

§ 150-30 Signs.

[Amended 9-6-1983 by L.L. No. 4-1983 9-6-1988 by L.L. No. 15-1988; 7-19-1999 by L.L. No. 2-1999; 10-19-2005 by L.L. No. 14-2005; 12-7-2005 by L.L. No. 15-2005; 4-5-2008 by L.L. No. 3-2008]

The purpose of this section is to promote and protect the public health, safety and welfare by regulating signs of all types. It is intended to encourage the use of signs as a means of communication, protect pedestrian and vehicular safety, protect property values, protect and enhance the aesthetic environment, and enhance the Town of Fishkill's ability to attract sources of economic development and growth. This section is consistent with Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities, pursuant to § 149-3 and § 150-1.1 of the Town of Fishkill Code.

A.

Permit required. A sign, as defined in this section, may be placed, erected, constructed, painted, altered, relocated, enlarged, reconstructed, displayed, lit or maintained only as expressly permitted in this chapter and only after issuance of a sign permit, where required, by a Zoning Administrator or any duly appointed deputy administrator. The Zoning Administrator or any duly appointed deputy administrator, within a reasonable time of the receipt of an application for a sign permit, shall consider the application and shall approve, approve with modifications, or deny the application.

B.

Permit procedures. Any person desiring to procure a permit for a sign shall file with the Building Department an application form, copies of which are available from the Building Department, accompanied by an application fee, payable to the Town of Fishkill, in accordance with the current fee schedule.

(1)

The application shall contain:

(a)

Name, address and telephone number of the applicant and property owner.

(b)

Location of the building, structure or land upon which the sign now exists or is to be erected and the location on the property where the sign is to be erected.

(c)

For permanent signs, a scaled drawing of the sign showing:

[1]

Type of sign, shape, size and materials.

[2]

Graphic design, including pictorial matter, letters, materials and colors.

[3]

The visual message, text, copy or content of the sign.

[4]

The method of illumination, if any, including type of lamp and wattage, and the position of lighting.

[5]

Landscaping, if any, including types of vegetation, location of plantings, and planting and maintenance schedule.

(d)

If a new permanent sign is to be erected, or an existing permanent sign is to be altered in size or elevation, a plan, drawn to scale, shall be submitted showing the following:

[1]

If a freestanding sign, a full description of the placement of the proposed sign, specifying its location on the premises, its orientation, and its position in relation to adjacent buildings, structures, roads, driveways, property lines, other signs, lighting fixtures, walls and fences.

[2]

If an awning, window, wall or projecting sign, a full description of the placement of the proposed sign, which shall include location on the awning, window, wall or building; the size of the awning, total window area of the principal facade of the building, projection from the building, if relevant; and the proposed sign's position in relation to adjacent signs and lighting fixtures.

(e)

For all signs, if the applicant is not the owner of the property on which the sign is to be located, written permission from the property owner to place the sign on the property.

(2)

Planning Board review and recommendation. As part of its overall review of applications within its jurisdiction under the Code of the Town of Fishkill, including but not limited to site plan, subdivision and special use permit applications, the Planning Board shall review the proposed signage for a project, including the proposed master sign plan, if required. The Planning Board shall make a recommendation to the Zoning Administrator with respect to proposed signs, and it will make a determination with respect to a proposed master sign plan. No sign permit shall be issued by the Zoning Administrator or any duly appointed deputy administrator until a recommendation has been received. Where a master sign plan is required pursuant to § 150-30G(2)(d), the Planning Board shall make a determination regarding the master sign plan as part of the site plan approval. Once a master sign plan has been issued, only signs that conform to the master sign plan may be issued a permit by the Zoning Administrator or any duly appointed deputy administrator. If a master sign plan is required, no sign permit shall be issued until a master sign plan has been approved by the Planning Board.

(3)

Time limit. If a sign is not erected within six months following the issuance of a sign permit for said sign, the sign permit will automatically become void.

(4)

Any sign requiring a permit which is removed for a period of more than 30 days cannot be reerected unless a new sign permit application is submitted and a new permit is issued in accordance with § 150-30B. This subsection shall apply regardless of when the sign which was removed was originally erected and regardless of whether said removed sign was the subject of a validly issued sign permit.

C.

Exempt signs. The following signs are exempt from the permit requirements of this chapter. Unless otherwise limited below, such exempt sign shall not exceed six feet in height and shall not exceed four square feet in sign area per side. Each exempt sign must comply with all other provisions of this chapter.

(1)

Memorial signs or tablets denoting names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

(2)

Nonilluminated secondary window signs communicating accessory information such as hours of operation and totaling no more than one square foot in size.

(3)

Temporary nonilluminated window signs when such signs are used to advertise special sales, grand openings and when such signs, measured together with all permitted window coverage, bring the total window coverage to no more than 25% of the window surface. Such signs shall be removed within three days of the end of the advertised sale or grand opening.

(4)

Nonilluminated real estate "for sale" or "for rent" signs used for the purpose of selling or leasing land or buildings for which subdivision approval is not required, and displayed on the premises for sale or lease, provided such sign is located on the front wall of a building or, if freestanding, does not exceed six feet in height and is located not nearer than 15 feet to the edge of the road or side lot line. All such signs shall not exceed four square feet in sign area per side, shall be limited to one per premises, and shall be removed immediately upon sale or lease of the premises.

(5)

Traffic or other municipal signs, legal notices, railroad crossing signs, danger and similar temporary emergency signs, signs which are solely devoted to prohibiting trespassing, hunting or fishing, the sign, banner or insignia of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event, the sign, poster, flag, pennant or insignia of any government, signs promoting a candidate or issue for an election, and noncommercial signs. Any sign which promotes a dated event or candidate or issue for an election, the date of which has past, shall be removed within three days after the event or election by the owner of the property where the sign is located.

(6)

Signs which face a wholly internal pedestrian courtyard forming a distinct component of an integrated retail, office or business center, which signs are not visible from any road or from parking areas.

(7)

All signs required by Town, county, state or federal regulation, statute or local law.

D.

Prohibited signs. All signs not specifically permitted are prohibited. Prohibited signs include, but are not limited to:

(1)

Off-premises signs, including billboards.

(2)

Obsolete or abandoned signs which promote a business which no longer exists, promote a product that is no longer sold on the premises on which the sign is located, or promote a dated event, the date of which has passed.

(3)

Roof signs.

(4)

Portable signs, except for temporary signs that have been issued a permit.

(5)

Signs with flashing, blinking, intermittent or moving lights, or any artificial light which is not maintained stationary and constant in intensity and color at all times when in use, except signs displaying time and/or temperature.

(6)

Mounted or portable searchlighting used to project moving or stationary overhead light beams.

(7)

Signs that contain or consist of neon lighting.

(8)

Permanent signs, other than those exempt under § 150-30C(5), that contain or consist of banners, pennants, ribbons, balloons, streamers, spinners or similar moving or fluttering devices.

(9)

Rotating signs, including all signs and devices that are not permanent in their orientation.

(10)

Signs and obstructions which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection or extend into the public right-of-way.

E.

Temporary signs. All signs of a temporary nature must receive permits before being displayed, except those specified under § 150-30C, Exempt signs. Planning Board approval is not required, and the Zoning Administrator or any duly appointed deputy administrator shall issue or deny a sign permit within a reasonable period of time. Both the permit and the sign shall note the date of the first day the sign may be displayed and the date it must be removed. If any temporary sign is not removed by the expiration of the time limit noted on the application, the Zoning Administrator or any duly appointed deputy administrator, after seven days' written notice to the permit holder to remove such sign(s) (computed from the date of mailing), and after failure of the permit holder to do so, will cause said sign(s) to be removed. Temporary signs are allowed for:

(1)

Activities or events. Temporary signs shall be permitted for a period not exceeding six weeks prior to the activity or event nor exceeding three days after the activity or event. Such signs shall not exceed 16 square feet (eight square feet per side) in area in nonresidential districts nor eight square feet (four square feet per side) in area in residential districts.

(2)

Temporary real estate signs. Temporary real estate signs are permitted for each subdivision receiving final plat approval by the Planning Board.

(a)

One such sign may be located on each side of the property which has frontage on a Town, county or state highway or street on which the subdivision fronts. Said sign(s) shall be located at least 15 feet from the road and shall be permitted only during the period of active sales and in no case longer than one year from the date of final approval. Upon written application from the subdivider, the Zoning Administrator or a duly appointed deputy administrator may extend this period for one additional year when the Zoning Administrator or a duly appointed deputy administrator deems that the circumstances warrant such extension. The subdivider shall post a bond, payable to the Town of Fishkill, in accordance with the current fee schedule, as a reasonable condition for removal.

(b)

Each such sign shall not exceed six feet in height, and shall not be located nearer than 15 feet to any road or lot line or any building, unless attached directly to said building. The total sign area of each sign shall not exceed 32 square feet (16 square feet per side).

(3)

Nonilluminated "garage sale," "yard sale," "barn sale," "tag sale," or similarly descriptive signs. Said signs are allowed up to four square feet per face in area, located fully on the property on which such sale is being conducted, but shall not be affixed to utility poles. Such signs shall not exceed one per premises and may be displayed for a period of up to seven days in advance of the sale and shall be removed within 24 hours after the sale. Not more than three such temporary sign permits may be issued for one property within any one calendar year. The permit card issued by the Zoning Administrator or any duly appointed deputy administrator shall be placed on the property where the sale is held and shall be removed at the expiration of the sale. The Zoning Administrator or any duly appointed deputy administrator must be notified prior to a change in the date of the sale.

F.

Permanent signs within the R-4A, R-2A, R-40, R-20, R-15, R-MF-3, R-MF-5, DMUD and HRWRD districts. Within these districts, the following signs are permitted:

(1)

For each dwelling unit, one nonilluminated nameplate, professional sign or sign indicating a permitted home occupation, with an area of not over two square feet per face.

(2)

For permitted and special use permitted nonresidential uses, one sign with a maximum sign area of 25 square feet.

(3)

For subdivisions, mobile home parks, or condominium, townhouse, co-op or apartment complexes, one nonilluminated monument sign containing an area of not more than 25 square feet and located not more than six feet above ground level at its highest point, identifying the subdivision, mobile home park or complex, may be displayed. Such sign shall be set back at least five feet from any public road. The same restrictions shall apply if such signs are located in a nonresidential district.

(4)

Signs for lawful nonconforming uses in residential districts shall comply with the requirements of § 150-30G(1), LHC District.

G.

Permanent signs within other districts.

(1)

LHC District.

(a)

Not more than one primary sign shall be permitted per establishment. Such sign shall be located on the establishment's principal facade, and shall be one of the following sign types:

[1]

Wall signs (with or without borders) as large as one square foot per three linear feet of an establishment's front building wall length or a maximum of 25 square feet, whichever is less.

[2]

Projecting signs as large as four square feet on each of two sides; maximum projection of four feet from the building face; minimum clearance from the ground: eight feet, and maximum clearance: 10 feet.

[3]

Window signs as large as 20% of the total window area of the principal facade or a maximum of 25 square feet, whichever is less.

[4]

Awning signs projecting at least five feet into the sidewalk but no more than seven feet with lettering up to six inches in height and on the valance only. The extent of lettering may cover a maximum of 50% of the valance or a maximum of 25 square feet, whichever is less.

(b)

Signs for lawful residential uses shall comply with the requirements of § 150-30E.

(2)

RB, PB, PSC, GB, POL and PI districts.

(a)

Not more than two wall signs shall be permitted per establishment, announcing the name or insignia, or both, of the establishment or business located on the lot. For buildings that measure 100 feet or less in length on their longest side, the combined aggregate area of such signs shall not exceed two square feet for each linear foot of the length of the longest side of the building or 40 square feet, whichever is less. Buildings that are more than 100 feet in length on their longest side shall be allowed a combined aggregate sign area of 40 square feet plus an additional one square foot of sign area per five linear feet of building length greater than 100 feet.

(b)

Not more than one monument sign of a maximum height of six feet (including the base) shall be permitted per lot. The sign area of such monument sign shall be no larger than 32 square feet (16 square feet per side) for a single establishment and no larger than 40 square feet (20 square feet per side) for two or more establishments sharing a sign. No single establishment shall occupy more than 32 square feet (16 square feet per side) of sign area. The sign must be 15 feet or more from the edge of the road.

[Amended 12-3-2008 by L.L. No. 11-2008]

(c)

Signs for internal direction shall be permitted, provided that the individual signs are no more than two square feet on each of two sides and are limited to generic text such as "entrance," "exit," "office," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity to the Zoning Administrator or duly appointed deputy administrator based on motorist safety and that any such directional sign will be set back at least five feet from the road.

(d)

Retail, office or business centers. Where four or more establishments are planned as an integrated retail, office or business center, the following sign criteria shall apply:

[1]

Not more than one primary sign shall be permitted per establishment. Such sign shall be a wall sign located on the establishment's principal facade and may be as large as 40 square feet in area. Freestanding signs may not be displayed by individual establishments located within a shopping center.

[2]

A master sign plan is required for all new retail, office or business centers. The plan is a sign system to create visual unity among the signs within the plan area and to ensure compatibility with surrounding establishments and structures. The plan shall include specifications to which all signs within the plan area shall conform, including sign size, height, shape, materials, lighting and location on the establishment, as well as the specifications for the freestanding sign permitted under § 150-30G(2)(d)[3]. Within these standards, variety of graphic design is encouraged, subject to the design criteria of Subsection H. The Planning Board shall review the master sign plan for a new retail, office or business center as part of its project review. A project entailing a retail, office or business center which calls for the demolition of 50% or more of the square footage of existing structures on the site shall be considered a new retail, office or business center for the purposes of this section and subject to the master sign plan requirement.

[3]

One common freestanding sign identifying the shopping center, mall or complex shall be permitted as follows:

[a]

Monument signs no larger than 40 square feet in area, consisting of a maximum of 20 square feet in area per face, to state the name of the shopping center and to advertise individual businesses within the retail, office or business center. The sign shall be a maximum of six feet in height (including the base). Each advertised business shall be allowed a maximum of five square feet in area per sign face. The sign must be set back 15 feet or more from the road.

[b]

Post-and-arm signs may be as large as 18 square feet in area per face, with a height maximum of 12 feet (including the post). The sign must be set back a minimum of 15 feet from the edge of pavement.

[4]

If the complex contains a movie theater, the movie theater shall be permitted one sign pursuant to the regulations in § 150-30G(2)(e).

[5]

Signs for internal direction shall be permitted, provided that the individual signs are no more than two square feet on each of two sides and are limited to generic text such as "entrance," "exit," "office," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity to the Zoning Administrator or a duly appointed deputy administrator based on motorist safety and that any such directional sign will be set back at least five feet from any road.

(e)

Movie theaters. Movie theaters shall be permitted one freestanding changeable sign advertising the name of the theater and indicating movies currently being shown. Such changeable sign shall be a monument sign and shall be allowed 25 square feet to display the name of the theater and shall be allowed an additional maximum area of nine feet by 12 inches per number of movie screens existing at the establishment to list the name of movies currently being shown in lettering no more than nine inches high. The bottom portion of the area of the sign with lettering shall be no more than six feet from the ground. The sign must be set back a minimum of 15 feet from the edge of the road.

(f)

Signs for lawful residential uses shall comply with the requirements of § 150-30F.

H.

Design criteria. In reviewing sign applications, the Zoning Administrator or duly appointed deputy administrator shall determine that the sign will meet the following criteria.

(1)

General criteria.

(a)

Signs should be a subordinate part of the streetscape.

(b)

Signs in a particular area or district should create a unifying element and exhibit visual continuity.

(c)

Whenever feasible, multiple signs should be combined into one to avoid clutter.

(d)

Signs should be as close to the ground as practical, consistent with legibility considerations.

(e)

A sign's design should be compatible with the architectural character of the building on which it is placed and not cover any architectural features on the building.

(f)

To the extent possible, adjacent signs on the same or adjoining buildings should be placed within the same horizontal band and be of reasonably harmonious materials and colors.

(2)

General rules by sign type.

(a)

Awning signs. Awning graphics may be painted or affixed flat to the surface of the valance and shall indicate only the name and/or address of the enterprise or premises. Awning signs shall not be internally illuminated.

(b)

Freestanding signs. No more than one freestanding sign may be located on a lot except that a movie theater may be allowed a freestanding sign pursuant to § 150-30G(2)(e).

(c)

Monument sign. Monument signs shall not be placed so as to impair visibility for motorists.

(d)

Projecting signs. Projecting signs may not extend above the height of the roofline and shall have no more than two faces. They shall be securely anchored and shall not swing or move in any manner.

(e)

Wall signs. The visible edge or border of a wall sign may extend up to 12 inches from the face of the wall to which it is attached, and may not extend any distance beyond or above the building in any direction.

(f)

Window signs. Permanent window signs must be painted on or attached directly and permanently to the window. No more than 25% of the glass may be covered by the lettering.

(3)

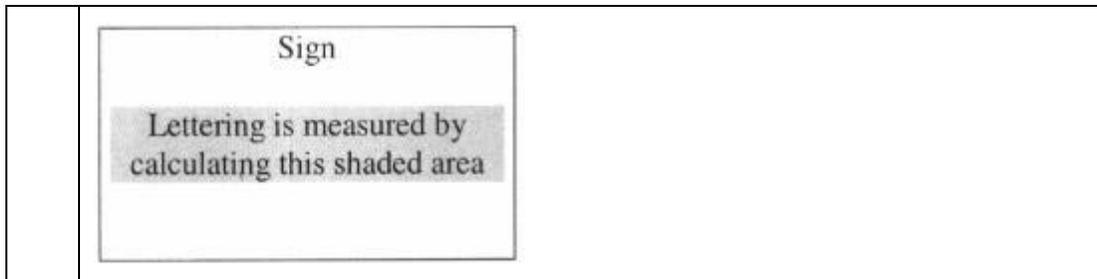
Specific criteria.

(a)

All signs, with the exception of window signs, shall be constructed of wood, metal or other durable material as approved by the Zoning Administrator or a duly appointed deputy administrator.

(b)

The lettering on any sign may not exceed 75% of the sign area of any one side of the sign, with the exception of signs with no background. The area for lettering shall be computed in accordance with the illustration provided.



(c)

The Zoning Administrator or a duly appointed deputy administrator may require that landscaping be used at the base of a freestanding sign if such landscaping will make the sign more compatible with the surrounding area.

Required landscaping may include one or more of the following types of vegetation: ivies, grasses, flowers, bushes, small trees.

I.

Removal of signs.

(1)

Abandoned signs. Any sign which once advertised a bona fide business or product or services available for purchase by the public on the premises which no longer does so shall be deemed abandoned and must be removed within three days after cessation of the business or cessation of the sale of the products or services from the premises. The Zoning Administrator or any duly appointed deputy administrator shall give written notice to the last owner of record of the real property where the sign is located and the permit holder, if any, at the permit holder's last known address of record, who shall, unless good cause is shown, remove the sign within 30 days from the date of the written notice. If no action is taken by the owner or permit holder within said time period, the Zoning Administrator or any duly appointed deputy administrator may cause the sign to be removed.

(2)

Unsafe signs. The Zoning Administrator or any duly appointed deputy administrator may cause any sign that is a source of immediate peril to persons or property to be removed immediately and without notice. After such removal, the Zoning Administrator shall provide written notice that the sign was removed because it was a source of immediate peril to persons or property. Such notice shall be provided by certified mail, return receipt requested, to the owner of the sign at the last known address of record and the owner of the land upon which the sign was erected at the last known address of record.

(3)

Recovery of cost of removal. At the sole discretion of the Town, the reasonable and necessary costs incurred by the Town for removal of any sign shall be charged against the real property from which the sign was removed by adding that charge to and making it a part of the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be paid to the Town Comptroller, to be applied in reimbursing the fund from which the costs of sign removal were paid. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known address of record by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.

J.

Nonconforming signs other than billboards. Any increase in size or change in the design, style, location, materials, shape, height or location of a nonconforming sign shall not be permitted. Any nonconforming sign that is damaged or destroyed, for a loss of 50% or more of its value, by fire or other casualty shall not be restored, reconstructed or replaced except by a sign that conforms to this requirements of the chapter.

K.

Nonconforming billboards.

(1)

Unless compensation therefore is provided pursuant to § 88 of the Highway Law, any billboard which is leased or rented for profit and located in an area zoned other than industrial or manufacturing shall be deemed a nonconforming sign. Pursuant to New York General Municipal Law § 74-c2, such billboards shall be removed upon written notice sent to the owners of the property to their last known address of record by certified mail, return receipt requested, and the permit holder, if any, at the permit holder's last known address of record by certified mail, return receipt requested, by the Zoning Administrator or any duly appointed deputy administrator in accordance with the schedule below. The years allowed shall run from the date of notice from the Zoning Administrator or any duly appointed deputy administrator.

	Fair Market Value on Date of Notice of Removal Requirement	Years Allowed	<u>(2)</u>
	Under \$1,999	3	Upon the expiration of the amortization period, if the sign has not been removed, the Zoning Administrator or any duly appointed deputy administrator shall give written notice to the last owner of record of the real property where the sign is located and the permit holder, if any, at the permit holder's last known address of record, that the sign must be removed
	\$2,000 to \$3,999	4	
	\$4,000 to \$5,999	6	
	\$6,000 to \$7,999	7	
	\$8,000 to \$9,999	9	
	\$10,000 and over	10	

within 30 days from the date of the written notice. If no action is taken by the owner or permit holder within said time period, the Zoning Administrator or any duly appointed deputy administrator may cause the sign to be removed and the cost of removal may be recovered in accordance with § 150-30l(3).

L.

Number and date. Every sign that requires a permit as regulated by this section shall have painted in a conspicuous place thereon, in legible letters and numbers, the date of erection and the sign permit number. Temporary signs shall additionally have noted thereon the date of the first day the sign may be displayed and the date it must be removed.

M.

Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

N.

Definitions. The following definitions apply to terms used in this section:

AWNING

Any nonrigid material, such as fabric or flexible plastic, that is supported by a frame that is attached to an exterior wall.

AWNING SIGN

Any visual message on an awning.

BILLBOARD

An off-premises sign which is leased or rented for profit.

CHANGEABLE SIGN

A sign with the capability of content change by means of manual or remote input.

FREESTANDING SIGN

Any sign not attached to or part of any building but permanently affixed, by any other means, to the ground; included are monument and post-and-arm signs.

HEIGHT

The height of a freestanding sign shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including support structures. Elevation added by artificial beams, mounds or similar forms shall be excluded from the calculation of average grade.

INTERNALLY ILLUMINATED SIGN

A sign lighted by or exposed to artificial lighting that shines through a plastic or other translucent or transparent covering. Neon signs and other similar signs are considered internally illuminated.

LIGHTING

External white light used to illuminate a sign.

MONUMENT SIGN

A freestanding sign either with a base affixed to the ground or mounted on short poles no greater than two feet high.

NONCOMMERCIAL SIGN

A sign containing copy which does not promote a business, commodity, service, or entertainment.

NONCONFORMING SIGN

A sign of a size or type not permitted in the district in which it is situated or which is improperly located or which is nonconforming in any other way.

OFF-PREMISES SIGN

A sign which promotes products, services or activities conducted, sold or offered somewhere other than upon the same premises where the sign is located.

PORTABLE SIGN

A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not permanently affixed to the ground, a building, structure or another sign. Included are signs displayed on a parked or moving vehicle or trailer or other vehicle where the primary purpose of the vehicle is to promote a product, service business, or other activity. This definition includes a vehicle hanging or displaying a banner sign whose primary purpose is for advertising. This does not apply to signs or lettering on buses, taxis or vehicles operating during the normal course of business.

POST-AND-ARM SIGN

A freestanding sign comprised of a vertical post to which a perpendicular arm is attached and from which the sign hangs.

POSTER

A sign affixed to trees, other natural vegetation, rocks or utility poles.

PRIMARY SIGN

An establishment's principal sign, i.e., the sign which identifies the business to passersby.

PRINCIPAL FACADE

The face of a building which contains the primary entrance to the establishment.

PROJECTING SIGN

A sign attached to a building wall or structure that projects horizontally or at a right angle more than nine inches from the face of the building. Such signs shall be securely anchored and shall not swing or move in any manner.

REAL ESTATE SIGN

A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

ROOF SIGN

A sign erected on a roof or extending in height above the main roofline of the building on which the sign is erected.

SECONDARY SIGN

A sign which communicates accessory information, e.g., hours of operation, different products sold.

SETBACK

The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly from the property line.

SIGN

Any material, structure or device, or part thereof, composed of lettered or pictorial matter displaying an advertisement, announcement, notice or name, and including any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

SIGN AREA

Includes all faces of a sign measured as follows:

(1)

When any sign is framed or outlined, all of the area of the frame or outline shall be included;

(2)

Sign measurement shall be based upon the entire area of the sign with a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including structural supports if they are not used for advertising purposes;

(3)

The area of a sign consisting of an insignia or other device, but without background, shall be calculated as the smallest polygon or circle possible enclosing the insignia;

(4)

The area of a window sign consisting only of letters and symbols affixed or painted on glass shall be calculated as the smallest polygon or circle possible enclosing all of the letters and symbols.

TEMPORARY SIGN

Any sign that is displayed only for a specified period of time as per § 150-30E and is not permanently mounted.

WALL SIGN

A sign that is painted on or attached directly to the outside wall of a building, with the face of the sign parallel to the wall and having a visible edge or border extending not more than nine inches from the face of the wall.

WINDOW SIGN

A sign visible from a sidewalk, street or other public place, affixed or painted on glass or other window material.

O.

Severability. If any subsection, or specific part or provision or standard of this section or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such subsection, specific part, provision or standard shall be deemed a separate, distinct and independent provision, and such judgment shall not affect the validity of the remaining portions thereof.

