

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Schaghticoke

FILED
STATE RECORDS

SEP 23 2022

Local Law No. 1 of the year 2022 DEPARTMENT OF STATE

A local law Amending the Zoning Law of the Town of Schaghticoke with Respect to Electronic

(Insert Title)

Messaging Signs

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Schaghticoke

as follows:

SECTION 1. PURPOSE AND INTENT

The Town Board desires to amend the Zoning Law to update those provisions which regulate Signs so as to allow electronic messaging signs in certain zoning districts.

SECTION 2. AUTHORITY

This local law is enacted pursuant to the provisions of section 10 of the Municipal Home Rule Law and Town of Schaghticoke Zoning Law Article XII.

SECTION 3. APPLICATION

The Town of Schaghticoke Zoning Law Section V – Supplementary Regulations -- Sign Regulations Subsection F (5) is hereby amended by adding a new subsection "b" as follows:

b. Within the Zoning Districts listed in this Section 5 except the HD (Hamlet District) and MD (Marine District), electronic messaging signs, which utilize LED, LCD or flipper matrix type lighting shall be permitted as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- i. Signs with flashing, blinking, intermittent, or moving lights, or any artificial light which does not maintain stationary and constant intensity and color at all times shall be prohibited, except those signs that have an electronic message that display a message for a minimum of one (1) hour; and except signs displaying time and/or temperature shall be permitted to display a message for a minimum of 60 seconds.
- ii. Beams of such signs shall not be directed upon a public streets, sidewalks or adjacent premises so as to cause glare or reflection, that may constitute a hazard upon drivers or nuisance upon neighboring properties.
- iii. The illumination shall not be in excess of 0.3 footcandles above ambient lighting at a distance of 32 feet. Controls must be installed to ensure compliance.
- iv. No illuminated sign shall be illuminated between the hours of 9:00 PM and 8:00 AM unless the use to which the sign pertains is open for business.

Section 9 is deleted in its entirety and replaced as follows:

9. Prohibited signs.

- a. Except as permitted by Section 5(b), no exterior sign shall contain flashing, intermittent, rotating, or moving lights. Internal illumination of signs may be utilized in the HC (Highway Commercial) District and PD (Planned Development) District upon issuance of a Special Use Permit.
- b. Portable signs that are mounted on wheels, including motor vehicles or trailers parked in one location on a long-term basis and functioning primarily as signs, shall generally be limited to new businesses only. Said signs may be allowed with a permit but are not to exceed placement at a specific location for longer than one month nor be allowed to occur more than 2 times per year.
- c. Except as permitted by Section 5(b), no permanent sign or any part thereof shall contain or consist of any moving, rotating, or revolving device.
- d. Location and Maintenance of Signs
 1. Signs shall be erected, constructed, and maintained in a manner that does not obstruct traffic movement or visibility or cause any hazard to public safety.

2. No signs shall be placed, painted, or drawn on utility poles, bridges, culverts, or other road or utility structures or signposts, or on trees, rocks, or other natural features, except that signs not exceeding one square foot posting property boundaries may be placed on trees. No signs shall be placed on municipally owned property without permission of the Town Board.
3. All signs shall be kept in good repair. Painted surfaces shall be kept neatly painted at all times.

Section 10 is deleted in its entirety and replaced as follows:

10. Illumination.
 - a. No illuminated sign or lighting device shall be placed or directed so that its light is directed or beamed toward a residence, or upon a public street, highway, sidewalk, or adjacent premises in a manner that causes glare or reflection sufficient to constitute a nuisance or a traffic hazard.
 - b. Except as permitted by Section 5(b), all illuminating devices for signs, displays or display areas shall employ only lights emitting a light of constant intensity, and no illuminating device shall include any flashing, intermittent, rotating or moving light, excluding time and temperature signs. Down lighting of signs should be encouraged.
 1. No illuminating device shall produce a luminance greater than 100-foot candles when measured at the face of the sign.
 - c. Neon Signs, where permitted under this Article, shall be located only on the interior side of a window. Such signs shall emit a light of constant intensity.
 - d. For illuminated signs in zones other than HC (Highway Commercial) PD (Planned Development), interior lighting of signs is prohibited.

Section 11 is deleted in its entirety and replaced as follows:

11. Except as permitted by Section 5(b), no sign, display, display area, or part thereof, or devices to attract attention shall move or contain or consist of pennants, ribbons, streamers, spinners, banners, flags, posters, or other moving lights, fluttering or revolving devices.

SECTION 4. REPEAL

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon the filing of such law with the office of the New York Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2022 of the ~~(County)(City)(Town)(Village)~~ of Schaghticoke was duly passed by the Town Board on 7/14 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Jennifer H. Molecky
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 9/14/22

(Seal)