

TOWN OF HUNTER LOCAL LAW # 1 OF 1985
AMENDED 1990 LOCAL LAW # 2
AMENDED 2003 LOCAL LAW # 1
REGULATING THE CONSTRUCTION OF SIGNS

Section 1 Legislative Intent

This law, passed April 15, 2003, in the Town of Hunter, is intended to regulate the types of signs that may be erected within the Town of Hunter. The Town recognizes that unregulated construction and the placement of signs within its boundaries is a detriment to the safety and general welfare of its citizens. The provisions herein are intended to meet the special needs of the businesses within this community and to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to encourage the use of signs as a means of communication, protect pedestrians and traffic safety, protect property values, maintain and enhance the aesthetic environment and enhance the Town's ability to attract sources of economic development and growth. Regulation of signs is necessary to preserve the rural nature and character of the Town and to restore and maintain the natural setting of this mountainous resort area.

Section 2 Definitions

A. Sign: Shall mean

1. Any material structure, or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or in-doors 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 or promote the interests of any person, business, or cause, when such is placed in view of the general public.
2. Any exterior device constructed, erected, affixed, or placed within the Town of Hunter upon any building pole, mounting surface or structure or up on any land, for the purpose of attracting public attention, including any device comprised of separate letters which are affixed mounted, or otherwise arranged for the purpose of attracting public attention.
3. Any such device which is painted or affixed on glass or other material located inside a building as part of a window display, or within four (4) feet of any window and which is readily visible from a sidewalk, street or other public place.
4. Any interior light or lights, or portion of window display, which flashes or emits intermittent light or light of varying intensity, and which is visible from any street neighboring property, or public way.
5. Any leaflet, booklet, flyer, or advertising material permanently or temporarily affixed to or placed upon any vehicle, building, doorstep, doorknob, pole, or any other type of mounting surface, or any such material distributed by hand or any other mechanism, other than postal delivery.
6. Any poster, tethered balloon, anti-aircraft light, painting, leaflet, flyer, advertising paper, or any other contraction or device whose placement is intended to attract public attention.

B. Other definitions:

1. **Awning:** Any non-rigid material such as fabric or flexible plastic that can be rolled back or retracted and is supported by a frame that is attached to an exterior wall.
2. **Awning Sign:** Any visual message incorporated into an awning attached to a building.
3. **Administrator:** A member of the town staff appointed by the Town Supervisor, designated to administer and enforce this Title
4. **Banners, Pennants, or Bunting:** Any announcement device affixed to poles wires or ropes for the purpose of announcing or promoting community events or activities or decorating the town for special holidays.
5. **Business Name Sign:** Any sign which depicts, shows, or otherwise contains the name or identifiable logo or markings of a commercial establishment.
6. **Community Bulletin Board:** A cork, wood, glass, or other display surface which is located out-of-doors or on the exterior of any building when such is placed in view of the general public, or when located in doors as a window sign and shall include storefront windows.
7. **Display Box:** A freestanding or wall sign enclosed in glass for the express purpose of displaying menus, current entertainment or real estate listings.
8. **Fine Art:** Sculpture, fountains or similar objects.
9. **Flag:** Any state or national flag
10. **Free Standing Sign:** Any sign that is not attached to or part of any building but is permanently affixed by any other means, in or upon the ground including but not limited to pole, pylon and masonry wall-type signs.
11. **Landscaping:** For the purpose of this title, the placement of flowers, shrubs & other ornamental design elements.
12. **Lettering, Movable Type:** Any lettering on a sign that can be removed and rearranged to advertise specials, rates, and events pertaining to the business advertised on said sign.
13. **Lighting, Indirect:** A source of light separated from the surface and illuminating the sign surface by means of spotlights or similar fixtures.
14. **Lighting, Pan-Channeled:** Indirect, concealed light source which is recessed into any element of a sign, which element is attached directly to the face of sign. Each element to be lighted must have an opaque surface such that the light does not shine through the element.
15. **Lights or Lighting:** Any lights which are part of any sign, or are used to illuminate any sign
16. **Mural or Supergraphic:** A painted scene, figure, or decorative design so as to enhance the building architecture, not including written trade or place names or advertising messages.
17. **Notice:** A type of sign consisting of any paper, placard, banner, or other device displaying written or graphic material identifying or announcing an event, including a business opening or closure, or hours or days of operation or sale.

18. **Off-Premise Sign or Billboard:** A sign which does not identify a business or a profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.
19. **Pictographic Sign:** Any symbol historically used to represent a business or trade, such as barber poles, mortar and pestle, etc.
20. **Political Sign:** A temporary sign denoting a political campaign headquarters, party affiliation, cause or candidate, but the sign shall not include the name of the sponsor or business promoting the activity or advertising the business.
21. **Portable Sign:** A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not structurally and permanently affixed to the ground, a building, a structure or another sign.
22. **Posters and Handbills:** A sign affixed to trees or other natural vegetation, rocks or utility poles.
23. **Principal Facade:** The facade which contains the primary entrance to the establishment.
24. **Product Announcement:** A type of sign consisting of any paper, placard, banner, or other device displaying written or graphic material identifying a type of product or merchandise, or brand name of a manufacturer of such merchandise.
25. **Projecting or Hanging Sign:** Any sign attached to a building and extending more than twelve (12) inches beyond the building line. Allowable size does not include the supporting structure.
26. **Reflective Surface:** Any material or device which has the effect of intensifying reflected light, such as Scotchlite, Dayglo, glass beads, and luminous paint.
27. **Representational Sign:** Any three-dimensional sign built so as to physically represent the object advertised.
28. **Residential Nameplate Sign:** A sign permitted for the sole purpose of designating the inhabitant residing therein, the house name, or identifying the address of the house. This sign may not contain advertising of any kind.
29. **Restoration:** The routine maintenance and painting of existing, approved signs that do not change the approved design and colors in any way.
30. **Roof Signs:** A sign which is erected on a roof or which extends in height above the roofline of the building on which the sign is erected.
31. **Sculptural Sign:** Any sign whose form is such that it represents the type of business being advertised (see pictographic signs), natural scenery or elements (landscapes, animals, etc) or local historical or mythological persons, creatures or events. All sculptural signs must be of professional quality and distinguishable from a distance.
32. **Setback:** The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly from the property line.
33. **Shopping Center:** A structure or structures and customary parking and loading areas providing for a variety of retail commercial establishments managed as a unit and having a common interrelated parking and site circulation system with consolidated access to public roads.

34. **Sign Area:** Includes all faces of a sign measured as follows:
- a. When any sign is framed or outlined, all of the area of the frame or outline shall be included. Allowable area of a sign shall be computed by using the outside dimensions of the face, in the same plane, of a one or a two-sided sign and each face of a multi-sided sign.
 - b. Sign measurement shall be based upon the entire area of the sign with a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including structural supports if they are not used for advertising purposes.
35. **Sign Directory:** A listing of two or more business enterprises, consisting of a matrix and sign components.
36. **Signable Building Facade:** The continuous portion of a structure that is unbroken by door or windows.
37. **Size, Allowable:** Computation of allowable sign area shall include all existing signs on the premises, whether the signs are conforming or nonconforming under this Title. Freestanding or wall mounted letters will be measured using the smallest geometric figure which will enclose all of the letters or symbols. Spaces between individual letters or symbols will be included in the computation of allowable sign size.
38. **Temporary Sign:** Any sign which will be erected for not more than twenty-one (21) days.
39. **Temporary Site Development Sign:** A sign permitted to identify a project under construction and identifying the parties involved in the design, financing and/or provision of labor and materials associated with the construction on the premises where the sign is located, but not including the advertisement of any product.
40. **Town:** Shall mean the Town of Hunter.
41. **Traffic Control Sign:** A permitted sign for the purpose of identifying private parking areas and directing the flow of traffic on private property.
42. **Wall Sign:** A sign attached to, painted on, or erected against the outside wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall including attachment of individual lettering and having a visible edge or border not projecting more than twelve (12") inches from the face of the wall.
43. **Window Sign:** A sign affixed on or located within three (3) feet of the interior surface of a window fronting a public way, which sign shall not include three (3) square feet allowed for the display of the name of the business or organization (not to exceed 1.5 square feet), the display of hours of operation, credit card information, and similar general informational items.
44. **Window Lettering:** A type of window sign, including product announcements, which is painted or affixed to window glass in separate or individual letters or graphics.

Section 3. Administration and Enforcement

A. Administrator:

1. **Appointment:** The town supervisor shall appoint an Administrator, who shall administer and enforce this Title. This position may be combined with another position in the Town.

2. Responsibilities: The Administrator shall be responsible for enforcement of this Title, as well as granting approval to all sign permit applications meeting the pre sign requirements, and a member of the design review committee.

3. Enforcement: The Administrator may serve notice indicating the nature of any violation, or requiring the removal of any sign in violation of this Title, on the owner or authorized agent. The Administrator may call upon the Town Attorney to institute necessary legal proceedings to enforce the provisions of this Title, and the town attorney is authorized to institute appropriate actions to that end. The Administrator may call upon the Chief of Police and authorized agents to assist in the enforcement of this Title.

B. Design Review Committee:

1. Appointment: The Town Supervisor shall appoint a committee of four residents of the Town not including the Administrator.

2. Responsibilities: If the Administrator determines that the sign permit application does not meet the Pre-Approved Sign Requirements set forth in this Title, the Design Review Committee shall examine the application and then vote on approval. The Design Review Committee will meet once a month on the second Tuesday of the month, unless there are no applications to approve. The Design Review Committee is also responsible for reviewing pre-existing nonconforming signs for approval. All pre-existing signs found to be acceptable will be deemed legal non conforming signs.

C. Administrative Procedure

1. Permit Required:

a) No sign may be constructed, erected, affixed, placed, changed, or otherwise used within the Town of Hunter without approval of such action from the Design Review Committee unless specifically exempted herein. Such approval shall be made by application to the Committee which shall determine after review whether said permit shall be issued.

b) Any sign permit application must be submitted to the Town of Hunter Administrator at least three weeks prior to the intended date of placement of any proposed sign.

c) All signs being maintained in the Town of Hunter upon the effective date of this local law shall require a permit review pursuant to the terms of this local law on a schedule authorized by the Town Board within thirty (30) days. No sign will be grandfathered in and non-conforming signs will require a variance or replaced or modified to bring it into conformance within two (2) years. Subsequent to enactment of this local law, any pre-existing sign which shall have been determined to be prohibited or in violation of Local 16, Law #3-90, the Town of Hunter Sign Law, and the responsible party having been officially noticed of such status as directed by said law, shall not be eligible for any period of amortization. Any amortization period duly running at the time of enactment of this local law shall not be effected or re-triggered by enactment of this local law, but continue to run from the date and time any such sign began its amortization period.

2. Modification or Replacement: No sign now existing or hereafter erected shall be modified, altered, changed, or replaced, except for recoating of approved and existing background or lettering, without approval and permit pursuant to the terms of this local law.

3. Application for Sign Permit: The Town of Hunter will at the office of the Town Building Department, Hunter Town Hall, Haines Falls, New York, have available applications for sign permits. Said Tenant occupying the premises upon which said sign is to be constructed or placed must file this written application with the Administrator. The application must contain the following:

- a. Name, address and phone number of the tenant and landowner.
- b. Location of the building, structure or land on which the sign now exists or is to be erected.
- c. A complete description of the business being conducted on the property
- d. If a new sign is to be erected, elevation and plan drawings to scale should be included. In addition, a full description of the placement and appearance of the proposed sign should be included and should cover the following:
 - i) Location on the premises, specifically, its position in relation to adjacent buildings, structures, streets and property lines.
 - ii) The method of illumination, if any, and the position of lighting or other extraneous devices.
 - iii) Graphic design including pictorial matter, letters, materials and colors
 - iv) Construction material
 - v) Mounting method
- e. If using one of the pre-approved sign designs, the appropriate information including size, color, lighting, and included text and symbols
- f. If not using a pre-approved sign design, a sketch of the sign to scale including size, shape, color scheme, lettering & text, and lighting.
- g. A color photograph of the property as it currently exists
- h. Whether the applicant seeks a variance from any provision of this local law, and if so, what provision.

4. An application fee of \$50 will be paid upon submitting an application for pre-approved sign and \$100 for submitting an application for non pre approved signs. All sign permits are granted for a period of one (1) year.

5. Written consent, or copy of the contract or lease made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner. Any application submitted by a tenant or lessee must be co-signed by the property owner.

D. Issuance of Permit

The Administrator shall issue the permit provided that all requirements of this law have been complied with and the application has been approved by the Design Review Committee if necessary. All signs must be approved relative to their appropriateness and compatibility of their design, shape, materials, colors, illumination, legibility, location and size. The Committee as a condition of approval, may recommend changes in such features, including size. The Committee may approve, approve with conditions that must be met, or disapprove signs provided that the board finds that the sign for which the permit was applied would, if erected or painted, be detrimental to the desirability, property, values or harmonious development of the surrounding area. Approval is based on consistency with the design criteria listed in this law.

E. Annual Renewals

Every sign permit issued under this law shall be subject to annual renewal. On or before June 1st, of each year, each permittee must file a renewal application with the sign administrator along with a \$25.00 application fee per sign. Each application will be reviewed and approved or disapproved in accordance with Section 4 of this law. No sign will be renewed if the sign has fallen into disrepair.

Section 4 Design Requirements

A. General Sign Requirements

1. Signs shall be allowed on each business premises. In the event that a business premises faces on more than one public street or on a public street and a public parking lot then one more sign shall be allowed. No such sign shall exceed 32 square ft on surface if upon a building nor 20 square feet if freestanding or hanging. If the aforesaid sign is placed in window of the premises, then its area shall not exceed 25% of the total window on the side of the building in which it is located.
2. One additional sign of similar design, color and material of not more than 4 square feet may be attached to the principal sign authorized by the above paragraph, provided the accessory sign is limited to informing the public of entertainment and food specials. An accessory sign shall not count against the total number of signs or allowable signs area for a business, provided that the primary sign meets all applicable requirements of these regulations. An accessory sign shall not be allowed on any non-complying sign or on any premises where the total number of signs are not in compliance with the regulations.
3. Awning size will be determined by the size of the sidewalk at the location. Lettering may appear on the valance only and reach up to 6 inches in height. The extent of the lettering may cover as much as 8 feet in width or fifty percent (50 %) of the valance width, whichever is less.

B. Design Criteria

1. **Harmonious with the Town Scale:** Sign location configuration, design, materials and colors should be harmonious with the majestic natural setting of the Catskill Park as well as the mountain village scale of the Town.

2. **Architectural Harmony:** A sign should be compatible with its surroundings, including other signs, structures and the district as a whole; appropriate to the architectural character of the building on which it is placed (if wall, projecting or window sign) and should not cover architectural features.

3. **Materials:** Sign materials should be predominantly natural or have a natural look, such as natural woods or painted sign board. Stained glass may also be considered by the Design Review Committee. Plastic & other materials are discouraged.

4. **Colors:** Natural colors earth & forest tones are favored for backgrounds. Bright colors should only be used for lettering & accents.

5. **Layout:** Should be orderly and graphic/lettering should be clear, concise, easily readable and in proportion to the size of the sign (no greater than 60% of the total sign area).

6. **Height:** No sign in the Town shall be erected higher than twenty-four feet (24') above the mean grade of the road fronting the property.

7. **Size:** In an attempt to meet the needs of different businesses in different locations, allowable sign size varies by the designated speed limit where the business is located. Both sides of the sign are counted for the allowable sign size.

a) Signs located in a 55 mph speed zone are allowed a maximum surface area of 32 sq. ft. for wall signs and 64 sq. ft. for free standing signs.

b) Signs located in 40-45 mph speed zones are allowed a maximum of 24 sq. ft. for wall signs and 48 sq. ft. for free standing signs.

c) Signs located in speed zones less than 40 mph are allowed a maximum of 18 sq. ft. for wall signs and 36 sq. ft. for free standing signs.

8. **Landscaping:** All freestanding signs require professional quality landscaping encompassing an area extending two feet in every direction from the footprint of the sign.

9. **Lettering:** All lettering and symbols must be of professional quality. Reflective letters are allowed. Removable type is also allowed provided that the letters are front lit only and the background color of the removable type is the same as that of the sign background. The lettering on any sign may not exceed 60% of the sign area of any one side of the sign.

10. **Lighting:** Lighting should be indirect or pan channeled and of no greater illumination than is necessary to make the sign visible at night and should not unnecessarily reflect onto adjacent properties. Lighting sources may not be visible to passing pedestrians or vehicles and should be concealed in such a manner that light does not pass through any element of the sign.

a) Only white light may be used to illuminate a sign, except in the case of neon, which is prohibited in all types of signs except window signs.

b) The illumination from any sign may not cause any reflection, or glare upon a public street, highway, sidewalk or adjacent property.

c) Exposed lighting sources such as bulbs, tubes or the like are prohibited. All direct sources of illumination must be hidden from view by shrubbery or some other permitted material.

d) All lighting, whenever possible, shall be designed as down lighting with a reflective shield to minimize sky glow.

11. **Multi-Business Signs:** The owner of a property that has multiple businesses in residence may apply for a sign permit advertising both the name of the location as well as the businesses in residence. The sign must be free standing and comply with section 4.B of this Title. The Property owner is allowed one extra sign per business on the premises. These signs may only designate each said business and be in the same style as the parent sign and maybe approved by the Design Review Committee. The subsidiary signs must be affixed subordinate to the parent sign and have a maximum allowable surface area of six (6) sq. ft.

C. Rules By Type of Sign

1. **Projecting or Hanging Signs:** Any sign which projects or extends out, up, or down from any building, by pole or any other device, shall be no larger than sixteen (16) square feet. No portion, excluding names of theatres, shall extend further than six (6) feet from said building. Any projecting sign which is flat may use both sides of its surface, provided the content is identical on each, and the two (2) sides shall be counted as one (1) sign.

2. **Window Signs:** Permanent window signs must be painted on or attached directly and permanently to the window. No window lettering shall exceed, in aggregate painted, frosted, opaque, or otherwise treated or covered surface, twenty percent (20%) of the area of the window upon which it is applied.

3. **Community Bulletin Boards:**

a. No exterior bulletin board, whether free-standing or attached to a wall, shall be constructed, placed, or used without prior application to and approval by the Design Review Committee.

b. Glass store-front bulletin boards shall be exempt from permit fee for allowable purposes of notices or announcements, as provided herein

4. **Wall signs:** The visible edge or border of a wall sign may extend up to 12 inches from the face of the wall and may not extend beyond the walls of the building. The placement of all wall signs must be above the display window and the cornice in a single story building or between the shop window and the second story window sill in a multi story building.

a. Any wall sign which is attached to the outside wall of a building shall be no larger than thirty-two (32) square feet, except any such sign with portion or portions extending up or down from any building shall be no larger than sixteen (16) square feet, with no more than one fourth (1/4) of the square footage extending up or down from the building.

b. The content of any display or arrangement of separate or individual letters shall constitute one (1) wall sign and, for purposes of dimension, height shall be measured from the highest point of content to the lowest, and width shall be measured from the furthest left-hand point of content to the furthest right-hand point.

5. **Freestanding Signs:** No freestanding sign shall be more than 12 feet in height. Any sign which is not attached to a building shall be termed free standing, and shall have all portions no higher than twenty-four (24) feet above ground level.

a. Any free-standing sign shall be measured by multiplying the maximum height by the maximum width, including:

i. The entire display surface and

ii. Any base, roof, or support used as part of the display surface

b. Any free-standing sign which is no higher than six (6) feet may, in square footage, be in size equal to or less than one quarter (1/4) of the footage of the facing road front of the specific lot upon which the sign is proposed, with a maximum size of sixty-four (64) square feet.

c. Any free standing sign which is higher than six (6) feet and does not exceed the maximum permitted height of twelve (12) feet, shall be no more than thirty-two (32) square feet in size.

d. Any flat, free standing sign may use both sides of its surface if the content is identical on each, and both sides shall then be counted as one (1) sign

e. New car dealerships and gas stations are excepted from 12 ft. limit which shall not exceed 24 ft in height

6. Awning Signs: Awning signs must be of the fabric retractable or rollback variety.

7. Directional Signs: The Administrator may issue sign permits for the erection of on-site directional signs provided that the individual signs are no more than two (2) square feet in area and are limited to generic text such “entrance” and “exit”. Permits will be granted only if the applicant can clearly demonstrate his or her necessity based on motorist safety and that any such on-site directional sign will be set back at least five (5) feet from any public right-of-way or any property line.

8. Gas Filled Signs: Signs using gas filled tubes or similar mechanisms are subject to the approval of the Design Review Committee and should be architecturally relevant to the building

a) Gas signs may not be free standing and can only be used inside

b) Use is limited to one (1) per window

9. Signs for Shopping Centers and Malls: Where four (4) or more business establishments are planned as an integrated shopping center or development, the following sign criteria shall apply:

a) One common freestanding sign, either monument or pole style, identifying the shopping center is permitted. Size and setback must conform to the Town requirements for freestanding signs.

b) Freestanding signs may not be displayed by individual establishments located within a center. The types of signs displayed by each individual establishment must follow a master sign plan to ensure visual compatibility and consistency. Each establishment may display one (1) primary sign on the common freestanding sign.

10. Sign Directories: No directory mounting structure shall be installed nor any sign placed upon it without prior review and permit approval

- a) Sign directories and the individual signs upon them shall be permitted only upon a determination of need by the Design Review Committee.
- b) Presence upon a sign directory shall count towards fulfillment of any business sign allotment.

11. Sign Allotment:

- a) Any applicant for a business name sign shall be permitted either
 - i. One (1) free-standing sign and one (1) wall sign or
 - ii. One (1) projecting sign and one (1) wall sign
- b) Window signs shall not be counted in fulfilling any sign allotment, but shall undergo fee-based permit application and review pursuant to this local law.
- c) No fee shall be charged for the second sign in either allotment category, but said sign must undergo permit application review pursuant to this local law
- d) Any type of applicant other than business shall be restricted to such number as purpose and need are determined by the Administrator
- e) A master sign plan is required of two or more establishments that share a common lot, parcel, building, or are part of a shopping center. It must include requirements to which all signs within the plan area adhere. As well as specifications for the following sign features: type, style, height, colors, lettering, or graphic style, materials, shape lighting, and location on establishment.

Section 5 Sign Construction and Maintenance

A. Standards:

1. Prior to permit issuance, every proposed sign construction and location, including proposed supports or mounting mechanisms, shall be subject to review and inspection by the Town of Hunter Building inspector, who shall report his findings and recommendations to the Design Review Board for their consideration during permit application review.
2. All signs, including mounting structure, shall be constructed to withstand reasonable wind and weather.
3. All lettering and content shall be of professional quality, and contain no offensive material.
4. All signs, including mounting structure, shall be kept clean, neatly painted, and undamaged, and shall be made of appropriate material, such as stained, treated or painted wood to a level of professional quality that will enhance, not detract, from the character of the community including mounting structure, should not use bare pinning or unfinished wood, and should avoid the use of garish or disturbing color schemes.
5. All signs, including mounting structure, shall be kept free of all hazards, including faulty wiring, loose fastenings, and rusted or rotted standards.
6. All signs, including mounting structure, shall be maintained at all times in a safe condition and present no detriment to public health, safety, or welfare.

B. Unsafe Signs:

1. If the Town or its agent shall designate any sign, including its mounting structure, as unsafe, insecure, or a menace to the public, it shall give written notice by certified mail, return receipt requested, to the applicant that said sign has been so designated, and said notice shall direct that the sign be removed immediately. Said notice shall state that failure to do so will result in issuance of an appearance ticket pursuant to Section 11 of this local law, and that the sign shall then be removed by the Town or its agent, and the cost of such removal shall be added as a surcharge upon any fine imposed and, if unpaid after thirty (30) days from receipt of said bill, such cost shall be placed as a lien upon the property subject to the penalties set forth in Section 11 :D:3 of this Title.

2. If said unsafe sign advertises a business no longer existing or which is seasonally closed, such notice shall instead be delivered by certified mail, return receipt requested, to the property owner, who if absent from the community, shall, in such notice be informed that because of the unsafe nature of the sign it is being removed and that the cost of such removal shall be billed to the property owner and, if unpaid after thirty (30) days from receipt of said bill, such cost shall be placed as a lien upon the property subject to the penalties set forth in Section 11 :D:3 of this Title.

Any sign which the Town or its agent designates a source of immediate peril to persons or property may be summarily removed without notice, and the applicant and property owner shall be subsequently informed by certified mail, return receipt requested. Cost of such removal shall be included in said notice and billed to the property owner, and, if unpaid after thirty (30) days from receipt of said bill, such costs and expenses shall be levied as set forth in Section 11:D:3 of this Title.

Section 6 Temporary Signs

A. Temporary Signs: Temporary signs including banners & flags advertising events, promotions, or specials are allowed on a case-by-case basis. These temporary signs require a temporary sign permit that will be approved by the Design Review Committee on a case-by-case basis.

1. Application for a Temporary Sign Permit: The Town of Hunter will at the office of the Town Building Department, Hunter Town Hall, Haines Falls, New York, have available applications for Temporary sign permits. Said Tenant occupying the premises upon which said temporary sign is to be constructed or placed must file this application with the Administrator. All applications for a temporary sign permit must include:

- a. Location of temporary sign
- b. Size and color of temporary sign
- c. Text to be included on sign
- d. An application fee of \$25
- e. A ninety (\$90.00) dollar deposit, said deposit to be returned upon removal of the temporary sign

2. Duration of Temporary Sign Permit: Temporary signs may be displayed for two weeks prior to the event or special advertised. Temporary signs must be removed within three (3) business days after the close of the advertised event or special. Failure to do so will forfeit the applicants' right to a temporary sign

permit for two (2) years from the date of the infraction. A specific time period shall be requested, not to exceed twenty-one (21) days, and the Administrator shall designate what dates are approved.

3. Number of Temporary Sign Permits per Business: One temporary sign permit will be issued per business at one time. Any business displaying two temporary signs at once will forfeit right to a temporary sign permit for two (2) years from the date of the infraction.

Section 7 Exempt Signs

This law in no way supercedes local Law #1 of 2001, Handbill Law of the Town of Hunter. All matters regarding handbills as defined in said law shall be governed by said law.

No permit or review shall be required for the following signs:

- A. Memorial signs or tablets, names of historic buildings and date of erection when cut into masonry surface or when constructed of bronze and other incombustible materials.
- B. Any sign owned or maintained by any municipality, erected in discharge of governmental function, or sign required by law.
- C. Works of "fine art" as defined in section two of this Title, which in no way identify or advertise a product or business.
- D. Professional nameplates which do not exceed two (2) sq. ft. in area.
- E. Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling house, and not exceeding two (2) square feet in area.
- F. Residential name plate signs that do not exceed two (2) sq. ft. in area.
- G. Non-illuminated real estate signs advertising the sale, lease or rental of the premises upon which the sign is located. Only one (1) sign, not to exceed three (3) sq. ft. will be permitted. A lease or rental sign is permitted only while the property or apartment is vacant or within a period, not to exceed sixty (60) days, immediately prior to the expiration of a written or oral lease. Signs advertising sale, lease or rental of a premise other than on which the sign is located are prohibited. All such signs, not to exceed one (1) per h1 be re' sale c 1
- I. Temporary non-illuminated window advertising units which occupy no more than twenty-five percent (25%) or five (5) sq. ft. of the total window area of the principal facade or facades of the establishment which ever is less.
- J. Bulletin boards not over twelve (12) sq. ft. in area for public, charitable or religious institutions when same are located on the premises of said institutions.
- K. Notices of less than two sq. ft. (576 sq. inches) on a community bulletin board.
- L. Signs of traditional size and shape indicating the location of public telephones, restrooms, bus stops handicap access and traffic control signs.
- M. Posted signs which are erected and maintained in conformity with the provisions of the New York State Environmental Conservation Law

N. Political signs, provided such signs are placed no earlier than thirty (30) days preceding the election and removed no later than one (1) week following same and do not exceed six (6) sq ft in area

O. Display boxes that do not exceed three (3) sq. ft in area

P. Pictographic signs as described in Section 2 of this Title that denote the type of business located on premises.

Q. Banners etc. as described in Section 2 of this title.

R. Window signs that display hours of operation, credit card information, or similar information items that do not exceed 1.5 sq. ft. in area.

S. Signs of professional quality displayed on trucks, buses, or other vehicles which are being operated or stored in the normal course of business, indicating the name of the owner, business & location, which are applied to moving vans, delivery trucks, rental trucks and trailers, and the like; provided that the primary purpose of the vehicles is not for the display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles.

T. Non-illuminated signs indicating tag, garage, barn or estate sales by a private individual up to 6 sq. ft in area, located fully on the property on which said sale is being conducted. Said signs may be posted for seven (7) days prior to the sale and must be removed within three (3) days after the end of the sale. Signs left in public spaces longer than the three (3) day period will be considered trash and the proprietor of the sale will be charged with littering under the Town of Hunter law.

U. Holiday lights and decorations with no commercial message, between November 15 and February 28.

V. Theatre Marquees

Section 8 Signs Exempt From Permit Fee

The following types of signs shall be required to undergo review but shall be exempt from filing a permit fee:

B. Any sign owned or maintained by a religious or not-for profit organization, which sign promotes the general welfare of the Town, denotes the location of a house of worships or promotes the general daily business of a not-for-profit corporation or identifies their job sites.

C. Signs related to traffic and/or parking control that are directional in nature only, bear no promotional. or advertising content, and do not exceed two (2) square feet in size

D. Product announcements greater in size than five (5) square ft. or that are lighted, and are to be displayed in a window of a business selling such product.

E. Murals or super graphics as defined in section 2 of this title.

F. Notices greater in size than two (2) sq. ft. (576 sq. inches) when placed upon a community bulletin board

G. Political candidacy signs that exceed six (6) sq. ft. in area

Section 9 Prohibited Signs

The construction, erection, affixing, placing, or use of certain signs or types of signs is expressly prohibited. These signs include:

A. Signs with moving, revolving, flashing or intermittent lights or lights of varying intensity.

B. Signs with optical illusion of movement by means of a design which presents a pattern of capable of reversible perspective, giving the illusion of motion or changing of copy. Any sign made of paper, cardboard, canvas, or similar material, including banners, posters, pennants, ribbons, flags, balloons, streamers, and spinners, or similar moving or fluttering or revolving devices and all signs whose display surfaces are of material other than wood, plastic, metal, or masonry. Included within this prohibition are signs which are mechanically animated, such as moving, rotating or revolving signs. The said devices, as well as strings of lights shall not be used for the purposes of advertising or attracting attention when not part of a sign, except for all non-profit organizations and religious institutions. They will be allowed banners, balloons and flags for a period of seven (7) days prior to the event and to be removed two (2) days after the event.

C. Signs with reflecting or reflective backgrounds or lettering or other devices, except for reflective lettering

D. Roof signs including but not limited to:

1. Signs which are painted upon or otherwise coat all or a portion of a roof surface
2. Signs which are mounted to or upon a roof or a portion of a roof
3. Signs which are composed of different colored-shingles to compose words or pictures.

E. Posters and handbills

F. Portable signs including those mounted on wheels or tractors

G. Product announcements of any size or nature, whether lit or unlit, that are to be affixed or placed exterior to any building, existing corporate signage for gasoline stations, which shall undergo fee-based application and review as a business name sign pursuant to this local law. Product announcements of any size or nature, whether lit or unlit, that are to be affixed or placed exterior to any building, excepting corporate signage for gasoline stations, which shall undergo fee-based application and review as a business name sign pursuant to this local law.

H. Notices posted or placed over sixty (60) days.

I. Signs advertising any business endeavor, product, event or announcement that is not the principal business conducted upon said property.

J. Any sign advertising the sale, lease, or rental of a premise, property, product, service, or item other than that on which the sign is physically located shall be prohibited.

K. Easel or sandwich boards signs.

L. Signs with moveable letters which are capable of casual manipulation

M. Any sign which is not permanently and immovably affixed to real property so as to constitutes fixture.

N. Any sign (together with its supporting structure) now or hereafter existing which, ninety (90) days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the

premises upon which such sign is located. If the sign or sign structure is covered or the identifying symbols or letters are removed, an extension of time may be granted by the Administrator upon good cause for such extension being shown.

(This provision shall not apply to permanent sign accessories to businesses which are open only on a seasonal basis, provided there is a clear intent to continue operation of the business.)

O. Signs mounted to, situated or resting on, painted upon or affixed to any vehicle which is parked in such a way that its primary purpose is for advertising or notification purposes.

P. Any sign or sign structure which:

- i. Is structurally unsafe: or
- ii. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation: or
- iii. Is not kept in good repair: or
- iv. Is capable of causing electrical shocks to persons likely to come in contact with it.

Q. Any sign or sign structure which is in violation with the provisions of this title:

- i. In any other way obstructs the view of, may be confused with, or purports to be an official traffic sign, signal, or device, or any other traffic sign or obstructs the view of any authorized traffic sign or signal, obstructs the sight distance triangle at any street intersection, or extends into the public right of way or
- ii. Uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle; or
- iii. Creates in any other way an unsafe distraction for motor vehicle operators; or
- iv. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, or other thoroughfare.

R. Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.

S. Signs or lights which may cause undue distraction to adjoining landowners

T. Illegal nonconforming signs as defined in this Title

U. Off-premises advertising signs including billboards or any other sign not pertinent and clearly incidental to the permitted use on the property where located.

V. Any billboard or commercially rented sign, or any other type of advertising display which is rented or leased, notwithstanding the presence or absence of any amount of fee for use of real property or advertising space.

W. All gas filled, illuminated and fiber optic signs and lighting located on the exterior of any building or structure

X. Gas filled, illuminated, and fiber optic sign or signs within the interior of the business and not considered to be a window sign which have a total accumulative square footage greater than ten (10) sq. ft. in size and which can be seen from any public way within the Town.

Y. Signs and other advertising devices which advertise a profit-making business or organization and which appear upon permanent pickup and delivery containers.

Z. Neon signs if they exceed more than 25% of the window area, in which they number more than three on any premises or if they are utilized above the ground floor. Neon signs are only permitted in the windows of commercial establishments.

Section 10 Abandoned Signs

Any sign, existing on or after the effective date of this law, which no longer advertises an existing business conducted or product sold on the premises on which such sign is located, shall be removed. The Administrator shall immediately revoke the permit that was issued for this sign and shall give written notice to the named owner of the building on which the sign is mounted, or, if the sign is freestanding, to the named owner of the land upon which the sign is located, who shall remove the sign within 30 days of notice. Failure to do so will result in the property owner being charged with a violation of this law and subject to a fine of not less than one hundred dollars (\$100.00) per day for each day of the violation.

Defunct Businesses and Seasonal Closures:

A. Whenever a sign remains placed that advertises a business which no longer exists, is defunct, has been closed for a period in excess of two (2) months due to a non seasonal cause, or has been closed for a period in excess of six (6) months due to a seasonal cause, the applicant and property owner shall be notified and directed by Certified mail, return receipt requested, to remove such sign within seven (7) days of receipt of notice. Said notice shall also state that failure to remove the sign within said seven days will result in the Town's removal of the sign, and that the costs of such removal shall be billed to the property owner, and, if unpaid after thirty (30) days from receipt of said bill, such cost shall be placed as a lien upon the property subject to the penalties set forth in Section 11:D:3 of this Title.

B. Where ever a sign remains placed which advertises a business that is seasonally closed, not to exceed six (6) months, said sign shall be removed or, alternatively, covered with or affixed with a "Closed For The Season" sign, or sign of similar content, by the applicant or property owner within fourteen (14) days of the date of closure. Any seasonal closure which exceeds six (6) months shall be determined a defunct business. Any applicant or property owner failing to remove a sign advertising a seasonally closed business, or failing to cover or affix it with a seasonal closure sign within said fourteen (14) days, shall be notified and directed by certified mail, return receipt requested, to remove said sign or to affix it with a seasonal closure sign within seven (7) days of receipt of notice. Said notice shall also state that failure to remove the sign or to affix it with a seasonal closure sign within said seven days will result in Town removal of the sign, and that the costs of such removal shall be billed to the property owner, and, if unpaid after thirty (30) days from receipt of said bill, such cost shall be placed as a lien upon the property subject to the penalties set forth in Section 11: D: 3 of this Title.

C. Immediate Removal

1. If receipt of any notice of violation directing immediate removal occurs prior to one-half (1/2) hour before sunset, the violating sign shall be removed from its mounting structure within one-half (1/2) hour of receipt of the notice, and removed from the public eye.
2. If receipt of such notice of violation occurs later than one-half (1/2) hour before sunset, all light's or lit portions of the sign shall be turned off and remain off within fifteen (15) minutes of receipt of notice of violation, and the sign shall be removed from its mounting structure now later than ten o'clock (10:00 AM) the following morning and removed from the public eye.

Section 11 Nonconforming Signs

A. Defined: "Nonconforming signs" shall be, on the effective date hereof, any sign which:

1. Was erected prior to the effective date of this hereof and does not conform to the provisions set forth herein.
2. Becomes a nonconforming sign due to the amendment of this title.

B. Continuance: Any sign which, in accordance with the definition contained in this section, has been determined to be nonconforming may continue in use and operation after the effective date hereof, only as provided in the Administrative Procedures of this document. However, the amortization period specified in the Termination clause of this section shall cease immediately if the operation of the nonconforming sign is otherwise terminated, and the nonconforming sign shall be removed within thirty (30) days of said termination

C. Termination: The use or operation of non conforming signs shall be terminated as follows:

1. **Obsolescence** At such time as any sign become obsolete. A sign becomes obsolete with the discontinuance of the business, service or activity which it advertises; removal of the business or activity from the location to which it directs, or for other similar reasons; provided, however, that this provision shall not apply to seasonal closing.
2. **Abandonment:** Abandonment of a nonconforming sign shall terminate immediately the right to use or operate such sign.
3. **Destruction, Damage or Alteration** The right to continue use or operation of any nonconforming sign shall terminate whenever the sign is altered in any way, or damaged or destroyed over fifty percent (50%) of its appraised value.
4. **Violation of Provisions** any violation of this Title shall terminate immediately the right to continue a nonconforming sign.
5. **Condemnation** the Town Board may choose to condemn a nonconforming sign. Recommendations for condemnation may be made by the Design Review Committee.
6. **Amortization** The right to continue to use or operate a nonconforming sign shall terminate one (1) year after the effective date hereof.

D. Administrative Procedure:

1. Identification, Notice to Owner, Appeal: Within a reasonable time of the effective date hereof or the effective date of any amendment to this Title, the Administrator shall compile a list of the existing nonconforming signs and present said list to the Design Review Committee at its next regularly scheduled meeting. The Design Review Committee may affirm, add to or delete signs from the list as presented by the Administrator. After the review of the list by the Design Review Committee, the Administrator shall send written notice by regular mail, postage prepaid, to the owner of the nonconforming sign (if known to the Administrator) and to the owner of the property, business interest or enterprise advertised or identified by the nonconforming sign. Within fifteen (15) days from the date of said notice, the owner of the sign, or the property, business, interest or enterprise advertised or identified by the nonconforming sign may appeal the classification of the sign as nonconforming to the Design Review Committee and the Town Board, or he/she may file an application for a variance. The date of notice shall be deemed to be the date of its mailing. The Design Review Committee may recommend to the Town Board that the application for a variance be granted, and the Town Board may approve the application if it is found that the sign substantially conforms to this Title, that it does not adversely affect the character of the neighborhood, and the same would be in the public's interest. If the variance is granted, the sign may continue in its existence subject to the provisions of this Title, and subject to any conditions that may be made on the approval by the Town Board. If the application is denied, the right to continue a nonconforming sign shall terminate in accordance with the provisions of this section.

2. Abatement: Costs: In the event that a nonconforming sign is not removed upon termination as provided above, the Administrator shall give written notice of said failure to remove the nonconforming sign by registered or certified mail to the owner of the sign (if the owner is known to the Administrator), the owner of the property upon which the sign is located, and the owner of the business, property, interest or enterprise identified or advertised on said sign. If the sign is not repaired or removed as required by this title within fifteen (15) days after the date of the notice, the administrator may cause such sign to be removed at the expense of the person to whom the notice was directed, and shall, upon the determination of such expenses, certify the same to the Town Clerk. The Administrator shall notify the person or persons to whom the notice was directed of the total cost incurred for the removal of the sign, and if that cost has not been paid within thirty (30) days from receipt of said bill, such cost shall be placed as a lien upon the property subject to the penalties set forth in Section 11: D: 3 of this Title.

3. Violations and Penalties: The Administrator is hereby authorized to issue an appearance ticket for any violation of the Town of Hunter Sign Law, said tickets to be returnable before the Town of Hunter Justice Court.

a) Notice procedure of any sign in violation of any provision of this local law not heretofore provided shall be given to the applicant and property owner by Certified mail, return receipt

requested, upon discovery of the violation by the Town. Such notice shall state the nature of the offense and, excepting as otherwise notified, shall direct the immediate removal of the sign. A blank application and copy of the Sign Law shall be enclosed with said notice.

b) Upon receipt of Notice of Violation, failure to remove any sign in time and manner as directed shall cause an appearance ticket to be issued. Any sign for which an appearance ticket has been issued may be immediately removed by the Town or its agent and retained as evidence. The cost or other charge of such removal shall be billed to the property owner, and, if unpaid after thirty (30) days from receipt of said bill, such cost shall be placed as a lien upon the property and added to the next successive Town real property tax as a ten percent (10%) penalty to the parcel on which the sign was placed. Interest is twelve percent (12%) annually. Violation period begins when notice is served.

c) Any person, partnership, or corporation constructing, erecting, affixing, placing, or maintaining any sign, including lighting device, prohibited hereby shall be guilty of a violation, conviction of which shall be punishable by a monetary fine of not less than one hundred (\$100.00) dollars nor more than two-hundred-fifty (\$250.00) dollars for each day any sign is erected or maintained in violation of this local law.

4. Variance: The Town Board may grant a variance to any provision of this local law for good cause. An applicant for a sign permit or the current holder of such permit may apply for a variance at any time, but that application must be made to the Administrator in writing on the grounds of severe economic hardship, setting forth in detail the facts establishing such hardship. Such hardship, shall include, but not limited to, topography, building design or placement, traffic flow, and screening devices beyond the control of the applicant: The application for an for a variance shall include a fifty (\$50.00)dollar fee. The Town Board will render its a decision on the variance application in writing stating the reasons for granting or denying the application at the next Town Board meeting following the application, no less than thirty (30) days after the submission of the application.

5. Prior Legislation: This local law shall and does supercede and replace in its entirety Local 16, Law #3-90, the Town of Hunter Sign Law.

6. Severability: If any word, phrase, or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law, and said remainder shall continue in full force and effect.

7. Effective Date: This local law shall take effect immediately upon filing with the Office of the NYS Secretary of State.

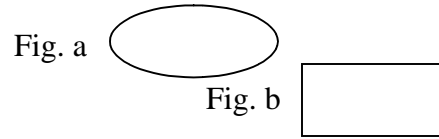
Section 12 Pre-Approved Signs

Defined: Signs and sign elements that the Design Review Committee has deemed appropriate. These pre-approved forms have been designed as a way to aid local business

by cutting design costs and cut administrative costs for the Town by decreasing the amount of time needed to approve sign design. Please pick one of each of the design elements below to complete the Pre-Approved Sign Application.

A. Shapes

1. Circular / Oval
2. Square / Rectangular
3. Sculptural (see Definitions-Section 2: B: 3 1)



B. Materials

1. Wood
2. Sign Board

C. Borders: Borders may be used to draw attention to the text & images on the sign. Borders are to be limited to the outer 6 inches of the sign.

1. **Line:** A simple painted or vinyl line in a color complementary to the background color.
2. **Frame:** A structure that frames the body of the sign creating a shadow line around the main body of the sign. The frame may be of either the same or complimentary color as the sign body.
3. **Decorative:** Borders may be of the following decorative nature.
 - a) Dashed line
 - b) Interwoven line
 - c) Vine Wrap
 - d) Leaf Wrap

D. Lighting: All pre-approved signs must clearly meet the criteria for lighting as delineated in Section 4, paragraph B., number 10.

E. Text: Text may be of any type generally found in PC or Mac Word processors. Please specify on Sign Permit Application the name of the chosen text type.

F. Colors: Please reference the color codes below to the attached color chart.

1. Background

- a) Natural Wood
- b) Colors: Black, White, Brown, Red, Blue, Green

2. Borders

- a) Colors: White, Brown, Red, Blue, Green, Yellow, Orange, Gold, Silver

3. Text

- a) Colors: Black, White, Brown, Red, Blue, Green, Yellow, Orange, Gold, Silver

G. Support Structures: ALL support structures must be approved by the Town Building Inspector.

1. Hanging Signs: All hanging signs must be cantilevered and attached to the face of the building at a minimum of four points.

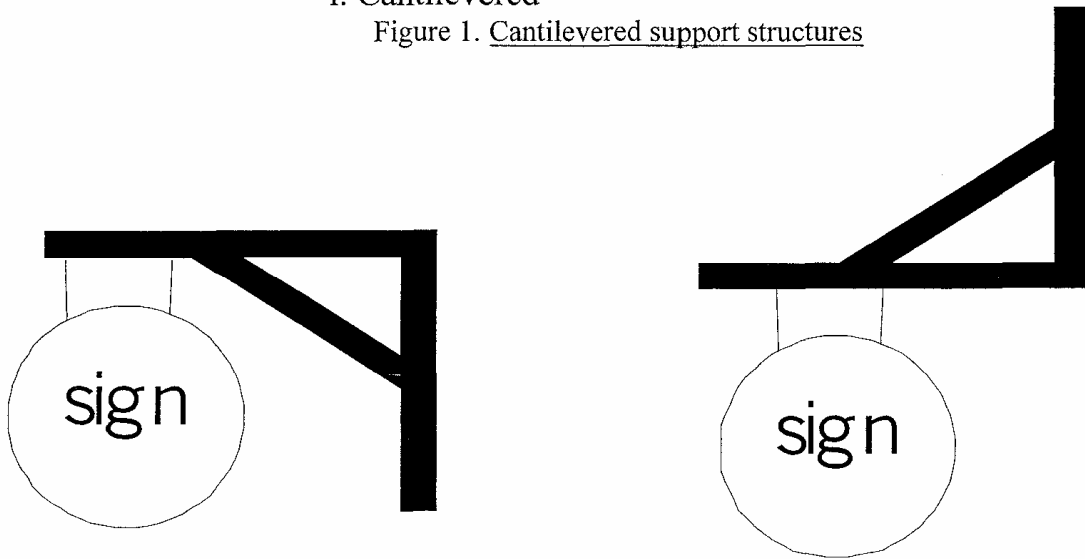
a. Materials

- i. Wood
- ii. Metal
 - Wrought Iron
 - Round or square stock (Note: all metal stock must have decorative end cap or finial)
 - Copper
 - Brass
 - Iron (must be finished to protect against rust)

b. Form

i. Cantilevered

Figure 1. Cantilevered support structures



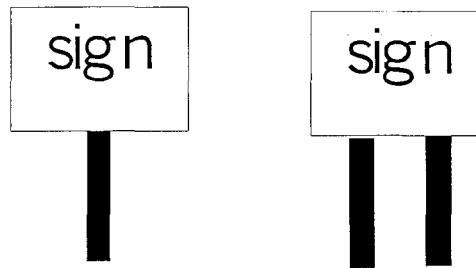
2. Freestanding Signs

a. Materials

- i. Wood
- ii. Metal
 - Wrought Iron
 - Round or square stock (Note: all metal stock must have decorative end cap or finial)
 - Copper
 - Brass
 - Iron (must be finished to protect against rust)

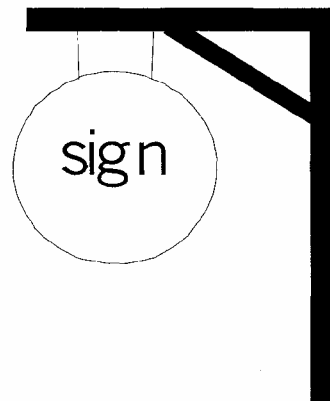
b. Form

- i. Single or Double Post Fig. 1. Post Supports



- ii. Cantilevered Suspension

Fig 2. Cantilevered Suspension



iii. Framed Suspension

Fig3. Framed Suspension

