

LOCAL LAW #3, 2024
SIGN LAW REVISIONS

Section 1. The purpose of this Local Law is to revise the provisions of Chapters 268, Signs, and 345, Architectural Review Board, of the Village of Baldwinsville to add definitions and revise some provisions.

Section 2. Section 268-1 of the Village Code is hereby amended by adding the following definition:

BANNER SIGN

Any sign of lightweight fabric or similar material that is permanently mounted on a pole or a building by a permanent frame at one or more edges. National Flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Section 3. Section 268-1 of the Village Code is hereby amended by replacing the definition of "Sign" with the following definition:

SIGN

Any structure or part thereof or any device visible from a public place, whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations, including but not limited to frames which shall display or include any letter, word, symbol, light, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement designed to attract the attention of the public, which shall be located out-of-doors on land or on any building or structure or vehicle parked on public or private property for the purpose of such advertising, including window signs visible from the exterior, illuminated signs, billboards, sign boards, painted wall signs, projecting signs, freestanding signs, balloons, and signs painted or used to advertise or promote the interest of any person or business, excluding permanently attached lettering on a commercial vehicle associated with normal business activity. A sign does not include the flag, pennant or insignia of any nation or group of nations or any state, city or other religious or governmental unit.

Section 4. Section 268-3 of the Village Code is hereby amended by adding Paragraph "H to read as follows:

H. Substitution

(1) The owner of any sign that is otherwise allowed by this Chapter may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional

approval or permitting (2) The purpose of this "substitution" provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

Section 5. Chapter 268 of the Village Code is hereby amended by adding Section 268-9 to read as follows:

“268-9 Severability clause.

If any clause, sentence, paragraph or section or other provision of this Chapter or its application to any person or circumstance is held by any court of competent jurisdiction to be invalid, the invalidity does not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.”

Section 6. Section 268-6 of the Village Code is hereby amended by adding Paragraph “B” to read as follows”

“B. Compliance.

Any sign now or hereafter existing which is in violation of the provisions of this Chapter shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure, property or premises upon which such sign may be found within 30 days after written demand for removal by the Code Enforcement Officer. Upon failure to comply with such demand within the time specified, the Code Enforcement Officer is hereby authorized to cause removal of such sign.”

Section 7. Section 268-4 of the Village Code is hereby amended by revising Paragraph “D” to read as follows:

“D” Issuance of the Sign Permit. It shall be the duty of the Code Enforcement Officer, 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, if necessary, to examine the building or premises upon which the sign or other advertising structure is proposed to be erected. If it shall appear that the proposed sign is in compliance with all the requirements of this chapter and other laws and ordinances, the Code Enforcement Officer shall, within 15 days of said application, refer the application to the Architectural Review Board pursuant to Section 345-78(B), and upon receipt of the Architectural Review Board’s action, issue a sign permit for the erection of the proposed sign, subject to the requirements of the recommendations of the Architectural Review Board. If the sign authorized under any such permit has not been completed within six months from the date of the issuance of said permit, the permit shall

become null and void, but may be renewed once, within 10 days from the expiration thereof, for good cause shown upon payment of an additional fee in an amount set by resolution of the Board of Trustees. There shall be no fee for permits for permanent window and permanent interior signs.

Section 8. Section 345-78 of the Village Code is hereby amended by revising Paragraph "B" to read as follows:

"B" The Code Enforcement Officer shall, upon receipt of a complete building permit application, a complete sign application or of a written application for architectural approval for which no building permit is required but is subject to the jurisdiction of this article, forward same to the ARB for review and action. Such determinations shall be made at the next regularly scheduled meeting of the ARB and transmitted to the Code Enforcement Officer for inclusion in the final action of the Code Enforcement Officer. "

Section 9. Section 345-78 of the Village Code is hereby amended by revising Paragraph "A" to read as follows:

"A" When applications for action are pending before the ZBA and/or PB, architectural review shall be coordinated with the ARB. The ZBA and/or PB shall refer the matter to the ARB and make recommendations to the ARB. The ARB shall meet on or before five business days after the date of filing of final action of the ZBA and/or PB, whichever is the latest, as such date of final action for filing for the ZBA and/or PB is established pursuant to the New York State Village Law, and affirmatively determine whether further architectural review is warranted. If the ARB fails to so meet no further architect review shall be required and the architectural features, if any, shall be as determined and recommended by the ZBA and/or PB. The ARB shall not be required to act in final form upon such recommendations within five days, just affirmatively determine whether further architectural review is warranted. The architectural review shall be made at the next regularly scheduled meeting of the ARB and transmitted to the ZBA or PB for inclusion in the final action of that Board."