

**Chapter 104**

**SIGNS AND PLACARDS**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 8-11-31 as Sections 13 and 6 of the Code of Ordinances. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Historic District - See Ch. 64.**

**Zoning - See Ch. 134.**

### **§ 104-1. Purpose; Overall Objective.**

A. Purpose: The purpose of this Chapter is to promote and protect public health, safety and welfare by regulating signs of all types. It is intended to encourage the use of signs as a means of communication, protect pedestrian and vehicular safety, protect property values, protect and enhance the aesthetic environment, enhance the Village's historic character and improve the Village's ability to attract sources of economic development.

B. Overall Objective: The design, color, character, size and scale of signs should be in keeping with and appropriate to the architectural design of the building or structure upon which the signs are placed, the design of the neighboring properties and adjoining signs, and the character of the Village of Cold Spring. To the maximum extent practicable, signs shall fit within the existing features of the building façade; signs on adjacent buildings should be aligned with one another.

### **§ 104-2. Definitions.**

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

**BACKLIT SIGN** – A sign where the sign face is illuminated from behind.

**BILLBOARD** - A free standing commercial sign designed to carry outdoor advertising, which sign is located on a plot or parcel other than that where the advertised business is conducted.

**EXTERNALLY ILLUMINATED SIGN** – Shall mean a sign illuminated by a separate light fixture that casts light directly on the face of the sign.

**FREE STANDING SIGN** - Any sign placed upon or supported by the ground independently of any other structure.

**INTERNALLY ILLUMINATED SIGN** – A sign illuminated directly or indirectly by a light fixture located within the sign structure.

**SANDWICH BOARD SIGN** - A moveable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A. (Also known as sidewalk sign.)

**SIGN** - Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

**SIGN FACE** - Typically refers to the most prominent message area of a sign but may refer generically to any message area. More specifically, it includes all faces of a sign measured when such sign is on a plate or framed or outlined; all of the area of such plate

or the area enclosed by such frame or outline shall be included; or, when such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the total area of such sign shall be deemed the area within which all of the matter of which such sign consists may be inscribed.

**3D SIGNS (THREE DIMENSIONAL SIGNS)** - Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture, or statue-like trademarks).

**WALL MOUNTED SIGN** - A single-face sign mounted on a wall. (See also wall sign.)

**WALL SIGN** - In the most literal sense, a sign that is painted on a wall. The term is often expanded to include flat signs that are placed on or attached to the wall of a building. These latter signs are also called fascia-mounted signs and wall mounts. (Also known as a wall mounted sign.)

### **§ 104-3. Regulations Applicable to All Signs in All Districts.**

- A. Permit. Except as otherwise provided, an approved Building Permit for a Sign from the Code Enforcement Officer and, for properties in the Historic Districts (see Chapter 64, Historic District), a Certificate of Appropriateness from the Historic District Review Board (HDRB) is required prior to the erection, modification, or relocation of any Sign, except that Signs smaller than four (4) square feet are not required to have a permit. Only one Sign smaller than four (4) square feet is permitted per property.
- B. Measurement. Sign surface area will be the entire area within a single continuous perimeter enclosing all elements which form an integral part of the Sign. The area of a Sign consisting of an insignia or other device, but without background, shall be calculated as the smallest polygon or circle possible enclosing the insignia. Back-to-back identical Signs shall be considered as one Sign, and the total square footage of both sides is counted in the allowable square footage. 3D Signs shall have a Sign area of the sum of two adjacent sides or Sign Faces.
- C. Signage shall be included in any site plan review or special use permit review by the Planning Board. However, when site plan/special use permit review is not required, proposed signage requires a Building Permit and Certificate of Appropriateness from the Historic District Review Board (if in Historic District).
- D. Signs containing noncommercial speech are permitted anywhere that commercial Signs utilized for advertising or business are permitted, subject to the same regulations applicable to such commercial Signs.
- E. Prohibited Signs in all Zoning districts:
  - (1) Any off-premises Signs, including Billboards.

- (2) Flashing Signs, including any Sign or device on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (3) Time and temperature Signs.
- (4) Rotating/animated signs.
- (5) Signs which involve search lights.
- (6) Neon or other Internally Illuminated Signs, except with a permit, one monitor less than six (6) square feet located within a structure.
- (7) Any Sign manifesting kinetic or illusory motion caused by natural, mechanical, manual, electrical or other means, except by permit.
- (8) Signs which project more than two (2) feet over a street or sidewalk, or which project any distance beyond or above the building in any other direction. Also Signs which are lower than eight (8) feet above the sidewalk or street.
- (9) Signs which compete for attention with or may be mistaken for a traffic signal.
- (10) Exterior Signs made of cardboard, paper, canvas or similar impermanent material.
- (11) Exterior Signs made of flexible material, such as vinyl, unless these are temporary Signs (see § 104-7). These Signs must conform to all requirements in § 104-4, § 104-5, § 104-6.
- (12) Inflated Signs and tethered balloons.
- (13) Roof Signs, any Sign mounted over or on the roof or parapet of a building.
- (14) Abandoned Signs. Any Sign which is located on a building which becomes vacant and remains unoccupied; or which pertains to a time, event or purpose that no longer applies; or which remains in place that no longer advertises a bona fide business or activity; or which pertains to a product or service other than the one offered on such lot, shall be deemed abandoned after a period of two (2) months or more. Landmarked Signs (see Chapter 64) are exempt from this prohibition.
- (15) Obscene and offensive sexual material are prohibited on Signs in accordance with the New York State Penal Law.

F. Signs on public property.

No Signs are permitted on public property, except as permitted in § 104-5 and § 104-6, without a permit from the Mayor, and any such Sign placed in violation hereof may be removed by any citizen of the Village.

G. Sign, handbill, notice or placard.

No person shall post, hang or cause to be posted or hung any Sign, handbill, notice or placard, except legal notices, upon any post, telegraph or electric light pole, tree or fence or other object in any street or public place of the Village without a permit from the Village Clerk, and any such Sign, handbill, notice or placard placed in violation hereof may be removed by any citizen of the Village. All permitted Signs, handbills, notices, and placards may be installed no earlier than two (2) weeks before the event and must be removed by 12 midnight of the day after the event. [Amended 12-5-00 by L.L. No. 2000-12]

**§ 104-4. Permitted Signs in Residential Districts (R-1 and R-3).**

- A. The street number of the property and name of residents.
- B. For home occupations, a Sign of not more than one (1) square foot identifying the service provided.
- C. No permit is needed for either Sign identified in § 104-4 A or § 104-4 B. All other Signs are prohibited unless exempt under § 104-8.

**§ 104-5. Permitted Signs in Business District B-1.**

The following are the permitted Signs in Business District B-1:

- A. A total Sign area of one (1) square foot in area for every linear foot of street frontage occupied by a building, but not exceeding thirty-two (32) square feet for any Wall Sign parallel to and flat against the façade of a building. Individually landmarked Signs (see Chapter 64) do not contribute to the square foot calculation.
- B. Where the design of an existing building incorporates a specific area for Signs, the height and width of the Signs shall be restricted to the dimensions of this area, as long as it does not exceed thirty-two (32) square feet. Individually landmarked Signs (see Chapter 64) do not contribute to the square foot calculation.
- C. Interior Sign coverage shall not exceed thirty (30) percent of the glass area of the window in which it is displayed.
- D. Where the building is set back less than twenty-five (25) feet from the front lot line, only one Free Standing Sign, such as a Sandwich Board Sign, up to twelve (12) square feet including both sides of Sandwich Boards Signs. Such Signs must not extend beyond three (3) feet of the front façade of the building. Free Standing Signs such as Sandwich Boards Signs shall be considered part of the allowable square footage. Sandwich Board Signs may not obstruct building ingress and egress.

Sandwich Board Signs are permitted to be displayed only during the business hours of the establishment.

- E. Where the building is set back twenty-five (25) feet or more from the front lot line, only one Free Standing Sign, with a total area of all faces of not more than forty (40) square feet, may be erected; such Sign shall not exceed twenty (20) feet in height. No such Free Standing Sign shall encroach on any required setback.
- F. Awning and canopy lettering.
  - (1) Lettering and graphics on awnings and canopies shall count towards the Sign area allowance per building, except the street name and number.
  - (2) Awning lettering may contain names, numbers and graphics limited to the business or building name upon which the awning is located.
  - (3) Lettering may be placed on the front and/or side horizontal band of the awnings, but not on the slope or side triangles, if any.
- G. All other Signs are prohibited unless exempt under Section § 104-8.

**§ 104-6. Permitted Signs in Districts B-2, B-3, B-4, B-4A, MU-1 and PR-1.**

- A. Each separate business with a separate external entry may erect no more than two exterior Wall Signs parallel to and flat against the façade of the building. Such Signs shall be restricted to the name and logo of the business, information lines (excluding pricing) and/or pictograph indicating the nature of the business. The size of such Signs shall be no more than one (1) square foot for each linear foot of the individual store front occupied by such business, but in no case shall the total area of such Signs exceed eighty (80) square feet for each such business. Individually landmarked Signs (see Chapter 64) do not contribute to the square foot calculation.
- B. Where the design of an existing building incorporates a specific area for Signs, the height and width of the Signs shall be restricted to the dimensions of this area. as long as it does not exceed eighty (80) square feet. Individually landmarked Signs (see Chapter 64) do not contribute to the square foot calculation.
- C. Interior Sign coverage shall not exceed thirty (30)% of the glass area of window in which it is displayed.
- D. Where the building is set back less than twenty-five (25) feet from the front lot line, only one Free Standing Sign, such as a Sandwich Board Signs, up to twelve (12) square feet including both sides of the Sandwich Board Signs, or one Free Standing Sign for every twenty (20) linear feet of building façade. Such Signs must not extend beyond three (3) feet of the front façade of the building. Free Standing Signs such as

Sandwich Board Signs shall be considered part of the allowable square footage. Sandwich Board Signs are permitted to be displayed only during the business hours of the establishment.

- E. Where the building is set back twenty-five (25) feet or more from the front lot line, only one Free Standing permanent Sign, with a total area of all faces of not more than forty (40) square feet, may be erected; such Sign shall not exceed twenty (20) feet in height. No such Free Standing Sign shall encroach on any required setback.
- F. Awning and canopy lettering.
  - (1) Lettering and graphics on awnings and canopies shall count towards the Sign area allowance per building, except the street name and number.
  - (2) Awning lettering may contain names, numbers and graphics limited to the business or building name upon which the awning is located.
  - (3) Lettering may be placed on the front and/or side vertical band of the awnings, but not on the slope or side triangles, if any.
- G. All other Signs are prohibited unless exempt under Section § 104-8.

**§ 104-7. Temporary Signs.**

Unless exempt, Signs to be erected for short duration require Sign permits which indicate the dates during which the Signs may be displayed.

- A. Such Signs shall not exceed twenty (20) square feet in total area.
- B. Such Signs shall not be displayed by an activity or business for more than thirty (30) days total in any one calendar year.
- C. Portable Signs may be allowed with a permit, but are not to exceed placement for longer than thirty (30) days total per year.
- D. No internal or external lighting of temporary Signs is permitted.
- E. No more than one temporary Sign permit may be granted to or be in effect for an applicant at any one time.
- F. Any temporary Sign must conform to the requirements of § 104-4, § 104-5 or § 104-6 based on the Zoning district except that flexible materials are allowed in temporary Signs.

**§ 104-8. Exempt Signs.**

Exempt Signs. The following types of Signs may be erected, maintained and removed without permits or fees, provided that they comply with the general and specific requirements of this Chapter:

- A. One Sign, not exceeding sixteen (16) square feet of signage on both sides, on the lot of any religious institution, school, or nonprofit organization.
- B. Construction, renovation or painting Signs, not exceeding four (4) square feet, listing the architect, engineer, contractor and/or owner, on the lot where the activity is being conducted while the activity is in progress.
- C. Noncommercial sale Signs at the site of garage or tag sales, not exceeding four (4) square feet, for a period not exceeding seven (7) days.
- D. Real estate Signs, not exceeding twelve (12) square feet on both sides, on the lot which is for rent or sale for the period which the lot is for rent or sale , listing the realtor.
- E. Political Signs and Signs containing personal expression, not exceeding a total of four (4) Signs per lot and not exceeding a total of sixteen (16) square feet of signage on both sides for a period not exceeding sixty (60) days.

**§ 104-9. Non-conforming Signs.**

- A. The lawful use of a Sign or Signs existing at the time of adoption of this Chapter may be continued, even though the Sign does not conform to the regulations and limitations of this section, until one or more of the following occurs:
  - (1) The structure, size, location, advertising display matter or accessories of any or all Signs previously granted approval and permits are altered, modified, changed, reconstructed or moved.
  - (2) The structure, size, location, advertising display matter, lettering, color scheme or accessories of any or all Signs on the property for which approval and/or permits have not been granted are altered, modified, changed, reconstructed or moved.
  - (3) Buildings, structures or site improvements on the property upon which the Sign is placed are altered in such a way as to require approval pursuant to Chapter 134 (Zoning).
  - (4) Any or all Signs on the property are damaged or destroyed by fire, explosion or act of God to the extent of more than sixty (60)% of the actual value thereof.
  - (5) Any or all Signs on the property are abandoned.
  - (6) Any or all Signs on the property fall into a state of disrepair and/or become unsafe.



- B. Nonconforming Signs are not subject to the provisions of § 134-19, Nonconforming Uses, Nonconforming Buildings, Nonconforming Lots of Chapter 134.
- C. Ordinary maintenance and repairs may be made to any nonconforming Sign, provided that the structure, advertising display matter, lettering, color scheme or accessories are not altered, modified, changed, reconstructed or moved, and provided that such ordinary maintenance and repairs do not exceed twenty (20)% of the material replacement value of the Sign in any one (1) year period.
- D. Nothing contained in this section shall be deemed to require any change in the plans or construction of any Sign upon which actual construction was lawfully initiated prior to the effective date of this section. "Actual construction" is hereby defined as the actual placing of the Sign and/or structure materials in their permanent position in compliance with the previously obtained approval and permits.

**§ 104-10. Enforcement.**

The Code Enforcement Officer shall approve or deny any building application for a Sign that is not reviewed as part of a site plan, special use permit or any other Village board approval. Any aggrieved party can appeal the Code Enforcement Officer's determination on a Sign permit to the Zoning Board of Appeals in the manner set forth in Article VII of the Village's Zoning Law. The Planning Board shall approve, approve with modifications, or deny signage as part of a site plan. The Planning Board shall approve, approve with modification, or deny signage as part of a special use permit. The HDRB shall approve, approve with modifications, or deny signage as part of a Certificate of Appropriateness. Any challenges to a Village board determination can be brought via an Article 78 proceeding via the New York State Civil Practice and Rules.

**§ 104-11. Penalties for offenses. [Amended 3-27-79 by L.L. No. 1-1979].**

- A. Any person committing an offense against any of the provisions of this Chapter shall be guilty of a violation under the New York State Penal Law and, upon conviction, shall be punishable by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment for not more than fifteen (15) days, or both.
- B. The Village Board of Trustees may also enforce this Chapter by injunction.
- C. Each week of the continued violation shall constitute a separate, additional violation.

**§ 104-12. Severability.**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining

provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.