**Chapter 134**

**SIGNS**

**GENERAL REFERENCES**

**Zoning — See Ch. 160.**

**§ 134-1. Purpose.**

The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor signs and certain indoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community.

**§ 134-2. Title.**

This chapter shall be known as the "Local Law Regulating the Erection, Maintenance and Prohibitions Related To Signs Within the Town of Catskill."

**§ 134-3. Definitions.**

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

Billboard – A structure for the display of an advertisement in public places or alongside highways that is larger than any sign otherwise permitted under the local law.

SIGN – Any material, structure or device, or part thereof, of any size, composed of lettered or pictorial matter which is located outdoors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise an activity, business, event, service or community facility when such is placed in view of the general public.

1. AWNING SIGN – Any visual message incorporated into an awning attached to a building.
2. COPY-CHANGE SIGN – A sign on which the visual message may be
periodically changed. Such a sign is most commonly referred to as a billboard and its purpose is for displaying advertisements.
3. DIGITAL SIGN – A sign that displays digital images and/or text that may change on a prescribed time schedule.
4. DIRECTIONAL SIGN – A sign limited to providing information on the location of an activity, business, event, service, or community facility. The sign's message shall be limited to the name or identification of the activity, business, event, service or facility, an arrow and distance. Advertising messages shall be prohibited.
5. FREESTANDING SIGN – Any sign not attached to or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs and masonry wall-types signs.
6. ILLUMINATED SIGN – A sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign, and including reflective and phosphorescent light.
	1. DIRECTLY ILLUMINATED – Incorporating artificial lighting as an
	inherent part or feature of the sign.
	2. INDIRECTLY ILLUMINATED – Incorporating artificial lighting which is either separated from or not an inherent part or feature of the sign itself.
7. OFF-PREMISES SIGN – A sign unrelated to the building where such sign is located.
8. PORTABLE SIGN – A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign.
9. PROJECTION SIGN – A sign which is attached to the building wall or structure and which extends horizontally more than 15 inches from the plane of such wall, or a sign which is perpendicular to the face of such wall or structure.
10. REPRESENTATIONAL SIGN – A three-dimensional sign built so as to physically represent the object advertised.
11. TEMPORARY SIGN – A sign related to an activity, business, event, service or community facility erected for a duration of no more than 52 days except as otherwise provided by this chapter.
12. WALL SIGN – A sign which is painted on or attached to the outside wall of a building or structure with the face of the sign in the plane parallel to such wall or structure and not extending more than 15 inches from the face of such wall or structure.
13. WINDOW SIGN –A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

SIGN DIRECTORY – A sign listing two or more businesses located on the same parcel.

SIGN STRUCTURE – The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two or more sides where the angle formed between any two of the sides or the projections thereof exceeds 30°, each side shall be considered a separate sign structure.

SIGN SURFACE AREA – The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display. Both faces of a double-faced sign shall be included as surface or area of such a sign.

**§ 134-4. Sign permit, application and fees.**

1. Except as provided in § 134-6, an applicant shall apply to the Code Enforcement Officer for a sign permit for any sign to be located in the Town of Catskill. The issuance of a sign permit is required for, but not limited to, the erection, alteration or relocation of a sign.
2. Application procedure. Application shall be made in writing to the Code Enforcement Officer on prescribed forms and shall contain the following information:
	1. Name, mailing address, telephone number, and email address of:
3. Applicant.
4. Owner of the property (if the applicant is not the property owner).
	1. Location of the building, structure or land upon which the sign now exists or is to be erected or placed.
	2. If a new sign is to be erected, elevation view and site plan drawings to scale shall be included. In addition, a full description of the placement and appearance of the proposed sign shall be included and should cover the following:
		1. Location on the premises; specifically, its position in relation to adjacent buildings, structures and property lines.
		2. The method of illumination, if any, and the position of lighting or other extraneous devices, and the name, address and contact information of the licensed electrician who will perform any electrical wiring work involved.
		3. Graphic design of the sign, including symbols, letters, materials and colors.
		4. The visual message, text, copy or content of the sign.
5. Written consent, or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the property owner.
6. Written consent of the owner of the property upon which the sign is to be erected for the Town of Catskill employees and its agents, to enter and inspect the property to effectuate and enforce this chapter.
7. Permit.
8. Upon the filing of a completed application for a sign permit and the payment of the required fee as set forth in Subsection D below, the Code Enforcement Officer shall examine the plans, specifications and other data submitted and then inspect the property on which the new sign is to be erected or an existing sign is to be altered or relocated. If it shall appear that the proposed sign is in compliance with all the requirements of this chapter, the Code Enforcement Officer shall issue a permit for the erection of the proposed sign or the alteration or relocation of an existing sign. The issuance of a sign permit shall not excuse the applicant from conforming to the other laws and ordinances of the Town of Catskill.
9. If the erection of the sign authorized under any such permit has not commenced within six months from the date of the issuance of said permit, the permit shall become null and void, but may be renewed within 30 days prior to the expiration, for good cause shown, for an additional six months, upon payment of 1/2 of the original fee.
10. Permit period and fees. The permit fee for a sign of less than 300 square feet in area and less than 25 feet in height above the adjacent road shall be $100. The permit fee for a sign exceeding 300 square feet in area or exceeding 25 feet in height above the road shall be $300.
11. An applicant shall submit to the Code Enforcement Officer one of the following prescribed forms, all of which are available on the Town of Catskill website:
12. Application for sign permit (temporary);
13. Application for sign permit (existing sign); and
14. Application for sign permit (new sign).

**§ 134-5. Signs prohibited.**

1. Erection or maintenance of the following signs is prohibited within the Town of Catskill:
2. Obsolete, abandoned or discontinued signs.
3. Signs that attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.
4. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic. No sign shall impair visibility for a motorist at a street corner or intersection by placement and location of same within 25 feet of the intersection of the street or highway lines.
5. Signs which physically move or which have physically moving parts.
6. Digital signs where the image and/or text (except for public service information such as time, date, temperature, or similar information) changes more frequently than once every eight seconds.
7. Signs erected or maintained upon trees or painted or drawn on rocks or other natural features.
8. Signs that are not consistent with the provisions of this chapter.
9. No new billboards are permitted in any zone.
10. There shall be no internally illuminated billboards. Flashing billboards and billboards with moving or changing graphics are prohibited.
11. Billboards which have no signage for three or more years shall be deemed abandoned and shall be removed by the landowner.
12. No signs or sign supports shall be placed upon the roof of any building unless the placement and attachment of said sign is designed and certified by a New York State licensed professional engineer or architect.

**§ 134-6. Exempt signs.**

The following signs are exempt from the requirements of this chapter:

1. With the consent of the property owner (including vacant properties abutting Town of Catskill Roads) and that the placement does not exceed 42 days prior to the relevant election and no later than 10 days after said election: political posters, banners and similar signs.
2. With consent of the property owner: signs or other promotional devices relating to a special event, festival or similar activity sponsored by public or nonprofit agencies.
3. Safety, directional, historical markers or other types of signs erected and maintained by a public agency.
4. When not associated with a commercial activity, all historical or memorial markers as well as flags, insignia or emblems of any government or religious organization and any religious holiday decorations.
5. Signs advertising the sale, lease or rental of the building upon which the sign is located, which sign shall not exceed 16 square feet in area.
6. Signs denoting the name and address of the occupants of the building, which signs shall not exceed eight square feet in area.
7. Temporary signs denoting the design professional (e.g., architect or engineer), general contractor or subcontractor, or other pertinent project participant, placed on a building where construction, repairs, or renovations are in progress, which signs shall not exceed 36 square feet in area or be erected for a period exceeding the duration of the project or one year, whichever is less.
8. Signs placed in windows.
9. Signs used to post lands in accordance with New York State Environmental Conservation Law.
10. No trespassing signs placed in accordance with New York State Penal Law § 140-05.
11. Holiday decorations.
12. Signs used for a roadside stand selling agricultural products grown on the premises during the season in which they were grown, provided that such sign not exceed 24 square feet in area and be set back at least 10 feet from the public right-of-way.
13. Private-owner merchandise sale signs for garage sales and auctions, not exceeding nine square feet in area erected for a period not exceeding seven days.

**§ 134-7. Temporary and permanent signs.**

1. Temporary signs.
2. All signs of a temporary nature, except as otherwise provided by this chapter, shall be permitted for a period not exceeding six weeks prior to the activity or event nor exceeding 10 days after the activity or event. Such signs will not exceed 16 square feet in area in commercial or industrial districts or eight square feet in area in residential districts.
3. A refundable deposit equal to twice the permit fee shall be submitted to the Code Enforcement Officer to insure removal of such signs upon expiration of the permit period. The permit holder shall be liable to pay for the removal of the signs. The Code Enforcement Officer, after seven days' written notice to the permit holder to remove such signs, and after the failure of the permit holder to do so, shall cause said signs to be removed, and the cash deposit shall be applied to the cost of removal. The seven days' written notice provided herein shall be computed from the date of mailing of such notice. Said notice shall be directed to the permit holder at the address provided to the Code Enforcement Officer on the permit application.
4. Permanent Signs.
5. Within any zoning district, up to two off-premises directional signs for the convenience of the general public and for the purpose of directing persons to a business, activity, event, service or community facility may be erected; provided, however, that this subsection shall not serve to expand the number of signs allowed on commercial and industrial districts, pursuant to Subsection B(2) below; and further provided such signs do not exceed five square feet. The sign's message shall be limited to the name or identification of the activity, business, event, service or facility, arrow or direction, and distance. Advertising messages shall be prohibited.
6. Within commercial and industrial districts, the following permanent sign provisions shall apply:
	1. The total number of permitted signs on a single parcel shall be calculated as follows: For each building frontage on a public or approved private road (e.g., corner lots may have building frontage on two roads), one sign for each separate business entity having its own entrance from the outdoors facing said road (such a sign being typically placed directly above or to the side of the business entity's access door) plus one sign for the parcel itself, which sign may be a sign directory as herein defined. Only one sign on a commercial parcel or industrial parcel for each building frontage on a public or approved private road may be freestanding.
	2. The total cumulative area of all signs permitted on a single parcel shall be calculated at the rate of one square foot of sign area per lineal foot of building frontage on a public or approved private road, plus 1/4 square foot per lineal foot of setback of the principal building on the property to the edge of the public or approved private roadway, but in no case shall the total cumulative area of all signs facing or along the road frontage exceed 300 square feet.
	3. A minimum total sign area of 32 square feet shall be permitted any use, regardless of building frontage.
	4. Signs shall not exceed 300 square feet in area or 25 feet in height (above the grade of the road that the sign faces) and require Zoning Board approval.

**§ 134-8. Illuminated signs.**

1. Illuminated signs, either directly illuminated or indirectly illuminated, or lighting devices may be permitted, provided that such signs employ only lights emitting a constant intensity, and no sign shall be illuminated by or contain a flashing or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed as to permit beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance to adjoining properties. All illuminated signs shall bear the Underwriters Laboratories, Inc. seal or be inspected and certified by a Town-authorized electrical inspection company. All illuminated signs or lighting devices shall be turned on no sooner than 1/2 hour before the premises and/or business is open to the public and shall extinguished no more than 1/2 hour after the premises and/or business is closed to the public.
2. An illuminated sign's lighting shall not make or cause to be made an intensity of brightness that unreasonably annoys, disturbs, injures, endangers or affects the comfort, repose, health, peace, safety or welfare of any reasonable person of ordinary sensibilities or precludes the enjoyment of property or affects the property's value.

**§ 134-9. Nonconforming signs.**

1. A nonconforming sign lawfully existing at the time of the effective date of this chapter may continue to exist in its current state except that existing illuminated signs or sign lighting devices must be made to tum on no sooner than 1/2 hour before the premises and/or business is open to the public and to turn off no more than 1/2 hour after the premises and/or business is closed to the public.
2. A nonconforming sign may not be changed with regard to its content, size, shape, location, appearance, or method of illumination without first applying for and receiving a sign permit.

**§ 134-10. Zoning Board of Appeals.**

1. The Zoning Board of Appeals shall have all the powers and duties prescribed by this chapter which are more particularly specified as follows:
2. Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this chapter.
3. Variances.
4. Upon appeal from a decision by an administrative official, to issue a variance of any provision of this chapter. A "variance" shall mean the authorization by the Zoning Board of Appeals to vary from the specific limits and/or regulations as may be delineated herein.
5. In deciding whether to grant a variance, the Zoning Board of Appeals shall balance the interests of the applicant and those of the neighborhood or community. The Zoning Board of Appeals must consider the following five factors:
6. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
7. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;
8. Whether the requested variance is substantial;
9. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
10. Whether any alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the variance.
11. In granting a variance, the Zoning Board of Appeals shall grant the minimum variance that it shall deem necessary and adequate while at the same time protect the character of the neighborhood and the health, safety and welfare of the community.
12. Imposition of conditions. The Zoning Board of Appeals shall, in granting a variance, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

**§ 134-11. Penalties for offenses.**

1. Any property owner who violates, or has a sign erected on the subject property that violates, the provisions of this chapter, shall be guilty of a violation, punishable by a fine of not more than $250 per day or by imprisonment for not more than 15 days, or both. Each separate sign shall constitute a separate violation. Each day the sign violates the provisions of this chapter shall constitute a separate offense.
2. If a fine is imposed and is not paid within 30 days or such other time period established by a court of competent jurisdiction, then following mailing of the notice described herein, the unpaid fines shall be doubled and shall be assessed by the Town of Catskill as a lien against the fine debtor's real property in the Town of Catskill and added to the current tax roll by the Town of Catskill as an unpaid charge attributable to the real property. Prior to assessing this lien for unpaid fines, the Code Enforcement Officer shall mail a notice to the fine debtor at his/her last known address (as per the Town Assessor's records) by certified mail, return receipt requested, and regular first-class mail stating that unless the fines are paid within 15 days of the notice date, they shall be assessed and collected as an unpaid charge attributable to the real property.

**§ 134-12. Enforcement.**

This chapter shall be enforced by the Code Enforcement Officer.