

# Local Law 1 of 2018

## Signs

### **Intent**

The purpose of this chapter is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, identification, directional, and 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, and provide a more enjoyable and pleasing community. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents and to reduce the adverse effects of signage on natural beauty and on the general environment of the community as a whole.

Signs play an important role in the attractiveness and appearance of the Village of Bergen's Historic District. The design, size, number, and placement of signs contribute to the overall environment of the building, street, and district. Because signs strongly influence the perception of the establishment, building, street view, and the historic district, there is a public interest in ensuring that signs are well designed and carefully placed and properly maintained in accordance with the overall desired character of the Village of Bergen Historic District.

### **1. Construction Standards**

All signs shall be constructed and installed in conformance with the New York State Uniform Fire Prevention and Building Code. Separate certification may be required for illuminated signs indicating compliance with the National Electrical Code (NFPA 70).

### **2. Permit required**

No sign may be erected, altered, redesigned, relocated, reconstructed or otherwise modified after the effective date of this Code except in accordance with the requirements of this section.

The following two operations shall not be considered creating a new sign and, therefore do not require a sign permit:

1. Replacing copy on an approved changeable copy sign.
2. Maintenance: painting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural change is made or there is a change in the message, other than on a changeable copy sign.

### **3. Application Procedure**

A sign permit shall not be issued until a sign permit application is completed and is approved by the Planning Board in accordance with the procedures and standards set forth herein and all necessary review, inspection and permit fees have been fully paid.

Application for a sign permit shall be made by the property owner or lessee, sign erector or its authorized agent to the Village Clerk. If the applicant is not the owner of the property, the consent of the owner to the application shall be evidenced by a written, notarized statement. The application shall contain the following:

1. Name, address and phone number of applicant and contractor, if applicable
2. Address, zoning district and tax map number of sign location
3. Sign information including size, color and text
4. Site information including frontage and setbacks
5. Site plan drawn to scale and supporting information indicating location of sign, colors, size and types of lettering or other graphic representation, logos and materials to be used, electrical or other mechanical equipment, details of its attachment and hanging.
6. Color photo of the building upon which the sign is to be erected and immediately adjacent building(s).

Following formal submission of a sign permit application to the Village Clerk and payment of all associated fees, all applications for sign permits will be forwarded to the Planning Board within 5 business days. The sign permit must be received at least 10 business days before the next scheduled Planning Board meeting.

The Planning Board shall render an opinion to approve, disapprove or approve with conditions to the applicant at the next scheduled Planning Board meeting. As part of the approval process, all signs will be measured against the Village of Bergen Façade and Design Guidelines.

The Planning Board shall issue a permit for a sign no more than 5 business days after a sign permit application has been approved.

In those cases where an applicant does not wish to implement the design conditions of approval outlined by the Planning Board or the applicant would like to appeal the decision by the Planning Board, the applicant may appeal to the Zoning Board of Appeals.

### **4. Fees**

Fees for sign permits shall be as set by resolution of the Village Board.

## **5. Appeal Procedures**

Any person aggrieved by a decision of the Planning Board relative to dimensional provisions of this section may appeal such decision to the Zoning Board of Appeals.

## **6. Termination of permits**

Any sign permit shall become null and void if the work for which the permit was issued is not started within a period of six months after the date of issuance. Sign permits are not transferrable.

## **7. Maintenance**

The owner of a sign and the owner of the premises on which such sign is located shall be jointly liable to maintain such sign, including its illumination sources, in a neat and orderly condition and good working order at all times and to prevent the development of rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.

Unsafe signs or unsightly, damaged or deteriorated signs or sign in danger of falling shall be put in order or removed upon written notice. Immediate compliance is expected for unsafe signs and compliance within 30 days of written notice for signs that are damaged, or deteriorated that pose no immediate threat.

## **8. Removal of Signs**

Any sign which is no longer associated with the establishment upon which such a sign is located, or is unsafe shall be removed within 30 days upon written notice from the Code Enforcement Officer. Upon failure to correct, the Village of Bergen shall remove or cause to be removed said sign and shall cause to be assessed against the property all costs and expenses incurred.

## **9. Nonconforming Signs**

Properties located in the Village of Bergen Lake Street Historic District will need to come into compliance upon the adoption of the sign law. All other signs that are nonconforming as of the date of the enactment of this chapter by reason of size, height, location, internal illumination or changeable lettering must be removed or brought into compliance at such time as the sign is replaced, the property changes ownership, the property changes use, or a new permit is required under the provisions of this code. Compliance is expected within 180 days of written notice, from the Village of Bergen Code Enforcement Officer.

## **10. Enforcement**

In the event that any sign is or shall become unsafe, unsightly, damaged, deteriorated or in danger of collapse, the Code Enforcement Officer shall give written notice to the owner of the lot where such sign is located, specifying the particulars in which such sign is in violation of this article or any other applicable law, code, rule or regulation, and of the time period, 30 days, within which such sign shall be brought into compliance or removed.

If the sign is not brought into compliance or removed with such thirty day period, the Code Enforcement Officer shall be authorized to charge the owner thereof with a violation of this chapter or to cause the removal and demolition of the sign, or both. In the event that the Code Enforcement Officer causes the removal of the sign, the cost of such removal shall be charge against the property on the assessment rolls of the Village.

## **11. Substitution Clause**

The owner of any sign which is otherwise allowed by this law may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message.

## **12. Severability Clause**

Should any section or provision of this law be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the law aas a whole or any part therof, other than the part so declared to be invalid.

## **Specific Sign Regulations**

### **Exempt Signs (require no permit)**

The following signs are considered to be exempt from obtaining a permit, but not exempt from the provisions of this section. Exempt signs of a temporary nature shall not be attached to fences, utility poles or the like and shall not impair traffic visibility.

1. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed

by governmental agencies, religious or nonprofit organizations; not exceeding six (6) square feet.

2. Flags
3. On-premises directional signs for the convenience of the general public, indentifying public parking areas, fire zones, entrances and exits and similar signs not exceeding four (4) square feet per face and six (6) feet in height. Business names and advertising messages shall not be allowed as part of such signs.
4. Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.
5. Three or fewer temporary signs (window, posters, lawn and directional) not exceeding 30 days and not exceeding sixteen (16) square feet.
6. Signs required by Federal, State, County or Village regulations (i.e., NYS registered motor vehicle shop and NYS inspection stations)
7. Remote directional signs installed by a political subdivision.

### **Prohibited Signs**

1. No off-premise signs shall be allowed other than as permitted under the Exempt Signs provision of this section.
2. No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design, color or placement. No such sign shall impair visibility for the motorist at a street corner or intersection by placement or location.
3. Animated sign, including those with rotating or moving parts or messages.
4. Roof signs
5. Attention-getting devices such as banners, pennants, valances, flags, streamers, searchlights, string or festoon lights, flashing lights (except that sign which alternate temperature and time messages may be permitted in non-residential districts) or similar devices designed for purposes of attracting attention, promotion or advertising.
6. Signs permanently painted, posted or otherwise attached to any tree, lamp post, utility pole, hydrant, bridge, fence or rock.
7. Billboards

8. Any sign which could be mistaken for or confused with a traffic control sign, signal or device.
9. Internally illuminated signs, including:
  - a. Exposed neon
  - b. Backlit
  - c. Bare bulb
  - d. Blinking, flashing and chasing
  - e. LED, video and other electronic message boards
10. Signs painted on sidewalks, street, or curbs.

## Definitions

**ANIMATED SIGN** – any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**AWNING SIGN** – A sign placed on, affixed to, or incorporated into the surface of an awning, canopy, or similar device.

**BANNER** – A temporary sign of fabric, plastic, paper or other light pliable material. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**BUILDING** – A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals or property.

**BUSINESS ESTABLISHMENT** – A mercantile building or a portion of a mercantile building in which a business operation is conducted.

**CANOPY SIGN** – Any sign that is part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**CHANGEABLE COPY SIGN** – A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign.

**DIRECTIONAL SIGN** – A sign, which includes copy offering pertinent directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic.

**FREESTANDING SIGN** – Any sign not affixed to a building.

**FRONT OR FACE OF A BUILDING** – The general outer surface of the building abutting or fronting upon any private or public street, highway, alley or other area used by the general public as a travel way, including shopping center sidewalks.

**FRONT PROPERTY LINE** - The line dividing the public right-of-way from a lot. For purposes of complying with minimum lot width and street frontage requirements, measurement shall be made along the front lot line, whether on an arc of otherwise, and not along the pavement edge or center line of the traveled way. The fact that a deed description shall include measurements to or along the street center line shall not affect the foregoing.

**HISTORIC DISTRICT** – The Lake Street Historic district is located along the west side of the street, state highway NY 19, in downtown Bergen, NY. The properties included in the historic district are:

- 10 South Lake Avenue – tax map # 3.-1-45
- 12 South Lake Avenue – tax map # 3.-1-44
- 11 North Lake Avenue – tax map # 1.-1-9
- 13 North Lake Avenue – tax map # 1.-1-8
- 15 North Lake Avenue – tax map # 1.-1-7
- 17 North Lake Avenue – tax map # 1.-1-7
- 19 North Lake Avenue – tax map # 1.-1-6
- 21 North Lake Avenue – tax map # 1.-1-5
- 23 North Lake Avenue – tax map # 1.-1-4
- 25 North Lake Avenue – tax map # 1.-1-2.1
- 27 North Lake Avenue – tax map # 1.-1-2.1

**ILLUMINATED SIGN** – Any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent light.

**MARQUEE SIGN** – A canopy extending more than two feet from a building, with lettering thereon.

**MOBILE SIGN** – any sign not designed or intended to be anchored to the ground and designed and intended to be capable of being transported over public roads and streets, whether or not it is so transported.

**PENNANT** – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**PERMANENT SIGN** – Any sign intended and installed to be permanently in place at a given location by means of suitable fastening to a building or to a structure specifically erected to hold such sign(s) or to the ground.

**PERSON:** includes one or more person, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

**POLITICAL SUBDIVISIONS:** local governments created by the states to help fulfill their obligations. Political subdivisions include counties, cities, towns, villages, and special districts such as school districts, water districts, park districts, and airport districts.

**RACEWAY:** for electrical signs, the enclosure that holds sign elements, which may also be the structural element that is mounted on a wall or other support element.

**REMOTE DIRECTIONAL** – Any sign installed within a public right-of-way by a political subdivision to direct or control vehicular, pedestrian and bicycle traffic, identify streets, parks, historical events, or provide other information deemed appropriate.

**ROOF SIGN** – Any sign in which all or any part extends above the wall of any building or structure, where said wall does not extend above the roofline. In no event shall a sign permitted as defined by “wall sign” extend beyond the actual wall surface.

**SIGN** – Any material, structure or device or part thereof composed of lettered or pictorial matter or upon which lettered or pictorial matter is placed when used or located out of doors or outside or on the exterior of any building, including window display area, for display of an advertisement, announcement, notice, directional matter or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs, and shall also include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public.

**TEMPORARY SIGN** – Any sign not exceeding 16 square feet to be used or emplaced for a period not exceeding 30 days and shall include building face, freestanding, A-frame, banners and other signs of a similar nature. Such temporary signs shall be consistent in color, lettering and design of any existing permanent signs on the premises where such temporary sign is placed.

**VILLAGE** – The Village of Bergen, Genesee County, New York.

**WINDOW SIGN** – Any sign placed on, affixed to, painted on , or located within the casement or sill area of a mineral glass window.



**Sign types Allowed by District.** Signs are allowed by district as set forth below. Specific requirements for each sign are shown on the following pages.

<b>Sign Types</b>	<b>R-1, R-2, R-3</b>	<b>C1</b>	<b>C2</b>	<b>IND</b>	<b>PUD</b>
Canopy Sign		•	•		
Wall Sign		•	•	•	
Shingle Sign	•	•	•	•	•
Window Sign		•	•	•	
Monument/Ground Sign	•	•	•	•	•
Bracket Sign	•	•	•	•	•
Sidewalk Sign		•	•		
Temporary Sign	•	•	•	•	•

- Sign Type Allowed

**R-1** (Residential 1 District)

**R-2** (Residential 2 District)

**R-3** (Residential 3 District)

**C-1** (Neighborhood Commercial District)

**C-2** (Central Commercial District)

**IND** (Industrial District)

**PUD (Planned Unit Development)**

**Allocation of overall sign Area** The maximum sign area allocation for each sign type is determined by the district and is established below. For each cell, there is a maximum sign area allocation that may be utilized with any combination and any number of signs associated with that cell, except for the only one free standing sign per 200 feet of street frontage and one building mounted sign per establishment per building wall visible from a public right-of-way is allowed (awning and window signs excluded). The total area or canopy signs, shall not exceed what would be allowed on the largest wall visible from the public right-of-way. Sign area is measured in square feet or percentage of wall area and total window space for window signs.

Sign Types	R-1, R-2, R-3	C1	C2	IND	PUD
Canopy Sign		15%	15%	15%	
Wall Sign		10%	10%	10%	
Shingle Sign	2 sq. ft	9 sq. ft.	9 sq. ft.	9 sq. ft.	9 sq. ft.
Window Sign		25%	25%	25% Not to exceed 8 sq. feet	
Monument/Ground Sign	15 sq. ft.	15 sq. ft.	15 sq. ft.	15 sq. ft.	15 sq. ft.
Bracket Sign	2 sq. ft.	9 sq. ft.	9 sq. ft.	9 sq. ft.	9 sq. ft.
Sidewalk Sign		6 sq. ft.	6 sq. ft.		
Temporary Sign	16 sq. ft.	16 sq. ft.	16 sq. ft.	16 sq. ft.	16 sq. ft.

## Canopy Sign



Description		
Any sign that is part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.		
General Provisions		
<ol style="list-style-type: none"> <li>1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.</li> <li>2. A maximum of one sign is allowed per canopy.</li> <li>3. Raceways are permitted for signs extending below or above the canopy. Otherwise, raceways are not permitted and the sign must be flush with the canopy face.</li> <li>4. A canopy sign can be externally illuminated.</li> </ol>		
Standards		
A	Overall area allocation (max)  Sign area allocation applies to each side of a building. Sign area allocation cannot be transferred from one side of the building to another.	See Section on allocation of overall sign area
B	Width (max % of canopy width)	75%
C	Height of text and graphics (max)	2 ft.
D	Depth (max)	1 ft.
E	Raceway (max % of letter height)	50%
F	Clear height above sidewalk (min)	10 ft.

## Wall Sign



### Description

A sign placed or painted against a building and attached to the building, extending no more than 12 inches, so that the display surface is:

### General Provisions

1. No portion of the wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
2. No portion of a wall sign may extend above the lower eave line of a building with a pitched roof.
3. A wall sign cannot cover windows or architectural details.
4. A wall sign can be externally illuminated.

### Standards

A	<p>Overall area allocation (max)</p> <p>Sign area allocation applies to each side of a building. Sign area allocation cannot be transferred from one side of the building to another.</p>	See Section on allocation of overall sign area
B	Projection, measured from building façade (max)	12 inches
C	Raceway (max % of letter height)	2 ft.

### Multi-tenant Sign

1. A development designed to accommodate at least 3 nonresidential tenants is allowed one additional square foot of sign area per linear foot of building façade, to be used exclusively as wall signage to display the name of the development or center.
2. The allocation of sign area cannot be transferred from one side of the building to another.

3. No more than two such signs are allowed per building and no more than one sign per façade is allowed.

### Shingle Sign



Description		
A small projecting sign that hangs from a bracket or support and is located over or near a building entrance.		
General Provisions		
<ol style="list-style-type: none"> <li>1. A shingle sign must be located within 5 feet of an accessible building entrance.</li> <li>2. The hanging bracket must be an integral part of the sign design.</li> <li>3. A shingle sign must be located below the window sills of the second story on the multi-story building or below the roof line on a single-story building.</li> <li>4. A shingle sign can be externally illuminated</li> </ol>		
Standards		
A	Sign are (max)	See Section on allocation of overall sign area
B	Height (max)	3 feet
C	Spacing from building façade (min/max)	6 in./12 in.
D	Projection width (max)	4 feet
E	Depth (max)	6 inches

F	Clear height above sidewalk (min)	12 feet
---	-----------------------------------	---------

## Window Sign



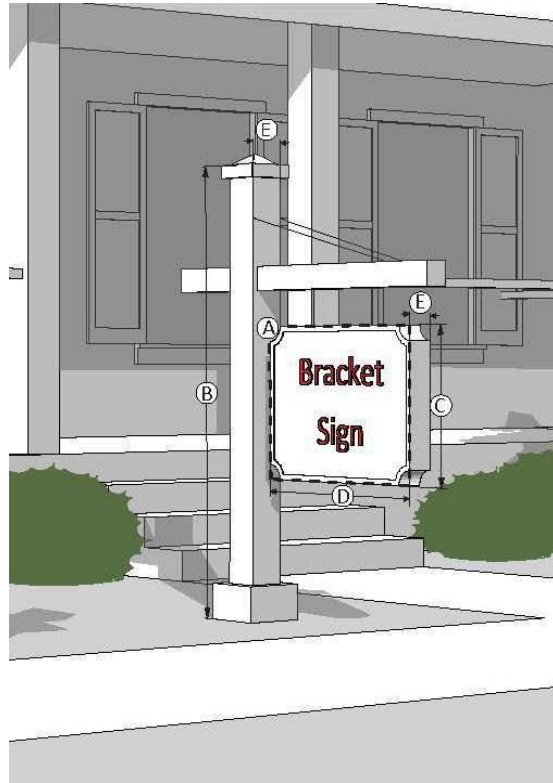
<b>Description</b>		
A sign affixed to the inside of a window or door, or a sign placed within a building so as to be plainly visible and legible through a window or door.		
<b>General Provisions</b>		
<ol style="list-style-type: none"> <li>1. Window signs are only allowed on windows or doors.</li> <li>2. Solid areas are not allowed</li> </ol>		
<b>Standards</b>		
A	Area of all windows and doors covered by signs (max combination of all windows and door covered by signs)	See Section on allocation of overall sign area

## Monument or Ground Sign



<b>Description</b>		
A sign attached to the ground along its entire length to a continuous pedestal that is no higher than 6 feet. A monument sign is horizontally oriented or is square.		
<b>General Provisions</b>		
<ol style="list-style-type: none"> <li>1. One monument/ground sign is allowed per property.</li> <li>2. A monument/ground sign must be set back at least 10 feet from the front property line and 5 feet from a side property line.</li> <li>3. A sign erected on a retaining wall is required to meet the standards for a monument/ground sign. The height of the wall is included in the overall height calculation.</li> <li>4. A monument/ground sign can be externally illuminated.</li> </ol>		
<b>Standards</b>		
A	Sign Dimensions (max per sign)	See Section on allocation of overall sign area
B	Height (max)	6 ft
C	Depth (max)	18 inches

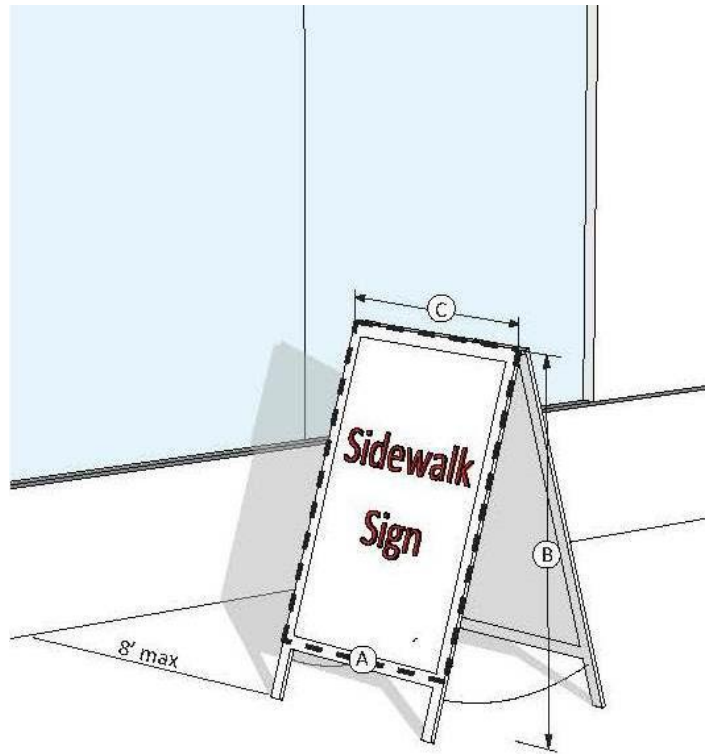
## Bracket Sign



Description		
A freestanding sign attached to the ground by one or more support structure that is not higher than 6 feet and hangs from a bracket or support		
General Provisions		
<ol style="list-style-type: none"> <li>1. Only one bracket sign is allowed per building.</li> <li>2. A bracket sign must be located at least 25 feet from any other bracket sign.</li> <li>3. The hanging bracket must be an integral part of the sign design.</li> <li>4. A bracket sign can only be externally illuminated.</li> </ol>		
Standards		
A	Sign area (max)	See Section on allocation of overall sign area
B	Sign structure height (max)	6 feet
C	Sign area height (max)	3 feet
D	Sign area width (max)	3 feet
E	Sign structure/area depth (max)	6 inches



## Sidewalk Sign



		Description
		A moveable sign not secured or attached to the ground or surface upon which it is located.
		General Provisions
		<ol style="list-style-type: none"> <li>1. Each tenant can have one sidewalk sign that must be located adjacent to the primary façade.</li> <li>2. Sidewalk signs must be removed and placed indoors at the close of business each day.</li> <li>3. Sidewalk signs cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility.</li> <li>4. A sidewalk sign cannot be illuminated.</li> <li>5. Design of the sidewalk sign be in the timeless nature of the village.</li> </ol>
		Standards
A	Sign Dimensions (max per sign)	See Section on allocation of overall sign area
B	Height (max)	6 ft

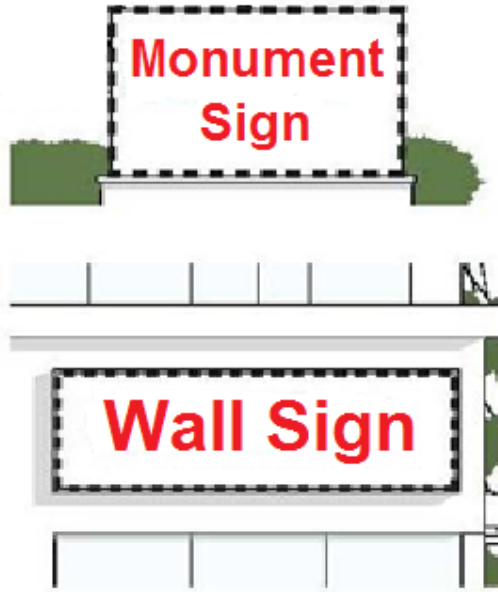
C	Depth (max)	18 inches
---	-------------	-----------

**Computation of Sign Type Area:** The area of a sign type is determined as follows:

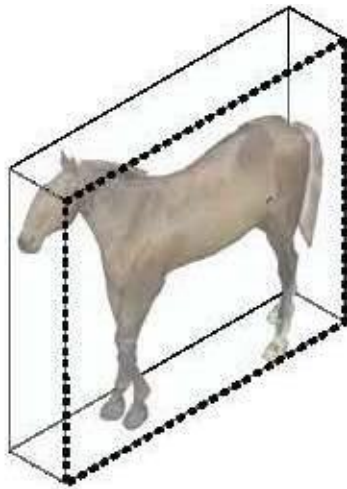
1. For signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses each word or logo.



2. For wall signs and signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing.



3. The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



4. The area for a sign with more than one face is computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 45 degrees.

