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DEPARTMENT OF STATE

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VILLAGE OF MINOA

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GOVERNOR

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SECRETARY OF STATE

July 7, 2011

Lisa DeVona  
Village Clerk/Treasurer  
240 N. Main Street  
Minoa NY 13116

**RE: Village of Minoa, Local Law 2 2011, filed on July 6, 2011**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.state.ny.us](http://www.dos.state.ny.us).

Sincerely,  
State Records and Law Bureau  
(518) 474-2755

# Local Law Filing

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

## Village of Minoa

Local Law No. Two (2) of the year 2011.

**An amendment to the Village of Minoa Municipal Code relative to the establishment of, and the administration and enforcement of restrictions relative to the erection, maintenance and alteration of signs within the Village of Minoa.**

**Be it enacted by the Board of Trustees of the Village of Minoa as follows:**

### **Section One (1). PURPOSE AND INTENT.**

This local law provides for the establishment of, and the administration and enforcement of restrictions relative to the erection, maintenance and alteration of signs within the Village of Minoa.

**Section Two (2).** Section 160-26 of the Code of the Village of Minoa entitled "General regulations for nonconforming uses", is hereby deleted in its entirety and replaced with the following language:

§160-26 General regulations for nonconforming uses.

The following regulations shall apply to the continuance of nonconforming uses, except those nonconforming uses related to signs and provided for at Section 160-17A(G) of this Chapter.

**Section Three (3)** Section 160-17 of the Code of the Village of Minoa is hereby deleted in its entirety and replaced with the following language:

### §160-17. Signs

A. Intent – The purpose of the signage regulations in Sections 160-17, 17A, 17B, 17C and 17D are to encourage the effective use of signs as a means of communication in the Village; to minimize possible adverse effects of signs on nearby public and private properties; to maintain and enhance the visual and aesthetic environment; to improve pedestrian and vehicular traffic safety; and to enable the fair and consistent enforcement of these sign regulations by the Village.

B. Definitions – In this local law

1. "Sign" shall mean any letter, word, model, banner, pennant, insignia, logo, symbol, trade flag or other device or representation used as or which is in the nature of an advertisement, announcement or direction, but excluding any public traffic or directional signs or signals. Signs regulated by this section shall also include those signs which are

painted or affixed to the interior or exterior of a window and visible from the exterior of the premises which are intended to advertise and/or identify the name of the business or entity and/or any products or services provided or sold, on or off the premises, for compensation.

2. "Sign, Advertising" shall mean any sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises of if at all.

C. Computation of Permissible Sign Area – When computing the total permissible sign area for any use, the following shall apply:

1. Existing signs shall be included.
2. The total area of all signs shall not exceed the requirements as set forth in this chapter.
3. Signs consisting of freestanding letters, numerals or other devices shall include any intervening spaces between them.
4. Back-to-back signs may be counted as one sign with only the larger face area to be used.
5. Only the larger face area of a double-faced or V-type sign shall be used.

D. Conformance – Any sign shall be erected, replaced, moved or modified in conformity with the provisions of this Section 160-17A. All actions related to questions of conformance shall be subject to the review and decision thereon by the Planning Board. See Section 160-17A(J) for the regulation of temporary signs. Where the provisions relating to Sections 160-17A(B) through 160-17A(N) may be in conflict with the signage provisions relating specifically to the respective zoning districts in Section 160-17B, the latter provisions shall apply.

**Section Four (4)** A new Section 160-17A is hereby added to the Code of the Village of Minoa with the following language:

§160-17A General Provisions – Applying to all Districts except where expressly provided otherwise herein:

- A. The Village Codes Enforcement Officer shall review for conformance all completed applications to erect, replace, move or modify signs. Same shall be reviewed to ensure that signage design is consistent with the design principles which predominate among the existing and proposed buildings within the zone and the surrounding area, including residential, and will not adversely affect the desirability of the immediate and surrounding area, including residential. Design principles to be addressed include, but are not limited to, the suitability of design and type of proposed sign, including height, line, color and texture of materials to be used in relation to the immediate and surrounding area, including residential. The Village Codes Enforcement Officer may issue Limited Permits required for certain Temporary Signage requiring a Limited permit without requirement of Planning Board referral or recommendation. The Village Codes Enforcement Officer shall forward all other applications that are in compliance and do not require a Special Permit to the Planning Board (or Board of Trustees, if requiring a Special Permit) within five business days for review and approval on the issuance of a sign permit. The Planning Board's recommendation shall be limited to ensuring consistency with the spirit of this

Chapter (i.e., as to features and components of the proposed signage not expressly regulated herein), and shall otherwise determine that generally the relevant criteria/standards described at §160-17C (for Special Permits) have been met or not violated. The Planning Board's decision or Board of Trustee's decision, if for a Special Permit, shall be rendered to the Village Codes Enforcement Officer within forty-five (45) days of receipt of said application (or pursuant to §160-17C(A) if for a Special Permit). If the signage is part of an application for a site plan approval, and not required a Special Permit, the Planning Board's decision on the site plan shall include its decision on the proposed signage.

The payment of an application fee in accordance with the Village's Schedule of Fees shall accompany all sign permit applications.

The Village Codes Enforcement Officer may maintain a book of photographs and/or drawings representing the types and styles of signs preferred in the Village in order to assist in expediting the application process. All sign permit applications not expressly identified as being subject to Special Permit Review or Temporary Signage permit issuance by the Codes Enforcement Officer, shall be subject to Planning Board review and approval.

- B. Relationship To Use- All signs except for temporary signs and except for billboards permitted under Section 160-17(M) must pertain to a use conducted on the same property on which the sign is located.
- C. Illumination –
1. Permitted signs may be illuminated except where this Section 160-17A specifically prohibits certain signs from being illuminated. However, signs or sign illumination shall not be twinkling, flashing, or otherwise intermittent (except for time/temperature signs), or of changing degrees of color or intensity. Further, neon or LED signs shall only be permitted on the inside of buildings. No sign shall contain or consist of Day-Glo-like material.
  2. Light sources, other than within the signage characters such as with neon or LED signage, that is used for illuminating signage shall be shielded and shall not be a source of glare. All light sources shall generate less than one (1) footcandle of light measured at a distance of four (4) feet from the light source.
  3. Upon referral by the Village Codes Enforcement Officer and/or Planning Board, the Planning Board may require the submission of an illumination plan and may further regulate the number, placement, intensity and hours of illumination of all light fixtures used for signage
- D. Placement – No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper vehicular sight distance. Further, signs shall not interfere with any ventilation system, door, window, fire escape or other emergency exit. Notwithstanding any other provision hereof to the contrary or otherwise, no

signage of any kind shall be placed upon other signage, utilizing poles or other public or public utility infrastructure or improvements.

- E. Movement/Animation/Removable Letters or Lights – No sign or sign component shall be moving, animated, rotating or revolving. Further, no sign shall contain removable letters, except for signs associated with educational, religious or municipal institutions, gas stations, or with theaters or similar facilities. In addition, light strips and strings of lights shall not be used for advertising or attracting attention to a sign when they do not comprise the text of the sign.
- F. Maintenance & Quality of Signs – All signs and components thereof shall be kept in good repair and in safe, neat and clean conditions. All signs and related illumination shall be of a professional quality with respect to such matters as design, painting, lettering, materials and construction.
- G. Nonconforming Signs- All signs that do not conform to the provisions of this Section 160-17A shall be subject to the following requirements:
1. Intent. This Chapter is intended to encourage the eventual elimination of signs which do not comply with this Chapter. The elimination of nonconforming signs is important to the purposes stated in §160-17(A).
  2. Amortization. A sign not complying with this Chapter, but in place, by permit, on the effective date of this Chapter, shall be removed, or brought into compliance with this Chapter within ten (10) years after the effective date of this §160-17(A)(G). Such period shall be fifteen (15) years provided that the Village Board determines, based upon competent evidence that the sign was constructed within five (5) years prior to the effective date of this §160-17(A)(G). Signs which were erected without a sign permit and which are prohibited by this Chapter shall be removed.
  3. Continuance. A nonconforming sign may be continued during the amortization period if it is maintained in good condition. It shall not, however, be replaced by another nonconforming sign. A nonconforming sign may not be structurally altered so as to prolong the life of the sign. It may not be reestablished after damage or destruction if the Building Inspector determines that the estimated cost of reconstruction exceeds 50% of the estimated replacement cost.
  4. Nuisance. An unsafe or abandoned sign is declared a public nuisance, which shall be abated by the owner within thirty (30) days of receiving notice from the Building Inspector.
- H. Projecting Signs – Projecting signs of a marquee type shall require a Special Permit issued by the Village Board of Trustees. Marquee type signs are permitted for theaters and similar large scale assembly and patron facilities only. All other projecting signs shall be subject to Planning Board recommendation. For all projecting signs, there shall be at least a ten-foot clearance above pedestrian rights-of-way and at least a fourteen-foot clearance above vehicular rights-of-way for permitted signs projecting from buildings into the vehicular right of way. For purposes hereof

the vehicular right of way shall include the existing (or any intended widening of the) paved portion of the right of way plus an additional twenty (20) feet of depth within the portion of the improved area of the right of way nearest to the building with the projecting sign. Signs shall not project vertically above the roofline or parapet, or extend horizontally beyond the limits of the building.

I. Traffic Hazard, Safety, and Obstruction – Every sign shall be designed and located in such a manner as to:

1. Not impair public safety.
2. Not restrict clear vision between a sidewalk and a street.
3. Not be confused with any traffic sign or signal.
4. Not prevent free access to any door, window or fire escape.

J. Temporary Signs –

1. Definition – Temporary signs are those which are displayed for short periods of time. Unless expressly otherwise provided below, all temporary signs shall be limited in usage to maximum of forty-five (45) days and shall be removed within forty-eight (48) hours following the event or last day thereof. Signs shall not be considered temporary if they are effectively displayed on an ongoing basis, interrupted by short intervals when they are not displayed.
2. The following types of temporary signs shall not require (or shall require where indicated a Limited) signage permit:
  - i. “For Sale,” “For Rent” or “Sold” Signs. No permit required. No more than two temporary signs, not exceeding six square feet in area, is permitted for each real estate subdivision, set back at least at least ten (10) feet from the street line upon which the property is located. This signage usage shall be allowed beyond forty-five (45) days.
  - ii. Temporary Sign During Development; Construction – Limited Permit required. The developer, architect, engineer, contractors and mortgage lender shall be allowed one combined sign not exceeding six square feet in area. Such signs shall be permitted during the entire course of development construction but shall be removed at the end of construction. Such signs shall be permitted only for commercial, governmental or institutional projects and for commercial/residential PDD and subdivision developments (the latter limited to one sign per PDD or subdivision).

- iii. Temporary Political Signs – Limited Permit required. In order to preserve aesthetics and ensure traffic safety in the Village of Minoa, political signs advocating the candidacy of an individual or individuals for public office are permitted; subject, however, to the following conditions:
    - i. No sign may be erected in a public street or placed in such a fashion as would be hazardous to traffic or public safety.
    - ii. No sign shall exceed four (4) square feet.
    - iii. No sign may be erected more than thirty (30) days prior to the election to which it applies and shall be removed within seven (7) days after that election date.
    - iv. A candidate or representative of the candidate or his or her committee shall be required to register with the Village Clerk and obtain a permit on a form supplied by the Village.
    - v. The review fee for such permit shall be established by the Village Board from time to time and shall bear a direct relationship to the cost of administering the activities set forth herein.
    - vi. Such signs shall not be subject to the forty-five (45) day limitation in Section 160-17(K)(1) above but shall be removed within ten (10) days after the election day.
  - iv. Garage Sales or the like – No permit required. Temporary signs pertaining to garage sales, tag sales or other business activities which have a duration of seven (7) calendar days or less.
  - v. Civic/Philanthropic/Educational/Religious Signs – No permit required. Temporary signs pertaining to events of civic, philanthropic, educational or religious institutions and/or affiliated associations shall not be subject to the size limitation contained in Section 160-17(K)(4).
3. Payment of a review fee in accordance with the Village's Schedule of Fees shall accompany the application for signs which are subject to the issuance of Limited Permit for temporary signage.
  4. Except as provided in Section 160-17(K)(2)(i) through (iv), temporary signs shall not exceed eight (8) square feet in area and shall not be illuminated.
  5. Temporary signs shall not have an adhesive backing and must be easily removable without residual markings.
  6. Temporary signs must also conform to all of the other provisions of this Section 160-17, except with respect to being of a professional quality as required in Section 160-17(H) above.

- K. Freestanding Signs – Freestanding Signs shall require a Special Permit issued by the Village Board of Trustees. No freestanding sign shall extend more than ten (10) feet from the ground to the top of the sign except for a freestanding sign associated with a shopping center or a motor vehicle service station, which shall not extend more than fifteen (15) feet from the ground to the top of the sign. Freestanding signs shall be part of a monument and not pylon or similar post supported structure.
- L. Prohibitions – The following types of signs and artificial lighting are prohibited:
1. Billboards, except for those which are existing on the effective date of these regulations and which are associated with a site which is on the National Register of Historic Places.
  2. Signs that compete for attention with or may be mistaken for a traffic signal.
  3. Searchlights, beacons, blimps and permanent balloons.
  4. Signs attached to or painted on trucks or other large vehicles when the vehicle is obviously marked and parked in such a manner as to advertise or attract attention to an establishment or business.
  5. Banners, flags, strings of balloons, flags or lights, or similar outdoor advertising, except on a temporary basis with respect to the opening, reopening or remodeling of the business (that is, limited to a maximum duration of forty-five (45) days).
- M. Consistent Signage – Where a building or site is permitted more than one sign by the provisions of this Section 160-17, all new signs shall be consistent relative to one another in terms of size, general shape, materials and colors and, if building-mounted, location on the building (mounting height). Further, the Planning Board (and/or Board of Trustees, is considering a Special Permit application) may require the submission of a master signage plan for the site which shows said consistency.
- N. Window Signs – The combination of permanent and temporary signage applied to or placed within two (2) feet of the interior of any given window shall be considered part of the signage in accordance with the provisions of this Section 160-17. Further, in no event shall permanent window signage exceed 25% of the window on or within which it is located. Merchandise for sale is not considered part of the signage for purposes of this item.

**Section Five (5)** A new Section 160-17B is hereby added to the Code of the Village of Minoa with the following language:

§160-17B District Specific Standards – The following signage shall be permitted within the districts listed below and shall be regulated therein, as follows. Said signage shall also conform to the provisions of Section 160-17A(A) through 160-17A(N) above, as qualified in Section 160-17A(B).

- A. All Districts.

1. Directional or information sign, not exceeding four (4) square feet.
2. Signs necessary for public safety or welfare, not exceeding four (4) square feet, but this subsection shall not include commercial signs. In no instances will signs, posters, etc., be permitted on utility poles.
3. Signs, not to exceed four (4) square feet, advertising for sale goods produced on the owner's land, such as wood, produce, livestock and Christmas trees. Such signs will be permitted on a temporary or seasonal basis only.

B. Residential B Districts.

1. With respect to nurseries and the seasonal sale of produce, signs shall conform to Section 160-17B(A)(5).
2. With respect to funeral homes, there shall be no signs other than those permitted in Section 160-17B(A)(5).
3. With respect to customary home occupations, no display of signage shall be visible from the street, except as set forth in Section 160-17B(A)(5).
4. With respect to bed-and-breakfast establishments, one sign designating a bed-and-breakfast establishment shall be permitted, subject to the following conditions:
  - i. The area of the sign shall not exceed two (2) square feet.
  - ii. If freestanding, the overall height of the sign shall not exceed six feet as measured from the finished grade to the top of the sign.
  - iii. The sign shall not be internally illuminated.
  - iv. If externally illuminated, the illumination shall not exceed the equivalent of a one-hundred-watt bulb
  - v. If illuminated, the illumination shall be constant, shall be directed towards the sign and shall be shielded from the view of the street and neighboring properties.
5. Signs conforming to the following shall be permitted as accessory uses:
  - i. One nonilluminated nameplate or professional sign with an area of not over two (2) square feet.

- ii. One externally illuminated bulletin board or other announcement sign for educational religious institutions permitted in this Chapter, with an area of not over twelve (12) square feet.

C. Commercial Districts.

- 1. Signs accessory to an establishment located on the same lot shall be permitted, provided that such signs shall be limited as set forth in this Section 160-17B(C)(1) and (2) as follows:
  - i. Not more than one such sign, excluding signs in windows, shall be permitted for each tenant on the premises on each façade which fronts on a street.
  - ii. The aggregate area, in square feet, of all signs on any wall shall be not greater than 5% of the building façade or one hundred (100) square feet, whichever is less, of the wall on which it is placed.
  - iii. Such signage shall not exceed the building height limitations of the district in which located and shall not exceed the highest point of the building's roof.
  - iv. Such sign or signs shall be parallel or perpendicular to the face of the building and no part thereof, including any illuminating devices, shall project no more than twelve (12) inches outward from the face of the wall to which it is applied for parallel signs and no more than thirty-six (36) inches outward from the face of the wall to which it is applied for perpendicular signs.
  - v. In addition, where the building is set back from the curblines a distance of twenty-five (25) feet or more, not more than one freestanding sign with a total area on each face of not more than forty (40) square feet may be erected; provided, however, that the Village Board may, in accordance with the procedure set forth in §160-17C of this Chapter, grant a special permit for the erection or continuance of a freestanding sign with an area on each face not exceeding forty (40) square or such lesser area as the Village Board may prescribe in instances where the building is set back from the curb or edge of traveled way less than twenty-five (25) feet but fifteen (15) feet or more, subject to such conditions as the Village Board may impose and with due regard to safety and other factors set forth in §160-17A(I) where the Board shall find that:
    - a) The building in connection with which such sign is used or to be used was in existence on the effective date of this

provision, and has not after that date been altered to cause it to be closer to the curblineline or edge of traveled way; and

b) Other permitted signs are not, because of lack of visibility or other reason, adequate in the determination of the Village Board and, for that or other reason, the Village Board deems such sign to be necessary or desirable.

vi. The proposed signage in all other respects, and notwithstanding its location, is in relative character with the neighborhood and nearby community.

2. Motor Vehicle Service Stations.

i. Unless otherwise required by law, signs shall be limited to one freestanding sign and one exterior sign on each wall of a building fronting on a street.

ii. In connection with the sale of used cars or rental of vehicles at a service station. No temporary signs shall be permitted on the exterior of vehicles. Signs in the interior of vehicles shall be limited to one per vehicle, not to exceed twelve (12) inches by fifteen (15) inches. Sign printing shall have characters not larger than one (1) inch.

D. Industrial Districts.

1. Accessory signs. One sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the wall of the building and shall not exceed an area of fifty (50) square feet or an area equal to 1 ½ times the length, in feet, of the wall on which is placed, whichever is less. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished not later than 9:00 p.m. One identification sign at each point of access to the lot, with an area of not more than three (3) square feet, shall also be permitted. A single directory sign, not exceeding eight (8) feet in height, may be erected at the entrance of a complex of sites; each listing on such sign shall not exceed eight (8) inches in height and two feet in length.

**Section Six (6)** A new Section 160-17C is hereby added to the Code of the Village of Minoa with the following language:

§160-17C

(A) Special Permit Procedure For Signs.

1. **Application.** An application for a Special Permit for signs shall be submitted to the Village Board of Trustees. The following information is required to accompany the application:
  - a. **Land.** A description of the land to which the proposed special permit will relate.
  - b. **Use; Occupancy.** A statement of the existing and proposed use of all parts of the land and the location, character and existing and proposed use of any existing or proposed buildings or structures, including the number of floors, entrances, rooms, type of construction.
  - c. **Identify of Owner & Applicant.** The full name and address of the owner(s) and of the applicant(s), and the names and addresses of their responsible officers if any of them are corporations.
  - d. **Sign.** A brief description of the nature of the proposed sign.
  - e. **Additional Information.** Such other information as may reasonably be required by the Village Board of Trustees to establish compliance of the proposed sign in use with the requirements of this Chapter.
2. **Referral of Application to Planning Board.** Upon receipt of an application for a Special Permit, the Village Board of Trustees shall immediately refer such application, together with one copy of the information accompanying such application, to the Planning Board for its recommendations. The Village Board of Trustees shall not take final action upon the application for a special permit until receiving the report and recommendations of the Planning Board; except that if the Planning Board fails to report to the Village Board of Trustees within thirty (30) days of such referral, the Village Board of Trustees may take final action without such report.
3. **Public Hearing and Decision as to Permit.** The Village Board of Trustees shall conduct a public hearing within sixty-two (62) days from the day the completed application is received on any matter referred to it under this Section 160-17C(A). Public notice of such hearing shall be published in the official newspaper at least five (5) days prior the date thereof. The Board shall decide the application within sixty-two (62) days after the hearing. The time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Board on the application after holding the public hearing shall be filed in the office of the Village Clerk/Treasurer within five (5) business days after the day such decision is rendered and a copy thereof mailed to the applicant.
4. **Notice to Applicant and County Planning Agency.** At least ten (10) days before such hearing, the Village Board of Trustees shall mail notices thereof to the applicant and to the County Planning Agency, as required by §239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration.

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_, 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 one (1) above.

*Lisa DeVona*

\_\_\_\_\_  
Lisa DeVona, Village Clerk

Date: June 30, \_\_\_\_\_, 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 ONONDAGA

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.

*Steven J. Primo*

\_\_\_\_\_  
Signature  
Steven J. Primo

Attorney for the Village  
Title  
County  
City of Minoa  
Town Village

Date: June 30, 2011

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.