

**Sign Law  
of  
THE TOWN OF ASHFORD, New York  
LOCAL LAW # 1 of 1993**

**Article 1 General Provisions**

**Part 1 Short Title; How Cited; Severability; Application**

**Section 1-1.1 Short Title; How Cited**

This local law shall be known as the Sign Law of the Town of Ashford and may be cited as Sign Law. A section of this law may be cited by Article, Part and Section number, to wit, sign law 1-1.1, which refers to Article 1, Part 1, Section 1, without being preceded by the word Article, Part or Section or the symbol for section.

**Section 1-1.2 Purpose**

The purpose of this Sign Law shall be to promote the health, welfare and safety of the residents of the Town of Ashford and the users of the highways in the Town of Ashford by minimizing the distractions to users of the highways, particularly, drivers, and by protecting the health, safety and welfare of the residents of the Town and others by promoting criteria by which signs will be of safe construction and will not be hazardous to the public, by regulating the height, size, construction and setback of signs from the public highways.

**Section 1-1.3 References**

Unless otherwise stated, all references in this Local Law to Article, Part or Section number refers to the Articles, Parts or Section Numbers of this Local Law, and all references in any section of this Local Law to a lettered or numbered paragraph or subparagraph refers to the paragraph or subparagraph so lettered or numbered in such section.

**Section 1-1.4 Rules Governing Use of Certain Words**

In this chapter, unless the context otherwise requires:

- A. Words in singular number include the plural, and in the plural include the singular.
- B. Words of the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender may refer to any gender.
- C. The word “writing” includes typewritten or printed matter.

## **Section 1-1.5 Severability**

If any provision of this Local Law or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Local Law which can be given effect without regard to the invalid provision or application, and to this end the provisions of this Local Law are declared to be severable.

## **Section 1-1.5 Application**

- A.** Unless otherwise stated therein, the provisions of this Local Law apply to signs within the controlled area within the Town of Ashford, Cattaraugus County, New York, and to any sign outside of the controlled area within the said Town which is located, designed or intended to attract the attention of users of public highways.
- B.** No sign, whether new or existing, shall hereafter be erected or altered except in conformity with the provisions of this Local Law.
- C.** This Local Law shall not apply to nonconforming grandfathered signs except as provided for herein.

## **PART 2. Definitions**

In this Local Law, unless the context otherwise requires or a different meaning is expressly provided, the words and phrases set forth in this part shall be given their indicated meaning:

**Section 1-2.1** “Advertising Signs” means devices designated or intended to display or present a message.

**Section 1-2.2** “Billboards” means a type of sign which is on a permanent type structure and the message on the display area of which may be changed.

**Section 1-2.3** ”Back to Back & Double Faced Signs” means signs which are physically contiguous, which share a common structure in whole or in part, and are located not more than 15 inches apart at their furthest point.

**Section 1-2. 4** “ Board of Appeals” Means the Board of Appeals appointed by the Town Board of Ashford.

**Section 1-2.5** “Code Enforcement Officer” means the Code Enforcement Officer appointed by the Town Board of the Town of Ashford.

**Section 1-2.6** “Controlled Area” means the area adjacent to and within 660 feet of the edge of a highway right-of-way and any area right-of-way in which outdoor advertising signs may be visible from the public highway.

**Section 1-2.7** “Fire Underwriters” means the New York Board of Fire Underwriters.

**Section 1-2, 8** “Fire Underwriters Inspection” means an inspection made or conducted by the New York Board of Fire Underwriters.

**Section 1-2.9** “Identification and Business Signs” means signs the nature of which is to identify the owner or operator of an activity, and the nature of the activity, on the premises.

**Section 1-2.10** “Instructional Signs” means signs, which give directions.

**Section 1.2.11** “Nonconforming Grandfathered Sign” means a sign lawfully in existence as of the enactment date of this Local Law but does not comply with the size, spacing and lighting criteria of this Local Law, which is allowed to remain in its existing location for the duration of its normal life subject to customary maintenance.

**Section 1.2.12** “Nonconforming” Sign” means a sign that is located in a controlled area; that was lawfully erected and is lawfully maintained but which does not comply with the provisions of this Local Law.

**Section 1-2.13** “**Public Service Sign**” means a sign located on a school bus stop shelter, which sign:

- (1) Identifies the donor, sponsor, or contractor of said shelter;
- (2) Contains safety slogans or public services messages, which shall occupy not less than 50 percent of the area of the sign;
- (3) Contains no other messages;
- (4) Is located on a school bus shelter is authorized or approved by city, county or State Law, regulation or ordinance, and at a place approved by the city, county or State agency controlling the highway involved; and
- (5) May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.

**Section 1-2.14** “setbacks” means the distance in feet measured along a horizontal line from the nearest edge of the highway right-of-way to the object being located.

**Section 1-2.15** “Sign” means outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designated, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of a highway, whether the same be permanent or portable.

**Section 1-2.16** “Street or Road Right-of way “ means a public highway or right-of-way within the Town of Ashford the width and center line of which is located according to the records of the Town of Ashford or by statute.

**Section 1-2.17** “Temporary Sign” means a self-supporting sign generally not permanently affixed to the premises and which is movable.

**Section 1-2.18** “Town Board” means the Town Board of the Town of Ashford.

**Section 1-2.19** “Use” means a purpose for which the premises are used. A parcel may have more than one use.

## **ARTICLE 2**

### **SIGNS PROIBITED**

**Part 1.** Erection or maintenance of the following signs is not permitted in the controlled area:

**Section 2-1.1** Signs advertising activities that are illegal under Town, County, State or Federal Laws or regulations in effect at the location of such signs or at the location of such activities;

**Section 2-1.2** Obsolete, abandoned or discontinued signs;

**Section 2-1.3** Signs that are not clean and in good repair;

**Section 2-1.4** Signs that are not securely affixed to a substantial structure;

**Section 2-1.5** Signs that attempt or appear to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal or device;

**Section 2-1.6** Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic;

**Section 2-1.7** Signs which move or have animated or moving parts, except those giving public service information such as time, date, temperature, weather or similar information;

**Section 2-1.8** Signs erected or maintained upon trees or painted or drawn upon rocks or other natural features;

**Section 2-1.9** Signs that are not the subject of a valid current permit, if one is required, under the provisions of this Local Law;

**Section 2-1.10** Signs that are not consistent with the rules and regulations of this Local Law;

**Section 2-1.11** Signs beyond 660 feet from the nearest edge of the highway right-of-way and erected with the purpose of their message being read from the public highway.

## **Part2. Signs Permitted.**

The following signs are permitted to be erected and maintained in the controlled area;

**Section 2-2.1** Official signs of the Town of Ashford, County of Cattaraugus, State of New York, and the United States of America, and of their agencies.

**Section 2-2.2** “Posted” signs or their variants not exceeding 15 inches in length or width.

## **ARTICLE 3**

### **GENERAL REGULATIONS APPLICABLE TO ALL SIGNS**

**Part 1.** Whenever located in the Town of Ashford, and whatever their nature, signs shall conform to the following regulations:

#### **Section 3-1.1 Condition**

Every permitted sign must be constructed of durable material and kept in good condition and in repair and must be kept clean, neatly painted and free from all hazards such as loose fastenings, etc., and shall be maintained in a safe condition.

#### **Section 3-1.2 Illumination Devices, Shielding**

Signs which are not effectively shielded as to prevent beams of rays of light from being directed at any portion of the traveled way of highways and which are of such intensity or brilliance as to cause glare or to impair vision of the driver of any motor vehicle, or which otherwise interfere with any driver’s operation of a motor vehicle, or which are not effectively shielded so as to prevent beams or rays of light from being directed at private residences and which are of such intensity or brilliance as to cause glare or to interfere with the use and enjoyment of adjacent properties and the residences thereof are prohibited.

#### **Section 3-1.3 Electrical Interference**

No sign or electrical apparatus associated with the sign shall cause any electrical interference with the normal operation of radio, T.V., electrical or other equipment and appliances of any kind, or wherever situated.

#### **Section 3-1.4 Permit Number**

The permit number for a sign shall be permanently marked on the front upper left corner of the sign.

### **Section 3-1.5 Fire Underwriter's Inspection**

Any sign using electricity must be inspected by the Fire Underwriters of the State of New York and their approval obtained before a permit can be issued for the sign. The Town of Ashford Code Enforcement Officer can issue a temporary permit for electrical signs until duly inspected by the Fire Underwriters.

### **Section 3-1.6 Ingress, Egress**

No sign shall be erected or located in such a manner that would prevent free ingress or egress from any window, door or fire escape.

### **Section 3-1.7 Light, Air**

No sign shall be placed in such a position that it will obscure light or air from a building.

### **Section 3-1.8 Attachments**

No signs shall be permitted which are pasted, stapled or otherwise attached to public utility poles or within the street or road right-of-way

### **Section 3-1.9 Traffic**

No sign shall be so erected, located or maintained that might interfere with, or be confused with, or obstruct the view of any official traffic sign, traffic signal, traffic marking, or block the view of traffic at ingress or egress points of property. Such interference must not result from the color, shape or location of the sign, supports, or lights used in conjunction with the sign.

### **Section 3-1.10 Flashing Signs**

No sign shall be a flashing sign. Flashing signs shall be defined as meaning any sign that: flashes by giving off or reflecting light, or moves, or revolves in any way, or has flowing or moving lights, or alternates in any way its color, shape or intensity of illumination.

### **Section 3-1.11 Cessation**

If a use ceases for a period of six (6) calendar months, signs must be removed. Such signs if not removed by the owner of the premises after due notice will be removed at the expense of the owner and / or lessee of the property on which the sign is located.

### **Section 3-1.12 Setbacks**

In matters of setbacks and required yards, free standing signs larger than eight (8) square feet shall be regarded as buildings and must comply with all provisions of the State Uniform Code

for Building Construction and Fire Prevention and this Sign Local Law. No free standing sign less than eight (8) square feet will be permitted to be located, erected or maintained less than twenty (20) feet from the edge of the right-of-way of any street, road or alley; nor less than five (5) feet from the inside (building Side) of any sidewalk. No sign will extend into a street or road right-of-way.

### **Section 3-1.13 Height**

No sign shall be more than forty (40) feet in height measured from the surface of the earth to the highest element of the sign **or its supports.**

### **Section 3-1.14 Building Signs**

Signs attached to a building or buildings shall not project more than forty-eight (48) inches from the wall upon which the sign is attached. No signs projecting more than twelve (12) inches from the wall of a building shall be greater than twelve (12) square feet in size, nor be less than eight (8) feet above the surface of the ground. Signs shall be attached to parapet walls or other wall surfaces made of the main structure. Signs erected on a separate superstructure attached to the structure. Signs erected on a separate superstructure attached to the roof line, shall not be permitted. No sign attached to a wall of a building shall project higher than four (4) feet above the roof line. Signs extending over sidewalks shall have at least two individual steel attachments to the building or pole supporting the sign. Inspection by the Code Enforcement Officer is required.

### **Section 3-1.15 Supports and Anchorage**

- (1) Ground signs shall be adequately supported to resist dead load and the wind loads acting in any direction on the sign.
- (2) Signs which do not exceed thirty (30) feet in height may have vertical cantilever supports driven into or set in the soil or rigidly attached to bases embedded in the soil. There shall be two or more such vertical supports except that a sign which does not exceed fifty square feet (50) in area per face and which does not exceed twenty-five (25) in height may be supported by a single member.
- (3) All signs over forty (40) in height shall be braced and adequately supported, inclined braces or trussed frames placed in vertical planes. At least two such braces shall be provided.
- (4) The members (or bases for rigidly attached members) supporting unbraced signs shall be so proportioned that the bearing loads imposed upon the soil in either a horizontal or vertical direction shall not exceed safe values. Braced signs shall be anchored to resist the specified wind load acting in any direction. Anchors and supports shall be designed

for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force twenty-five (25) percent greater than required resistance to overturning.

- (5) The soil used for back-fill for the dug-in type of anchor or cantilever support shall be carefully placed and thoroughly compacted. The anchors and supports shall penetrate to a depth below ground greater than that of the frost line.
- (6) Whenever anchors or supports consist of wood embedded in the soil, the wood shall be treated under pressure with creosote or other approved preservative before erection. This requirement shall not apply to temporary signs which will remain in place for more than six months.
- (7) The minimum thickness of hot-rolled, structural steel members furnishing structural support for signs shall be one-quarter inch, provided that if galvanized such members may be not less than one-eighth inch thick if galvanizing complies with the American Society for Testing Materials Standards Specifications for zinc (hot- galvanized coatings on structural steel shapes, plates and bars, and their products (ASTMA123-47; ASA G8.1-1947) revised to and including 1947 and provided further, that the galvanizing shall be applied after fabrication.

Members formed of light gage steel may be used for support of the ground signs, provided they are designed in accordance with the specifications for the design of light gage steel structural members of the American Iron and Steel Institute April 1946, shown in light gage steel design manual, January 1949; and provided that the thickness, exclusive of the facing, shall be not less than 12 gage(0.105 inch) and they are galvanized to comply with American Standards Specifications for zinc-coated (galvanized) iron or steel sheets (ASTM A93-48T; ASA G8.2-1949).

Steel members may be connected by one galvanized bolt, provided the connection is adequate to transfer the stresses to which the members are subjected.

## **ARTICLE 4**

### **RULES GOVERNING SPECIFIC SIGNS**

**Part 1.** The following regulations apply to all signs within the Town of Ashford of the specific type described:

#### **Section 4-1.1 Billboards**

All billboards must be spaced not less than two hundred (200) feet apart. The maximum sign area shall be one hundred (100) square feet. Only one such sign area shall be permitted per location, per standard, pole, or structure. Such sign may be double faced. Back to back signs shall be permitted provided they are not located more than 15 inches apart.



## **Section 4-1.2 Identification and Business Signs**

Identification and business name signs for each commercial or industrial property shall be limited to a total area of one hundred (100) square feet in size. In the case of corner lots, the total sign area may be doubled; however, an individual sign area must remain at a maximum of one hundred (100) square feet.

## **Section 4-1.3 Instructional Signs**

Instructional signs may be represented by free standing signs or building signs or building signs each of which shall not exceed four (4) square feet in area.

## **Section 4-1.4 Public Service Signs**

Signs providing information of general use to the public, such as time, temperature, news, etc. Public service signs may have moving lights thereon to present the public service information and may not contain flashing lights merely for the purpose of attracting attention to the sign.

# **ARTICLE 5**

## **TEMPORARY SIGNS**

### **Part 1.**

## **Section 5-1.1 Real Estate Signs and For Rent Signs**

- A.** No real estate “ for sale or for rent “ signs shall exceed eight (8) square feet in area. No more than two (2) signs shall be allowed per parcel of land.
- B.** Temporary signs other than real estate for sale or for rent signs shall not exceed thirty-two (32) square feet in area and shall be removed immediately upon the completion of the work or the event described on the sign or to which the sign relates. Upon removal, the site or building on which the sign was erected shall be restored to its original condition.
  - (1)** No permit shall be required for a temporary sign.
- C.** Political signs erected in connection with campaigns for election to public office.
  - (1)** Shall not exceed thirty-two (32) square feet in area;
  - (2)** Shall not be erected earlier than one (1) month before any election to which it relates;
  - (3)** Must be removed the day after election.

- (4) Any signs not removed on the day after the election may be removed by the Town and cost of cleanup may be charged to candidates named on the signs.
- (5) No permit will be required for political signs.

## **ARTICLE 6**

### **PERMANENT SIGNS**

**Part 1.** The following regulations govern the placement and erection of permanent signs within the Town of Ashford.

#### **Section 6-1.1 Permit Required**

No permanent sign shall be erected or physically altered until a permit has been issued by the Code Enforcement Officer.

- A. No sign permit shall be issued by the Code Enforcement Officer that would be in violation of any of the provisions of this local law unless so granted by written approval of the Board of Appeals.
- B. All permits issued will be numbered for reference.

#### **Section 6-1.2 Application for sign permits**

Applications for a sign permit shall be made on a form obtained from the Code Enforcement Officer. The following information shall be provided on said application:

- A. Name and address of the applicant;
- B. Name and address of the owner of the premises on which the sign will be located, if different from the applicant;
- C. The street address and tax map number of the property on which the sign is to be located;
- D. Specifications of the zone in which the property is located (if the property is zoned);
- E. Type of sign ( such as ground sign, marquee sign, projecting sign, roof sign, wall sign, information sign, window sign);
- F. Structural characteristics of the sign for which the permit is sought including area, height from ground to bottom and to top, structural supports and anchorage bracing, structural trim, display surface Combustible/non-combustible), facing (Combustible/non-combustible), letters and decorations, approved combustible plastics (proof required), sign copy changes (memo sign, etc.), Illumination increase at property line not to exceed one foot candle (proof required), type of lighting, wind pressure load per square foot, orientation and elevation to surrounding area, general and specific location plot plan, proximity to streets, highways and mass transit routes.

### **Section 6-1.3 Duration of Permit**

- A.** The permit for a permanent sign shall be valid for a six (6) month period only. If the sign has not been erected or altered within the six (6) month period, reapplication for a sign permit will be required.
- B.** If the permanent sign is erected and meets the requirements of this local law, the permit shall be valid until revoked, or until the real property on which said sign is located changes ownership, or until the ownership of the sign or the lessor changes, in which event the existing permit will terminate. An application upon change of ownership of the land, ownership of the sign, or change of lessor of the sign must be filed no later than 20 days after such change otherwise thereafter said sign shall not be a permitted sign and shall be in violation of this local law.

### **Section 6-1.4 Drawings**

All applications for a sign permit shall be accompanied by a drawing of the sign and the following information:

- A.** The street address and tax map number of the premises on which the sign is to be located;
- B.** Exact size and actual dimension of the sign;
- C.** The location of the sign on the property or structure;
- D.** The relationship of the sign to the adjacent property lines, street, right-of-way, lines, and ingress or egress points to the property or adjacent properties. This should be showed by measured distances where applicable.
- E.** Such other information that in the opinion of the Code Enforcement Officer is necessary to determine and provide for the enforcement of this local law.

### **Section 6-1.5 Processing Completed Application**

One copy of the approved application shall be returned to the applicant and shall be deemed granted by the Code Enforcement Officer after the issuing of the permit.

### **Section 6-1.6 Copies of the Application**

A copy of the approved application shall be retained in the files of the Code Enforcement Officer by permit number.

## **Section 6-1.7 Permit Numbers**

The permit number issued for the sign must be permanently marked on the front upper left corner of the sign (see 3-1.4).

## **Article 7**

### **Maintenance of Nonconforming Signs**

**Part 1. General.** The provisions of this part are intended to establish the criteria and requirements for the classification as a nonconforming sign for the purposes of this local law. Three categories of nonconforming signs are affected by this part:

**Section 7-1.1** Nonconforming signs within 660 feet of the right-of-way of a highway.

**Section 7-1.2** Nonconforming signs beyond 660 feet of the right-of-way of the highway.

**Section 7-1.3** Grandfathered signs as defined hereinbefore.

When maintenance ceases in any of these categories, there will be a loss of nonconforming rights and removal will be required as a prohibited sign.

**Part 2.** Requirement for maintenance and continuance of nonconforming signs:

**Section 7-2.1** the sign must have been actually in existence at the time that this local law became effective, as distinguished from a contemplated use such as a lease or agreement with the property owner.

**Section 7-2.2** The property interest in the sign affected by this local law must be substantial. Paper signs nailed to trees, abandoned signs and similar type signs are not protected as nonconforming signs.

**Section 7-2.3** The right to continue a nonconforming sign shall not be confined to a sign owner or any one individual, firm, association or corporation so using the sign. A nonconforming sign may be sold, leased or the property interest therein otherwise transferred without affecting its status. The location of a nonconforming sign shall not be changed without such sign losing its status as a nonconforming sign. A nonconforming sign as a result of a right-of-way acquisition or for any other reason must be relocated in a conforming area as a nonconforming use will not be permitted to reestablish at a new location.

**Section 7-2.4** The sign must have been lawfully erected on the effective date of this local law and must continue to be lawfully maintained, if such sign became nonconforming due to the provisions of this local law. A sign which became nonconforming because of changed conditions must have been lawfully erected as of the date of the changed conditions and must continue to be lawfully maintained.

**Section 7-2.5** A nonconforming sign may continue to exist as long as it is not changed. The nonconforming sign must remain substantially the same as it was in existence on the effective date of this local law; or on the date that it became nonconforming due to changed conditions. Except for maintaining under this local law, any extension or enlargement of a sign is a change in existing use. Replacement, rebuilding or re-erecting is a change in existing use, except that a sign may be rebuilt or re-erected if it has been vandalized, or subject to other criminal or tortuous acts, providing such rebuilding or re-erecting does not exceed 60 percent of the current fair market value, considering any accrued depreciation of such sign. If the replacement costs of such a sign exceeds 60 percent of the current fair market value, considering any accrued depreciation, such sign shall be considered to be the establishment of a new sign. The reasonable maintenance of a sign is not a change in existing use. This includes the change of advertising message and normal upkeep and repair of a sign structure. If the cost of customary maintenance and repairs exceeds 15 percent of the current fair market value of a sign , such activity will no longer be considered to be customary maintenance and repair and such sign will be considered to have been the establishment of a new sign and required to meet all applicable laws and regulations.

**Section 7-2.6** No abandoned, destroyed or discontinued nonconforming sign that does not meet the requirements set forth above shall be permitted to continue to exist and such sign shall be classified as an illegal sign and prohibited.

- A. Which has an obsolete message content;
- B. Which has been blank for a period of nine (9) consecutive months;
- C. Where destruction of the sign has occurred, the replacement costs exceed 60 percent of the fair market value, considering any accrued depreciation;
- D. For which the permit has not been renewed.

**Section 7-2.7** Reasonable maintenance, repair and restoration of a nonconforming sign is permitted to enable such sign to remain in good condition. Good condition means a sign cannot be decayed or insecure and must be in an upright position not in danger of falling or in otherwise safe condition.

## **Article 8**

### **Permit Fees**

#### **Part 1.**

The application fee for a permit for a sign shall be as follows:

**Section 8-1.1** 0 -- 16 square feet \$10.00

**Section 8-1.2** 17 -- 32 square feet \$20.00

**Section 8-1.3** 33 -- 100 square feet \$100.00

**Section 8-1.4** Sign permit fees shall be posted in the Town Hall and at the Town Clerk's Office. They will also be included in the Town Fee Law Schedule.

**Section 8-1.5** Changes in this fee schedule may be effected by the Town Board either by the amendment of this local law, or by the amendment of the Town's Fee Law Schedule.

## **Article 9**

### **Referral To Planning Board**

#### **Part 1.**

**Section 9-1.1** Before issuing a permit or taking action under this local law, the Code Enforcement Officer may refer the matter to the Planning Board for comment. Within 30 days after receipt of a full statement of such referred matter, the Planning Board shall report its recommendations thereon to the Code Enforcement Officer accompanied by a full statement of the reasons for such recommendations. If the Planning Board fails to report within such period of 30 days or such longer period as may have been agreed upon by it and the Code Enforcement Officer, the Code Enforcement Officer may act without such report.

**Section 9-1.2 Board of Appeals:** The Board of Appeals shall refer to the Planning Board any matter coming before it arising from or out of this Sign Law. Within 30 days after receipt of a full statement of such a referred matter, the Planning Board shall report its recommendations thereon to the Board of Appeals accompanied by a full statement of the reasons for such recommendations. If such Planning Board fails to report within such period of 30 days or such longer period as may have been agreed upon by it and the Board of Appeals, the Board of Appeals may act without such report.

## **Article 10**

### **Variances and Appeals**

#### **Part 1.**

**Section 10-1.1 Filing of Appeal:** An appeal to the Board of Appeals, from any ruling of the Code Enforcement Officer, may be taken by any property owner, or lessor. Appeals to the Board shall be taken by filing with the Code Enforcement Officer from whose action the appeal is taken, and with the Board, a Notice of Appeal specifying the grounds therefore. Any such appeal, shall be accompanied by a filing fee of \$50.00.

**Section 10-1.2 Notice of Appeal:** The Notice of Appeal shall be filed within 20 days after denial of a permit, or after the report of action of the Code Enforcement Office, to be appealed from. The Code Enforcement Officer shall transmit to the Board of Appeals, all papers constituting the record upon which the action appealed was taken, or in lieu thereof, certified copies of said papers.

**Section 10-1.3 Variances:** The Board of Appeals shall have power, upon an appeal from the action of the Code Enforcement Officer, and after public hearing held upon public notice of at least ten (10) days prior to such hearing, to grant a variance from the application of the provisions and regulations established in this local law. Such variance shall be granted subject to conditions and safeguards applicable to the special case.

- A. Every variance granted by the Board of Appeals shall be based upon and accompanied by a specific finding or findings, supported by evidence produced at a public hearing to the effect that the unique circumstances of the particular case are such as to constitute practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this local law.
- B. Every variance granted by the Board of Appeals shall be designed by the Board to safeguard the public health, safety and general welfare, and shall be in harmony with the general purpose and intent of this local law, so that the spirit of this local law shall be observed, public safety insured, and substantial justice done.
- C. Such variance may be issued upon such terms and conditions as the Board of Appeals shall specify, but in the event said variance shall terminate upon change of ownership of the premises on which variance is located, or upon the change of the ownership of the sign, or the lessor of the sign.

## **Article 11**

### **NOTICE AND COMPLAINTS**

#### **Patr 1. Enforcement and Penalties**

##### **Section 11-1.1 Notification of Violation by Code Enforcement Officer**

In the event of a violation of this local law, the Code Enforcement Officer shall give written or personal notice thereof, specifying the violation, to the owner of the sign and/or owner of the land upon which the sign is located. The owner of the sign/or the owner of the land on which the sign is located shall cause the sign to be brought into conformance with this local law or shall remove the sign within thirty (30) days from the date of notice. If the sign is not made to conform with the provisions of this local law or removed within thirty (30) days, the Code Enforcement Officer shall remove the sign permit and commence action to enforce this local law. All signs in existence before the enactment of this law shall not be required to obtain a permit.

## **Section 11-1.2 Abandonment of Sign**

Any sign which has been abandoned or is allowed to become dilapidated, may be removed by the Town of Ashford, and the cost of such removal shall be charged to the owner thereof, and/or lessee of the property on which said sign is located, provided, however, that actual notice must be given to either the owner of said sign or the owner and/or lessee of the property on which said sign is located at least fifteen (15) days before the proposed removal of the sign, which notice shall describe the sign, its location, and require the owner to repair or replace said sign within said fifteen days and otherwise comply with this local law in all respects with regard to said sign, and if compliance is not obtained within said fifteen (15) days, said sign may be removed by the Town of Ashford.

## **Section 11-1.3 Complaints of Violations**

Whenever a violation of this local law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer who shall properly record such complaint and immediately investigate and report thereon to the Ashford Town Board.

## **Section 11-1.4 Procedure for Abatement of Violations**

In case any sign which is erected, constructed, altered, repaired, converted or maintained, is used in violation of this local law, notification of the violation will be issued in writing by the Code Enforcement Officer and compliance of this local law must be met within the specified period of time.

## **Section 11-1.5 Penalties**

- A.** After the specified number of days, the Town Board, or with their approval, the Code Enforcement Officer, or any other proper person, authority or official, may commence an action to enforce this local law.
- B.** A violation of this Local Law is an offense and is punishable by a fine not exceeding \$250,00 or imprisonment for a period not to exceed six (6) months or both. Each week's continued violation shall constitute a separate violation.
- C.** The provisions of this article shall not limit the available procedures for enforcement and remedies provided for under the Town Law of the State of New York or any other law.

## **ARTICLE 12 EFFECTIVE DATE**

Section 12-1.1 This Local Law was adopted by the Town Board of the Town of Ashford at its regular meeting on March 10,1993, as Local Law #1 of the year 1993.