

ARTICLE X
Sign Regulations

§ 260-66. Purpose. [Amended 10-15-2018 by L.L. No. 3-2018]

The purpose of this article is to provide standards to protect the public health, safety and welfare by controlling the number, location, construction, installation, illumination and maintenance of all signs and sign structures in the Town, excluding the Village of Honeoye Falls and planned unit developments.

§ 260-67. Intent.

- A. These regulations are intended to create a more attractive economic and business climate and to enhance and protect the physical appearance of the community.
- B. In addition, these regulations are intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and provide more visual open space.
- C. Finally, these regulations are intended to promote attractive signs, which clearly present the visual message in a manner that is compatible with the sign's surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

§ 260-68. Permit required.

Except as indicated under § 260-71C, Exemptions, all signs require a permit. The CEO is responsible for the approval of permits for all signs which comply with this article. Upon approval, the CEO will issue the permit. For signs that do not conform to this article, the applicant may pursue the appeal process.

§ 260-69. Fees.

A fee shall be paid to the Town Clerk for the permit in accordance with the fee schedule, established by resolution from time to time by the Town Board, before the CEO approves the permit.

§ 260-70. General regulations.

- A. All signs shall be considered structures and, unless exempted, shall require a permit obtained upon approval by the CEO. A permit is required prior to erecting, altering or relocating any sign. To ensure the safety of the community, all signs must comply with the Building and Electrical Codes of the Town of Mendon and the State of New York. See § 260-73A for the permit process.
- B. Freestanding signs and off-premises signs are not permitted except as allowed herein or as allowed by variance to this article. Any permanent sign shall have footings adequate to

maintain the sign in a vertical position.

- C. Owners of signs in the Hamlet of Mendon are encouraged to use the Hamlet logo identified in the Mendon Hamlet Master Plan.
- D. The following provisions shall apply to all types and locations of signs erected, altered, relocated or maintained within the Town:
 - (1) General regulations regarding specific sign types.
 - (a) Illuminated signs or lighting devices may be permitted, provided that such signs employ only fixtures emitting a light of constant intensity and no sign shall be illuminated by, or contain, flashing or moving light or lights. Searchlights are not permitted. All illuminated signs or lighting devices for signs shall be placed or directed so as to be localized and unobtrusive and shall be turned off at the later of 11:00 p.m. or the close of business. All illuminated signs shall comply with the Town's lighting laws and regulations.
 - (b) The use of portable signs, billboards, pennants, banners, spinners, streamers, or flashing, glittering or reflective, illuminated or moving signs or similar eye-catching devices is not permitted. Temporary banners or portable signs announcing civic or charitable events are permitted for a period up to 14 days prior to the event and shall be removed within 48 hours after the event.
 - (c) The use of awnings as signs may be permitted. When awnings are used on adjacent businesses on the same structure in an industrial park, a commercial plaza, a strip mall, an enclosed commercial mall or any combination thereof, the awnings shall be uniform in vertical dimensions and height above ground, shall be of the same color, material, and extension, and display lettering of the same size, style and color.
 - (d) One A-frame sign is permitted for each business. It shall only be displayed during business hours and shall not be located in the road right-of-way nor shall it be placed in such a location as to obstruct the clear sight zone. The size of the sign shall not exceed eight square feet on each side.
 - (2) Sign locations.
 - (a) Signs shall not be placed on the roof of any structure or project above the roof surface of flat roofs or the deckline of mansard roofs or above the average height between eaves and ridges for pitched, gable, hip and gambrel roofs.
 - (b) Three feet is the maximum distance the furthestmost edge of a sign (excluding awning signs) shall project from the structure wall to which it is attached.
 - (c) Signs or awnings must be located greater than eight feet above a pedestrian way and shall not project over any adjacent property line or into a vehicular public way.
 - (d) Signs shall be located such that they do not prevent ingress to or egress from any door, window or fire escape or hinder a clear view into and/or out of buildings.

- (e) Signs shall be located such that they do not interfere with, do not obstruct the view of, or cannot be confused with any authorized traffic sign. Use of the words "stop," "look," "danger," "drive slowly," "caution," "warning," "detour," or any similar words or phrases which could interfere with proper and safe driving procedures or confuse motorists is not permitted.
- (f) The number of signs permitted shall be limited to one sign for each frontage which is physically part of the occupied space.
- (g) All signs, including associated berms, walls and plantings, except those signs permitted on a structure, shall be installed a minimum of 15 feet from the edge of the right-of-way, unless otherwise exempted herein.
- (h) Area coverage by all window signs shall be limited to 25% of the total window area. The combined area of window and wall signs shall not exceed that allowed in § 260-71B(1).
- (i) Temporary real estate signs and political signs shall be located no less than 15 feet from the edge of the pavement, subject to all county and state laws.

§ 260-71. Permitted signs; exemptions.

A. Residential.

- (1) One temporary sign shall be allowed to advertise a newly approved subdivision. The area of the sign shall not exceed 16 square feet. The height of the sign shall not exceed six feet. Such sign shall be allowed for a period of no more than two years. If a permanent sign is erected during this two-year period, the temporary sign shall be removed immediately.
- (2) One permanent sign, per entrance, may be erected to indicate a subdivision, apartment, church or condominium complex. The area of the sign shall not exceed 20 square feet. The height of the sign shall not exceed six feet. A readily identifiable owner, such as a tract association, shall be determined at site plan review to be responsible for the repair and maintenance of such sign and the premises surrounding it. The responsible party will be identified on the final plan.
- (3) A major home occupation sign may be either a wall sign or freestanding sign and shall not exceed an area of three square feet. The vertical dimension of the sign shall not exceed 1 1/2 feet.
- (4) Signs advertising roadside stands shall be placed against the stand. The area of the sign shall not exceed eight square feet, and the height of the sign shall not exceed six feet.

B. Business or industrial districts.

- (1) Permitted wall signs. One sign shall be allowed per occupied space frontage. Such sign shall contain not greater than one square foot of sign area for each linear foot of frontage. The area of the sign shall not exceed 50 square feet. The sign shall contain only the name of the business or the use located on the site.

- (2) Use of awnings: See § 260-70D(1)(c).
- (3) Traffic control signs not subject to regulation by the state or county shall be limited to three square feet per sign and shall not exceed three signs unless otherwise approved by the Planning Board or the CEO.
- (4) Multi-occupant business or industrial properties.
 - (a) Industrial park, office park, commercial plaza, strip mall. One exterior wall sign shall be allowed for each business use in an industrial park, an office park, a commercial plaza, a strip mall or any combination thereof. The total sign area allowed for each business shall be one square foot for each linear foot of occupied frontage, not to exceed a maximum of 20 square feet. Where an occupied space has more than one frontage, that occupant may choose to utilize any or all of the frontages according to the specified requirements.
 - (b) Enclosed commercial mall. Each use in an enclosed commercial mall shall be entitled to one sign per business to be displayed on the exterior of the building containing the use. Such signs shall be uniform in height, lettering size, style, color, and height above the ground. The total area for all tenants' signs shall not exceed one square foot for each linear foot of building frontage, not to exceed a maximum of 50 square feet. The landowner shall be responsible for submitting the request for the signs. When there is a change in occupancy, a permit shall not be required to change an existing commercial mall sign, provided such sign is not changed in height, lettering size, style, color and height above the ground.
 - (c) Permitted freestanding signs.
 - [1] One freestanding sign may be allowed for each industrial park and office park. The area of the sign shall not exceed 30 square feet. The height of the sign shall not be more than eight feet, provided that such sign should have a clear area of four feet between the bottom portion of the sign area and the ground level at the sign's location if the sign will obstruct the line of sight. Such sign shall display only the name of the industrial park or office park. The sign may be illuminated. [See § 260-70D(1)(a).]
 - [2] One freestanding sign may be allowed for each commercial plaza, strip mall, enclosed commercial mall or any combination thereof. The area of the sign shall not exceed 30 square feet. The height of the sign shall not be more than eight feet, provided that such sign should have a clear area of four feet between the bottom portion of the sign area and the ground level at the sign's location if the sign will obstruct the line of sight. Such sign may display the name of the commercial plaza, strip mall or enclosed commercial mall and the names of the individual businesses. The sign may be illuminated by exterior lighting only. [See § 260-70D(1)(a).]
 - [3] A freestanding business or industrial use sign, where there is only one use involved. As an alternative to a building-mounted sign, there may be erected one two-sided ground sign on the premises. The area of the sign shall not

exceed 20 square feet per side. The height of the sign shall not be more than six feet above the ground. Such freestanding sign shall contain only the name of the use on the site.

[4] All such signs shall be uniform in height, lettering size, style, color, and height above the ground.

C. Exemptions. The following subsections describe types of signs which shall be exempt from the permit process, provided such signs comply with the general requirements of this article and other conditions imposed by these regulations. Where uncertainty exists, the Code Enforcement Officer shall be consulted prior to proceeding. **[Amended 10-15-2018 by L.L. No. 3-2018]**

- (1) Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations; not exceeding six square feet.
- (2) A single flag or insignia of any government, except when displayed in connection with any commercial promotion.
- (3) On-premises directional signs for the health, safety and welfare of the general public, not exceeding four square feet per face.
- (4) Nonilluminated warning, private drive or "no trespassing" signs, not exceeding two square feet per face and six feet in height above the ground.
- (5) Legal notices, identification, informational or directional signs erected or required by governmental agencies.
- (6) Number and nameplates identifying residents and addresses, mounted on the house, apartment or mailbox, not exceeding two square feet in area.
- (7) Lawn signs or lamppost signs identifying residents or addresses, not exceeding two square feet.
- (8) Private-owner merchandise sale signs for garage sales and auctions, not exceeding four square feet. Signs shall be erected no sooner than 72 hours prior to the sale and shall be removed within 24 hours after such sale. In no case shall the total sign display period exceed 10 days.
- (9) Signs at gasoline stations which are integral graphics or attached price signs on pumps and other signs as mandated by regulatory agencies.
- (10) Credit card advertisements or trade association emblems shall be displayed together in an area which does not exceed one square foot. Such signs shall be displayed flat on window or door surfaces. The purpose of these signs shall be solely to offer a service and not to advertise the business.
- (11) One sign listing the architect, engineer, contractor, lending institution, and/or owner on premises where construction, renovation, or repair is in progress. The area of the sign

shall not exceed six square feet in residential districts or 16 square feet in business districts. The height of the sign shall not exceed six feet. Such signs shall be removed within three days after completion of the project.

- (12) Nonilluminated window signs and posters not exceeding 25% of the window.
- (13) Temporary directional signs for meetings, conventions, and other assemblies. Such signs shall be removed within 24 hours following the function.
- (14) Temporary signs advertising a special community event located in the Town may be displayed no more than 30 days prior to the beginning of the event and shall be removed within three days following the event. The area of the sign shall not exceed 16 square feet. The height of the sign shall not exceed six feet.
- (15) Temporary real estate signs.
 - (a) Improved premises. One temporary real estate sign advertising the sale, lease or rental of improved premises upon which the sign is located shall be allowed for each frontage. The area of the sign shall not exceed six square feet. The height of the sign shall not exceed six feet. The sign may have printing on both sides and shall be allowed on a premises offered for rent, sale or lease.
 - (b) Unimproved premises. One temporary real estate sign advertising the sale, lease or rental of unimproved land upon which the sign is located shall be allowed for each frontage. The area of the sign shall not exceed 16 square feet. The height of the sign shall not exceed six feet. The sign shall be removed within 30 days following the sale, lease or rental of the unimproved land.
 - (c) "Open for inspection" signs.
 - [1] One temporary freestanding "open for inspection" sign shall be permitted only during those hours when such property is actually available for public inspection and only if located upon the premises.
 - [2] Additional temporary freestanding "open for inspection" signs shall be permitted at the intersections of those streets leading to the property only during those hours in which the property is actually available for inspection. Such signs shall not be attached to any highway sign or utility pole.

§ 260-72. Administration and enforcement.

- A. No sign shall be permitted in the Town except in conformance with the provisions of this chapter.
- B. Continuance of nonconforming signs. Any existing sign which is made nonconforming by this chapter and was not in conformance with prior ordinances shall be removed within one year from the effective date of this article. Billboards, pennants, banners, etc., shall be removed immediately upon the effective date of this chapter. [See § 260-70D(1)(b).]
- C. Removal of signs. Every sign, including those signs exempt from the permit process, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted,

including all metal parts and supports thereof that are not galvanized or of rust-resistant material. The CEO shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which shall constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

- (1) Signs in violation. The CEO shall notify in writing the owner of any sign which has been erected or installed in violation of this article, to remove or correct the unsatisfactory condition of said sign within 10 days from the date of such notice. If the CEO's notice is not appealed within 10 days of the date of the written notice, the notice automatically becomes an "order to remove" and shall be enforced in accordance with this section.
- (2) Hazardous signs, abandoned signs and signs not pertinent to use. The CEO shall notify in writing the landowner of any sign which is unsafe or insecure or is a menace to the public or which is abandoned or found to otherwise no longer serve the purpose for which a permit was issued, to remove or correct the unsatisfactory condition of said sign within 10 days from the date of such notice. If the CEO's notice is not appealed within 10 days of the date of the written notice, the notice automatically becomes an order to remove and shall be enforced in accordance with this section.
- (3) Signs causing immediate peril. The CEO may cause any sign which is a source of immediate peril to persons or property to be removed summarily upon written notice to that effect. Failure to comply immediately upon receipt of such notice will serve as an authorization to the CEO to immediately remove or cause removal of such sign, with all costs and expenses charged to the owner of the land upon which the sign is erected.
- (4) Failure to comply. Upon failure to comply with any order to remove or any order to correct or remove within the prescribed time, the CEO is hereby authorized to remove or cause removal of such sign and shall charge all costs and expenses incurred in said removal to the owner of the land or building upon which the sign is located.
- (5) Other remedies. This section shall not be construed so as to limit or eliminate any other remedy or cause of action at law or equity by which the Town may seek to correct, abate or enjoin any violation of the provisions contained herein.

§ 260-73. Application and appeal procedures.

A. Permit process.

- (1) Applications for building permits for the erection of a sign shall be made in writing to the CEO by the owner, lessee or erector and be accompanied by materials the Code Enforcement Office may deem necessary, such as, but not limited to, dimensions; proposed design; the legend; a scale drawing showing colors, materials, the location of buildings, parking areas, other signs on the same property, frontage of each unit, and/or any fences or other obstructions in relation to the designated location of the proposed sign. Lessee or erector applicants shall show written approval from the landowner of the property for such applications.
- (2) It shall be the duty of the CEO, upon filing of an application for a permit to erect,

enlarge or structurally alter a sign, to examine such plans, specifications, and, if necessary, the building or premises upon which the sign is proposed to be erected. If the proposed sign is in compliance with all the requirements of this article and all other regulations of the Town, the CEO shall approve the issuance of a permit for the proposed sign.

- (3) The permit shall be issued by the CEO upon payment of the appropriate fee.
- (4) The CEO shall maintain current files for approved permits and variances and initial photographs of all approved signs.

B. Appeal process.

- (1) An area variance may be granted by the Zoning Board of Appeals in those instances where a sign permit is denied by the CEO. The applicant must demonstrate that the applicable zoning regulations and restrictions have caused unnecessary hardship under Town Law.
- (2) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.