

C. Prohibitions. The following types of signs are prohibited:

- (1) No permanent or temporary sign shall be erected or placed within 150 feet of a signalized intersection or fifty (50) feet of an intersection without a signal of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position, shape, or color of the sign 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", "Left", or any other words, phrase or symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- (2) No sign shall project into the public right-of-way, except as permitted by this Local Law and receiving approval on forms provided by the relevant town, county, or state highway departments.(See Addendum #1)
- (3) No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public street, highway, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or public nuisance. No sign shall in its construction employ any mirror or mirror like surface, nor any Day-glow or other fluorescent paint or pigment.
- (4) No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights. All luminous signs, indirectly illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view. Lighting shall be directed downward across the face of the sign.
- (5) No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, balloons, spinner or other similar moving, fluttering, or revolving device. Such devices shall be prohibited even if they have no message or logo on them. No sign or part thereof may rotate.
- (6) No signs shall be placed, painted or drawn upon trees, natural features, or on utility poles, bridges, culverts, towers or similar structures.
- (7) Portable signs shall not be permitted.
- (8) Signs are prohibited on all roof surfaces.
- (9) Off premise copy change or bulletin board signs shall not be permitted.
- (10) Whenever possible, a box sign shall be built directly flush with the building facade.
- (11) Channel Letter signs.
- (12) Exposed neon tube is prohibited on any exterior sign.
- (13) Internally lit signs on the exterior of any building are prohibited.

D. Signs Permitted with Permit:

1. Permanent Signs. The following permanent signs may be erected upon the issuance of a permit:
 - (a) For multiple residences or apartment developments, one (1) sign advertising availability of several residence units, not exceeding eighteen (18) square feet.

- (b) For projects, one (1) sign, which identified the project by name and address, may be erected near the principal entrance. The one (1) sign shall not exceed sixteen (16) square feet. Such sign shall not be placed within the public right-of-way and provision for its permanent maintenance must be made.
- 2. Permanent signs may be erected upon the issuance of a permit and require review and approval by the Town of Windham Planning Board and ARB where appropriate:
 - (a) Only one (1) wall sign per establishment shall be permitted unless that establishment has street frontage on more than one side.
 - (b) One awning sign shall be permitted for each business.
 - (i) All awning signs shall only identify the business establishment occupied by the facade on which the awning is placed.
- 3. Freestanding Sign.
 - (a) Only one freestanding sign shall be allowed on any parcel.
 - (b) A single freestanding sign may be used to identify more than one (1) On-premises establishment.
- 4. Sandwich Board Sign (see Addendum #1)

E. Shopping Centers. Where two (2) or more establishments are planned as an integrated shopping center or mall, the following criteria shall apply:

- 1. One common freestanding sign identifying the shopping center is permitted. The size and height of such sign shall be determined by no greater than twenty-four (24) square feet, and twelve (12) feet in height.
- 2. Freestanding signs may not be displayed by individual establishments located within a center, unless said individual establishments freestanding signs are located within the shopping center's sign.

SECTION 5 - DESIGN AND CONSTRUCTION STANDARDS

A. General Provisions.

- 1. All signs shall comply with applicable regulations of the New York State Building Code.
- 2. All lighted signs shall be constructed in accordance with the standards of The National Electric Code.
- 3. All signs, including wall mounted signs, shall be securely anchored.
- 4. All signs, sign finishes, supports and electric work shall be kept clean, neatly painted and free from all hazards, such as, but not limited to faulty wiring; and loose supports, braces, guys and anchors.
- 5. All signs shall be painted and/or fabricated in a professional workmanlike manner.

B. Specific Regulations to Sign Types.

- 1. Wall Signs.

- (a) Wall signs, including box signs, shall not extend more than eight (8) inches including transformer for lighted box sign.

2. Free Standing Signs.

- (a) No freestanding sign shall be more than thirty-two (32) square feet per side for a double-faced sign, in the hamlet no more than eighteen (18) square feet.
- (b) No freestanding sign shall be more than twelve (12) feet in height above-finished grade. Such height shall be measured vertically from the established average grade directly below the sign, to the highest point of the sign, including supporting structures.
- (c) No freestanding sign shall extend over or into the public right-of-way, without a permit from the appropriate governmental entity, nor shall it overhang the property lines, without the written consent of the adjoining effected property annexed to the sign permit application.
- (d) Freestanding signs under which a pedestrian walkway or driveway passes must have a ten (10') foot vertical clearance

C. Design Criteria - All signs shall be reviewed relative to the appropriateness and compatibility of their design, shape, materials, colors, illumination, legibility, location and size. The Planning Board may approve, approve with conditions, or disapprove signs. Approval is based on consistency with the design criteria herein. With respect to conditioned approval, the Planning Board may require modifications in sign features permitted by this Section that are more restrictive in order to insure compatibility.

1. Signs should be a subordinate part of the streetscape.
2. Signs in a particular area should create a unifying element and exhibit visual continuity.
3. Whenever feasible, multiple signs should be combined into one to avoid clutter.
4. A sign should not impact the visibility of neighboring signs.
5. Signs should be as close to the ground as possible, consistent with legibility considerations.
6. A sign's design should be consistent with the architectural character of the building on which it is placed and not cover any architectural features on the building.
7. Signs should have a minimum of Information in order to avoid clutter and confusion.
8. Garish colors and materials should be avoided.
9. The Planning Board may require that landscaping be used at the base of a freestanding sign if such landscaping will make the sign more compatible with the surrounding area.

SECTION 6 - DEFINITIONS

Sign - Any display of lettering, numbering, logos, designs, trademarks shapes, colors, lights, or illumination visible to the public from outside of a building or from a public right-of-way, which either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to, directly or indirectly, a use conducted, events, goods, products, services or facilities available. Each generally visible surface of such a device, whether or not there is anything depicted upon each surface, shall be considered to be one (1) sign.

Awning Sign - Any visual message incorporated into an awning attached to a building.

Box Sign - A wall sign, attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than eight (8) inches from the face of the wall, and capable of being illuminated from the interior of the sign.

Copy-Change Sign - A sign on which the visual message may be periodically changed.

Directional Sign - A sign limited to providing information on the location of an activity, business or event that excludes any advertising.

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, masonry wall-type signs, and signs of similar design and construction.

Illuminated Sign - Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

Off-Premises Sign - A sign, including billboards, unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Portable Sign - A sign, whether on its own trailer, truck body or similar conveyance, wheels or otherwise, designed to be movable and not structurally attached to the ground, a building, as structure or another sign.

Representational Sign - A three-dimensional sign built so as to physically represent the object advertised.

Temporary Sign - A sign related to a single activity or event having a duration of no more than thirty (30) days.

Wall Sign - A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall and not extending more than 8 inches from the face of the wall.

Window Sign - A sign visible from a sidewalk, street or public place, painted or affixed on glass or other window material or located within four feet of the window, but not including graphics in connection with customary window display of products.

Sign Directory - A listing of two or more business enterprises, consisting of matrix and sign components.

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 thirty (30) degrees, each side shall be considered a separate 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.

Erect - To build, construct, alter, repair, relocate, attach, hang, place, suspend, affix, or maintain any sign. Also, the painting of exterior signs on a building or structure.

Front or Face - The outer surface of a building which is visible from any private or public street or highway.

Person - Any individual, firm, partnership, association, corporation, company, institution, group, or organization of any kind.

Sign, Area - That area which results by enclosing the outside dimensions of the plain of a sign, not including the supports which may affix the sign to the ground or to a building or structure. When a sign consists of individual letters or symbols attached to or painted on a building or structure the sign area shall be considered

to be the smallest rectangle, which encompasses all of the letters or symbols.

Sign, Flashing - A moving or animated sign or any illuminated sign on which artificial or reflected light is not maintained stationary or constant in intensity or color at all times when in use, either located out of doors or located indoors, but at a location from which it is observable out of doors.

Sign, Information - A sign which directs attention to a free public service such as parking areas, washrooms, air for tires, public telephone, etc., or which is required for traffic direction and/or control. The area of an information sign shall not be included as part of the permitted total sign area.

Sign, Projecting - A sign which extends outward from the exterior surface of a building or structure more than six (6) inches.

Structure - Anything constructed or erected which requires permanent location on or in the ground or attachment to something having such location.

Multiple Use Building - A building which has more than one business located on the premise or approved site.

Business - A business requires its own Certificate of Conducting a business under an assumed name and must have obtained its own Certificate of Authority to collect sales tax.

Directional Signs - Signs that are intended for providing direction or guiding traffic.

Portable Signs - Any sign not permanently attached to the ground, a building, or other structure that is not readily movable. Any sign attached to a sign structure which has wheels will be considered a portable sign. Any sign mounted to, situated upon, resting on, painted upon, or affixed to any vehicle which is parked for the purpose of advertising or notification purposes shall be considered a portable sign.

Sandwich Board Sign - A type of advertisement sign composed of two boards, connected by a hinge at the top. When opened and forming a triangle shape it is able to stand freely. (See Addendum #1)

Special Use Permit - A permit issued by The Windham Planning Board after approval of the Windham Town Board and specific criteria has been met.

WINDHAM HAMLET:

The length of State Route 23 bounded on the east by the intersection of State Route 23 and County Route 21, a/k/a Mitchell Hollow Road, and on the west by intersection of State Route 23 and Town Road- 103, a/k/a Hickory Hill Road.

The entire length of County Road 79, a/k/a Church Street.

The entire length of Town Road 11, a/k/a Library Road.

Beginning at a point marked by the intersection of State Route 23 and Town Road 3, a/k/a Mill Street, thence continuing along Town Road 3, a/k/a Mill Street, to a point marked by the foot of Factory Hill.

Beginning at a point marked by the intersection of State Route 23 and County Route 21, a/k/a Mitchell Hollow Road; thence continuing in a northerly direction along County Route 21, a/k/a Mitchell Hollow Road, to a point marked by the intersection of County Route 21, a/k/a Mitchell Hollow Road and Town Road 113, a/k/a Maple Avenue.

HENSONVILLE HAMLET:

Beginning at a point marked by the intersection of State Route 296 and County Route 40; thence continuing along Route 40 in an easterly direction to a point 700 feet east of a point marked by the intersection of said County Route 65A.

Beginning at a point marked by the intersection of State Route 296 and County Route 40 thence continuing in a southerly direction along State Route 296 to a point marked by the southerly terminus of County Route 65.

Beginning at a point marked by the southern terminus of County Route 65; thence continuing along County Route 65 in a northerly direction to a point marked by the intersection of County Route 65 with County Route 65 A.

Beginning at a point marked by the intersection of State Route 296 and County Route 40; thence continuing along State Route 296 in a westerly direction 700 feet.

MAPLECREST HAMLET:

Beginning at a point marked by the intersection of County Route 40 and County Route 56; thence continuing in a northerly direction along County Route 56 to the point marked by the intersection of said County Route 56 to the point marked by the intersection of said County Route 56 and Town Road 111, a/k/a Slater Road.

Beginning at a point marked by the intersection of County Route 40 and County Route 56; thence continuing in a southerly direction along County Route 40, 525 feet.

Beginning at a point marked by the intersection of County Route 40 and County Route 56; thence continuing in a westerly direction along County Route 40, 125 feet.

SECTION 7 - SIGNAGE FOR MULTIPLE USE BUILDINGS .

MULTIPLE USE BUILDINGS: Space within a multiple use building shall, under this Local Law, be of two (2) types:

Type I: A retail space having at least one of its exterior walls on a street frontage.

Type II: A retail space having no exterior walls on street frontage.

RESTRICTIONS:

A. Number of Signs

Type I: Retail spaces shall be allowed one (1) sign of no more than eighteen (18) square feet attached to or hanging from wall space, in addition to being listed on an exterior general Building Directory.

Type II: Rentable spaces may be listed in a Building Directory sign which will be at street level and no larger than six (6) square feet in addition to being listed on a general Building Directory.

B. All General Building Directories shall be uniform, either light with dark background or dark with light background.

C. General Building Directory may not exceed thirty-two (32) square feet, eighteen (18)

square feet in the Hamlets. Building Directory Sign for Type II may not exceed six (6) square feet.

- D. General Building Directories may not be internally illuminated.
- E. See Addendum #1

SECTION 8 - ENFORCEMENT, VIOLATIONS AND PENALTIES

In addition to any other provisions which are set forth herein, in aid of enforcement of this Local Law, any person, partnership or corporation constructing, erecting, affixing, placing or maintaining any sign or lighting device prohibited hereby shall be guilty of an offense, conviction of which: shall be punishable by a monetary fine not to exceed Two Hundred Fifty (\$250) Dollars and/or a jail sentence not exceeding fifteen (15) days, or both. Each day that a violation continues shall constitute a separate offense. Whether a person is found guilty of such violation and shall receive a monetary fine or a jail sentence or both shall rest in the discretion of the presiding magistrate. Except as otherwise provided herein, all procedures set forth in the Criminal Procedure Law shall apply with respect to the Enforcement of this Local Law.

SECTION 9 - APPLICABILITY TO FEDERAL AND STATE RULES AND REGULATIONS

Nothing in this Local Law is intended to supersede any County, State, Federal regulation, except to the extent permissible under law, any provision of this Local Law which is more restrictive than County, State or Federal regulations shall prevail.

Severability: The provisions of this local law are severable. If any article, section, paragraph or provision of this Local Law shall be invalid, such invalidity shall apply to the article, section, paragraph or provision(s) adjusted invalid, and the rest of this local law shall remain valid and effective.

SECTION 10 - TITLE

This Local Law shall be known and may be cited as the "Sign Law for the Town of Windham".

SECTION 11 - EFFECTIVE DATE

This Local Law shall take effect upon its filing in the Office of the Secretary of State of the State of New York.

Addendum #1 **Sandwich Board Signs**

Sandwich Board Sign will be considered a **Special Use Permit** with the following restrictions:

- (a) Sandwich board sign must be within three hundred (300) feet of the business.
- (b) The sign will measure no greater than 25 inches horizontal and 45 inches vertical.
- (c) The sign will clearly state which business it promotes
- (d) The sign must be taken inside when the business is closed for the day.
- (e) The sign must be taken inside during any snowstorm with accumulation greater than two (2) inches to facilitate snow removal.
- (f) The sign must not impose an undue burden on pedestrian traffic or interfere with any vehicular traffic or navigation and maintain open egress of 36 inches or more in accordance to ADA specifications and standards
- (g) If said sign is on property owned by entity other than the applicant. Applicant must obtain written permission from property owner.
- (e) Permit valid for twenty four (24) months from date issued
- (f) Permit must be reviewed and approved by The Windham Town Board before renewal will be issued by The Windham Planning Board