



# VILLAGE OF BROCKPORT

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*The Victorian Village on the Erie Canal  
Preserve America Community  
Listed on the State and National Registers of Historic Places  
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Tree City USA Community  
Erie Canalway Heritage Award of Excellence  
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NYS Clean Energy Community*

## VILLAGE OF BROCKPORT Notice of Public Hearing

Please take notice that the Board of Trustees of the Village of Brockport will hold a **public hearing beginning at 7:00 pm on Monday, April 16, 2018** at the Village Court conference room 49 State Street, Brockport, NY 14420 to consider proposed Local Law of 2018 to amend Brockport Village Code Chapter 43: Signs & Billboards.

Text of the proposed local law is available for public inspection during normal business hours at the Village Clerk's office and is on the Village website at [www.brockportny.org](http://www.brockportny.org).

All interested parties will be given the opportunity to be heard.

By Order of the Brockport Village Board

Leslie Ann Morelli  
Brockport Village Clerk

Dated: 3/6/18

For publication in Suburban News and posting on Village website and at Village Hall.

Mayor Margaret B. Blackman  
Trustee/Deputy Mayor William G. Andrews  
Trustees Annette M. Crane, Katherine J. Kristansen, John D. LaPierre

3/1/18:

Village Board –

**Regarding proposed amendments to Village Code Chapter 43: Signs and Billboards,** please note that per advice from the Village's insurance broker, language needs to be incorporated into any Village Code chapters that allow businesses/merchants to utilize Village property through a permit (i.e. Chapter 43: Signs & Billboards – re A-frame signs on sidewalks, Chapter 58-11 re Sidewalk Cafés).

They advise that requiring General Liability limits of \$1,000,000 naming the Village as additional insureds is reasonable and prudent.

Below is suggested wording:

"Applicant shall provide a certificate of insurance for Commercial General Liability with limits of not less than \$1,000,000 combined single limit per Occurrence and \$1,000,000 Aggregate. An endorsement naming The Village of Brockport as additional insureds must be attached to the certificate."

Village Attorney needs to do a final review and approval of this wording and add wording as to consequence for insurance being canceled, lowered, revoked...

FYI – broker advises the same requirement / wording when the Code Review Committee reviews the chapter that includes sidewalk café permits and dropping language/requirement for any hold harmless agreement.

Leslie Morelli, Village Clerk

## Chapter 43

### SIGNS AND BILLBOARDS

[HISTORY: Adopted by the Board of Trustees of the Village of Brockport 1-5-76 as Local Law No. 1, 1976. Amendments noted where applicable.]

#### GENERAL REFERENCES

Adoption of ordinances – See Ch. 2  
Local Law hearings – See Ch. 28  
Garage sale signs - See Ch. 22  
Streets & sidewalks – See Ch. 45  
Zoning - See Ch.58  
Code Enforcement – See Ch. 59  
Uniform Code State of New York

#### ARTICLE I General Provisions

**§ 43-1 Purpose.** The purpose of this chapter is to provide equitable methods for individuals, businesses and services to identify themselves, express opinions, reduce signage conflicts, promote traffic and pedestrian safety, and increase the aesthetic value and economic viability in the Village of Brockport. At no time should these be interpreted to regulate any aspect of the content of any sign.

#### **§ 43-2 Definitions.**

For the purpose of this local law, the following words and terms shall be construed as follows, unless otherwise expressly provided. If no specific definition is set forth therein all words shall have their usual English language meanings.

**A-Frame sign** - A portable sign with two sides that are connected at the top and spread at the bottom to make it stable yet moveable. An A-frame sign is not considered to be a temporary sign.

**Abandoned sign** - Any sign or portion thereof, (see sign definition this section) that contains a message or advertisement that no longer represents any existing personal, public or business interests.

**Awning sign** - A sign affixed to an awning.

**Billboard or poster sign** - A panel for the display of either advertisement or public messaging in a public place, such as alongside highways or on the side of a building.

**Changeable message sign** - A sign which contains numbers, letters, or symbols, designed to be moved, interchanged, or replaced by means of removable letters or other devices.

**Freestanding sign** — Any sign not affixed to a building but standing apart therefrom, whether fixed to the ground or movable. The area of such sign shall be considered to be the maximum height times the maximum width.

**Home occupation sign** - A sign used in conjunction with a home occupation as described in Sec. 58-9A (5) (a)[4].

**Human person sign** – Is someone who applies or carries an advertisement on their person, most commonly holding or wearing a sign which includes advertising. Such advertising shall not include logos worn for the purpose of clothing.

**Marquee** - A permanent roofed structure attached to and supported by the building and projecting more than 2' (two feet) from the face of a building that may or may not extend over a public way.

**Marquee sign** - A sign attached or affixed to a marquee.

**Nonconforming sign** - Any sign which lawfully exists prior to the effective date of this Local Law, but which due to the requirements adopted herein, no longer complies with its height, area, placement regulations or other provisions.

**Pennant sign** - Any lightweight plastic, fabric, or other material, whether or not it contains a message of any kind, suspended from a rope, wire or string, designed to move in the wind.

**Portable sign** - A sign that is not permanently affixed to a building, structure, or the ground that is designed to be moved from place to place.

**Projecting sign** - A sign other than a wall sign projecting more than 12 inches from a building or structure via a pole, standard, wires or chains.

**Right of Way** – An area of land over which facilities such as highways, sidewalks or the locations of utility lines are built and which may include an area between a public sidewalk and a street including, but not limited to the area of land commonly referred to as the tree lawn.

**Shopping Center** – A group of retail, personal services businesses, professional private and civic offices or other commercial establishments that is planned, developed, owned and managed as a single property.

**Sign** – Any symbol, emblem, or display of lettering, logos, designs or pictures whether or not attached to a building or window or to a freestanding structure and visible to the public, and which either conveys a message or advertises, directs, invites, announces or draws attention to a land use, events, goods, products, services or facilities available.

**Sign Area** - The surface area of a sign that is within view of a public right-of-way, visible from any one point of view. For measurement purposes, the sign surface area shall be calculated as follows:

- A. For rectangular wall signs: that area of the smallest rectangle that can be placed over the entire sign, including its lettering, pictorial matter or devices, frame and decorative moldings along its edges and background, if of a different color from the predominant color surrounding the sign.
- B. For irregular wall signs: that area defined by the edges of the sign, including all lettering, pictorial matter or devices, frame and decorative moldings and background, if of a different color from the predominant color surrounding the sign.
- C. For letters, pictorial matter or devices not attached to frames or freestanding: that area defined by the smallest rectangle or rectangles that can be placed over any series of letters, pictorial matter or devices which can be considered as a unit. In the event that both uppercase and lowercase letters are used, the area shall be defined by the smallest rectangles that can be placed over the series of lowercase letters plus the area of the smallest rectangles that can be placed over the individual uppercase letters. In the event that a letter or letters or other pictorial matter is placed as a separate unit on background boards, the sign area shall be calculated as the sum of the areas of the background boards.
- D. For freestanding double-faced signs: the area of one entire side of the sign calculated as above.
- E. For multiple-sided signs: the maximum area visible from any one point of view.
- F. For signs on other than flat surfaces: the maximum actual surface area visible from any one point of view.

**Temporary sign** – Any sign constructed of cloth, paper, canvas, plastic or light fabric, wallboard or other light, impermanent material with or without frames intended to be displayed for a limited period of time only.

**Wall sign** - A sign attached to or painted onto a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall which does not project more than 12 inches.

**Window sign** – A sign attached to or painted on a window; also a sign that is within five feet inside a window and visible from any public right-of-way.

**§ 43-3 General regulations.**

A. No sign shall be erected or placed in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign, signal, or device, nor obstruct free and clear vision of any traffic sight lines, intersections, sidewalks, or driveways. Furthermore, no sign shall impede the intended function of any operational doors or windows, ventilation systems, fire escapes or exit-ways or any utility access, or cause any other hazard by its placement.

B. No permanent, freestanding sign shall be placed or located within any established rights of way, tree lawns, easements, drainage swales or disrupt any drainage

patterns, unless otherwise authorized pursuant to the Brockport Village Code or other Municipal, County, State or Federal laws or regulations.

C. Signs may be illuminated (where so indicated in this Local Law) internally or externally, but may not be flashing; and no animation shall be permitted other than such action signs containing time and temperature changes unless prescribed under the approval granted by the Historic Preservation Board pursuant to Brockport Village Code 58 - 23 D for those premises or districts listed or identified as historic.

D. Historic Review: Any sign for any Village of Brockport designated Historic property, including any state or federally designated Historic property, shall be approved by the Village of Brockport Historic Preservation Board prior to installation, erection, repair or replacement. Signs shall be comprised of materials and colors appropriate to the era of the construction of the building, pursuant to Brockport Village Code (Ch. 58-23 D).

E. Historic Review: Any sign, except temporary signs, in any Village of Brockport designated Historic District, including any state or federally designated Historic property, shall be approved by the Village of Brockport Historic Preservation Board prior to installation, erection, repair or replacement. Signs shall be comprised of materials and colors appropriate to the era of the construction of the building, pursuant to Brockport Village Code (Ch. 58-23 D).

F. When not directly associated with a commercial activity, all flags, insignia or emblems of any government, school or religious organization are exempt from these regulations.

**§ 43-4 Sign permits required; application; fee; exemptions.**

A. Except as specifically excluded herein, no property owner, lessee, contractor, or other person shall display or cause to be displayed any sign without first obtaining from the Code Enforcement Officer or his designee an approved permit to do so, paying the fees prescribed therefore, and otherwise complying with all of the applicable provisions of section 43-4C. Regular maintenance of existing signs that conform with this ordinance shall not require a permit.

B. If a governmental agency requires the relocation of a sign, any applicable fees described in the Village of Brockport fee schedule shall be waived provided such relocated sign is not altered in size or area in any form or content. In all cases if any proposed relocated sign for whatever reason is either located or proposed to be located in any historic district or on a historic listed property, such sign shall not be moved or altered without first obtaining the review and approval of the Historic Preservation Board, as per Brockport Village Code Ch. 58-23 D.

C. Sign Permit application procedure shall include submission of detailed plans and information including the dimensions of the sign, the materials incorporated in its construction, the methods and materials used to support the sign, the type of

illumination, if any, and its exact location on the building or premises. A sketch, in color, of the proposed sign drawn to a scale of not less than 1/4 inch to one foot shall be provided.

D. Any person, firm or corporation who proposes a land use or an addition to a land use which requires site plan approval by the Planning Board and which includes any sign/signs shall include in their site plan submittal the location, size and nature of the proposed sign/signs. Such sign plans, as stated herein, shall also be submitted to the Code Enforcement Officer (or his authorized Inspector), Historic Preservation Board or Zoning Board of Appeals if applicable or required for approvals, and any fee for said applications, reviews and approvals as set forth by the Village of Brockport.

E. Structural features of any given sign shall be required to be constructed to generally accepted design standards as approved by the Code Enforcement Officer, but this local law takes precedence with respect to area, location, illumination and other characteristics.

F. All electrically illuminated signs shall require an electrical inspection certificate of approval which shall be submitted to the Code Enforcement Officer or his designee before the sign is electrically operated or lit.

G. The application for a sign permit shall include the authorized signature consent of the owner of the property.

H. Exempt signs. No permit shall be required for signs as follows; however exempt signs shall conform to all other applicable sign regulations as required by this code.

- (1) Any permitted sign in a residential zone, as specified in § 43-7
- (2) Temporary signs.
- (3) Federal, state, county, municipal signs or historical markers.
- (4) Signs of public utility companies, railroads or federal or state authorities, which may include signs indicating danger or the location of utilities.
- (5) Signs of an official or legal nature which are erected by public officers performing official duties including those erected pursuant to law, or by administrative or court order.
- (6) Signs identifying a school, church, public building, playground situated on or off the property to which they relate.
- (7) Signs posted by nonprofit, benevolent and/or civic organizations.
- (8) Window Signs.

- (9) Real Estate For Sale and For Rent signs, during the period of time said property is available for sale or for rent

**§ 43-5 Temporary Signs General Regulations**

A. Temporary signs shall be permitted in all Zoning Districts. Up to four temporary signs may be allowed per parcel.

B. Temporary signs shall not be larger than 6 square feet in area on either of two sides in residential zoned districts, 9 square feet in area on either of two sides in business zoned districts and 15 square feet in area on either of two sides in industrial zoned districts and limited to a height from grade of not more than 42 inches. These restrictions shall not apply to lawfully established billboards.

C. Temporary signs may not be placed on any municipal or utility company trees and/or poles, fences or park lands. Signs established in violation of this section may be immediately removed by the Village of Brockport.

D. Temporary signs affixed or mounted to a vehicle, wagon, or trailer shall not be any greater than 6 (six) square feet in area on either of two sides. Exemption; signs that are affixed to buses, taxis, and signs affixed to company vehicles.

E. Temporary signs may be displayed up to 45 days on any individual property.

**§ 43-6 Miscellaneous Provisions.**

A. The following signs or devices shall be prohibited in all zones: The outdoor use of pennants, streamers, windmills, flashing, moving, reflective, animated or human person signs.

B. The following shall be prohibited in all zones: display of obscene and offensive sexual material per New York State Penal Law.

C. Awning signs, overhanging signs and projecting signs must have a clearance under them of at least eight feet above the ground.

**§ 43-7 Signs permitted in O Districts & Q Districts (residential areas).** Only the following signs shall be permitted in any residential zone:

A. One sign, identifying a permitted residential professional office or approved home-occupation, which shall indicate only the name of the professional office or home-occupation located at the residence, shall not be situated closer than 10 feet to any property line. Such signs shall not exceed 4 square feet in area, may be two-sided, and shall not exceed a height from grade of more than 48 inches. They shall not be



illuminated. (See Village of Brockport Zoning Code 58-9 A (5) regarding Home Occupations).

B. One sign, identifying a school, church, public building, playground, or other such use, which shall be situated on the property to which it relates, not less than 10 feet from a street [unless the building is closer than that to the street, in which case it shall be not less than 1/2 the distance from building to street]. Such signs shall not exceed 10 square feet in area, may be two-sided, and shall not exceed a height from grade of more than 48 inches. They may be only externally illuminated.

C. One identifying sign relating to an apartment complex site, which may show or include the name of the complex, the presence or lack of vacancies, the location of the rental agent's office and his/her telephone number, and the complex address. Such signs shall not exceed 25 square feet in area and may be two-sided. They shall only be externally illuminated. Such signs may be located in any of the required yard areas but shall not be situated closer than 10 feet to any property line or the street line [unless the building is closer than 25 feet to the street, in which case it shall not be less than 1/2 the distance from building to street or 10 feet, whichever is greater].

D. One identifying sign relating to a residential development site, which may show or include the name of the residential development. Such signs shall not exceed 25 square feet in area, may be two-sided, and shall only be externally illuminated. Such signs may be located in any of the required yard areas but shall not be closer than 10 feet to the property line or street line.

#### **§ 43-8 Signs Permitted in Business and Industrial Zones. B, I, LI & Q Districts (Business Areas)**

- A. All signs permitted in residential zones; however, in these zones temporary signs pertaining to sales or construction may be located anywhere within the property to which they pertain.
- B. One wall sign, which may be externally or internally illuminated, upon the front facade of a building for each permitted use or activity.
  - 1) Said sign, or signs, in the aggregate, including window signs, shall not exceed two square foot in area for each linear foot of public frontage. If a use is on a corner, then one sign may be placed on each facade of an occupancy which faces a parking area or street or the canal, and if such building is more than 100 feet distant from the nearest street to the rear of the property, then such sign may be three square feet in area for each linear foot of public frontage.
  - 2) Such sign shall not project more than 12 inches beyond the building facade on which or in front of which it is displayed, shall be at least eight feet above a public sidewalk and shall not be higher than the highest point of the facade of the building.

- C. One freestanding sign shall be permitted when the main building is set back a minimum of 25 feet from the property line. Such sign shall not exceed an area of 25 square feet, plus five square feet for each separately operated use or activity in the structures, if there is more than one. In no case shall any sign exceed 40 square feet in area on either of two sides. Such signs shall be for no other purpose than identifying the facility and listing the individual occupants and may be located within any required yard area, but shall not extend beyond any property line and shall not exceed 20 feet in height.
- D. A shopping center, industrial park or medical center may have one directory sign at any location therein which shall not exceed five square feet on any one side for each acre of land in said shopping center, industrial park or medical center; and, likewise, a sign not exceeding two square feet on one side for each acre of land may be located at major points of entrance. These signs shall not exceed three in number.
- 1) In a shopping center or medical center having walkways roofed over with a permanent canopy or some similar other structural device, there may be one (1) illuminated or non-illuminated sign for each structure or occupant. Said sign may be hung from the underside of the canopy and shall not exceed eight (8) square feet on one side.
  - 2) Freestanding directional signs which are necessary to control and regulate the movement of traffic on interior roadways and/or parking areas in shopping centers, industrial parks or medical centers are permitted; provided, however, that the number, location and size are approved by the Planning Board.
- E. Motor vehicle service stations and hotels or motels may have only the following, subject to Planning Board review and approval:
- 1) One freestanding identification sign which does not exceed 25 square feet in area on either of two sides and is not more than 20 feet in height. Such sign may be set at the corner of the property if the station or resort facility is a corner location, in which case the base shall be set in a planted area. If the station or resort facility is not on a corner, the sign may be erected in any required yard area, but shall not extend over the property line.
  - 2) One wall sign on each facade of the building that faces a street, provided that the area of the sign does not exceed 10% of the area of the facade, including window and door areas.
- F. Projecting or overhanging signs shall be permitted on the following conditions: [Added 4-6-87 by L.L. No. 3, 1987<sup>1</sup>]

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<sup>1</sup> Editor's Note: This local law was filed with the Secretary of State on 4-20-87.

- 1) Said signs shall not exceed 15 square feet, with the largest dimension not exceeding five feet.
  - 2) No sign shall extend higher than the second-floor windowsill or be placed on or attached from any roof of a building.
  - 3) No internally lit signs shall be permitted.
  - 4) Projecting or over-hanging signs that are to be located on any designated Historic property or premises require approval of the Historic Preservation Board prior to issuance of permits by the Code Enforcement Officer.
- G. At the termination of a business, commercial or industrial enterprise all signs pertaining thereto shall be removed from the public view within 90 days.
- H. Time-temperature signs, subject to Planning Board review and approval.
- I. Portable signs
- 1) Only one portable sign is permitted to be placed on public property per business. One additional portable sign is permitted to be placed provided such sign is located entirely on the property owned by the business.
  - 2) Portable signs shall not exceed a sign area of 3' by 2' per sign side.
  - 3) Portable signs shall not exceed a cumulative height of 3½ feet from grade.
  - 4) Display or the placement of the sign shall be immediately in front of the business to which it refers.
  - 5) Display or the placement of the sign shall be only during the normal business hours of the business to which it refers.
  - 6) Portable signs shall be weighted to prevent movement.
  - 7) Portable signs shall not impede any pedestrian traffic or obscure motorist views or sight lines at any time. Placement of signs must comply with Americans with Disabilities Act sidewalk guidelines.
  - 8) The Code Enforcement Officer may order the immediate removal of any portable sign not in compliance with these regulations.

**§ 43-9 Nonconforming / Legally Existing Signs.**

- A. Any new, altered or relocated sign pertaining to a non-conforming use in a residential zone shall conform to the restrictions governing the use if it were in a business or industrial zone, except that the permitted sign area shall be 1/2 that which would be permitted if the use were located in the business or industrial zone.
- B. Whenever a nonconforming sign has been unused, or the product or service it refers to has been nonexistent for a period of ninety (90) days, such nonconforming sign shall not thereafter be reestablished, and any future signage shall be in conformity with the provisions of this ordinance.

#### **§ 43-10 Maintenance.**

- A. The display surfaces together with all of their supports of all signs shall be maintained in good repair and be structurally sound at all times. The Code Enforcement Officer (or his authorized Inspector) may order the repair or removal of any sign that is not maintained in accordance with the provisions of this local law. Responsibility for the removal of the sign shall be that of the property owner or the past occupier of the premises.
- B. If the Code Enforcement Officer (or his authorized Inspector) shall determine that any sign in the village constitutes a hazard or nuisance to health, safety, morals or general welfare of the Village; he/she shall notify the owner of record or occupier of the premises by written notice for immediate removal of said sign.
- C. Any failure to keep signs in good repair, or discontinuance of the use or service advertised by the sign, for a period of nine months, shall constitute abandonment, and the sign or appurtenance may not then be replaced or reused and shall be removed.
- D. Restoration and repairs. Nothing in this ordinance shall prevent the restoration or repair of a sign destroyed or partly destroyed by fire, explosion, act of God or act of public enemy, subsequent to the enactment of this ordinance, nor shall this ordinance prevent the continuance of such use as existed at the time of the destruction or partial destruction of such sign, provided that restoration is commenced within 90 days after the date the sign was destroyed.

#### **§ 43-11 Appeals**

Any persons or entity aggrieved by the enforcement of this Local Law may seek appeal via application and public hearing before the Village Zoning Board of Appeals, which shall have the same authority and apply the same procedures and criteria as set forth in New York State Village law, Article 7 for zoning variances and interpretations.

The Code Enforcement Officer, or his inspector is authorized to enforce this chapter and issue appearance tickets for violations of this chapter. Furthermore the Village is empowered to pursue any civil remedy to enjoin or correct any violation of this chapter. The Village reserves the right to recover any costs incurred for removal and/or abatement of any violation of this chapter.

#### **§ 43-12 Violations, Penalties for offenses.**

Any person, corporation or other entity who violates the provisions of this chapter shall be guilty of a violation and shall be subject to imprisonment not to exceed fifteen days or a fine not to exceed \$250 or both such fine and imprisonment. Each day of continued violation shall constitute a separate offense.

#### **§ 43-13 Validity.**

A. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code, which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

B. Saving clause. This code shall not affect violations of any other ordinance, code or regulation of the municipality existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

C. Unconstitutionality or invalidity in part. Should any section, paragraph, sentence, clause or phrase in this code be declared unconstitutional or invalid for any reason, the remainder of the code shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this code are declared to be severable.

#### **§ 43-14 Repealer.**

Any ordinance or part of an ordinance inconsistent with the provisions of this local law, including references to signs in the Zoning Ordinance of the Village of Brockport,<sup>2</sup> is hereby repealed to the extent of such inconsistency.

#### **§ 43-15 When Effective.**

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

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<sup>2</sup> Editor's Note: See Ch. 58, Zoning.