

# 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 Plattsburgh

Local Law No. 3 of the year 2011

A local law AMENDING CHAPTER 270-26 OF THE CITY CODE CONCERNING SIGNS  
(Insert Title)

Be it enacted by the Common Council of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Plattsburgh

as follows:

1. §270-26 B is amended to delete the term "Animated Sign".
2. §270-26 B is amended to add the term "Digital Sign" which is defined as follows:

DIGITAL SIGNS – Digital signs are Programmed, Automated and Interactive signs as defined herein.

· Programmed signs are signs that display messages that can be changed by the sign's program on a predetermined schedule.

· Automated signs are signs whose content and display instructions can be generated dynamically by a computer that may be part of the sign or connected via a network. Automated signs may display messages, images or video.

· Interactive signs are signs that display content in response to actions by nearby people.

3. §270-26 B is amended to add the term "Static Sign" which is defined as follows:

STATIC SIGN. A sign with a message or image that does not change except when the business located on the lot and identified on the sign changes. A Static Sign may be a Digital Sign

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

4. §270-26 B is amended to redefine the term "Area of Sign" as follows

AREA OF SIGN:

Each side of a sign that has a message is a "face." The area of a sign is the sum of all sign faces.

AREA OF SIGN FACE:

(1) For cut-out letters, the sign face area shall be computed by taking three-fourths (3/4) of the area enclosed within the smallest single geometric figure needed to completely encompass all letters, including vertical and horizontal spacing between letters.

(2) For other signs the sign face area shall be the area bounded by the edge of the sign frame.

5. §270-26 B is amended to add the term "Message" which is defined as follows:

MESSAGE means letters, words, symbols, logos, images and other visual means of communicating information.

6. §270-26 G (4) is amended to read as follows:

(4) No sign shall be erected or maintained in manner that obstructs the view of motorists on public streets of traffic signs and signals, or of vehicles on intersecting streets, or of vehicles entering or existing driveways that intersect with a public street.

7. §270-26 G is amended to delete subparagraph (9) and add the following:

Removal and Change of Signs. When a sign identifies a business on the premises, or goods or services sold on the premises by a business, and the business moves from the premises, or the goods and services are no longer sold by the business, the sign message shall be removed within 30 days of when the business vacates the premises or the goods or services are no longer sold or provided.

8. §270-26 J (5) is amended to read as follows:

(5) All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view.

9. §270-26 M is amended to read as follows:

M. Commercial lots with multiple occupancy.

1. Where a lot is occupied by two or more businesses each of which is a separate legal entity and occupies different spaces, it may have one freestanding sign.

2. Each separate business may have one static wall sign as allowed under subsection F(2).

3. Subject to other location and dimensional requirements, the top of the freestanding sign shall not be more than twenty feet above ground level, and the bottom of the sign shall not be less than seven feet above ground level.

4. In districts where such signs are permitted, the freestanding sign may be a static, programmed or automated sign.

5. The Area of a Sign for a freestanding sign shall not exceed one hundred square feet (100 sf) for one business plus up to twenty five square feet (25 sf.) for each additional business, but in no event shall the Area of a Sign exceed two hundred square feet (200 sf.).

10. §270-26 is amended to add a new subsection Q, which shall read as follows:

Q. Digital Signs. Digital Signs are subject to all of the foregoing regulations, except as modified by this subsection.

1. Where Allowed. Digital Signs are permitted in those zoning districts listed in Table A. The

Common Council may by resolution approve the installation of Digital Signs on property owned by the City of Plattsburgh regardless of the zoning district such property is located in. The Common Council may determine the number of signs and Sign Area of such signs taking into consideration the size of the lot they are proposed to be located on. The other regulations of this section shall apply to such signs. Before approving such signs the Common Council shall consider the recommendations of the Planning Board.

2. Number Allowed. There may be no more than one programmed Digital Sign on a lot. There may be no more than one automated or interactive Digital Sign for each business on a lot.

3. Light Levels. Digital Signs shall use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following:

a. All Digital Signs shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.

b. Maximum brightness levels for Digital Signs shall not exceed 5000 nits or Candelas per Square Meter" or (cd/m<sup>2</sup>) when measured from the signs face at its maximum brightness, during daylight hours.

c. Maximum brightness levels for Digital Signs shall not exceed 500 nits or Candelas per Square Meter" or (cd/m<sup>2</sup>) when measured from the signs face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.

d. Written certification from the sign manufacturer must be provided at the time of application for a sign permit certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this section , and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.

4. Dimensions. Digital Signs shall comply with the dimensional restrictions of Table A.

5. Message Changes. Messages must be displayed for a minimum of 30 seconds. Transitions may not exceed 3 seconds. A transition is a sign display that can use animation effects to change one message to another. Digital Signs that incorporate static and changing technologies may use no more than one changing technology.

6. Message Content. Digital Signs may not display Messages about goods or services that are not sold and delivered or provided on the premises where the sign is located. The intent of this section is to prohibit what is commonly referred to as "billboards". The foregoing notwithstanding, a Digital Sign may display Messages about public emergencies and public events.

7. Animation on Programmed Signs. Messages may not contain the appearance of motion or animation. Transitions between messages may contain the appearance of motion or animation.

8. Transitions on Programmed Signs. Transitions may appear between messages. They may not appear adjacent to other transitions.

9. Pre-existing Digital Signs. A sign installed with a sign permit prior to November 1, 2011, which is a Digital Sign as defined herein, is permitted to remain until the sign is replaced, provided however, such sign shall conform to the requirements of this subsection if these requirements can be complied with without replacing the sign. A pre-existing Digital Sign is required to comply with all sign regulations that were in effect at the time the sign permit was issued.

10. Community Development Signs. The Zoning Board of Appeals may grant a special permit for a Digital Sign to a local development corporation organized under section 1411 of the not for profit corporation law for the purpose of assisting development in the City of Plattsburgh, on the following conditions:

a. The sign may be located on a lot or building owned or leased to the local development corporation, or on land or a building owned by the City of Plattsburgh with permission from the Common Council.

b. The sign may display information and images about goods and services sold off the premises where the sign is located.

c. When requested by the Common Council or a City Department, the sign shall display information and images about public emergencies such as parking bans during snow storms or street closures; public events such as the Mayor's Cup and Battle of Plattsburgh as well as programs and services offered by City Departments.

11. Violations and Enforcement. In addition to the enforcement powers and fines or penalties provided elsewhere in this Chapter for violations of this law, if a Digital Sign does not comply with the regulations of this subsection, the Building Inspector may order that the sign be reprogrammed or changed to a Static Sign

11. §270-26 is amended to add Table A which is referenced in subsection Q and are made a part of this local law.

12. This local law shall take effect immediately upon approval by the Mayor and filing with the Secretary of State.

**City Code § 270-26 Q, Table A  
Dimensions**

DISTRICT	Static				Changing			
	MAXIMUM SIZE	MAXIMUM NUMBER	MAXIMUM SIZE	Maximum Number	Programmed		Automated	Interactive
					MAXIMUM SIZE (SQ FT.)	MAXIMUM NUMBER	MAXIMUM SIZE (SQ FT.)	MAXIMUM NUMBER
RH Residential Historic	24	12		X	X	X	X	X
R-1 Low-Density Residential	24	12		X	X	X	X	X
R-2 General Residential	24	12		X	X	X	X	X
B-1 General Business	100	50			1	2 1 interactive or automated		2 1 interactive or automated
B-2 Highway Business	100	50			1	2 1 interactive or automated		2 1 interactive or automated
C Central Business	100	50			1	2 1 interactive or automated		2 1 interactive or automated
I Industrial	X	X	X	X	X	X	X	X
OL-P Overlay District - Parking	X	X	X	X	X	X	X	X
OL-W Overlay District-Waterfront	X	X	X	X	X	X	X	X
RC-1 Recreational and Related	X	X	X	X	X	X	X	X
RC-2 Recreational and Related	X	X	X	X	X	X	X	X
RC-3 Recreational and Related	X	X	X	X	X	X	X	X

X denotes not permitted or not applicable

Notes to Table A.

1. Signs are not permitted as of right in RH, R-1, R-2 districts. see:

Code §270-26 H Signs in residential areas

1. There shall be no signs in a residential district as classified under the City of Plattsburgh Zoning Ordinance, except that one (1) sign may be erected and maintained for a lot on which a valid nonconforming use exists under the City of Plattsburgh Zoning Ordinance or for which a variance or special use permit has been granted by the Zoning Board of Appeals, provided that the sign does not exceed twenty-four (24) square feet .
2. Notwithstanding any provisions herein to the contrary, an identification sign not exceeding twenty four (24) square feet for purposes of identifying a multifamily complex, such as

apartment duplexes, / condominiums and townhouses, or a dental or medical clinic is permitted in a residential district upon approval of the Building Inspector.

3. Notwithstanding any provisions herein to the contrary, a sign identifying a home occupation, as defined by the City of Plattsburgh Zoning Ordinance, in a residential district shall not exceed two (2) square feet

(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. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, 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. 3 of 20<sup>11</sup> of the (County)(City)(Town)(Village) of City of Plattsburgh was duly passed by the Common Council on 3 November 20<sup>11</sup>, and was (approved)(not approved) (repassed after disapproval) by the Mayor (Elective Chief Executive Officer\*) and was deemed duly adopted on 10 November 2011, in accordance with the applicable provisions of law.

**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 \_\_\_\_\_ (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 \_\_\_\_\_ (Elective Chief Executive Officer\*). 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.

\* 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 2 above.

*[Handwritten Signature]*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body *[Handwritten Signature]*

Date: 14 Nov 2011

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF Clinton

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*[Handwritten Signature]*  
Signature John E. Clute  
Corporation Counsel

Title

County  
City of Plattsburgh  
Town  
Village

Date: 14 Nov 2011