promptly upon completion of the work, or, when erected for a public event, shall be removed by the property owner when the circumstances leading to their erection shall no longer apply.
- D. Advertising permitted. The advertisement contained on any temporary sign shall pertain only to the business, industry or pursuit conducted on or within the premises on which such sign is erected or maintained. This provision shall not apply to signs of a civic, political or religious nature.

§ 204-23. Street clocks and weather-reporting instruments.

- A. Definition. "Street clock," as regulated by this chapter, shall mean any timepiece or weather-reporting instrument erected upon a standard or on the exterior of any building or structure for the convenience of the public and placed and maintained by some person for the purpose of advertising his/her place of business.
- B. Construction.
 - (1) All street clocks as herein defined shall be constructed of incombustible material, including the frames, braces and supports thereof.
 - (2) Regulation of size of dial or numerals. The dial of such clocks shall be not less than 30 inches nor more than 54 inches in diameter. Numerals for digital direct-reading devices shall be not less than 14 inches in height.
 - (3) Requirements on glass. All glass facing forming a part of a clock or the sign thereon shall be safety glass or plate glass at least 1/4 inch thick, and in case any single piece or pane of glass has an area exceeding three square feet, it shall be constructed of wired

glass, securely held in place.

- (4) Movable parts to be secured. Any movable part of a street clock, that is, cover or service opening, shall be securely fastened by metal hinges.

C. Location.

- (1) Erected on walls. Clocks or weather-reporting devices supported from any building or structure shall not be less than 15 feet or more than 25 feet above the ground level and shall not project from the face or wall of the building or structure, in any direction, more than eight feet, nor extend beyond a point two feet inside the curbline.
- (2) Erected on standards. Every clock erected on standards shall be supported upon a post of ornamental design, the total height of which shall be not more than 25 feet from the point of intersection with the limits of any street, measured parallel with the street; when erected over a public thoroughfare or sidewalk, shall in no instance be less than 16 feet above same.

D. Erection; erected on walls. All clocks erected on the exterior of any building or structure shall comply with the requirements set forth in § 204-18 (Wall signs) or § 204-19 (Projecting signs) in all respects concerning erection, whichever applies.

E. Limitation on permits, general. No person shall be permitted to erect more than one street clock as herein defined for any place of business, at any one location.

F. Advertising permitted. Only the name or insignia of the owner, proprietor or manager of the place of business erecting and maintaining such clock shall be permitted as advertising matter on said clock.

G. Accuracy. Such clock or weather-reporting instrument shall be accurate and, if this condition is not complied with, the clock shall be promptly repaired or removed in the same manner as provided in § 204-11 (Removal of certain signs) of this chapter.

§ 204-24. Nonconforming existing signs.

Every sign or other advertising structure lawfully in existence on the adoption of this chapter shall not be substantially repaired, altered, or moved unless it be made to comply with the provisions of this chapter. The provisions of this section shall not exempt the owner of any nonconforming signs from the applicable requirements of §§ 204-9, 204-10, 204-11, 204-13 and 204-14. Substantial repairs are those involving replacement of more than 50% of the original sign or advertising structure.

§ 204-25. Revocation of permits.

The Code Enforcement Officer is hereby authorized and empowered to revoke any permit issued by him upon failure of the holder thereof to comply with any provision of this chapter or any other local law, rule, regulation or code.

§ 204-26. Special permits.

- A. Definition. A "special permit" is a sign permit granted by the Village Board of Trustees after the application therefor has been reviewed and recommended by the Village Planning Board and the Village Traffic Commission and shall only be permitted in those instances where the particular application requires individual consideration to determine suitability of an individual sign for a particular site, with due consideration being given to its impact on the district and surrounding property.
- B. Application. Every application for a special permit shall, in addition to all the matters required in an ordinary sign permit application, include a plan showing the location of such sign in correct, accurate relationship with all buildings, parking areas, streets, thoroughfares, trees, shrubs, fences including ground topography, heights of all visible objects, and sign distances from the sign situs for a distance of 500 feet in every direction. Photographs shall be submitted to show the character of all adjacent property and of the immediate neighborhood.
- C. Review procedure. All special permit applications shall be referred by the Village Board of Trustees first to the Village Planning Board for its recommendations. The Village Planning Board shall, within 45 days after reviewing said application and making its recommendation, be it for approval, approval with conditions, or denial, refer the special permit application to the Village Traffic Commission for its recommendation. The Village Traffic Commission shall, within 30 days following receipt thereof, make its recommendation for approval, approval with conditions, or denial to the Village Board of Trustees. The Village Board of Trustees shall call a public hearing by causing publication of a legal notice thereof 15 days before the actual hearing date. Thereafter, said Board shall determine whether such special permit should be granted or denied.
- D. Conditions. To grant a special permit, the Village Board of Trustees must find that the proposed sign is in harmony with the appropriate and orderly development of the site and area wherein same is located and will not discourage the development of adjacent lands and buildings or impair the value thereof; that the operation of the sign shall not be objectionable to nearby properties by reason of noise or lights; that the location and height of the sign will not be hazardous to the traveling public; that it is unreasonable to require the sign to comply

with the requirements and standards herein set forth, or that there is an undue hardship to require full compliance with this chapter under the specific circumstances of each application.

- E. Issuance of permit. With approval of the Village Board of Trustees, the Village Clerk shall issue a special permit and erection permit and collect the respective permit fees therefor.

§ 204-27. Appeals.

Any person aggrieved by the decision of the Code Enforcement Officer or any administrative officer may appeal such ruling by following the procedures established in Chapter 11, Section 11.87 and such other applicable sections of the Zoning Ordinance of the Village of Horseheads.

Sign Table

One square foot of sign gross surface area shall be allowed per linear front foot of lot or plot as follows:

Type of Zone	Non-illuminated (feet)	Illuminated (feet)	Flashing (feet)	Non-illuminated (feet)	Illuminated (feet)	Flashing (feet)
C-1	7	8	10	1	2	Not allowed
C-2	7	8	10	1	2	5
C-3	7	8	10	1	4	5
M-1	9	10	10	1	4	6
P-1	S.P. ¹	S.P. ¹	S.P. ¹	S.P. ¹	S.P. ¹	S.P. ¹

NOTES:

¹Special permission of Planning Board is required for any sign to be erected in a Planned Development District at its inception.

Endnotes

1 (Popup - Popup)

Editor's Note: the Sign Table is included at the end of this chapter.