**VILLAGE OF DRYDEN**

**SIGN ORDINANCE**

**ORDINANCE NO. 50.1**

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Ordinance is to regulate all signs within the Village of Dryden (hereinafter “Village”) to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

(a) Setting standards and providing uniform, scientifically-based controls that permit reasonable use of signs and preserve the character of the Village of Dryden;

(b) Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists;

(c) Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion;

(d) Establishing a process for the review and approval of sign permit applications;

(e) Ensuring sign design that builds on the traditional small town atmosphere, image and visual environment the Village seeks to promote by supporting and complimenting the Village Master Plan;

(f) Imposing penalties for the violation of said ordinance to insure compliance.

**THE VILLAGE OF DRYDEN ORDAINS:**

**SECTION 1. APPLICABILITY.** Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

**SECTION 2**. **DEFINITIONS**. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein:

***Abandoned Sign:*** A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 90 days, in the case of off-premises signs, or at least 180 days in the case of on-premises signs.

***Address Sign:*** A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service. (Also known as: nameplate sign)

***Altered Sign:***  Non-conforming signs may remain provided they are not expanded, enlarged or substantially altered other than routine maintenance and upkeep of the sign itself.

***Animated Sign:*** A sign depicting action, motion, or light or color changes through electrical or mechanical means.

***Awning:*** A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

***Awning Sign:*** Any sign painted on, or applied to, an awning.

***Balloon Sign:*** A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

***Banner***: Any sign printed or displayed upon cloth or other flexible material, with or without frames.

***Beacon:*** A stationary or revolving light, whether portable or fixed, which flashes or projects illumination, single color or multicolored, in any manner which is in tended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

***Building Frontage:*** The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

***Bulletin board:*** Any sign erected by a charitable, educational or religious institution or a public body, which is erected upon the same property as said institution, for purposes of announcing events which are held on the premises.

***Canopy:*** A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

***Canopy Sign:*** Any sign that is part of, or attached to a canopy.

***Changeable Copy/Message Sign:*** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable copy/message signs are manual changeable copy signs and electronic changeable copy/message signs, which include: message center signs, digital displays, and Tri-Vision Boards.

***Construction Sign:*** A temporary sign identifying the designer, contractors, subcontractors, and material suppliers participating in construction on the property on which the sign is located, including property or structure improvements.

***Display surface area:*** The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations; provided, however, display surface area shall not include the structural supports for freestanding signs; provided further, that only one face of a doublefaced sign as defined shall be considered in determining the display surface area.

***District or zoning district:*** A section or sections of the Village for which the then effective zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein.

***Erect:*** To build, construct, attach, hang, place, suspend, or affix, and paint a wall sign.

***Festoon:*** A string of ribbons, tinsel, small flags, pinwheels or other objects or materials typically strung overhead or on a building or other structure.

***Festoon Lighting:*** A type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

***Flashing sign:*** A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

***Freestanding Sign:*** A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs:

***Ground Sign:*** A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as monument sign)

***Pole Sign:*** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

***Garage Sale Sign:*** A type of non-permanent, sign that is located on private property which can only be located within the required setback area at least five (5) feet from the public right-of-way that can be displayed for no more than 7 consecutive days.

***Gas Station Canopy:*** A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

***Gas Station Canopy Sign:*** Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

***Government/Regulatory Sign:***  Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

***Historic District:*** A district or zone designated by a local, state, or federal government, within which buildings, structures, and/or appurtenances are deemed important because of their association with history, or because of their unique architectural style and scale.

***Holiday Decorations:*** Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons. (Also known as seasonal decorations)

***Identification and informational signs:*** Signs of an identificational or of informational nature bearing no advertising.

***Illumination:*** A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

***External Illumination***: Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

***Internal Illumination:*** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

***Halo Illumination:*** A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as back-lit illumination)

***Illuminated Sign:*** A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

***Incidental Sign:*** A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

***Incidental Window Sign:*** Signs displayed in the window displaying information such as the business’ hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain a commercial message.

***Inflatable Sign:*** A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

***Interactive Sign:*** An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

***Joint identification sign:*** A sign which serves as common or collective identification for a group of persons or businesses operating on the same zone lot (e.g., shopping center, office complex, etc.). Such sign may name the persons, or businesses, included but carry no other advertising matter.

***Mural:*** A work of art that consists of painting and similar pictoral display that is applied to and made an integral part of an exterior wall, which contains no commercial advertising or logos, and which does not advertise or promote any business, product, activity, service, interest or entertainment. Signatures on a mural shall be allowed and limited to a maximum of two (2) square feet.

***Nonconforming sign:*** A sign existing at the effective date of the adoption of this Ordinance which could not be built under the terms of this Ordinance.

***Off-Premises Sign:*** An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a third-party sign, billboard, or outdoor advertising)

***Official Traffic Sign:*** Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

***On-Premises Sign:*** A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

***Portable swinger sign and “A” frame or sandwich sign:*** An advertising device in the shape of an “A” or some variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually two-sided.

***Portable temporary attraction sign board:*** A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached thereto.

***Real estate sign:*** An on-premises temporary sign placed upon property for the purpose of advertising to the public the sale, lease or rent of said property.

***Roof Sign:*** Any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building.

***Sign:*** The term “sign” shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship to elements, or where there is reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign.

***Snipe Sign:*** A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as bandit sign)

***Wall Sign:*** Any sign that shall be affixed parallel to the wall or printed on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning, or a building canopy shall be considered a wall sign.

***Window Sign:*** A sign located in or on a window which is intended to be visibile from the exterior of the building or structure. Permanent window signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the exterior of the building or structure, shall be considered wall signs.

**SECTION 3**. **SIGN PERMITS & APPLICATIONS**. It shall be unlawful for any person to erect, relocate or keep within the Village any sign or other advertising structure as defined in this Ordinance without first obtaining a sign permit from the building inspector and paying the fee required by this Section. All illuminated signs shall, in addition, be subject to the provisions of the electrical code, and the permit fees required thereunder.

(a) *Application for initial sign permit*: Application for initial sign permits shall be made upon completion of an application form provided by the Building Official, and shall contain or have attached thereto the following information:

(1) Name, address, and telephone number of the applicant.

(2) Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.

(3) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.

(4) Description of the activities occurring on the site where the sign will be installed.

(5) Description of any existing signage that will remain on the site.

(6) Identification of the type of sign(s) to be erected by the applicant.

(7) Site plan depicting the locations of proposed signage and existing remaining signage.

(8) Two copies of a plan drawn to scale depicting:

(a) Lot dimensions, building frontage, and existing cartways, rights-of-way and

driveways.

(b) The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details ( including copies of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure), materials, lighting scheme and proposed location.

(c) Building elevations, existing and proposed facades, parapet walls, eaveline and the location and size of all proposed and existing permanent signage.

(d) Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.

(9) Name of person, firm, corporation or association owning, maintaining, erecting the sign and/or supporting structure.  (List all if different)

(10) Written consent of the owner of the building, structure or land to which or on which the structure is to be erected.

(11) Information concerning required electrical connections.

(12) Any electrical permit required and issued for said sign. Application requesting electrical permit for proposed sign must accompany sign application.

(13) Insurance policy or bond if required.

(14) A permit fee, to be established from time to time by Resolution of the Village, shall be paid.

(15) Other information required by the Building Official and/or Zoning Administrator to make the determination that the sign is in compliance with all applicable laws and regulations.

(b) *Sign permit fees*: Every applicant, before being granted a permit hereunder, shall pay to the Village Building Official’s office a permit fee as established by the Village Council from time to time by Resolution for each sign or other advertising structure regulated by this Ordinance.

(c) *Application Review:* Before any permit can be issued pursuant to this Ordinance, the application for sign permit shall be subject to the following:

(1) *Village Administrative Office Review* for initial process compliance.

(2) *Planning Commission Review*. Sign permit applications submitted in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the Planning Commission as a part of the required site plan review. Proposed signs must be shown on the site plan along with all details and dimensions.

(3) *Building Official and Zoning Administrator Review.* It shall be the duty of the Building Official and Zoning Administrator or their designee(s), 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 for compliance with this Ordinance as well as all other laws and regulations for any sign proposed on a site or existing building where no other new construction is proposed.

(c) *Issuance of sign permit:* If following the above review(s) and compliance with this Ordinance it shall appear that the proposed sign/structure is in compliance with all the requirements of this Ordinance and all other laws and ordinances of the Village, the Building Official shall then issue the sign erection permit. If the work authorized under a sign erection permit has not been completed within six months after date of issuance, the said permit shall become null and void.

(d) *Denial of sign permit:* An application for a sign permit may be denied by the Village if the application fails to comply with the standards contained herein. The Village shall inform the applicant of the reasons for denying the application for sign permit in writing within a reasonable time. Upon denial of an application for a sign permit, the applicant has 30 business days to revise and resubmit the application for review by the Village as set forth in subsection (b) above.

(e) *Appeal of denial of permit:* In the event that a application for sign permit is declined, an applicant may file an appeal with the Village Zoning Board of Appeals in accordance with this section of this Ordinance, in the time and manner specified for all other appeals to the Zoning Board of Appeals. The Zoning Board of Appeals may decline to grant a variance, grant a variance, or may grant a variance with such conditions regarding the location, character, or other features of the proposed sign as it may deem reasonable and appropriate in light of the facts and circumstances related to the erection, placement and maintenance of said proposed sign. In deciding whether or not to grant a variance as requested by an applicant on appeal, any decision of the Zoning Board of Appeals shall state the specific grounds and findings upon which its decision is premised.

**SECTION 4**. **SIGN MAINTENANCE AND INSPECTION**.

(a) *Sign identification*: Every sign hereafter registered shall show in a conspicuous place thereon which is visible to the inspector and is readable by the inspector from the ground, the permit number.

(b) *Premises maintenance*: All freestanding 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.

(c) *Inspection of New Signs.*

(1) All signs for which a permit has been issued shall be inspected by the Building Official and Zoning Administrator or his/her designee(s) when erected. Final approval of the sign as constructed shall be granted only if the sign has been constructed in compliance with the approved plans and applicable building, Electrical and Property maintenance codes and standards, as well as all applicable ordinances.

(2) in cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector/contractor shall advise the Building Official and Zoning Administrator when such fastenings are to be installed so that inspection may be completed before enclosure.

(d) *Inspection of Existing Signs.* The Building Official and Zoning Administrator shall have the authority to enter onto property to inspect existing signs. In conducting such inspections, the Building Official and Zoning Administrator shall determine whether the sign is adequately supported, painted to prevent corrosion, and so secured to the building and/or structure or other support as to safely bear the weight of the sign and pressure created by wind.

(e) *Correction of defects.* If the Building Official and Zoning Administrator finds that any sign, including its supporting structure, is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector/contractor, owner of the sign, owner of the building or property where such sign is located, shall make the sign safe and secure by completing any necessary modification, repair, or removal of said sign in accordance with the procedures and schedules set forth in Section 15 below.

**SECTION 5.** **EXEMPTIONS.** Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with applicable provisions of this Ordinance. The exemptions shall apply to the requirement for sign permit only and no sign permit shall be required for the erection of the following signs:

(a) *Professional name plates* erected flat on walls of building and not exceeding four square feet of display surface area.

(b) *Construction signs*: One on-site building construction sign on each construction site in any zoning district provided that the maximum display surface area shall not exceed eight square feet, which shall in no event remain on the property after the date of issuance of a certificate of occupancy for such construction project or the date of completion of said work, whichever is earlier.

(c) *Real estate signs*: On a zoning lot in any district, there may be erected on each street frontage one unanimated real-estate sign as provided in this Ordinance. However, in no event shall any such sign be allowed to obstruct vision or interfere with traffic flow.

(d) *Address signs*: Address numbers with a numerical height no greater than six (6) inches for residences and eighteen (18) inches for businesses.

(e) *Employment Signs*: “Help wanted” signs soliciting for the place of business where posted, provided that the maximum area for all such signs shall be six (6) square feet with a maximum height of four (4) feet.

(f) *Memorial signs* or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

(g) *Public monument or historical identification sign* erected by the Village, including plaque signs up to three (3) sq. ft. in area.

(h) *Signs which are a permanent architectural feature of a building* or structure, existing at the time of adoption of this ordinance.

(i) *Traffic or other municipal signs, legal notices*, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs.

(j) *Non-commercial signs*: Non-commercial signs including signs containing non-commercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking, and restrictions on building entrances, provided that such signs do not exceed two (2) square feet in area.

(k) *Election campaign signs*: Political signs are permitted to be placed on private property in any district.

(l) *Time and temperature displays* without advertising matter, providing all clearances prescribed herein for signs similarly located are maintained.

(m) *Flags:* Flags or insignia bearing the official design of a nation, state, municipality, educational institution, or non-commercial organization, provided the maximum height of the flagpole is thirty-five (35) feet as measured from the average surrounding grade. No more than two (2) flags per lot in all zoning districts.

(k) *Banners* shall be exempted when used in conjunction with public and private events as follows:

(1) Election campaigns: Election campaign banners.

(2) Public events: Public event banners shall be removed within 72 hours following the event to which the banner applies.

(3) Private sales events: Banners placed on private property for advertising a special sales event.

**Comment:** Banners bearing advertising matter shall be considered wall or freestanding signs, depending upon mounting, and shall meet all regulations pertaining thereto.

(l) *All signs located within buildings that are not visible to the public* outside said building.

(m) Open House signs: Portable real estate “open house” signs provided the following conditions are met:

(1) there shall be only two (2) such signs placed off-premises and one (1) on premises;

(2) the size of each sign shall be a maximum of four (4) square feet in size and three (3) feet in height above grade;

(3) signs may be located in the public right-of-way but shall be placed at least ten (10) feet from the curb or fifteen (15) feet from the pavement edge where there is no curb;

(4) the person or firm placing the signs shall obtain the written permission from the owner or occupant of all properties on which such signs are placed;

(5) the signs shall be allowed for a maximum of eight (8) hours per day; and

(6) the signs shall be removed within one (1) hour following closing of the open house.

(n) *Directional, identification, and informational signs*, provided that such signs are limited to wall and freestanding signs with a maximum of four square feet of display surface area.

(o) *Collection boxes* for charitable or nonprofit organization containing no commercial advertising and located on private property.

(p) *Warning signs*: Publicly authorized warning signs, such as no trespassing, private drive, warning of electrical currents, animals, provided such signs do not exceed two (2) square feet.

(q) *Holiday and seasonal decorations*.

(r) *Signs or emblems of a religious, civil, philanthropic, historical or educational organization* that do not to exceed four (4) sq. ft. in area.

**SECTION 6. PROHIBITED SIGNS.** The following signs are unlawful and prohibited:

(a) Any sign not expressly permitted.

(b) Abandoned signs.

(c) Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Ordinance.

(d) Vehicular signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

(e) Mechanical movement signs, including revolving signs.

(f) Pennant strings and streamers.

(g) Animated signs, flashing signs, or signs that scroll or flash text or graphics, unless specifically allowed elsewhere in this ordinance.

(h) Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.

(i) Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.

(j) Road Furniture Signs: Signs on street furniture, such as benches and trash receptacles.

(k) Real estate signs no longer valid due to the sale, rental, or lease of the property.

(l) Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.

(m) Reflective signs or signs containing mirrors.

(n) Interactive signs.

(o) Signs incorporating beacon or festoon lighting.

(p) Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.

(q) Roof signs. Roof signs shall be prohibited and no roof sign shall hereafter be placed on the roof of any building or structure in any zoning district of the Village.

(r) Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.

(s) Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the Village of Dryden Zoning Ordinance.

(t) Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the Village.

(u) Any sign that promotes illegal activity.

(v) Unsafe Signs. Any sign or sign structure which:

(1) is structurally unsafe; or

(2) constitutes a hazard, poses a threat to the safety and welfare of the public, by reason of inadequate maintenance, dilapidation, or abandonment.

(w) Off-Site Signs: Generally, off-site signs are prohibited under this Ordinance unless specifically allowed by exemption from this Ordinance or otherwise allowed by a specific provision hereunder.

**SECTION 7**. **GENERAL REGULATIONS.**

(a) *Removal of certain signs*: Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down, obliterated, or removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within 10 days after written notification from the building inspector, and, upon failure to comply with such notice within the time specified in such order, the building inspector is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property, building, or structure to which such sign is attached or affixed.

(b) *Signs not to constitute traffic hazard*: No sign or other advertising structure as regulated by this Ordinance shall be erected or continued to be displayed at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, “stop,” “look,” “drive-in,” “danger,” or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic.

(c) *Public property*: No signs other than signs placed by agencies of governments shall be erected on any public property. No sign shall be placed on any private property without the consent of the owner thereof. No sign shall be placed or painted on any tree or rock. No signs shall be placed on any utility pole except for utility identification or similar purpose.

(d) *Sign illumination*: Direct illumination by incandescent light bulbs shall be restricted to light bulbs rated at 25 watts or less.

(e) *Spotlights and beacons prohibited*: It shall be unlawful for any person to continue in operation or erect any attraction device or sign which contains a beacon of any type and/or contains a spotlight providing direct illumination to the public.

(f) *Fluctuating illumination prohibited*: It shall be unlawful for any person to erect additional attraction devices or signs or to continue in operation an attraction device or sign which flashes, blinks, or is animated. Illumination of attraction devices or signs located in the Village that fluctuate in light intensity shall be prohibited.

(g) *Portable swinger, “A” frame, sandwich, attraction sign boards prohibited*: It shall be unlawful for any person to continue to display or erect any portable swinger, “A” frame, sandwich or temporary attraction signboard in the Village.

(h) A parked vehicle carrying advertising shall be considered a sign unless in operable condition and carrying a current, valid license tag.

**SECTION 8**. **MURALS**. Although generally considered a form of “sign” under this ordinance, murals are often considered differently within a community and often are a source of community notoriety and pride. This Section regulates the installation, location, size, and appearance of murals and empowers the Planning Commission to evaluate all applications for mural permits, and to ensure conformance with the intent of this Ordinance.

(a) No person shall install, construct, paint or modify any mural in violation of this Section. All applications for mural permits are required to undergo preliminary review by the Village of Dryden Downtown Development Authority (“DDA”) and final review and approval by the Village Planning Commission.

(b) Murals may be construed as signs, but are not intended to be regulated as such as described herein, provided the mural is deemed a mural under this Ordinance and not a wall sign. Murals that are considered to be wall signs, pursuant to the definition of a “mural” as set forth in Section 2 above, shall conform to the design standards and permit procedures applicable to such wall signs.

(c) The following procedures shall govern the approval of murals not considered to be wall signs.

(1) *Location:* Murals shall be permitted on non-residential buildings located within the Central business District.

(2) *Standards:*

(i) Maximum number of murals per site. One (1) mural per structure may be approved by the Planning Commission. In unique circumstances whereby the design of the mural(s) and structure are enhanced by additional murals, the Planning Commission may allow more than one (1) mural per structure.

(ii) Advertisement value. Words and/or images may not generally be incorporated within the proposed mural which specifically identify or reflect the business, products and/or services provided by the business occupying the structure.

(iii) Mural area. Murals shall not be calculated as business advertising signage and are not subject to the maximum wall sign area. Murals can occupy an entire single wall on which the mural is applied.

(iv) Public safety. The proposed mural does not create a public safety issue, such as a distraction to drivers.

(v) Lighting. Murals shall not be lighted in any manner.

(vi) Long-term maintenance. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the Planning Commission.

**SECTION 9. GENERAL STANDARDS FOR PERMITTED SIGNS.** Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this Section; provided that no such sign shall be erected or altered until approved by the Village Building Official and Zoning Administrator or his/her designee(s) and until a sign permit has been issued pursuant to this Ordinance and any other Ordinances or parts thereof that may apply.

(a) *Sign setbacks*:

(1) All signs, unless otherwise provided for, shall be set back a minimum of fifteen (15) feet from any public or private street right-of-way line or access drive in all zoning districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

(2) Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all non-residential signs shall be set back at least one hundred (100) feet from any residential zoning district.

(3) Sight triangle. No sign shall be located within, project into, or overhang the triangular area formed at the intersection of any two road right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

(b) *Location.* In order to ensure adequate sight distance for motorists, bicyclists, and pedestrians, a minimum clear vision area shall be maintained. furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic control devices or street signs.

(c) *Design and construction standards:*

(1) All signs, as permitted, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein and in keeping with the Village Master Plan.

(2) Signs shall be constructed in a safe and stable manner in accordance with the Building, Electrical, and Property Maintenance Codes as may be adopted by the Village, and as are then in effect at the time. All electrical wiring associated with a freestanding sign shall be installed underground.

(3) All signs shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot or seventy-five (75) miles per hour.

(4) Cables and guy wires are prohibited under twelve (12) feet from the ground surface.

(d) *Illumination*

(1) Permanent signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it.

(2) Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.

(3) Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.

(4) The Village will set hours of illumination.

(e) *Measurement*

(1) *Sign Area*: Sign area shall be computed as follows:

(a) Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.

(b) Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.

(c) When a sign has two (2) or more faces, the area of all faces shall be included in calculating the area of the sign.

(d) The area of a cylindrical ground sign shall be computed by multiplying the diameter of the cylinder by its height.

(2) *Setback and Distance Measurements*: The following guidelines shall be used to determine compliance with setback and distance measurements by measuring the distance between a sign and a building or property line, parking lot or another sign which shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building, property line, parking lot or another sign.

**SECTION 10. SPECIFIC SIGN STANDARDS.**

(a) *Billboards or Off-Premises Advertising Signs*. Billboards or freestanding off-premises advertising are prohibited.

(1) Church Signs. Church signs shall be permitted subject to the same standards as other signs in the district in which the church is located. However, churches in residential districts may erect signs for the purposes of identification of the church or church affiliated school, parsonage, or other facility; advertising the time or subject of church services; or, presenting other related facility. Such signs shall be subject to the following standards:

(i) Number. There shall be no more than one (1) sign per parcel, except on a corner parcel, two (2) signs; one (1) facing each street shall be permitted, line (1) additional sign shall be permitted for each school, parsonage, or other related facility.

(b) *Community Special Events Sign*. Community Special Event signs shall be permitted by the Zoning Administrator or his designated agent subject to the following standards:

(1) May include/ground or wall signs, banners, pennants, portable signs or similar displays; the size, height and number of such signs shall be subject to the Zoning Administrator or His designated agent approval.

(2) In making its determination on the number, size, and height of such signs, the Zoning Administrator or his designated agent may consider the size of the event, the size of and/or of the number of properties hosting the event, the potential impact of the signs on nearby properties and roadways, and any other relevant factors.

(3) Permitted prior to and for duration of the event up to a maximum of fourteen (14) days and to be removed within three (3) days after the event concludes.

(4) Sign may be installed off-premises of the organization, group, event location or activity location that the sign pertains to, as determined by the Zoning Administrator or his designated agent.

(5) Size. The sign shall cover no more than fifty percent (50%) of the entranceway structure.

(6) Number. There shall be no more than one (1) such sign located at each entrance to a subdivision or development.

(c) *Residential Entranceway Signs*. Permanent residential entranceway signs shall be permitted in accordance with the following requirements:

(1) Size. The sign shall cover no more than fifty percent (50%) of the entranceway structure.

(2) Number. There shall be no more than one (1) such sign located at each entrance to a subdivision or development.

(d) *Signs for Nonconforming Uses in Zoning Districts*. Each nonconforming, non-residential use in a residential district shall be permitted one wall-mounted sign, subject to the following requirements:

(1) The maximum size for such a sign shall be two (2) square feet.

(2) No such sign shall be lighted.

(e) *Sign Requirements.* The number, display area, and height of signs within the various zoning districts within the Village are provided in the Table below:

**SECTION 11**. **FREESTANDING SIGNS**. It shall be unlawful to erect any freestanding sign whose total height is greater than 30 feet above the level of the street upon which the sign faces. Freestanding signs shall be permitted to be erected in the Village subject to the zoning regulations applicable.

**SECTION 12**. **NONCONFORMING SIGNS.**

(a) For the purpose of this Section, a nonconforming sign shall be defined as a sign which does not conform with the provisions of this Ordinance or which does not conform with the Village zoning ordinance; such sign shall be removed within a period of three years from the effective date of the adoption of this Ordinance, except that:

(1) On-site nonconforming signs: All nonconforming signs not otherwise prohibited by the provisions of this Ordinance, relating to a place of business and located on the same premises as such place of business, may be continued until:

(i) The nature of the business conducted on the premises changes in such a manner as to occasion a change in the existing sign; or

(ii) The name of the business changes and the sign is changed or modified either in shape or size.

(2) Off-site nonconforming signs: Where an off-site nonconforming sign is located off the premises of the place of business to which the sign pertains and exists at effective date of the adoption of this Ordinance and could not be built under the terms of this Ordinance by reason of restrictions on sign area, height, its location on the lot, or other requirements, the owner of the sign shall:

(i) Place on record in the office of the Building Official within one year following the adoption of this Ordinance a sworn statement regarding the term of the lease agreement that was in effect on the effective date of this Ordinance, if any, and other information describing the existing sign.

(ii) If a lease is in effect, remove said sign at the end of the lease period.

(iii) If a lease is not in effect, remove the sign within three years from the effective date of the adoption of this Ordinance.

(b) No nonconforming sign may be enlarged or altered in a way which would increase its nonconformity.

(c) Should any nonconforming sign be damaged by any means to an extent of more than 50% of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this Ordinance. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on that property at the time this Ordinance was adopted.

**SECTION 13**. **PENALTIES**. Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a civil infraction. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than $250 or more than $500, plus the costs of prosecution borne by the Village in the discretion of the court. Repeated violations of the provisions of this Ordinance shall be subject to increased fines as provided in the Village Civil Infraction Ordinance No. 96.001.

**SECTION 14. ENFORCEMENT.**

(a)This ordinance shall be enforced by the Village Building Official and Zoning Administrator or person designated by the Building Official and/or Zoning Administrator, any Village Police Officer, or any other person designated by the Village Council to enforce the provisions of this Ordinance.

(b) In addition to any remedies available at law, the City may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

(c) Each occurrence in violation of this Ordinance shall be deemed a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found responsible of a separate offense and suffer the penalties herein provided.

**SECTION 15. REMOVAL OF UNSAFE, UNLAWFUL, OR ABANDONED SIGNS.**

*(a)* *Unsafe or Unlawful Signs.*

(1) Upon written notice by the Village, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by the Village to be a nuisance, or it is deemed unsafe by the Village, or it is unlawfully erected in violation of any of the provisions of this Article.

(2) The Village may remove or cause to be removed the sign at the expense of the owner and/or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, the Village may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

*(b) Abandoned Signs.*

(1) It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 90 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.

(2) Where the owner of the property on which an abandoned sign is located fails to remove such sign in 90 days the Village may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the Village may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

**SECTION 16.** **SEVERABILITY**. The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provisions, section or part thereof involved in such decision and shall not affect or invalidate the remainder of this Ordinance, which shall continue in full force and effect.

**SECTION 17.** **REPEAL**. The former Village of Dryden Sign Ordinance No. 50, as adopted on November 2, 1992, and the Zoning Ordinance 200, Section 14.06 – Signs, adopted December 3, 2007, are hereby repealed in their entirety.

**SECTION 18. EFFECTIVE DATE; CONFLICTS**. This Ordinance shall become effective twenty (20) days after a copy of this Ordinance (or summary thereof) appears in the newspaper. In the event that an ordinance or part thereof shall be determined to be in conflict with this Ordinance, this Ordinance shall control.

The undersigned President and Clerk of the Village of Dryden hereby certify that this Ordinance was duly adopted by the Dryden Village Council at a meeting held on the 4th day of October, 2016. This Ordinance was made effective 20 days after the date of publication as provided above.

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Patrick Betcher Holly Shroyer

President Clerk