

**RESOLUTION**

**Introducing Local Law Amending Section 230-20 of the Village Zoning Law Which Addresses the Regulation of Signs Within the Village**

Trustee Rochfort, seconded by Mayor Brown, introduced the following proposed local law, to be known as Proposed Local Law No. 1 of 2020 entitled A LOCAL LAW OF THE VILLAGE OF MILLBROOK, DUTCHESS COUNTY, NEW YORK TO AMEND VILLAGE CODE CHAPTER 230, “ZONING,” SECTION 230-20 “SIGNS.”

BE IT ENACTED by the Board of Trustees of the Village of Millbrook as follows:

Section 1. Legislative intent:

The Village of Millbrook Sign Code Committee has undertaken a detailed review of sample sign codes, the sign codes of other municipalities and has considered those codes in comparison to the needs of the Village of Millbrook. The Committee proposed a new sign code that balances the needs of the residents with the business community. In addition, this proposed code:

- Eliminates contradictions and uncertainties in the prior sign code.
- Expands definitions to address all sign types regulated in the code, as well as other terminology that needed greater definition.
- Alters the approach to total sign area in the General Business District from a per lot calculation that created much confusion for property and business owners and was often not equitable. The new code includes a more refined calculation that takes into account whether the sign is intended for a storefront business versus a business to the rear or on the upper-floor of the building.
- Brings the code up-to-date regarding newer sign types and technologies.
- Clarifies the accommodations for temporary signs.
- For easier reference, any term used that is defined within §230-20 is treated as a proper noun and capitalized accordingly.
- Reorganizes the code to achieve a more logical outlay of information.
- Provides content neutral regulation of signs in the Village.

Section 2. Existing Section §230-20 Signs as well as definitions pertaining to Signs in the existing Code is hereby deleted and replaced with the following.

230-20 SIGNS

A. Purpose. The purpose of these sign regulations is to:

- (1) Promote and protect the public health, safety, and welfare by regulating existing and proposed signs.
- (2) Maintain and enhance the aesthetic environment and the Village's ability to attract businesses and residents.
- (3) Enhance and protect the physical appearance of the community.
- (4) Reduce sign or advertising distractions and obstructions that may contribute to traffic accidents.
- (5) Promote attractive signs which present their message clearly and concisely.

B. Definitions.

**A-Frame Sign:** A sign consisting of two (2) sign faces placed together at an angle to form an "A" shape structure which tapers from a wide base to a narrow top, and whose message is targeted to pedestrians. An A-Frame Sign is not considered a Portable Sign for the purposes of this §230-20.

**Accessory Sign:** A non-advertising sign that is clearly incidental to the non-residential use.

**Animated Sign:** A sign with action, motion, or light or color changes through electrical or mechanical means.

**Awning:** A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

**Awning Sign:** Any sign painted on, or applied to, an awning.

**Banner Sign:** A temporary sign made of cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two (2) or more edges or at all four corners. Banners are temporary in nature and do not include Flags.

**Billboard:** An Off-Premises Sign, which is leased or rented for profit.

**Business Directory Sign:** A sign used by one (1) or more non-residential uses located within the same building, only in the General Business District, and not applicable to Storefront businesses.

**Canopy:** A structure other than an awning, made of fabric or other similar material, that is supported by columns or posts affixed to the ground and may also be connected to a building.

**Canopy Sign:** Any sign that is part of, or attached to, a canopy.

**Flag:** Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed thirty (30) square feet in area and shall not be flown from a pole the top of which is no more than twenty-five (25) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the stars and stripes. Any flag not meeting any one or more of these conditions shall be considered a Flag Sign and shall be subject to regulation as such.

**Flag Sign:** Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two (2) corners. A Flag shall not be considered a Flag Sign for the purposes of this §230-20.

**Freestanding Sign:** A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure.

**Government Sign:** A sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

**Inflatable Sign:** A sign that maintains shape through air pressure, which may be of various shapes, made of flexible fabric, resting on the ground or structure, and may or may not be equipped with a blower.

**Internally Illuminated Sign:** A sign which contains transparent or translucent materials as an exterior surface, and which contains a light source within its body, or which is capable of being illuminated by a light source within its body. Internally Illuminated Signs include but are not limited to:

- (1) Signs with opaque surfaces where the internal light source shines out the sides to create a "halo" effect;
- (2) Neon signs;
- (3) Electronic messaging signs;
- (4) Televisions/video screens used as signs;
- (5) Electronic Messaging Display Signs ("EMDS")

**Lawn Sign:** A temporary sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchor.

**Marquee:** A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements. This structure is typically associated with theaters.

**Marquee Sign:** Any sign that is part of, or attached to, a marquee.

**Off-Premises Sign:** An outdoor sign containing a commercial message which promotes a business, products, services, or activities located, conducted, sold, or offered somewhere other than upon the same lot upon which the sign is located.

**Permanent Sign:** A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

**Pop-Up Shop:** A temporary storefront space occupied by a merchant who sells goods predominantly on-line.

**Pop-Up Shop Sign:** A temporary sign associated with a temporary retail use, or “pop-up shop.”

**Portable Sign:** A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure. This includes a sign affixed to a vehicle or trailer in such a manner that the carrying of the sign is no longer incidental to the vehicle or trailer’s purpose, but becomes its primary purpose. A-Frame Signs and Flag Signs are not considered Portable Signs for the purposes of this §230-20.

**Projecting Sign:** A building-mounted, double-sided sign with the two (2) faces situated perpendicular to the building wall, not to include signs located on a canopy or awning.

**Rooftop Sign:** A sign that is mounted above the cornice line, or over or on the roof or parapet of a building.

**Sign:** Any structure of part thereof, or any device attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, light, device, trademark or other representation used as an announcement, designation, direction, display or advertisement of any person, firm, group, organization, commodity, service, profession or enterprise when placed in such manner, whether indoors or out-of-doors, that it provides visual communication to the general public out-of-doors, but not including the following:

- (1) Government signs.
- (2) The flag or insignia of any government or governmental agency.
- (3) The flag of any civic, political, charitable, religious, fraternal or similar organization, which is hung on a flagpole or mast.
- (4) Religious or other seasonal holiday decorations which do not contain commercial lettering, wording, designs, symbols or other devices.

**Storefront:** The portion of the exterior facade of a building located in the General Business District which contains a ground floor non-residential use visible from a street, sidewalk, or other pedestrian way accessible to the public and contains the primary entrance to the non-residential establishment.

**Storefront Business:** A ground floor non-residential use located in a Storefront.

**Suspended Sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary Sign:** Any sign that is displayed as per §230-20(E) and/or §230-20(F) and is not permanently mounted.

**Wall Sign:** A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface

**Window Sign:** Any sign that is applied, painted, or affixed to a window, or placed inside a window within two (2) feet of the glass and clearly meant to communicate with viewers outside the building. Customary displays of saleable merchandise behind a store window are not considered window signs.

C. Permanent signs within the General Business (“GB”) District.

All permanent signs shall require review and approval by the Code Enforcement Officer or Planning Board pursuant to Section L(3) of this Chapter, and the issuance of a sign permit by the Code Enforcement Officer.

- (1) Maximum permitted sign area.
  - (a) The maximum total permanent sign area per Storefront Business shall be twenty-four (24) square feet.
  - (b) The maximum total permanent sign area for a non-residential use other than a Storefront Business shall be six (6) square feet.
- (2) The following sign types are permitted in the GB District. One or more of the following signs are permitted, but in no event shall the combined sign area of all permanent signs exceed the maximum permitted sign area as set forth in Section (C)(1) above.
  - (a) Accessory Sign. No more than two (2) Accessory Signs shall be permitted per Storefront Business, the sign area of which shall not exceed four (4) square feet per sign, but the combined sign area of both signs shall not exceed six (6) square feet.
  - (b) Awning Sign. No more than three (3) Awning Signs per Storefront Business, the sign area of which shall not exceed fifty (50%) percent of the panel of the awning on which it is placed. The sign may be located on the front or side panel(s) of the awning, but not on the sloped surfaces.
  - (c) Business Directory Sign: No more than one (1) Business Directory Sign per building, containing no more than one (1) listing per non-residential use not located in the Storefront. The overall area of the directory sign shall not exceed eight (8) square feet, and the dimensions of each listing shall not exceed 3" tall by 20" wide. Sign type shall be only Projecting, Wall, or Window. Sign must be located in proximity to the common exterior entry door for the represented uses, and shall not be displayed in an area associated with the Storefront.
  - (d) Canopy Sign. No more than one (1) Canopy Sign per Storefront Business, the sign area of which shall not exceed fifty (50%) percent of the vertical surface of the canopy. The sign may be located on the vertical portions of the canopy, but not on any slope. No canopy shall extend into the public right-of-way.
  - (e) Freestanding Sign. No more than one (1) Freestanding Sign per lot shall be permitted, and only on lots where the building is set back a minimum of ten (10) feet from the curb or edge of the road where no curb exists. Sign area shall not exceed six (6) square feet. The sign height shall not exceed six (6) feet above the ground level measured from the base of the sign. Where two (2) or more businesses on a lot share a Freestanding Sign, the total sign area shall not exceed three (3) square feet per business up to a maximum of six (6) square feet per lot.
  - (f) Projecting Sign. No more than one (1) Projecting Sign shall be permitted per Storefront Business, the sign area of which shall not exceed six (6) square feet. The base of the sign shall be located a minimum of seven (7) feet above

grade, and the top of the sign may not extend above the cornice line for single-story buildings, or the bottom sill of the second story window for multistory buildings.

- (g) Suspended Sign. No more than one (1) Suspended Sign shall be permitted per Storefront Business, the sign area of which shall not exceed four (4) square feet. The base of the sign shall be located a minimum of seven (7) feet above grade.
- (h) Wall Sign. No more than one (1) Wall Sign shall be permitted per business. Where the sign is placed on a building containing space for a single Storefront Business, the sign area shall not exceed eight (8) square feet. For buildings with more than one (1) Storefront Business, sign area shall not exceed six (6) square feet per Storefront Business. The thickness of any Wall Sign shall not extend more than six (6) inches from the face of the wall to which it is attached, nor beyond or above the building in any direction.
- (i) Window Sign. Window Signs are permitted in ground floor windows only, the coverage of which shall not exceed thirty (30%) percent of the total area of the window in which the sign is located.

D. Permanent signs in all districts except the GB District.

All permanent signs shall require review and approval by the Code Enforcement Officer or Planning Board pursuant to Section L(3) of this Chapter, and the issuance of a sign permit by the Code Enforcement Officer.

- (1) Permitted sign area. The maximum total permanent sign area shall be eight (8) square feet per lot.
- (2) One or more of the following signs are permitted, but in no event shall the combined sign area of all permanent signs exceed the maximum permitted sign area as set forth in Section (D)(1) above.
  - (a) Accessory Sign. No more than one (1) Accessory Sign shall be permitted per non-residential use per lot, the sign area of which shall not exceed two (2) square feet.
  - (b) Freestanding Sign. No more than one (1) Freestanding Sign shall be permitted per lot, the sign area of which shall not exceed six (6) square feet. The sign height shall not exceed six (6) feet above the ground level measured from the base of the sign. Where two (2) or more businesses on a lot share a Freestanding Sign, the total sign area shall not exceed three (3) square feet per business up to a maximum of six (6) square feet per lot.
  - (c) Projecting Sign. No more than one (1) Projecting Sign shall be permitted per lot, the sign area of which shall not exceed six (6) square feet. The base of the sign shall be located a minimum of seven (7) feet above grade, and the top of the sign may not extend above the cornice line for single-story buildings, or the bottom sill of the second story window for multistory buildings.

- (d) Wall Sign. No more than one (1) Wall Sign shall be permitted per lot, the sign area of which shall not exceed eight (8) square feet. The thickness of any Wall Sign shall not extend more than six (6) inches from the face of the wall to which it is attached, nor beyond or above the building in any direction.
- (e) Window Sign. Window Signs are permitted in ground floor windows only, the coverage of which shall not exceed thirty (30%) percent of the total area of the window in which the sign is located.

E. Temporary signs.

In addition to permanent signs, the following temporary signs are also permitted in all zoning districts. Temporary signs shall require a sign permit issued by the Code Enforcement Officer, unless specifically exempted below. Storefront businesses shall have no more than three (3) categories of temporary signs at any time. A non-storefront business or a home occupation may only have one (1) category of temporary sign at any time. Any Temporary Sign posted in violation of this Chapter may be disposed of by the Village of Millbrook.

- (1) A-Frame Sign. No more than one (1) A-Frame Sign shall be permitted per Storefront Business, the sign area of which shall not exceed six (6) square feet per face. Sign may only be displayed during hours of operation and shall be stored indoors at all other times. Sign must be placed within proximity of the business displaying the sign, and shall not impede pedestrian or vehicular traffic.
- (2) Flag Sign. No more than one (1) Flag Sign per Storefront Business in the GB District, or one Flag Sign (1) per lot in all other districts, shall be permitted, the sign area of which shall not exceed twenty-four (24) square feet. The Flag Sign may only be displayed during hours of operation and shall be stored indoors at all other times. Sign shall not impede pedestrian traffic. No permit shall be required for such a sign.
- (3) Pop-Up Shop Sign. No more than one (1) Pop-Up Shop Sign per temporary retail use shall be permitted, the sign area of which shall not exceed six (6) square feet. Sign type shall be only A-Frame, Flag or Window. Sign shall not be displayed for more than six (6) consecutive months, nor after the temporary retail use has ceased operation, whichever is less.
- (4) For a Storefront Business whose primary product is the sale or leasing of real property, up to twelve (12) square feet of the window area may be used for the display of temporary Window Signs. These temporary Window Signs shall not be illuminated.
- (5) Temporary signs in the General Business District, including but not limited to Window Signs, pertaining to on-site activities which have a duration of thirty (30) calendar days or less shall not be subject to the issuance of a permit by the Code Enforcement Officer, but such signs shall require the filing of a temporary sign application form with the Code Enforcement Officer for his approval, showing conformity to this code provision, including the dates of installation and removal of the signs. All such signs may not exceed eight (8) square feet in total cumulative sign area and must also conform to the provisions of this chapter with respect to placement and professional quality. Such temporary signs shall be allowed no more than twice per calendar year, per business.
- (6) One (1) sign not exceeding four (4) square feet in area for a single lot, or sixteen (16) square feet in area for a real estate subdivision, and set back at least fifteen (15) feet

from the street upon which the property is located during the period that a property is being offered for sale or lease. Such a sign shall not be displayed for more than ten (10) days after the property is sold or let. No permit shall be required for such a sign.

- (7) Not more than two (2) temporary signs on a property that is under construction for each street frontage of the lot, not exceeding a combined sign area of four (4) square feet, shall be permitted during the course of construction only. No permit shall be required for such a sign.

#### F. Special Event Signs.

Temporary signs, such as Lawn or Banner signs, totaling not more than twelve (12) square feet of combined sign area, with no single sign being larger than six (6) square feet and displayed only during election campaigns, drives or other special events, not covered under §230-20(E) “Temporary Signs”, shall be allowed per business or residence. Special Event Signs shall be allowed in any zoning district and must be removed within five (5) calendar days after the completion of the event for which the signs were installed. Any Special Event Sign not removed within five (5) calendar days after completion of the event for which they were installed, may be disposed of by the Village of Millbrook. Furthermore, signs may not be installed earlier than forty-five (45) days prior to the first date of the special event, drive or election being publicized. No permit shall be required for such signs.

#### G. General regulations for all districts.

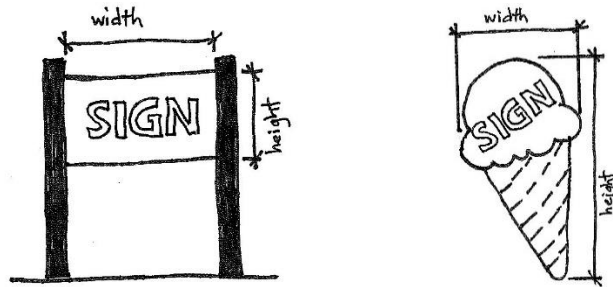
- (1) Signs are permitted only as an accessory to a permitted use on a lot.
- (2) Illumination. Lighting for all illuminated signs shall be external only, shielded, downlit, and of constant intensity. Lighting shall not direct glare onto any adjacent lot or towards motorists. No sign shall be illuminated by or contain flashing, intermittent or moving light or lights. Temporary signs shall not be illuminated.
- (3) General design principles and criteria. In reviewing sign applications, the Code Enforcement Officer or Planning Board shall determine that the sign will uphold and meet the following design principles and criteria, and shall have the authority to suggest alterations in design that would implement the intentions of this §230-20:
  - (a) Signs shall be a subordinate part of the landscape.
  - (b) Signs shall convey their messages clearly and simply.
  - (c) Signs shall be designed in such a way as to conform to and be in harmony with the characteristics of the surrounding neighborhood.
  - (d) No sign shall create a hazard for vehicles or pedestrians, and all signs must be constructed so that drivers’ lines of vision are not obstructed in any way.
  - (e) Light lettering on a dark background is preferred.
  - (f) To ensure legibility, a minimum number of words/symbols should be used to communicate the message. A maximum of seven (7) words is preferred. Any symbol, logo, phone number, website, or street number is considered a word.



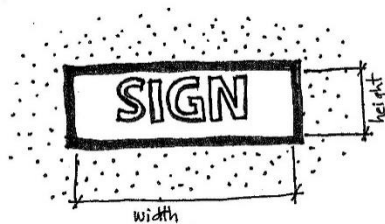
- (g) No sign shall have more than two sides.
- (h) Unless indicated otherwise, no sign shall extend more than ten (10) feet above ground level at the base of the sign, nor extend above the facade of the building to which it is attached.
- (i) No attached sign may extend more than four (4) feet over the street right-of-way/property line.

(4) Computations. The following principles shall control the computation of sign measurements.

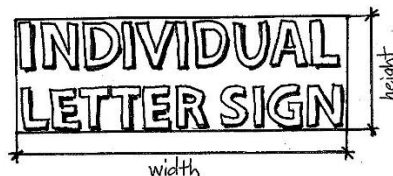
- (a) Sign measurement shall be based upon the entire area of the sign, with a single rectangular perimeter enclosing the extreme limits of the actual sign surface.



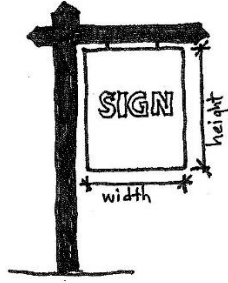
- (b) For a sign fixed to a building, the area shall be considered to include all lettering and accompanying designs or symbols, together with any background of a color different from the natural color of the finish material of the building upon which the sign is located.



- (c) For a sign consisting of individual letters or symbols on a surface, canopy, awning, building, wall or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters and symbols.



- (d) Essential supporting framework (brackets, posts, standards) shall not be included in sign area calculations, provided it does not contain any lettering, wording, symbol or artwork.



(e) For signs with two (2) faces or sides, the area shall be taken as the area of either face, provided that the faces are identical and back-to-back.

H. Exempt signs. The following shall be exempt from regulation under this chapter:

- (1) Government Signs.
- (2) Any sign inside a building, not attached to a window or door, that is not visible from a distance of more than three (3) feet beyond the lot line of the parcel on which such sign is located.

I. Nonconforming signs.

- (1) Except as otherwise provided in this section, a lawfully permitted sign existing at the time of the adoption of this chapter shall be allowed to remain even though such sign does not conform to the standards specified in this chapter for the zone in which such sign is located.
- (2) Other than sign maintenance, no nonconforming sign shall be reconstructed, remodeled, relocated, altered or changed in size, height, setback or content to show a new trade name, different words, letters or numbers, new design, different colors or different logo, unless such action will make the sign conforming in all respects. A sign that is to be reconstructed, remodeled, relocated, altered or changed according to this section so that it will be conforming in all respects requires a sign permit from the Code Enforcement Officer.
- (3) Nothing in this chapter shall be deemed to prevent keeping in good repair a nonconforming sign, including sign maintenance, repainting and replacement of broken or deteriorated parts of the sign itself. Supporting structures for nonconforming signs shall not be replaced, unless such replacement will make the sign and sign structure conforming in all respects.
- (4) A nonconforming sign or sign structure which is destroyed or significantly damaged may not be replaced except with a conforming sign. A sign permit is required for any replacement sign.

J. Waiver. An owner of an existing approved and conforming sign who wishes to alter the content while maintaining the existing dimensions, height, lighting, color and texture of the sign may request a waiver from the sign permit approval process from the Code Enforcement Officer. A scaled graphic depiction, in color, showing the new sign must be filed with the Village prior to installation of the new sign.

K. Permit required.

- (1) Unless specified otherwise herein, a Sign may be placed, erected, constructed, painted, altered, relocated, enlarged, reconstructed, displayed, lit, or maintained only as expressly permitted in this section and upon issuance of a sign permit by the Code Enforcement Officer or any duly appointed deputy Code Enforcement Officer.
- (2) All permanent signs require review and approval of the Code Enforcement Officer, or the Planning Board when required.

L. Permit procedures.

- (1) Application shall be made on forms prescribed and provided by the Village and shall be accompanied by an application fee, payable to the Village of Millbrook, in accordance with the current fee schedule. The application forms shall be approved by the Village Board of Trustees and may be amended from time to time. The application form for permanent signs will require the following minimum information:
  - (a) Renderings of the sign as prepared by the manufacturer/design professional shall be submitted to the Code Enforcement Officer, or Planning Board when required, with exact measurements, color(s), material(s), and lighting specifications if applicable, of the proposed sign.
- (2) For all signs, if the applicant is not the owner of the property on which the sign is to be located, the applicant must provide to the Village either written permission from the property owner to place the sign on the property, or a copy of a contract or lease showing that the applicant has care, custody and control of the property on which the sign is to be located.
- (3) Review and decision on application.
  - (a) Upon receipt of a completed application for a sign permit and the payment of the required fee when not in conjunction with a Planning Board application, but not longer than ten (10) days, the Code Enforcement Officer shall review the application to determine if the proposed sign is in compliance with all requirements of this §230-20, and if so shall render approval. The Code Enforcement Officer shall issue the sign permit within fourteen (14) days in such circumstances. If not in compliance with the code, the Code Enforcement Officer shall issue a denial of the permit request and notify the applicant of the following options:
    - i. Make modifications to and re-submit the application;
    - ii. Seek relief from this §230-20 via the Zoning Board of Appeals. Prior to issuing a decision, the Zoning Board of Appeals may first forward the request to the Planning Board for an advisory opinion. The Planning Board has thirty (30) days from the date of referral to issue its written opinion.
  - (b) Planning Board review. If the sign is proposed in conjunction with a pending site plan and/or special use permit application, the Planning Board shall review and approve, approve with modifications, or deny the requested sign permit.

- i. Sign location shall be reflected on the site plan.
  - ii. If the property has an existing site plan and the only proposal is to add a new sign or to relocate a sign, a site plan reflecting the location of the proposed new sign or relocated sign shall be submitted.
  - iii. When application for a sign permit is made in conjunction with a site plan and/or special use permit application, the Planning Board shall consider the application and shall approve, approve with modifications, or deny the application and notify the Code Enforcement Officer of its decision on this matter. If the sign permit is approved, the Code Enforcement Officer shall issue a sign permit within fourteen (14) days.
- (4) Once a permit has been issued, no permit shall be required for a sign to be repainted or repaired in accordance with the approved design, graphics, and messaging of the sign.
  - (5) Any sign requiring a permit which is removed for a period of more than thirty (30) days cannot be re-erected unless a new sign permit application is submitted and a new permit is issued in accordance with this §230-20. This subsection shall apply regardless of when the sign which was removed was originally erected and regardless of whether said removed sign was the subject of a validly issued sign permit.
  - (6) Time limit. If a sign is not erected within six months following the issuance of a sign permit, the sign permit will automatically become void.
- M. Removal of certain signs. Any sign which no longer pertains to an existing business conducted or product sold on the premises, shall be removed by the owner of the premises upon which the sign is located, within thirty (30) days of when the sign is no longer valid. Any sign not so removed may be disposed of by the Village of Millbrook.
- N. Prohibited signs. All signs not expressly permitted under this chapter or specifically exempt from regulation are prohibited in the Village of Millbrook. Such signs include, but are not limited to:
- (1) Animated Signs.
  - (2) Billboards.
  - (3) Inflatable Signs and tethered balloons.
  - (4) Internally Illuminated Signs.
  - (5) Marquee Signs.
  - (6) Neon-type signs.
  - (7) Off-Premises Signs.
  - (8) Pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices, whether or not they are used as part of a sign or to attract attention to a sign.
  - (9) Portable Signs.
  - (10) Rooftop Signs.

- (11) Strings of lights, if they are used as part of a sign or to attract attention to a sign.
- (12) Signs using fluorescent or day-glow colors.
- (13) Signs incorporating projected images or words.
- (14) Television/video screens used as signs.
- (15) No sign shall be placed, erected or maintained in, over or upon any street, sidewalk, excavation or other public place without permission of the applicable government body owning such street, sidewalk, excavation or other public place.

O. Permit revocation and sign removal.

- (1) Violation. In the event of a violation of any provision of this chapter, the Code Enforcement Officer shall give written notice, by certified mail, return receipt requested, to the owner of the sign at the last known address of record and to the owner of the land upon which the sign is erected at the last known address of record specifying the violation and specifying that the sign must be modified within fifteen (15) days such that it conforms to the provision of this chapter or be removed. If the sign is not modified to conform to the provisions of this chapter within the allotted fifteen (15) days, the Code Enforcement Officer is hereby authorized to revoke the sign permit, if any, and to remove or cause removal of such sign. The owner or tenant shall defray the Village's expenses incurred during removal, including consultant costs and attorneys' fees.
- (2) Safety Hazard. If the Code Enforcement Officer finds that any sign regulated by this chapter is unsound or in any way poses a potential safety hazard to the public, he or she shall give written notice, by certified mail, return receipt requested, to the owner of the sign at the last known address of record and to the owner of the land upon which the sign is erected at the last known address of record to repair or remove the sign within five days from the date of the notice. If the sign is not removed or repaired within the allotted five days, the Code Enforcement Officer is hereby authorized to revoke the sign permit, if any, and to remove or cause removal of such sign. If emergent circumstances warrant, the Code Enforcement Officer may remove a hazardous sign without advance notice. For any sign summarily removed without prior notice, the Code Enforcement Officer shall provide written notice by certified mail, return receipt requested, to the owner of the sign at the last known address of record and the owner of the land upon which the sign was erected at the last known address of record that the sign was removed because it was a source of immediate peril to persons or property.
- (3) Costs of removal of signs. At the sole discretion of the Village, the reasonable and necessary costs incurred by the Village for removal of any sign shall be charged against the real property from which the sign was removed by adding that charge to and making it a part of the next annual real property tax assessment roll of the Village. Such charges shall be levied and collected at the same time and in the same manner as Village-assessed taxes and shall be paid to the Village Clerk to be applied in reimbursing the fund from which the costs of sign removal were paid. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known address of record, by certified mail, return receipt

requested, of an opportunity to be heard and object before the Village Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than fourteen (14) days after its mailing. The owner of the land, in addition to the tenant or owner of the sign, shall be jointly and severally responsible for reimbursement of the Village's expenses.

P. Construction and maintenance.

- (1) Except for Awning, Banner, Canopy, Flag, Window, and Temporary signs conforming in all respects with the requirements of this chapter, all signs shall be constructed of wood, metal, or other durable man-made materials that closely resemble wood or metal, as approved by the Code Enforcement Officer or Planning Board and shall be permanently attached by direct attachment to a rigid wall, frame or structure.
- (2) All signs and sign structures shall be maintained in good condition, in compliance with all building and electrical codes and in conformance with this chapter at all times.
- (3) All signs shall be securely anchored.

Q. Substitution clause. Any sign authorized pursuant to this chapter may contain a noncommercial message in lieu of other copy.

R. Severability, conflicts with other provisions.

- (1) The provisions of this section are severable. The invalidity of any word, subsection, clause, phrase, paragraph, sentence, part or provision of this section shall not affect the validity of any other part of this section which can be given effect without such invalid part or parts.
- (2) If any portion of this section is found to be in conflict with any other provision of any other local law or ordinance of the Code of the Village of Millbrook, the provision which establishes the more restrictive standard shall prevail.

Section 3. Section 195-12 "Signs, banners and poles" of the Village Code is hereby deleted.

Section 4. Section 230-5 "Definitions" is amended to delete the definitions for "SIGN," "SIGN, ACCESSORY," "SIGN, ADVERTISING," and "FLAG."

Section 5. Section 230-29(B)(6) is amended to read as follows:

(6) There shall be no outside evidence of the home occupation, except that one (1) sign is allowed in compliance with Section 230-20.

Section 6. Section 230-36(A) is amended to delete subsections (6), (7), (8) and (9).

Section 7. Section 230-36 is amended to add a new subsection (D) as follows:

D. Any signs advertising a garage sale shall be in compliance with Section 230-20.  
Section 8. This local law shall take effect as of the date of filing with the New York Secretary of State.

Trustee Rochfort advised the Board of Trustees that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this local law. Trustee Rochfort offered the following resolution which was seconded by Deputy Mayor Collopy, who moved its adoption:

WHEREAS, on December 17, 2019, Trustee Rochfort has introduced this local law for the Village of Millbrook, to be known as “Village of Millbrook Proposed Local Law No. 1 of the Year 2020, a local law of the Village of Millbrook, Dutchess County, New York, to amend Village Code Chapter 230, “ZONING,” Section 230-20 “SIGNS.”

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Village Hall, 35 Merritt Avenue, Millbrook, New York, on January 14, 2019 at 6:30 o’clock, p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Village of Millbrook, by the Village Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

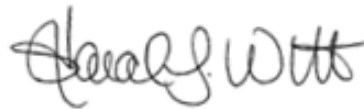
**NOTICE OF PUBLIC HEARING**

TAKE NOTICE, that the Board of Trustees of the Village of Millbrook will hold a public hearing at the Village Hall, 35 Merritt Avenue, Millbrook, New York on January 14, 2020 at 6:30 o'clock, p.m., on Proposed Local Law No. 1 of the Year 2020, to amend Village Code Chapter 230, "ZONING," Section 230-20 "SIGNS."

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Village of Millbrook, at the Village Hall, 35 Merritt Avenue, Millbrook, New York between the hours of 8:00 a.m. to 12:00 p.m. and then between 1:00 p.m. to 3:00 p.m. on all business days between the date of this notice and the date of the public hearing. A digital copy of Proposed Local Law No. 1 of the Year 2020 will located on the Village website: [www.villageofmillbrookny.com/notices.html](http://www.villageofmillbrookny.com/notices.html)

TAKE FURTHER NOTICE, that all person interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Millbrook, New York  
December 17, 2019



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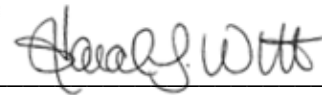
SARAH J. WITT, VILLAGE CLERK



The foregoing resolution was duly put to a vote which resulted as follows:

Mayor Brown	<u>Aye</u>
Trustee Rochfort	<u>Aye</u>
Trustee Herzog	<u>Absent</u>
Trustee Collopy	<u>Aye</u>
Trustee McGrane	<u>Aye</u>

DATED: Millbrook, New York  
December 17, 2019



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SARAH J. WITT, VILLAGE CLERK  
Village of Millbrook