

## Chapter 173

### SIGNS

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[HISTORY: Adopted by the Board of Trustees of the Village of Pelham Manor. Amendments noted where applicable.]

#### GENERAL REFERENCES

Zoning — See Ch. 210.

**ARTICLE I**  
**Administration**

**§ 173-1. Short title.**

This chapter shall hereafter be known and cited as the "Display Sign Code."

**§ 173-2. Scope.**

Matter covered. This chapter provides for the regulation, distribution, location and use of display signs or other advertising devices wherever located and the use of artificial illumination on the exterior of buildings or structures in the Village of Pelham Manor.

**§ 173-3. Use and maintenance.**

It shall be unlawful to maintain or use a structure, sign, advertising device, illuminating fixture or part thereof, that has been erected or altered in violation of the provisions of this chapter.

**ARTICLE II**  
**Definitions**

**§ 173-4. Definitions.**

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

**ERECT** — To build, construct, attach, hang, place, suspend or affix, and shall include the painting of signs.

**FACING or SURFACE** — The surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

**ILLUMINATED SIGN** — Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as part of the sign proper.

**INCOMBUSTIBLE MATERIAL** — Any material which will not ignite at or below a temperature of 1,200° F. and will not continue to burn or glow at that temperature.

**LIGHTING DEVICE** — Any light or group of lights or other device located or arranged on any land, the exterior or buildings, structures or parts thereof which causes artificial illumination to be directed on the building, structure, part thereof, yard or other property in the vicinity. The term does not include those lighting devices or fixtures erected and maintained pursuant to any governmental requirement and in discharge of any governmental function. The term "lighting device" shall not be construed to include low intensity light fixtures which are employed to illuminate darkened areas of building interiors as specifically recommended by the Police Department to facilitate inspection of the premises or any other municipal department.

**PERSON** — Any person, firm, partnership, association, corporation, company or organization of any kind.

**SIGN or SIGNS** — Any device, material or structure or part thereof composed of lettered, pictorial matter or illuminated material or upon which lettered, pictorial matter or illuminated material is placed, which is used outside of, or on the exterior of any building or structure, or so arranged on the interior of any building or structure within six feet from any window or opening and is intended, designed or used as an advertisement, announcement, directional matter or name and including advertising devices of every kind except signs erected or maintained pursuant to any governmental requirement and in the discharge of any governmental function. It shall mean and include every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning, canopy and street clock when the same is placed within view of the general public. The provisions of this chapter shall be deemed to apply to all signs located inside of a building or structure within six feet of a show window or entrance that are arranged and intended to be visible from the exterior of the building or structure. [Amended 5-24-1976 by L.L. No. 4-1976]

### ARTICLE III General Regulations

#### § 173-5. Permit required.

It shall be unlawful for any person to erect, repair, alter or relocate within the Village of Pelham Manor any sign, other advertising structure or lighting device as defined in this chapter without first obtaining a written permit from the Building Inspector.

#### § 173-6. Application for permit.

Application for sign or lighting device permits as defined therein shall be made in writing to the Building Inspector and shall contain or have attached thereto the following information:

- A. Name, address and telephone number of applicant.
- B. Location of the building, structure or lot to which or upon which the sign, other advertising structure or lighting device is to be attached or erected.
- C. Position of the sign, other advertising structure or lighting device in relation to nearby buildings or structures.
- D. A drawing showing the lettering and pictorial matter of the proposed sign and details of the construction and attachment to the building or in the ground.
- E. Name of person, firm, corporation or association erecting structure.
- F. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected.
- G. Such other information as the Building Inspector shall require to show full compliance with this and all other laws and ordinances of the village.

**§ 173-7. Issuance of permit.**

It shall be the duty of the Building Inspector, upon the filing of an application for a sign permit, to examine such plans, specifications and other data submitted to him with the application and to inspect the premises upon which it is proposed to erect the sign, other advertising structure or lighting device, if it shall appear that the proposed sign is in compliance with all the requirements of this chapter and all other laws and ordinances of the Village of Pelham Manor, he shall then issue the sign permit. If the work authorized under a sign permit has not been completed within six months after date of issuance, the said permit shall become null and void.

**§ 173-8. Permit fees. [Amended 4-26-1976 by L.L. No. 2-1976]**

No sign permit shall be issued by the Building Inspector until the payment of a fee to the Village Clerk in the sum established by resolution adopted by the Board of Trustees.

**§ 173-9. Revocation of permit.**

The Building Inspector may at any time for a violation of this chapter revoke any sign permit. Notice of such revocation and the reason or reasons therefore in writing shall be served by the Building Inspector upon the person named in the application by mailing the same to the address given in the application and upon the last known owner of the premises on which the sign is placed by mailing the same to his name and address as shown on the assessment roll of the village, and by filing a copy of said notice immediately in the office of the Village Clerk.

**§ 173-10. Unsafe and unlawful signs.**

All display signs shall be so constructed that they will be structurally safe and shall be securely anchored or otherwise fastened, suspended or supported so that they will not be a danger or menace to persons or property. If the Building Inspector shall find that any sign, other advertising device, structure or lighting device as defined herein is unsafe, dangerous, defective, insecure, is a menace to the public or tends to endanger the safety of the public or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within 10 days after such notice, such sign, other advertising structure or lighting device may be removed or altered to comply by the Building Inspector at the expense of the permittee or owner of the property upon which it is located. The Building Inspector shall refuse to issue a permit for a new sign, advertising device, structure or lighting device to any permittee or owner who refuses to pay costs so assessed. The Building Inspector may cause any sign, other advertising device, structure or lighting device which appears to be an imminent danger to the safety of persons or property to be removed summarily and without notice.

**§ 173-11. Number, date and voltage to be on sign.**

Every sign, other advertising device structure of lighting device as defined herein and hereafter erected shall have painted in a conspicuous place thereon, in letters not less than one inch in

height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.

**§ 173-12. Painting required every two years.**

The owner of any sign, device or structure as defined and regulated by this chapter shall be required to have properly painted at least once every two years all parts and supports of said sign, unless the same are galvanized or otherwise treated to prevent rust, decay or discoloration.

**§ 173-13. Removal of certain signs.**

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within 10 days after written notification from the Building Inspector, and upon failure to comply with such notice within the time specified in such order, the Building Inspector is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

**§ 173-14. Exemptions.**

The provisions and regulations contained in §§ 173-5 through 173-9 of this chapter shall not apply to the following signs:

- A. One sign not exceeding two square feet in area advertising the sale or lease of only the premises on which it is maintained, provided that said sign shall be directly affixed to the principal building on the premises to be sold or leased. [Amended 3-13-1978 by L.L. No. 1-1978]
- B. One sign not exceeding one square foot in area identifying a permitted professional office, and attached to the building in which such use is located.
- C. One sign or bulletin board not exceeding 20 square feet in area in connection with a church use.
- D. One sign denoting the architect, engineer or contractor when placed upon work actually under construction, and not excluding 10 square feet in area.
- E. Traffic or other municipal signs, legal notices, danger, and such temporary, emergency or nonadvertising signs as may be approved by the Village Board of Trustees or duly authorized officials of the village.
- F. One sign not exceeding one square foot in area identifying a residence.
- G. Two signs each not exceeding six square feet in area for each automobile service station, provided that said signs shall relate directly to the sale of fuel, tires or other products or services normally used in or necessary for the operation and care of motor vehicles.
- H. Signs of all types required to be maintained on the premises by law, ordinance, governmental order or regulation.

- I. Decals and similar signs not exceeding eight in number, each of which shall not exceed 18 square inches in area, indicating that a charge card, bank card or other like device is accepted or that the person occupying the premises belongs to a trade or business association or belongs to a protective security service.
- J. Temporary paper signs attached to store windows for a period of not more than seven days; provided, however, that each such sign shall not exceed six feet in area, that the total number of such signs shall not cover more than 25% of the total area of the store's windows and that such signs shall not be illuminated by lighting devices.

**§ 173-15. Public ways. [Amended 5-24-1976 by L.L. No. 3-1976]**

General prohibition. Under no circumstances shall any of the signs described in § 173-14 above or any other signs be placed or located on, in or directly over a public right-of-way.

**§ 173-16. Obstructions to doors, windows or fire escapes.**

No signs shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

**§ 173-17. Signs not to constitute traffic hazard.**

No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign or device; or which makes use of the words "Stop," "Look," "Drive-In," "Danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

**ARTICLE IV  
General Restrictions**

**§ 173-18. Number of signs per establishment.**

Not more than one display sign or other advertising device or structure as defined herein announcing without display or elaboration only the name of the proprietor and the nature or of his business shall be permitted for each street on which the business establishment is located unless otherwise permitted by the Board of Appeals.

**§ 173-19. Illuminated signs.**

- A. No sign, other advertising structure or lighting device constructed in whole or in part or employing to any extent whatsoever any lights of any kind except lights emitting a white light of constant (as opposed to flashing) intensity, shall be constructed, erected, installed or operated, nor shall any such sign, other advertising device, structure or lighting device

be changed, altered enlarged or intensified without conforming to all of the provisions of this chapter.

- B. Signs, advertising structure devices or lighting devices employing illuminated tubing or other gas filled devices shall be operated by a transformer with a capacity of not more than 30 millamperes.

**§ 173-20. Lighting devices.**

Lighting devices maintained in or on a building or structure shall be so arranged that light being directed therefrom shall not extend beyond the lot lines of the particular property and in no case shall they be directed in such a manner that they cause illumination to be directed upon a public street, highway or sidewalk. Lighting devices which in the opinion of the Building Inspector constitute a hazard to the convenience, health or safety or nearby property owners may be ordered removed, relocated or shielded by the Building Inspector.

**ARTICLE V  
District Restrictions**

**§ 173-21. Residential district.**

No sign shall be erected in the Residential District except as permitted by § 173-14 of this chapter.

**§ 173-22. Multifamily District.**

No sign shall be erected in the Multifamily District except as follows:

- A. A sign permitted in the Residential District.
- B. A sign not exceeding four square feet in area attached to the building or to a post not over 10 feet in height identifying a multifamily use.

**§ 173-23. Retail District.**

No sign shall be erected in the Retail District except as follows:

- A. A sign permitted in the Multifamily District.
- B. One wall sign attached to the face of a building conforming to the following specifications:
  - (1) The sign or any part of the sign structure does not exceed 24 inches in height if horizontal, or does not exceed 24 inches in width if vertical.
  - (2) The sign if horizontal does not occupy more than  $\frac{2}{3}$  of the linear frontage of the particular business establishment in or on which it is located.
  - (3) The sign does not project above either the roof cornice, parapet wall or above the roof level of the building nor project more than 12 inches from the front, rear or side wall of any building.

- (4) The sign announces without display or elaboration only the name of the proprietor and the nature of his business.
  - (5) Except in the Business and Industrial Districts, illuminated signs, illuminated advertising structure or lighting device shall not be operated after the hour of 9:00 p.m. nor between the hours of 9:00 p.m. and 8:00 a.m. except in the instance where the establishment is open to the public after 9:00 p.m. Such businesses shall be permitted to operate such sign until the hour of closing but in no case shall such sign or lighting device be operated after the hour of 11:00 p.m. No illuminated sign shall be operated between 11:00 p.m. on Saturday and 8:00 a.m. Monday morning nor from 11:00 p.m. on December 24th until 8:00 a.m. on December 26th.
- C. One sign on a show window or entrance to the establishment not covering more than  $\frac{1}{2}$  of the glass area.
  - D. One sign painted on the facade of the building or composed of cut-out letters none of which exceeds 24 inches in height.
  - E. One sign or luminous tubes emitting white light only forming letters not more than 6 inches high hung inside a show window.
  - F. One sign not exceeding four square feet in area attached to a post not over 10 feet high.

#### **§ 173-24. Business and Industrial Districts.**

No sign shall be erected in the Business District or Industrial District except as follows:

- A. A sign permitted in the Retail District.
- B. A sign for each street on which the business is located not exceeding 38 square feet in area erected on a pole not exceeding 15 feet in height behind the street line.
- C. Signs attached to or painted on the face of a gasoline service station advertising the brand of gasoline sold and the name of the owner or operator of the station.

### **ARTICLE VI Variances**

#### **§ 173-25. Board of Appeals.**

- A. The Board of Appeals may in appropriate cases and after public notice and hearing and subject to appropriate conditions and safeguards, upon due cause being shown vary or modify the application of the sign regulations prescribed in this chapter in harmony with the general purpose and intent as follows:
  - (1) Permit more than one sign but not more than two signs to be erected or maintained which do not comply with the regulations herein, provided that the Board of Appeals determines that the applicant is entitled to some relief and that such relief shall not be detrimental to the district in which the sign is located.
  - (2) Permit erection of signs not conforming exactly to size and location requirements.

- B. The foregoing variance powers shall not be deemed to limit the general variance powers of the Board of Appeals allowed or provided for in the Village Law and shall be deemed in addition thereto.

**ARTICLE VII**  
**Enforcement**

**§ 173-26. Nonconforming signs.**

Every sign, other advertising device, structure or lighting device as defined herein, in existence on adoption of this chapter which violates or does not conform to the provisions hereof, shall be removed or altered or replaced so as to conform with the provisions of this chapter on or before September 1, 1962.

**§ 173-27. Revocation of permits.**

The Building Inspector may at any time for a violation of this chapter revoke any sign permit. Notice of such revocation and the reason or reasons therefor in writing shall be served by the Building Inspector upon the person named in the application and upon the last known owner of the premises on which the sign is placed by mailing the same to his name and address as shown on the assessment roll of the village, and by filing a copy of said notice immediately in the office of the Village Clerk.

**§ 173-28. Penalties for offenses.**

Any neglect, failure or refusal to comply with any provisions of this chapter shall be deemed a violation thereof and any person who shall so violate any provision of this chapter, in addition to any other penalties prescribed by law or ordinance, shall upon conviction thereof, be punished by a fine of not more than \$100 for each offense; and such violation shall also constitute disorderly conduct and the person so violating the chapter shall be a disorderly person. Each and every day such violation shall continue will constitute a separate offense.