

Village of Fayetteville, NY
Wednesday, December 5, 2012

§ 187-30. Temporary signs.

All signs of a temporary nature, such as political posters, banners, promotional devices and other signs of a similar nature, shall be considered temporary signs and shall be permitted only in compliance with this § 187-30 as either temporary sticker signs or temporary window signs. All other signs shall be considered permanent signs requiring Planning Board sign approval or shall be prohibited. No temporary sign shall be permitted which would otherwise be prohibited pursuant to § 187-24, Prohibited signs.

- A. Temporary window signs. All signs which are painted or affixed in a nonpermanent manner to the interior or exterior of a window and visible from the exterior of the premises and which are intended to advertise and/or identify any products or services provided or sold on or off the premises for compensation, but which are not intended to, and do not, advertise and/or identify the name of the business or entity, shall be considered temporary window signs and shall be permitted without any sign approval, sign permit or certificate of sign compliance, provided that the same do not exceed 25% of the area of the window(s) in which or to which they are affixed. No such temporary window sign shall remain in place for more than two continuous months. Said temporary window signs shall not be placed in a position that will create a hazard or disturbance to the health and welfare of the general public.
- B. Temporary sticker signs. All temporary signs which are not considered temporary window signs, as defined in Subsection **A** above, shall be considered temporary sticker signs and shall be permitted upon receipt of a sign permit from the Codes Enforcement Officer, without Planning Board sign approval or a certificate of sign compliance, provided that the same are in compliance with the following requirements:
- (1) Temporary sticker signs shall not be attached to fences, trees, utility poles or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.
 - (2) The maximum permitted area for temporary sticker signs is six square feet, and the maximum height for freestanding temporary sticker signs is four feet from grade.
 - (3) Each business entity shall be entitled to display temporary sticker signs for no more than a total of 26 weeks per year, to be measured in weekly increments, even if not used for a full week.
 - (4) Temporary sticker signs shall at all times bear a valid sign permit sticker which is visually accessible from the exterior of the premises to allow verification of compliance.
 - (5) Temporary sticker signs must comply with any and all regulations adopted by the Village Board of Trustees pertaining thereto.
- C. Sign permit sticker for temporary sticker signs.
- (1) For temporary sticker signs, the required sign permit shall consist of a sign permit sticker issued by the Codes Enforcement Officer pursuant to the temporary sticker sign regulations adopted by the Village Board of Trustees. No sign permit sticker shall be valid unless it includes the date the sign permit sticker became effective and the date of its termination noted legibly on the face thereof and visible from the exterior of the business establishment and used in full compliance with the temporary sign sticker regulations.

- (2) Each sign permit sticker shall be used for one sign only.
- D. The Village Board of Trustees shall adopt by resolution and may from time to time amend by resolution temporary sticker sign regulations controlling the fees, method of permitting, sticker type and use of sign permit stickers for temporary sticker signs.
- E. Penalties. Any temporary sign in violation of this chapter or in violation of any regulations hereafter adopted by the Village Board of Trustees concerning temporary signs shall be considered illegal and shall be subject to the following penalties:
- (1) Illegal window signs shall be removed immediately upon receipt of a notice of violation from the Codes Enforcement Officer, and the business establishment displaying or using said illegal sign shall be subject to the following penalties:
- (a) For the first violation, the business establishment shall immediately remove all temporary window signs and shall be prohibited from erecting, displaying or maintaining any temporary window signs for a continuous one-month period from the date of removal thereof.
- (b) For the second violation, the business establishment shall be subject to a fine of \$25, shall immediately remove all temporary window signs and shall be prohibited from erecting, displaying or maintaining any temporary window signs for a continuous three-month period from the date of removal thereof.
- (c) For the third violation, the business establishment shall be subject to a fine of \$50, shall immediately remove all temporary window signs and shall be prohibited from erecting, displaying or maintaining any temporary window signs for a continuous six-month period from the date of removal thereof.
- (2) Illegal temporary sticker signs shall be removed immediately upon receipt of a notice of violation from the Codes Enforcement Officer, and the business establishment displaying or using said illegal sign shall be subject to the following penalties:
- (a) For the first violation, the business establishment shall immediately remove all temporary sticker signs and shall be prohibited from erecting, displaying or maintaining any temporary sticker signs for a continuous one-month period from the date of removal thereof.
- (b) For the second violation, the business establishment shall be subject to a fine of \$25, shall immediately remove all temporary sticker signs and shall be prohibited from erecting, displaying or maintaining any temporary sticker signs for a continuous three-month period from the date of removal thereof.
- (c) For the third violation, the business establishment shall be subject to a fine of \$50, shall immediately remove all temporary sticker signs and shall be prohibited from erecting, displaying or maintaining any temporary sticker signs for a continuous six-month period from the date of removal thereof.
- (3) For the purposes of determining and enforcing penalties, each week of violation per sign in violation shall be considered a new violation under this section and shall be subject to a new penalty.
- F. Signs advertising events or activities of not-for-profit entities may be erected without obtaining a permit from the Codes Enforcement Officer or payment of any fee upon compliance with the following additional conditions:

[Added 4-28-1997 by L.L. No. 3-1997]

- (1) Such signs must otherwise be erected in conformance with § 187-30.
- (2) Such signs must be removed no later than one week after the activity advertised thereon has taken place.

§ 187-31. Issuance and revocation of permits.

- A. The Village Codes Enforcement Officer shall be vested with the authority to issue sign permits, certificates of sign compliance, temporary sign permits and sign permit stickers for signs which comply with this article and to supervise the erection, installation, application, alteration and removal of any sign, whether it be permanent or temporary.
- B. All signs must be kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring, loose fittings or fixtures, and must be maintained at all times in such safe condition as not to be detrimental to the public health and safety. In the event of a violation of any of the foregoing provisions, the Codes Enforcement Officer shall give written or personal notice specifying the violation to the named owner of the sign and the named owner of the land upon which the sign is erected, sent to the addresses as stated in the application for the sign permit, to conform or remove such sign. The sign shall thereupon be conformed by the owner of the sign and the owner of the land within 30 days from the date of said notice. In the event that such sign shall not be conformed within 30 days, the Codes Enforcement Officer shall thereupon revoke the permit, and such sign shall be removed by the named owner of the sign and/or the named owner of the land. The Codes Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice and shall charge all costs and expenses incurred in said removal against the owner of the sign or the owner of the property on which said sign is located. Said expenses may be charged as a lien against the real property.
- C. All fees as set forth herein shall be subject to revision from time to time upon resolution of the Village Board and postings in the Village Office.

§ 187-32. Removal of certain signs.

Any sign existing on or after the effective date of this article which no longer advertises any existing business conducted or product sold on the premises shall be removed by the owner of the premises upon which such sign is located. The Codes Enforcement Officer, upon determining that any such sign exists, shall notify the owner of the premises, in writing, to remove said sign within 30 days from the date of such notice. Upon failure to comply with such notice within the prescribed time, the Codes Enforcement Officer is hereby authorized to remove or cause removal of such sign and shall charge all costs and expenses incurred in said removal against the owner of the sign or the owner of the property on which said sign is located. Said expenses may be charged as a lien against the real property.

§ 187-33. Nonconforming signs.

In the event that a sign erected prior to the effective date of this article does not conform to the provisions and standards of this chapter, the requisite permit as provided herein may be granted, upon application of the owner for every such sign or other advertising structure, by the Village Board of Trustees for a reasonable period of time, in any case not to exceed two years, to enable the owner to alter or remove the nonconforming sign. All nonconforming signs shall be removed or brought into conformance with this chapter, pursuant to a valid sign permit and certificate of sign compliance, within two years from the effective date of this article.

§ 187-34. Variances.

Any person aggrieved by any decision of the Village Planning Board and/or the Codes Enforcement Officer relative to the provisions of this chapter may appeal such decision to the Zoning Board of Appeals of the Village of Fayetteville as provided in the zoning regulations of the Village of Fayetteville and the Village Law and shall comply with all procedural requirements prescribed by such Zoning Board of Appeals.