

Chapter 70

SIGNS

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[HISTORY: Adopted by the Village Board of the Village of Liberty 2-22-2006 by L.L. No. 6-2006.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Building Code — See Ch. 14.

Electricity — See Ch. 27.

Zoning — See Ch. 87.

§ 70-1. Statutory authority.

This chapter is enacted pursuant to the provisions of § 10 of the Municipal Home Rule Law of the State of New York.

§ 70-2. Title.

This chapter shall be known as the "Village of Liberty Sign Law."

§ 70-3. Purpose.

The purpose of this chapter is to create the legal framework for a comprehensive and balanced system of signs throughout the Village that will preserve free speech and expression; provide an easy and pleasant communication between people and their environment; and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this chapter to authorize the use of signs that:

- A. Are compatible with the architecture of the buildings on which they are displayed and with their surroundings and provide an improved visual environment;
- B. Are appropriate to the activity that displays them;

1. Editor's Note: This local law also repealed former Ch. 70, Signs, adopted 3-3-1986 by L.L. No. 2-1986.

- C. Are expressive of the identity of individual activities and the community as a whole;
- D. Are legible in the circumstances in which they are seen;
- E. Protect prominent viewsheds within the community;
- F. Protect the benefits derived from expenditures of public funds for the improvement and beautification of streets, and other public spaces and structures; and
- G. Protect the investments made by private parties in their properties.

§ 70-4. Noncommercial signs and messages.

Any sign that can be displayed under the provisions of this chapter may contain a noncommercial message.

§ 70-5. Definitions.

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

A-FRAME SIGN — See "sandwich board."

ANIMATION OR ANIMATED — (See also "changeable copy," "movement," and "electronic message boards.") The movement or the optical illusion of movement of any part of the sign structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign.

ARCHITECTURAL DETAIL — (See also "signable area," "wall" and "roof signs.") Any projection, relief, cornice, column, change of building material, ornamentation, fancy brickwork, window, or door openings permanently attached to any building.

AWNING, FIXED — A cloth, vinyl, wood or metal shade over a window or door permanently attached to and supported by a building with angular braces to the wall of that building.

AWNING, RETRACTABLE — A cloth or vinyl shade over a window or door of a building on a frame that is permanently attached to and supported by a building with angular supports and which can be raised or retracted to a position against the building when not in use.

AWNING SIGN — Graphics applied to an awning or canopy, where the text and/or logo constitute the sign area.

BANNER, CIVIC — A fabric sign temporarily placed over a public right-of-way to promote a civic or community event.

BANNER, PERMANENT — A canvas or fabric sign mounted to a building or structure with secure hardware in such a manner as to allow minimal movement.

BANNERS, STREET — Public signs constructed of fabric and attached to streetlights within public rights-of-way for the purpose of identifying neighborhoods, districts and/or community identity.

BANNER, TEMPORARY — A sign composed of a logo or design on a lightweight, flexible fabric (generally vinyl) not enclosed in a rigid frame nor secured or permanently mounted, such that it allows motion.

BARE-BULB ILLUMINATION — A light source that consists of light bulbs with a twenty-watt maximum wattage for each bulb.

BUILDING — A structure having a roof supported by columns or walls.

BILLBOARD — A freestanding ground-mounted sign with a message area greater than 35 square feet that is generally, but not always, located on property different than that of the businesses or enterprises it advertises; messages on a billboard

are those that may be permanently posted or changed periodically.

BUILDING FRONT — The side of a building or structure, which may or may not be facing a public right-of-way, containing the primary entranceway for pedestrian traffic entering or exiting the building, or a store within a building.

CABINET SIGN — An internally illuminated sign with a translucent face, usually of plastic. (See "internally illuminated.")

CANOPY — A permanent cover over a pedestrian or vehicular way, made of either fabric or more permanent materials, that is attached to a building and supported either by angular braces from the wall of the building or by a frame reaching the ground; a canopy can be an original architectural feature of a building or a separate structure added later.²

CHANGEABLE COPY — Copy that is changed periodically within a permanent framework or reader board.³

COMMERCIAL SIGN — Any sign that is erected for the purpose of promoting a commercial activity, nonprofit enterprise, organization, product names, or services and identifying the location of these activities. Political signs are not considered commercial signs.

DIRECTIONAL SIGN, PRIVATE — A sign on private premises erected at entrances and exits intended to direct the public to its business premises; it may be on-or off-premises; generally used to control traffic through designated.

DIRECTIONAL SIGN, PUBLIC — A sign erected by a governmental agency intended to direct traffic or provide

2. Editor's Note: The former definition of "certificate of appropriateness," which immediately followed this definition, was repealed 2-25-2009 by L.L. No. 1-2009.

3. Editor's Note: The former definition of "COA," which immediately followed this definition, was repealed 2-25-2009 by L.L. No. 1-2009.

way-finding to facilities and services, either public or private areas.

DIRECTORY SIGN — A listing of two or more occupants or enterprises located in the same building or development, together with the name of the building or development, that is affixed to a building facade or incorporated into a ground-mounted sign.

ELECTRONIC MESSAGE BOARD — A computer-controlled internally illuminated screen displaying constantly scrolling messages.

ENTERPRISE — Regular activity associated with for-profit businesses (either retail, wholesale or service), nonprofit and not-for-profit corporations or other entities, agencies; and public or private organizations.

EXTERNAL ILLUMINATION OR EXTERNALLY ILLUMINATED — Illumination of a sign by an artificial source of light not contained within the sign itself.

FACADE — (See also "signable area.") The side or wall of a building below the eaves.

FACADE, BLANK — The side of a building below the eaves that is blank and does not have windows or architectural details.

FLAG — Fabric on a pole that is the official standard of a government or governmental agency.

FLAG SIGN — Fabric on a pole with a graphic design that is not of an established government or governmental agency. Flags signs are normally taken down on a daily basis.

FLASHING SIGN AND FLASHING ILLUMINATION — A sign whose illumination is not maintained stationary or constant in intensity and color at all times when it is lit. Electronic message boards are not considered flashing signs.

FLUORESCENT COLOR — A vivid color which has the quality of fluorescence and glows as if with fluorescence.

GHOST SIGN — A painted wall sign that remains from an earlier time and/or use of a building which provides evidence of the history of the use of the building or activities of the community.

GRADE — The average level of the finished surface of the ground adjacent to a sign or the exterior wall of the building to which a sign is affixed.

GRAPHIC — A purposeful design, with or without text, executed in a two- or three-dimensional medium that conveys specific information to the viewing public.

GROUND SIGN — A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. Pole signs and monument signs are two types of ground signs.

HEIGHT — The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign.

ICON SIGN — A sculpture or image that serves as the primary means of identifying the services or product of an enterprise with or without text (e.g., a tooth for a dentist, glasses for an optometrist).

IDENTIFICATION SIGN — A sign that identifies the name of the occupant of a building.

ILLUMINATION OR ILLUMINATED SIGN — A sign lit by artificial or reflected light either internally or externally.

INDIRECT ILLUMINATION — A light source not seen directly or which is not intended to illuminate a particular sign.

INFLATABLE SIGN — A sign that is constructed of vinyl or other material and inflated with air or gas to create a three-dimensional attraction, such as balloons, blimps, cartoon

or movie characters, and tethered to the ground or a building with ropes or wires.

INTERNAL ILLUMINATION OR INTERNALLY ILLUMINATED — A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Internally illuminated signs do not include neon signs.

LANDMARK SIGN — A sign that is so designated based on findings that it is a community landmark due to its historic and/or architectural associations or artistic merit, and its established presence within the Village; generally found within designated historic districts. (See also "ghost signs.")
[Amended 2-25-2009 by L.L. No. 1-2009]

LIGHT TRESPASS — Illumination that at five feet inside an adjacent residential parcel, public street or highway or beyond emitted from an artificial light source that exceeds 0.1 horizontal footcandles and 0.1 vertical footcandles; illumination that at 10 feet inside an adjacent commercial or industrial parcel or a public roadway or beyond exceeds 0.1 horizontal footcandles or 0.1 vertical footcandles; and any line-of-sight to a light source by an observer at a point five feet or more beyond a residential property line or a public right-of-way at ground level or above.

LOGO — A graphic symbol that is legally identified with a specific business, agency or enterprise.

MARQUEE — A special type of permanent canopy that is attached to, supported by, and projecting from a building; allows for changeable copy; and usually incorporates special lighting. It is typically associated with theater uses.

MONUMENT SIGN — A type of ground-mounted sign displayed on a permanent and solid decorative base of brick, wood, metal or other structural material, which serves as an entry feature or focal point for a property, in contrast to signs mounted on poles or posts.

MOVEMENT — (See also "animation.") Physical movement or revolution up or down, around, or sideways that completes a cycle of change at intervals of less than 20 seconds.

MOVING COPY — Copy or postings that change at intervals more frequent than once every five seconds.

MULTITENANT BUILDING — A building that houses two or more units and occupants.

MULTIBUILDING COMPLEX — A grouping of two or more business establishments that share either parking facilities on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

MULTI-USE BUILDING — A building that houses two or more different types of uses (e.g., commercial and residential).

NEON SIGN — A sign whose main feature is light produced by gas-filled, electrically charged tubes bent to form letters, symbols, or other shapes. Neon gas is only one of several types of gases used in a "neon sign."

NONCONFORMING SIGN — A sign that was lawfully constructed or installed prior to the adoption or amendment of this chapter and was in compliance with all of the provisions of this chapter then in effect, but which does not presently comply with this chapter. If a property has more signs than this chapter allows, any signs in excess of that number are nonconforming. **[Amended 2-25-2009 by L.L. No. 1-2009]**

NOTIFICATION SIGN — A sign posted to notify the general public of restrictions or warnings, especially of a legal nature (e.g., "no trespassing," "no dumping," "no parking," "lawn chemicals in use").

OCCUPANT — An entity that occupies a building or unit within the building which it may or may not own.

OFF-PREMISES SIGN — A sign that advertises an enterprise not located on the same lot or premises.

ON-PREMISES SIGN — A sign which identifies the name or log of an enterprise and/or the services offered on the same lot or premises.

PAINTED WALL SIGN — A sign painted directly on the facade of a building, which cannot be removed except by painting over it or applying a paint remover to the wall of the building. (See also "ghost sign.")

PENNANTS — A string of multiple triangular-shaped pieces of fabric, usually of various colors that attracts attention through movement. (See "string sign.")

PERMANENT SIGN — Any durable sign that is securely attached to the ground, a building or structure, including those interior signs that are installed flush against the window so as to be seen from the outside.

POLE SIGN — A freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a base structure.

POLITICAL SIGN — A sign intended to express an ideological or political idea or sentiment or to advance a candidate for office, political position or cause that is to be voted upon in an official caucus, primary, general or special election.
[Amended 2-25-2009 by L.L. No. 1-2009]

PORTABLE SIGN — A sign not permanently attached to the ground or a building (with or without wheels), is self-supporting, and able to be moved from place to place. (See also "trailer sign.")

POSTER SIGN — A type of wall sign with a frame permanently affixed to a building facade that allows for a changeable display of printed posters, the overall area of which does not exceed 12 square feet.

PREMISES — The lot or lots, plots, portions, or parcels of land considered as a unit for a single use or development, whether

owned or leased, and not located in a shopping center or multi-use building.

PROGRAM FOR SIGNS — A master plan for all signage on a single development site, consisting of one or more lots, which provides for the overall number, size, location, and aesthetic coordination of all signs on the premises.

PROJECTING SIGN — A sign attached to and projecting perpendicular from the wall of a building.

PROJECT SIGN — A sign listing an architect, engineer, contractor, and/or owner involved in redevelopment, demolition, construction, renovation, painting or other similar activity that is displayed on the lot where the activity is being conducted only during the time period when the project activity is in progress.

PUBLIC SIGN — A sign placed by a governmental agency within a public right-of-way for purposes of identifying a district or neighborhood, promoting the historic downtown, or promoting community image and events and which may have changeable copy.

READER BOARD — A sign that is constructed so as to allow for the periodic change of copy to inform the public about upcoming events and which may be illuminated or not.

RELIGIOUS SIGN — A sign intended to express or advance a particular religious, moral or ethical idea, statement or viewpoint. **[Added 2-25-2009 by L.L. No. 1-2009]**

ROOF PEAK — The ridgeline and highest portion of a roof; spires, cupolas, or other architectural features that extend above the main roof are not considered part of the roof and as such are not to be used in determining the highest part of the roof.

ROOF SIGN — A sign that is painted, erected, constructed, or maintained on any portion of the roof above the eave line of the building.

ROOF-TOP SIGN — A sign displayed above the roof peak, or parapet wall of a flat-roofed building.

SANDWICH BOARD — A small, easily movable sign placed on the sidewalk (or otherwise within a public right-of-way) in front of a business used to promote daily specials, sale items, menus, etc. during business hours. The sign consists of two planes or boards hinged at the top to create a self-supporting base for the graphic displayed on both sides. The dimensional measurements of such signs shall not exceed a total width of 24 inches or a total height of 42 inches, including supports thereof. The message on the sandwich board may or may not be changeable. **[Amended 2-25-2009 by L.L. No. 1-2009]**

SHOPPING CENTER — A commercial development under unified control consisting of four or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.

SIGN — A lettered, numbered, symbolic, pictorial or sculptural visual display designed to identify a business or announce, direct, or inform, that is visible from a public right-of-way. **[Amended 2-25-2009 by L.L. No. 1-2009]**

SIGNABLE AREA — A two-dimensional area that describes the largest geometric shape on the facade of a building which is free of architectural details.

SIGN AREA — The area of a sign is calculated by enclosing the outside dimensions of a sign, not including its supports or base in the case of a ground sign. Where the sign consists of individual letters or symbols attached to or painted on a building or other structure, the sign area shall be considered to be the smallest rectangle or circle which encompasses all of the letters or symbols. If a sign has two identical faces that are back-to-back, not more than two feet apart, and supported by the same pole or structures, only the area of one of the faces is counted as the area of the sign; if more than two feet apart or more than two faces (identical or otherwise), the area of all of the faces is counted as the area of the sign.

SIGN STRUCTURE — A pole, monument base, posts or other structure used for the primary purpose of supporting a sign.

SILHOUETTE SIGN — A wall sign that is readable at night by placement of a light source behind and hidden by its individual elements (lettering, numbering, and/or logo) so as to wash the wall with light and create a silhouette of the sign elements. (See also "indirect illumination.")

STRING SIGN — A string or rope with pennants or fringe along it that creates an attraction through movement. (See "pennant sign.")

STRUCTURE — Anything built that requires a permanent location. This term includes a building.

TEMPORARY SIGN — A sign that promotes, discusses, relates or comments special events, such as grand openings, seasonal sales, community events, etc., that is constructed of light-weight, inexpensive and impermanent materials, impermanently tethered to a building, structure or posts, and which is on display for a limited, specified amount of time.

TENANT — An individual, family, organization or business enterprise occupying a unit in a multi-use, multitenant building, or shopping center.

TRAILER SIGN — A portable sign on wheels, with or without internal illumination, that is self-supporting and able to be moved from place to place. (See also "portable sign.")

UNIQUE SIGN — A sign which is the result of a new technological innovation and for which there is no standard terminology, which may or may not meet the purposes or intent of the Sign Law.

WALL SIGN — A sign attached directly to an exterior wall of a building or dependent upon a building for support, with the exposed face of the sign substantially parallel to the exterior building wall to which it is attached.

WINDOW — Any glazed portion of a building facade, be it within a wall or door, that allows (or would allow but for the color or tint of the glass or any other obstruction in front of, behind, on or in the glass) views into the interior of the building.

WINDOW SIGN, INTERIOR — Any permanent or temporary sign or flyer that is posted in a window such that its graphic, message or information may be viewed from the exterior of the building. (See also "window sign, painted.")

WINDOW SIGN, PAINTED — A sign painted, or affixed in the case of adhesive vinyl letters, to or in the window of a building so as to be readable from the exterior of the building. Although removable, the sign is considered a permanent feature of the window/building. (See "window sign, interior.")

WINDOW SIGN, UPPER STORY — A sign painted on, or affixed to in the case of adhesive vinyl letters, a window specifically located in an upper story of a commercial building, so as to be readable from the exterior of the building. **[Added 2-25-2009 by L.L. No. 1-2009]**

§ 70-6. Designated sign districts.

The Village of Liberty hereby establishes the following districts governing signage as delineated on the official GIS map hereby appended as Schedule A and on file in the Code Enforcement Office of the Village of Liberty. The sign districts are distinguished by their individual characters.

- A. Downtown Commercial Core. The district essentially coincides with the National Register Historic District except that residentially zoned properties within the National Register District have been excluded. Thus, all the properties within this sign district are zoned C, Commercial.
- B. Gateway District. The district includes properties zoned C, Commercial, or M, Manufacturing, that lie along major routes leading into the Downtown Commercial Core.

- C. Highway Commercial Corridor. The district includes Sullivan Avenue (old Route 17) that essentially parallels New York State Highway Route 17 (future Interstate 86) and the eastern portion of NYS Route 52.
- D. Residential District. The district includes all residentially zoned property in the Village: R-1, Low-Density Residential and R-2, Medium-Density Residential.

§ 70-7. Sign guidelines adopted. [Amended 2-25-2009 by L.L. No. 1-2009⁴]

To encourage high-quality, creative, and attractive signs within all sign districts, the Village of Liberty hereby incorporates the document entitled "Sign Guidelines," to this chapter, as Schedule B.⁵ This document shall provide general guidelines and principles for the appropriate design, size and text of signs, along with visual examples of attractive and effective signs for use in the development of sign permit applications and as a basis for the Code Enforcement Officer's determinations.

§ 70-8. Regulations for all districts.

The following regulations shall apply to all sign districts.

- A. Permits. All enterprises shall be identified with a permanent sign. All signs, except those exempt in § 70-8J below, must be issued sign permits by the Code Enforcement Officer of the Village of Liberty prior to their erection. **[Amended 2-25-2009 by L.L. No. 1-2009]**
- B. All signs must be clean and free from all hazards. Any damaged sign that poses a danger to the public shall be removed or made safe immediately upon written notification by the Code Enforcement Officer. Any

4. Editor's Note: This local law also repealed former § 70-7, Sign Review Committee, and provided for the renumbering of former §§ 70-8 through 70-14 as §§ 70-7 through 70-13, respectively.

5. Editor's Note: The Sign Guidelines are available in the Village offices.

damaged sign that does not pose a danger to the public shall be repaired or removed within 60 days of written notification by the Code Enforcement Officer.

- C. All signs shall have sufficient horizontal and vertical clearance so as to permit pedestrian traffic and provide clear and unobstructed visibility for vehicles entering and exiting streets and highways.
- D. No sign shall be erected in such a manner as to mimic or obstruct the view of any traffic sign or signal.
- E. Illumination.
 - (1) Any permanent sign may be illuminated in accordance with the specific provisions of this chapter for the various sign districts.
 - (2) Temporary signs may not be illuminated.
 - (3) The lighting intensity of any sign, whether internally lit or externally lit, shall not exceed 25 footcandles as measured with a standard light meter directly below the light source or four footcandles measured at a height of five feet six inches above grade below the light source.
 - (4) All illuminated signs or sign lighting devices shall maintain a constant light intensity.
 - (5) The source of the light illuminating a sign shall not be visible except in the case of neon signs.
 - (6) No lighting trespass is allowed.
- F. No permanent private sign of any size or description may be erected, placed, maintained or extended into or over the right-of-way of any street or highway.
- G. Allowable signs.

- (1) Public signs.
- (2) Civic banners.
- (3) Landmark signs, as officially designated by the Code Enforcement Officer. **[Amended 2-25-2009 by L.L. No. 1-2009]**
- (4) Signs that are not specifically defined, prohibited or allowed or which are determined to be in accordance with the overall purposes and intent of this chapter by the Code Enforcement Officer. **[Amended 2-25-2009 by L.L. No. 1-2009]**

H. Program for signs. The owners of different businesses located on a single development site, occupants of a shopping center or occupants of a multi-tenant building may submit a program for signs to the Code Enforcement Officer that need not comply with some or all of the requirements of this chapter. The proposed program for signs shall contain graphic representations in accordance with the submittal requirements and any other visual aides required by the Code Enforcement Officer. If the submitted program for signs is found to meet the overall purposes and intent of this law, the Code Enforcement Officer may approve the application with conditions and time limits, if warranted, and the program for signs will become legally enforceable for the affected properties. **[Amended 2-25-2009 by L.L. No. 1-2009]**

I. Prohibited signs.

- (1) Billboards placed, erected or constructed after the effective date of this chapter.
- (2) Portable signs, not including sandwich boards.
- (3) Trailer signs.
- (4) Flashing signs, or those with flashing illumination.

- (5) ⁶ Inflatable signs.
 - (6) Off-premises signs.
 - (7) Roof and roof-top signs.
 - (8) Illuminated temporary signs.
 - (9) Any sign not expressly permitted or exempt shall be deemed prohibited, subject to exemptions for programs for signs under § 70-8H. **[Amended 2-25-2009 by L.L. No. 1-2009]**
 - (10) Any sign containing obscene or pornographic words, pictures or graphic depictions.
- J. Exempt signs. Subject to § 70-8F, the following signs are exempt from the permit requirement: **[Amended 2-25-2009 by L.L. No. 1-2009]**
- (1) Signs designated as landmarks by the Code Enforcement Officer.
 - (2) Temporary window signs. Note that there are limitations to the amount of window blockage allowable under each sign district.
 - (3) A building name that is an architectural detail of a building.
 - (4) Project signs not exceeding six square feet in area during the time the activity is in progress.
 - (5) Notification and identification signs not exceeding two square feet in area or two in number on any premises.

6. Editor's Note: Former Subsection I(5), regarding animated signs, and Subsection I(7), regarding string or pennant signs, were repealed 2-25-2009 by L.L. No. 1-2009. This local law also provided for the renumbering of former Subsection I(6) as I(5) and Subsection I(8) through (12) as Subsection I(6) through (10), respectively.

- (6) Private directional signs not exceeding two square feet in area.
- (7) Public directional signs.
- (8) Commemorative and historic signs (including plaques) not exceeding two square feet in area.
- (9) Flags of any government or governmental organization or decorative flags in residential districts. Decorative flags are limited to one per store front or residence. **[Amended 2-25-2009 by L.L. No. 1-2009]**
- (10) Real estate sale or rental signs, provided that:
 - (a) The sign area is not in excess of four square feet when located on property within the Residential district.
 - (b) The sign area is not in excess of eight square feet when located on property within the Downtown Commercial Core or Gateway Districts.
 - (c) The sign area is not in excess of 12 square feet when located on property within the highway Corridor District.
- (11) Temporary signs, provided that:
 - (a) The sign area is not in excess of four square feet;
 - (b) The sign is displayed with the permission of the property owner; and
 - (c) The sign is not displayed for more than two calendar months before an event, and is removed within seven days after the event has been held.

- (12) Yard sale signs, on or off the premises, that are displayed only with the permission of the property owner and for the duration of the event.
- (13) Political signs and religious signs, provided that:
[Amended 2-25-2009 by L.L. No. 1-2009]
 - (a) The number of signs, size of signs and height of signs shall be no more than the maximum number, size and height of any other sign permitted in such district;
 - (b) For political signs which advance a candidate for office or political position or a cause that is to be voted upon in an official caucus, primary, general or special election, such signs shall be removed no later than four weeks after such caucus, primary, general or special election; and
 - (c) The sign must be displayed with the permission of the property owner.

§ 70-9. Downtown Commercial Core District. [Amended 2-25-2009 by L.L. No. 1-2009]

At the center of the Downtown Commercial Core is the Downtown Liberty National Register Historic District, an area worthy of preservation and consequently special protection with appropriate sign regulations. The dense urban fabric within this District, with accompanying sidewalks, provides a pedestrian-friendly environment. Vehicles moving through this area do so at minimal speeds and traffic lights allow time for visual orientation of drivers to the enterprises located in the area. Thus materials, sizes, and locations of signs shall be geared to this type of movement, suggesting the use of finer materials, smaller sizes and lower sign placement.

A. Number, size and quality of signs.

- (1) The number of signs on any building or property shall be kept to the minimum necessary to adequately convey the name of an enterprise, identify entrances and directions, and announce when the enterprise is open for business.
- (2) The maximum sizes for permanent wall and ground-mounted signs stated herein are not as-of-right; rather the allowable size of a sign shall be determined by how it relates, by proportion and detail, to the facade of the building or property on which it is located and by its visibility for the context in which it will be viewed.
- (3) Where found to be attractive and well-coordinated, up to four individual signs on any single building or one storefront in multitenant premises are allowed (e.g., wall sign, neon sign within a window area, projecting sign, and sandwich board).
- (4) Temporary signs for identification purposes shall be limited to two calendar months and seven days.

B. Wall signs.

- (1) Only one wall sign is allowable in the signable area of each building facade or, where a single building has multiple storefronts, one wall sign per storefront. In addition a building directory is allowed at each entrance for multitenant buildings/properties.
- (2) The maximum area of any wall sign is the width of the building frontage times two feet or 60% of the signable area, whichever is less. Directory signs shall not exceed six square feet in area. No sign may project above the eave line or parapet of any roof in the district.
- (3) Wall signs must be located within a signable area.

- (4) Wall signs must be constructed of high-quality, durable materials. Individual molded and mounted plastic letters that appear to be painted wood letters are permitted on an otherwise conforming sign.
- (5) Ghost signs may be retained and restored, if desired by the applicant, if officially recognized as a landmark sign and, if retained, shall not be obscured or counted in determining the allowable sign area on any given building facade.

C. Window signs.

- (1) The total percentage of the window area that must be kept free of all window signs is 60%.
- (2) Permanently painted window signs may take up to 40% of the glass surface.
- (3) Temporary window signs shall not take up more than 15% of the entire window surface.
- (4) Neon signs that do not have an opaque back and can be seen through are not subject to the limitations in Subsection C(1), (2) and (3) above.

D. Projecting signs.

- (1) One projecting sign per building facade or one per building entrance is allowed on single-tenant buildings.
- (2) Multitenant buildings may have projecting signs with individual tenant listings, but they must be installed within a coordinated scheme, and physical framework and brackets.
- (3) No projecting sign shall:
 - (a) Extend more than four feet from the building facade on which it is located.

- (b) Extend higher than 25 feet (measured from the top of the sign to the ground) or above the eave or parapet of the roof, whichever is less.
- (c) Have less than seven feet of clearance from grade.
- (4) Flag signs are a type of projecting sign and shall meet the requirements of Subsection D(3)(a) and (b), above.

E. Awnings signs.

- (1) All awnings over some or all window or door openings of a premises shall be coordinated.
- (2) Graphics may be placed on the front and/or side panels of the awning, but not on the slope.
- (3) Awnings shall be opaque such as not to appear illuminated if lighting fixtures are placed underneath them.
- (4) Awnings over sidewalks shall maintain seven feet of clearance to allow for pedestrian movement and sufficient clearance for vehicular traffic over driveways.

F. Ground signs.

- (1) Ground signs are allowable only where all buildings and structures are set back from the edge of the right-of-way a minimum of 20 feet and the lot frontage is a minimum of 50 feet.
- (2) One ground sign per premises, or per entrance/exit when the property has frontage on two or more public roadways.
- (3) The maximum height for pole signs is 12 feet from the top of the sign to the ground. For all other

ground signs the maximum height is six feet from the top of the sign to the ground.

- (4) The maximum square footage for pole signs is 12 square feet.
- G. Sandwich boards. One sandwich board sign is allowed if it meets the following conditions:
 - (1) It can be located so as not to present a danger or obstruction to pedestrians, wheelchairs or vehicles;
 - (2) It is displayed only during the hours a business enterprise is open but must be removed at dark; and
 - (3) It is constructed in keeping with an approved design.
- H. Illumination. All illumination of awnings shall be external and shall meet the general requirements set forth in § 70-8E.
- I. Project signs. Project signs larger than six square feet in area shall be no larger than 18 square feet in area and shall be located in accordance with the general provisions of this Sign Law.
- J. Prohibited signs in the Downtown Commercial Core:
 - (1) All those prohibited signs listed in § 70-8I.
 - (2) Internally lit awnings.

§ 70-10. Gateway District. [Amended 2-25-2009 by L.L. No. 1-2009]

The Gateway District includes both commercial (C) and Manufacturing (M) Zoning Districts and encompasses the primary entranceways into the Downtown Liberty National Register District. At the south end of the Downtown Commercial Core, the gateway district incorporates the first automobile-oriented area of the Village. Buildings here date to the early- to mid-20th Century and generally reflect a modern

architectural character. In the northern and western portions of this sign district, residential buildings are interspersed with more recent commercial buildings. Although the underlying zoning throughout the district is commercial, the ongoing residential uses require protection, and signage for enterprises within the older residential area deserves special consideration to enhance the historic character of the Village and provide appropriate entranceways into the Downtown Commercial Core.

- A. Number and quality of signs. The number of signs on any building or property shall be kept to the minimum necessary, as determined by the Code Enforcement Officer, to adequately convey the name of an enterprise, identify entrances and direction and announce when the enterprise is open for business. Temporary signs for identification purposes shall be limited to two calendar months and seven days.
- B. Size of signs. The maximum sizes for permanent wall and ground-mounted signs stated herein are not as-of-right; rather the allowable size of a sign shall be determined by how it relates, by proportion and detail, to the facade of the building or property on which it is located and by its visibility for the context in which it will be viewed.
- C. Wall signs.
 - (1) Only one wall sign is allowable in the signable area of each building facade, except that a shopping center or multitenant building may have one wall sign per storefront.
 - (2) The maximum area of any wall sign is the width of the building frontage times two feet or 40% of the signable area, whichever is greater.
 - (3) In addition to the allowable wall sign, a multitenant premises may have directory signs located at or near each entrance, none of which shall not exceed 12 square feet in area.

- (4) No sign may project above the eave line or parapet of any roof in the district.

D. Window signs.

- (1) The total percentage of the window area that must be kept free of all window signs is 50%.
- (2) Permanently painted window signs may take up to 50% of the glass surface.
- (3) Temporary window signs shall not take up more than 30% of the entire window surface.
- (4) Neon signs that do not have an opaque back and can be seen through are not limited to the limitations in Subsection C(1), (2) and (3) above.

E. Projecting signs.

- (1) Only one projecting sign is allowable per building facade fronting on a public street or highway.
- (2) No projecting sign shall:
 - (a) Extend more than six feet from the building facade on which it is located;
 - (b) Be higher than 18 feet (measured from the top of the sign to the ground) or extend above the eave or parapet of the roof, whichever is less;
 - (c) Have less than eight feet of clearance from grade.

F. Awnings signs.

- (1) Awnings for separate storefronts and/or multitenant buildings within a shopping center shall be complementary to one another and fit into an overall design scheme.

- (2) Awnings shall be opaque such as not to appear illuminated if lighting fixtures are placed underneath them.

G. Ground signs.

- (1) Ground signs are allowable only where all buildings and structures are set back from the property line/edge of right-of-way a minimum of 10 feet and where the lot frontage is a minimum of 100 feet.
- (2) One ground sign per premises, or per entrance/exit when the property has frontage on two or more public roadways.
- (3) The maximum height for pole signs is 16 feet from the top of the sign to the ground. For all other ground signs the maximum height is six feet from the top of the sign to the ground.
- (4) The maximum area for any ground sign is 16 square feet.

H. Illumination. Signs may be illuminated, either internally lit or externally, so long as they meet the general requirements for sign illumination set forth in § 70-8E.

I. Prohibited signs in the Gateway District:

- (1) All those prohibited signs listed in § 70-8I.

J. Miscellaneous signs.

- (1) Temporary banners or string signs limited to 24 square feet and displayed for 21 days in any four-month period and three displays per calendar year.
- (2) Project signs greater than six square feet in area, not to exceed 30 square feet in area.

§ 70-11. Highway Corridor District.

The Highway Corridor District is located at the south and west entrance into the Village along New York State Highway Route 52. It has a character of being oriented to vehicular rather than pedestrian traffic. Large stand-alone buildings, fast-food franchises and strip shopping malls built within the past 30 years are the predominant building types in this District. In addition, signs in much of the district are viewable from New York State Highway Route 17 (future Interstate 86) that passes through the Village of Liberty. As a consequence, the primary signs that identify businesses in this District may be larger than those in the two other commercial districts. Because pedestrian traffic is minimal and generally limited to the areas between individual parking lots and the businesses they serve, the type of materials for signs is less critical than in other districts.

A. Wall signs.

- (1) Wall signs are limited to building facades viewable from a public street or highway and must be located within signable areas.
- (2) Only two wall signs are allowable on any one building facade for single-tenant buildings. Multiple-tenant buildings are allowed to have one wall sign per storefront.
- (3) The total area of wall signage on any one building facade shall not exceed 40% of any signable area.

B. Temporary window signs. Signs on the interior of windows in the Highway. Sign District are not regulated under this chapter.**C. Projecting signs.**

- (1) Only two projecting signs are allowable per building facade facing a public street or highway, or parking lot for single-tenant buildings. Multiple-tenant

buildings are allowed to have one wall sign per storefront.

- (2) No projecting sign shall:
 - (a) Extend more than six feet from the building facade on which it is located.
 - (b) Extend higher than 20 feet (measured from the top of the sign to the ground) or above the eave or parapet of the roof, whichever is lower.
 - (c) Have less than 14 feet from grade over any vehicular drive or eight feet of clearance from grade over a sidewalk.

D. Awnings. Awnings are allowable in the Highway Corridor District but must maintain a clearance of 14 feet from grade over any vehicular drive and a clearance of eight feet over any sidewalk area.

E. Ground signs.

- (1) Only one pole sign per premise is allowed.
- (2) One monument sign per frontage on a public street or highway is allowed.
- (3) All ground signs must be set 10 feet back from the edge of street paving within a right-of-way or the edge of an internal driving aisle.
- (4) Pole signs shall not exceed 40 feet in height (measured from the top of the sign to the ground).
- (5) Monument signs shall not exceed eight feet in height (measured from the top of the sign to the ground).

F. Prohibited signs in the Highway Corridor District:
[Amended 2-25-2009 by L.L. No. 1-2009⁷]

7. Editor's Note: This local law also repealed former Subsection F(2), "sandwich boards."

- (1) All those prohibited signs listed in § 70-8I.

G. Miscellaneous signs.

- (1) Temporary banners, limited to 32 square feet in area and on display 21 days in any four-month period and three displays per year.
- (2) Project signs greater than six square feet in area, not to exceed 64 square feet in area.

§ 70-12. Residential District.

A. Signs in the Residential Sign District are not allowed except for:

- (1) Signs exempt from this chapter per § 70-8J. **[Amended 2-25-2009 by L.L. No. 1-2009]**
- (2) Ground signs identifying buildings or residents and/or the location thereof not exceeding eight square feet in area and the top of which is four feet in height above the ground, located at the entrances to an apartment complex or multifamily residential building.

B. Commercial signs in the Residential Sign District are not allowed except for premises with a home occupation approved under § 87-18 of the Village Code: **[Amended 2-25-2009 by L.L. No. 1-2009^s]**

- (1) One sign per wall and which does not exceed four square feet in area.
- (2) One ground sign per street frontage, the top of each of which is limited to four feet above the ground and the sign area of which is limited to four square feet.

8. **Editor's Note:** This local law also repealed former Subsection C, regarding political signs.

§ 70-13. Nonconforming signs. [Amended 2-25-2009 by L.L. No. 1-2009]

- A. Change and modification. A nonconforming sign or sign structure shall be brought into conformity with this chapter if it is altered, reconstructed, replaced or relocated.
- B. A legal nonconforming sign shall lose its legal nonconforming status and shall be removed:
- (1) When a nonconforming sign, or at least 50% of a nonconforming sign, is blown down, destroyed, or for any reason needs to be replaced;
 - (2) When the condition of the nonconforming sign or nonconforming sign structure has deteriorated and the cost of restoration of the sign to its condition immediately prior to such deterioration exceeds 50% of the value of the sign or its structure;
 - (3) When the use of the nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of 60 consecutive days or more. An intent to abandon is not required as the basis for removal under this subsection. With respect to billboards placed, erected or constructed prior to the effective date of this chapter, use of same shall be deemed to have ceased if it is not used or rented for a period of 60 consecutive days or more; or
 - (4) When a nonconforming sign, or at least 50% of a nonconforming sign, is blown down, destroyed, or for any reason needs to be replaced;
- C. Billboards placed, erected or constructed prior to the effective date of this chapter. Notwithstanding anything in this chapter to the contrary, a billboard which is a nonconforming sign as defined in § 70-5 which was placed, erected or constructed prior to the effective date of this chapter shall be permitted to remain.

§ 70-14. Obsolete signs. [Added 2-25-2009 by L.L. No. 1-2009]

- A. Any sign, not including landmark or ghost signs, whether existing on or erected after the effective date of this local law, which advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be removed within 90 days of the cessation of such business or sale of such product by the owner, agent or person having the beneficial interest in the building or premises on which such sign is located.
- B. If the Code Enforcement Officer shall find that any such sign advertising a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located has not been removed within 90 days of the cessation of such business or sale of such product, he or she shall give written notice to the owner, agent or person having the beneficial interest in the building on the premises on which such sign is located. Removal of the sign shall be effected within 10 days after receipt of the notice from the Code Enforcement Officer. If such sign is not removed after the conclusion of such ten-day period, the Code Enforcement Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent or person having the beneficial interest in the building or premises on which such a sign is located, in addition to any other remedies available to the Code Enforcement Officer pursuant to law.

§ 70-15. Variances.

Variances to the provisions in this chapter shall be heard by the Village of Liberty Zoning Board of Appeals as permitted by the Village Law of the State of New York. Requests for variances shall be made in accordance with Article IX of Chapter 87 of the Code.

§ 70-16. Administration. [Amended 2-25-2009 by L.L. No. 1-2009]

- A. Permit required. No person shall erect or display a sign unless the Code Enforcement Officer has issued a permit for the sign or the sign is exempt from the permit requirement pursuant to § 70-8J of this chapter.
- B. Application. A person proposing to erect or display a sign shall file an application for a permit with the Code Enforcement Officer. The application shall contain the following:
- (1) The name, address, and telephone number of the owner and occupant of the premises where the sign is to be erected or displayed; the sign district in which it is located; and any variance that has been approved.
 - (2) Current color photographs of all building facades on which there are currently signs or which are proposed to contain signs, as well as any other freestanding signs on the premises.
 - (3) A drawing to scale that shows:
 - (a) All existing signs displayed on the premises.
 - (b) The location, height, size and colors of any proposed signs.
 - (c) The percentage of the signable area covered by the proposed graphics.
 - (4) Specifications for the construction or display of the sign and the technical specifications for its illumination.
 - (5) A nonrefundable processing fee of \$25 for the first sign application and \$5 for each subsequent sign application shall be paid at the time that the application is submitted.

C. Review and time limits.

- (1) The Code Enforcement Officer shall promptly review the application upon the receipt of a completed permit application and upon payment of the permit fee by the applicant.
- (2) The Code Enforcement Officer shall approve or disapprove the application within 21 days from the date the completed application with permit fee was filed, unless this time period has been extended upon the consent of the applicant.
- (3) If the permit for the sign is not approved, the Code Enforcement Officer shall send by certified mail a letter stating the reasons for the denial to the address of the applicant listed on the sign application.
- (4) The Code Enforcement Officer shall issue a permit within five business days of his or her approval of the application as set forth in § 70-16C(2).
- (5) The decision of the Code Enforcement Officer, shall be filed with the Clerk of the Village within 10 days after the issuance of such decision. **[Amended 2-25-2009 by L.L. No. 1-2009]**
- (6) A sign application not decided upon within the time frames established hereinabove shall be deemed denied as of the expiration of said time frames.

D. Appeals. Any applicant who is denied a permit for the display of a sign may file a written appeal to the Zoning Board of Appeals, a copy of which shall be provided to the Code Enforcement Officer by the applicant within five days of the filing of the appeal. The appeal must be filed with the Zoning Board of Appeals within 30 days after the decision of the Code Enforcement Officer is filed with the Village Clerk [§ 70-16C(5)] or the application is deemed denied [§ 70-16C(6)], or 25 days after the decision is mailed

by certified mail to the applicant [§ 70-16C(3)], whichever is later.

- E. Revocation of permit. All rights and privileges acquired under any provision of this law are mere licenses and are revocable by the Code Enforcement Officer upon demonstration that a sign is in violation of the provisions of the Village of Liberty Sign Law.

§ 70-17. Enforcement.

The Code Enforcement Officer for the Village of Liberty is hereby charged with enforcing this chapter according to the following provisions.

- A. Inspections. Periodic inspections of all sign districts with photographic documentation of premises with signs shall be conducted to document whether signs displayed are in compliance with the applicable regulations.
- B. Register of nonconforming signs. A list, comprising the official register, of all nonconforming signs within the Village shall be maintained.
- C. Landmark signs. A list of all signs determined to be landmark signs shall be maintained.
- D. Notice. Notice of violation(s) shall be made in writing and sent to the owner of the premises, and to the occupant of the premises for which the sign is displayed, if different. Such notice shall include a specified time frame in which the violation is to be rectified.
- E. Cause removal of signs in violation of this chapter. After due notice, the Code Enforcement Officer shall order and/or cause the removal and disposal of those signs that continue to be in violation of this chapter including those not maintained in accordance with the approved application permit. The costs for such removal shall be added to the tax bill for the real property from which the sign has been removed by the Treasurer of the Village of

Liberty if not paid in full by the date the Treasurer certifies the tax rolls for the Village for that year.

- F. Any sign illegally placed within public rights-of-way may be removed without notice. The costs for such removal shall be added to the tax bill for the real property from which the sign has been removed by the Treasurer of the Village of Liberty if not paid in full by the date the Treasurer certifies the tax rolls for the Village for that year.

§ 70-18. Severability.

The invalidation of any section, subsection, clause, or phrase of this chapter by any court of competent jurisdiction shall not affect the validity of the remaining portions of the chapter.