

LOCAL LAW NO. 1 OF 2010

VILLAGE OF BERGEN ZONING LAW

A Local Law to Amend the Village of Bergen Zoning Law by modifying certain definitions for signage and sign regulations and adding a new Section 407D and 407E entitled, “Warning; disclaimer of liability.” and “Enforcement.”, as follows:

- 1) Section 107 to be amended as follows:

Sign, Portable. A sign, whether on its own trailer, wheels or otherwise designed to be moveable and not structurally attached to the ground, a building, a structure or another sign, including, but not limited to, banners, balloons, and sandwich board signs.

Sign, Freestanding. A sign attached to a self-supporting structure which is unattached to any building or other structure. Included are pole signs, pylon signs and masonry wall-type signs.

- 2) Section 407B(1), to be amended as follows:

Commercial and Industrial Districts.

(1) The total number of Permitted Signs on a single business or industrial lot shall not exceed one (1) sign per wall per use, one (1) freestanding sign for the building and one (1) portable sign, such as a sandwich board sign. All other provisions of this Section, not inconsistent herewith, shall apply.

- 3) Section 407B(5), to be amended as follows:

Portable Signs.

a. In addition to the other provisions of this Section, newly located or related businesses in the Village awaiting installation of a permanent sign may utilize a portable sign for a period of not more than sixty (60) days or until installation of a permanent sign, whichever occurs first. Such a portable sign must meet all the construction standards of the NYS Fire Prevention and Building Code. A separate permit for such a portable sign shall be required.

b. The following standards shall apply to portable signs located within the Commercial or Industrial District:

(1) **Size.** The maximum allowable size, including support structure, shall be twenty (20) square feet with a height not to exceed five (5) feet.

(2) **Placement.** Every portable sign must be placed on the ground and must be located so as to permit unimpeded pedestrian access. Portable signs shall be located directly in front of the business location and, to the extent practicable, on private property. **Notwithstanding the foregoing, businesses in the C-2 District that do not front on North or South Lake Avenue shall be permitted to place a portable sign on North Lake Avenue or South Lake Avenue, in a location approved by the Code Enforcement Officer, provided that the Code Enforcement Officer determines that the location of such sign is safe and practicable..**

(3) **General.** Portable signs may be displayed only during hours of operation and shall otherwise comply with any other conditions of approval imposed by the Village.

- 4) Section 407 to be amended by addition of new paragraphs “D” and “E” as follows:

Warning: disclaimer of liability.

The provisions of this Section shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation erecting or owning any sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person, firm or corporation, his or its agents, employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this Section. Nor shall it be construed as imposing upon the Village of Bergen, its officers, employees or any board thereof any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this Section.

Enforcement.

(1) When violations occur under this Section, the ZEO shall cause notice to be given to the owner or occupant of the premises on which the sign is located, or to the agent of either, or person receiving the benefits from the offending sign. Said notice may be given by first class mail, or by issuance and service of a notice of violation. If any of said persons fail to abate said violation within five days after such notice has been personally served upon them, or within 10 days after such notice has been sent to said persons by first class mail at their home or business address, said persons shall be subject to a penalty in accordance with Section 209 of the Village Zoning Law.

(2) A permit issued pursuant to this Section may be revoked by the ZEO if it appears that the sign erected pursuant to the permit no longer conforms to the provisions of this Section.

(3) The remedies provided herein shall be cumulative and shall be in addition to any other remedies provided by law.

- 5) In all other respects the Village of Bergen Zoning Law shall remain in full force and effect.
- 6) This Local Law shall take effect upon filing with the Secretary of State's Office pursuant to Section 27 of the Municipal Home Rule Law.

STATE OF NEW YORK
COUNTY OF GENESEE

Cortney W. Gale: _____
Administrator

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature: _____
Title: _____

Village of Bergen
September 28th, 2010

