

**AN ORDINANCE REPEALING SECTION 9-10 OF THE MUNICIPAL CODE OF THE CITY OF
WHITE PLAINS RELATING TO SIGNS, AWNINGS & WINDOWS AND ADDING A NEW
SECTION 9-10**

The Common Council of the City of White Plains hereby ordains and enacts as follows:

SECTION 1. Section 9-10 of the Municipal Code of the City of White Plains is hereby repealed.

SECTION 2. A new Section 9-10 is hereby added to the Municipal Code of the City of White Plains as follows:

ARTICLE I. - IN GENERAL

Sec. 9-10-1. - Short title.

Sec. 9-10-2. - Definitions.

Sec. 9-10-3. - Enforcement.

Sec. 9-10-4. - Compliance required.

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Sec. 9-10-17. - Unsafe Signs.

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Sec. 9-10-19. - Appeals.

Sec. 9-10-20. - Penalties for violation.

Secs. 9-10-21—9-10-25. - Reserved.

Sec. 9-10-1. - Short title.

This Chapter shall be known and may be cited as the "Sign Ordinance."

Sec. 9-10-2. - Definitions.

Words and phrases used in this Sign Ordinance shall have the meanings set forth in this Section. Words and phrases not defined in this Section but defined in the Zoning Ordinance of the City of White Plains shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in this Chapter. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Sign Ordinance.

As used in this Chapter, the following terms shall mean as indicated below:

(a) ANIMATED SIGN: Any Sign that uses movement or change of lighting to depict action or create a special effect or scene.

(b) AWNING: A roof-like shelter made of fabric or other similar material over or adjoining a door, window, entrance or outdoor service area attached to a rigid or retractable frame and supported entirely from a wall of a building.

(c) BANNER: Any Sign of lightweight fabric or similar material that is temporarily mounted to a building or structure. National, state or municipal Flags shall not be considered banners.

(d) BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

(e) BILLBOARD: Any Sign whose display face exceeds eight (8) square feet, is on a permanent structure, and meets any one of the following criteria: (a) it is used for the display of off-site commercial messages; (b) it is used for general advertising or advertising for hire; or (c) the sign structure constitutes a principal, separate or secondary use of the land, as opposed to an accessory or auxiliary use of the land.

(f) BOX SIGN: Any Sign attached to a wall, structure or building wall that shows or displays text and/or logo symbols that are painted or silkscreened or made of vinyl or similar material applied to the face of a translucent panel on an internally illuminated or non-illuminated box or cabinet.

(g) BUILDING MARKER: Any Sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

(h) BUILDING SIGN: Any Sign attached to any part of a building, as contrasted to a freestanding sign.

(i) BUNTING: A Banner that displays no written purpose or identity.

(j) BUSINESS SIGN: Any Sign which directs attention to a business, industry, profession, entertainment or service, that is conducted, maintained, sold or offered on the premises where the sign is located.

(k) CANOPY: A roof-like shelter made of rigid material or fabric or similar material that is attached to a rigid frame over or adjoining a door, entrance or outdoor service area and that is supported at one end by a building and which may be supported at the other end by stanchions anchored to the ground.

(l) CANOPY SIGN: Any Sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

(m) CHANGEABLE SIGN: A Sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Chapter.

(n) CITY: The City of White Plains.

(o) COMMERCIAL MESSAGE: Any Sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

(p) COMMISSIONER: The City of White Plains Commissioner of Building or his/her duly authorized representative.

(q) DECORATIVE TRIM: The molding, battens, cappings, nailing strips, letters, figures, characters or representations in cut-out or irregular form which are not part of the building or structure and which are attached to part of a Sign.

(r) DISPLAY SURFACE: The total area made available by the Sign for the purpose of displaying the advertising message.

(s) DISPLAY WINDOW: Any glass or other translucent material comprising a panel, window or door through which a display, said display being in conformance with such guidelines as may be established by the Design Review Board, and/or the interior of the premises would be visible to the general public from any public street or sidewalk area.

(t) ERECT: To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of Wall Signs. "Erect" shall not mean or include repairs.

(u) FLAG: Any fabric, banner or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government or political subdivision.

(v) GROUND SIGN: Any Sign supported by a structure or supports that is placed on, or anchored in, the ground that is independent from any building or other structure.

(w) ILLUMINATED SIGN: Any Sign which has characters, letters, figures, designs or outlines illuminated by electricity.

(x) INCIDENTAL SIGN: A Sign, generally informational, that has a purpose secondary to the use of the Location on which it is located, such as "no parking," "entrance," "loading only," and other similar directives.

(y) LOCATION: Any lot, premises, building wall or any structure whatsoever upon which a Sign is erected, constructed, painted or maintained. Two (2) street fronts shall be deemed two (2) locations.

(z) MONUMENT SIGN: Any Sign that is placed on, and anchored in the ground with no separation between the bottom of the Sign and grade that is independent from any building or other structure.

(aa) NONCONFORMING SIGN: Any Sign that does not conform to the requirements of this Sign Ordinance.

(bb) NONCOMBUSTIBLE MATERIAL: Any material which will not ignite or actively support combustion in a surrounding temperature of twelve hundred (1200) degrees Fahrenheit during an exposure of five (5) minutes.

(cc) PENNANT: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind (e.g. bunting).

(dd) PERSON: Any natural person, association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

(ee) POLE SIGN: A Ground Sign which is affixed to a single upright pole without guys, braces or other supporting framework.

(ff) PORTABLE SIGN: Any Sign not permanently attached to the ground or other permanent structure, or a Sign designed to be transported, including, but not limited to, Signs designed to be transported by means of wheel signs converted to A- or T-frames; menu and sandwich board Signs; balloons used as Signs; umbrellas used for advertising; and Signs attached to or painted on vehicles parked and visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business.

(gg) PROJECTING SIGN: Any Sign affixed to a building or wall in such a manner that its leading edge extends more than fifteen (15) inches beyond the surface of such building or wall.

(hh) ROOF SIGN: Any Sign erected and constructed wholly on and/or over the roof of a building, supported by the roof structure, or extending vertically above the highest portion of the roof.

(ii) RESIDENTIAL SIGN: Any Sign located in a district zoned for residential uses that contains no commercial message except advising of services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the Zoning Ordinance.

(jj) RIGHT OF WAY: Any areas dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.

(kk) SIGN: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public.

(ll) SIGN LIGHTER: A light fixture mounted to the façade of a building, wall or structure that is designed to illuminate a Sign on the same façade.

(mm) SUSPENDED SIGN: A Sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

(nn) TEMPORARY SIGN: Any Sign that is used only temporarily and is not permanently mounted including a Sign, Banner, Pennant, poster or display constructed of paper, cloth, canvas, plastic sheet, vinyl, wood or other like material that is intended to or appears to be intended to be displayed for a limited period of time, including, but not limited to, Signs for construction projects, political campaigns, garage/yard sales, and real estate sales, leasing and rentals.

(oo) WALL MOUNTED SALE OR LEASE SIGN – A Sign permitted under the special circumstances described in Sec. 9-10-45 of this Chapter.

(pp) WALL SIGN: Any Sign attached parallel to an exterior wall, or recessed into an exterior wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign surface.

(qq) WINDOW SIGN: Any Sign, picture, symbol, or combination thereof, designed to identify a business or communicate information about an activity, business, commodity, event, sale, or service that is placed within two (2) feet of the inside surface of a window or upon the inside window panes or glass and is visible from the exterior of the window.

Sec. 9-10-3. - Enforcement.

This Chapter shall be enforced by the Commissioner of Building or his/her duly authorized representative.

Sec. 9-10-4. - Compliance Required.

No Sign shall be erected or maintained in the City except in conformity with the provisions of this Chapter.

Sec. 9-10-5. - Effect of Other Ordinances.

The erection of all Signs shall be subject to all applicable City zoning ordinance restrictions and building code requirements. Whenever conflict exists the most restrictive shall control, provided, however, that nothing herein shall prohibit business Signs otherwise in compliance with this Chapter at any location lawfully devoted to a nonconforming business use.

Sec. 9-10-6. - Existing Signs.

- (a) Except as provided in subsections (b) and (c) below, all Signs constructed, erected and existing as of March 6, 2017 may remain, provided, however, that all Signs shall comply with and be subject to all of the provisions of this Chapter with respect to annual inspections, maintenance and safety. All replacements of Signs shall comply with this Chapter, except that approval by the Design Review Board shall not be required for the direct replacement or repair of a Sign that was previously approved by the Design Review Board and was erected pursuant to a permit issued by the Department of Building.
- (b) All Window Signs constructed, erected and existing as of March 6, 2017 may remain, provided, however, that any Window Sign that is not in conformance with this Chapter shall be removed upon the change of use or tenancy or the reconstruction or renovation of the premises where such Window Sign is located.
- (c) All Temporary Signs shall conform in all respects with this Chapter.

Sec. 9-10-7. - Location restrictions.

No Sign shall be erected, maintained or constructed so as to obstruct any fire escape, window, door or other required opening. No Sign shall be attached in any form, shape or manner to a fire escape or shall be so placed as to interfere with an opening which is required for ventilation. No Sign shall be erected in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign, signal or device.

Sec. 9-10-8. - Design.

All Signs and supporting structure shall be designed in accordance with the minimum requirements of this Code, the NYS Building Code and the White Plains Supplemental Building Code.

Sec. 9-10-9. - Windload.

All Signs exposed to wind pressure shall be so constructed as to withstand a minimum wind pressure standards and requirements as set forth in the NYS Building Code.

Sec. 9-10-10. - Electrical requirements.

(a) No electrical Sign shall be erected without having the proper underwriters' label attached thereto and each such sign shall be constructed in accordance with the "Standards for Safety-Electric Signs" being Underwriters' Laboratories, Inc., Standard No. UL 48 and any successors and amendments thereto.

(b) Electrification of any Sign shall be done only by a licensed electrician after necessary permits have been secured.

(c) Sign Lighters may project not more than eighteen (18) inches beyond the building line or property line.

(d) All color lighting shall avoid the use of traffic red and traffic green; and no green or red colors shall be used in signs which, in the opinion of the Commissioner, are so located as to obscure or detract from the effectiveness of visibility of traffic control lights.

Sec. 9-10-11. - Materials.

Except as otherwise permitted by this Chapter, all Signs shall be constructed of Noncombustible Materials, except as follows:

(1) Ground Signs or Pole Signs of wood construction or other approved combustible materials.

(2) Wall Signs attached to buildings may be made of wood or other combustible materials as may be approved by the Commissioner so long as such Signs are mounted on metal or noncombustible backing and installed in full compliance with building code requirements. No such wood or combustible Wall Signs shall be internally illuminated.

Sec. 9-10-11.1. - Maintenance.

The owner or tenant of a building or premises for which a permit is issued to Erect a Sign, Awning or Canopy shall properly maintain such Sign, Awning or Canopy. All Signs, Awnings and Canopies, together with their framing, supports, braces, guys, and anchors shall be kept in repair and proper state of preservation. The display surfaces of all Signs, Awnings and Canopies shall be kept neatly painted or posted at all times, free from paint scaling or breaks, tears and defacing.

Sec. 9-10-11.2- Restoration

At such time that a Wall Sign is removed from the facade of a building, the facade shall be restored to match the existing condition of the wall area or the entire wall shall be refinished. All previous mounting holes, conduit penetrations and ghosting images shall be removed. The building owner shall be required to assume sole responsibility for the restoration of the building facade within ninety (90) days after the existing Wall Sign is removed, provided, however, that said ninety (90) day period shall be tolled during holidays or during such other periods that street opening or obstruction work and construction and building is not permitted by the Department of Public Works and/or Department of Building.

Sec. 9-10-12 -- 9-10-13. – Reserved

Sec. 9-10-14. - Awnings and Canopies.

(a) All Awnings, whether fixed or movable, shall be securely attached to and supported by a building wall. No other means of support will be approved.

(b) Fixed Awnings

(1) A fixed awning may project up to twelve (12) inches over the Right of Way as long as the bottom of the awning is at least eight (8) feet above grade

(2) A fixed awning may project up to fifteen (15) inches over the Right of Way as long as the bottom of the awning is at least ten (10) feet above grade.

(c) Moveable Awnings

No part of a moveable Awning or its supporting frame, shall be less than seven (7) feet above the Right of Way over which it is erected.

(d) No Awning shall be erected to extend to within eighteen (18) inches of the curb line.

(e) An establishment's name may appear on an Awning. Subject to specific approval by the Design Review Board, a trademark, insignia or symbol may appear on an Awning. No advertising shall appear on any Awning.

Sec. 9-10-15. - Functions of Design Review Board.

(a) All Signs, Awnings and Canopies must be approved by the Design Review Board before a permit may be issued for installation, except that such approval shall not be required for the direct replacement or repair of a Sign, Awning or Canopy that was previously approved and erected, or as otherwise provided in the zoning ordinance or this Chapter. In the interest of public safety, health and general welfare, the Design Review Board shall adopt such measures which are reasonable and appropriate with regard to:

- (1) The character of the district.
- (2) The peculiar suitability for the particular use.
- (3) The direction of building development.
- (4) Special character or aesthetic value.

(b) In addition, the Design Review Board shall determine that any Sign when erected:

- (1) Shall have an appropriate relationship as to size and appearance to the building to which it is attached and adjacent buildings and signs, or any other location where it is erected, and shall not discredit or compete with the architecture of the surroundings, but shall be congruent with it.
- (2) Shall only include a name and address and, may, subject to specific approval by the Design Review Board, include a trademark, insignia or symbol.
- (3) Shall not impair or dominate the visual effectiveness of a neighboring Sign of another business.
- (4) Shall not show advertising, brand names, phone numbers and web addresses

Sec. 9-10-16. – Prohibited Signs.

(a) The following are prohibited:

- (1) Billboards and Roof Signs.
- (2) Flashing, scrolling, rotating Signs and lights installed on, within or behind any window, door, façade, store front or wall so as to be visible to the general public from any public street or sidewalk area.
- (3) Signs or other devices which are inflated by cold air, hot air, or other inflatable gas.

(4) A Sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place.

(5) Box Signs.

(6) Signs, including Illuminated Signs, Animated Signs and Changeable Signs, placed on or affixed to vehicles and/or trailers which are parked so as to be visible from a Right of Way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

(7) Signs which are attached or otherwise affixed to trees or other living vegetation.

(8) Signs painted directly on the surface of a fence or the exterior wall, fascia, parapet or chimney of a building.

(9) Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control Sign, signal or device.

(10) Window Signs which cover more than twenty-five percent (25%) of a window, except as may be permitted upon application for a permit and approval of the Design Review Board in accordance with Section 9-10-51(A)(2) of this Chapter.

(b) The Commissioner shall, by mail or hand delivery, notify the person who maintains any such prohibited Sign to correct specified violations or omissions so as to comply with this Chapter or remove such sign within ten (10) days from the date of such notice, in default of which the Commissioner may remove or cause to be removed such Sign or make the same comply with this Chapter at the expense of such person. In the event that the necessary corrective action requires the issuance of a street or sidewalk obstruction permit by the Department of Public Works, and the aforementioned ten (10) day period begins during the time of any moratorium on such permits, including the annual Central Business Area Holiday Moratorium, the date to complete such corrective action shall be extended to ten (10) days after the last date of such moratorium.

Sec. 9-10-17. - Unsafe Signs.

(a) If in the opinion of the Commissioner, any outdoor Sign is insecure or in danger of falling or otherwise is dangerous or unsafe, the person owning or maintaining the same shall, upon written notice from the Commissioner, forthwith in case of immediate danger, and in any case within ten (10) days from the notice thereof as prescribed therein, secure the same in a manner

approved by the Commissioner in conformity with the provisions of this Chapter or cause the same to be removed.

(b) If the Sign owner fails to remove an unsafe Sign as ordered or whenever in the opinion of the Commissioner, a violation of this Chapter exists which requires immediate action to abate a direct hazard or immediate danger to the health, safety, morals or welfare of the occupants of a building or of the public, the Commissioner may, without prior notice take such direct action as is necessary to abate the hazard or danger.

Sec. 9-10-18. - Expenses Incurred by the City in Correcting or Abating Unsafe or Prohibited Signs.

The expenses incurred pursuant to Section 9-10-16 or Section 9-10-17 of this Chapter shall be paid by the owner of the Sign or by the owner of the property should the sign owner refuse to pay. The Department of Building shall file among its records an affidavit stating with fairness and accuracy, the items of expense and the date of executions of actions authorized by Sections 9-10-16 or 9-10-17 of this Chapter. The Commissioner may institute a suit in the name of the City to recover such expenses against any persons liable for such expenses or may cause such expenses to be charged and assessed against the property as a lien. A certified notice of such lien shall be mailed to or served upon the owner and persons claimed liable to pay the same, and a similar copy may be filed in the office of the Commissioner of Finance of the City, and may be noted on the records of liens or assessments against the property. Such liens shall bear interest and penalty of two-thirds of one per centum per annum for each month or part thereof the same are unpaid after said filing of such notice of lien.

Sec. 9-10-19. - Appeals.

On appeal from an order, requirement, decision or determination made by the Design Review Board or by the Commissioner of Building or his/her duly authorized representative charged with the enforcement of this Chapter, the Zoning Board of Appeals is authorized to vary or modify the strict requirements of this Chapter where such requirements would cause demonstrated practical difficulties or unnecessary hardships, in such manner as to observe the spirit of this Chapter, secure public safety and welfare and do substantial justice.

Sec. 9-10-20. - Penalties for violation.

Any person who violates any of the provisions of this Chapter shall be punishable by a fine of not more than one hundred fifty dollars (\$150.00) for each offense or by imprisonment for not

more than fifteen (15) days or both. Each day such violation continues shall constitute and be deemed a separate offense.

Secs. 9-10-21—9-10-25. - Reserved.

ARTICLE II. - PERMITS AND INSPECTIONS

Sec. 9-10-26. - Permit required.

Sec. 9-10-27. - Reserved.

Sec. 9-10-28. - Application for permit.

Sec. 9-10-29. - Permit fees.

Sec. 9-10-30. - Responsibilities of permit holder for ground signs.

Sec. 9-10-31. - Exemptions.

Secs. 9-10-32—9-10-40. - Reserved.

Sec. 9-10-26. - Permit required.

It shall be unlawful for any person to erect, repair, alter, relocate or maintain any Sign or other advertising device without first obtaining a permit from the Department of Building and paying the fees as required by this Chapter, except that no permit shall be required for Signs described in Section 9-10-31 of this Chapter.

Sec. 9-10-27. - Reserved.

Sec. 9-10-28. - Application for permit.

(a) Applications for Sign permits shall be filed with the Department of Building on its forms, and applicants shall furnish such information as required by the Commissioner.

(b) Five (5) copies of clearly and neatly drawn or printed drawings of the plans and specifications, and method of construction and attachment to the building or in the ground, also showing colors of background and lettering and of illuminated portions, shall be furnished by the applicant.

(c) The written consent of the owner of the building, structure or land to which or on which the Sign is to be erected shall be filed with the application.

(d) An illustration of the proposed Sign and a colored photograph(s) of the area and, if a Wall Sign, the building facade upon which the proposed Sign is to be erected shall be submitted with each Sign application, showing in detail the physical conditions within the Sign area, as well as the facades of adjoining buildings

Sec. 9-10-29. - Permit fees.

(a) Every person before being granted a sign permit shall pay to the Commissioner a fee as required below for each Sign, Canopy or Awning:

(1) Fifty dollars (\$50.00) per Sign plus two dollars (\$2.00) per square foot of sign display surface.

(2) Fifty dollars (\$50.00) per Sign for repairs.

(3) Fifty dollars (\$50.00) per Awning or Canopy.

(4) Fifty dollars (\$50.00) per permit for Banners and Bunting.

(b) The Commissioner shall inspect every Sign for which a permit is required at least once annually. The annual reinspection fee shall be as follows:

(1) Fifty dollars (\$50.00) per Wall or Ground Sign.

(2) One Hundred dollars (\$100.00) per Roof Sign

(3) Twenty five dollars (\$25.00) per Awning or Canopy.

(c) The annual reinspection fee shall be due and payable as of the first day of March in each year and paid within that calendar month.

(d) Any annual reinspection fee not paid within the calendar month of March shall be increased by one half (1/2) of the annual reinspection fee as an additional fee. Such additional fee shall

be added every calendar month or fraction thereof that the annual reinspection fee remains unpaid.

Sec. 9-10-30. - Responsibilities of permit holder for Ground Signs.

Any person occupying any vacant lot or premises by means of a Ground Sign, for which a permit is required, shall be subject to the same duties and responsibilities as the owner of the lot or premises, with respect to keeping the same clean, sanitary, inoffensive and free and clear of all obnoxious substances and unsightly conditions on the ground in vicinity of such Ground Sign or said premises for which they may be responsible.

Sec. 9-10-31. - Exemptions.

The provisions of this Chapter relating to required permits shall not apply to the following Signs, provided however, all such Signs and Temporary Signs shall be subject to all other provisions of this Chapter:

(a) Professional name plates not exceeding one (1) square foot in area located on the occupied premises.

(b) Identification Signs not over twenty (20) square feet in area and bulletin boards not over eight (8) square feet in area for public, charitable or religious not-for-profit institutions when such Signs and bulletin boards are located on the premises of said institutions.

(c) Occupational Signs denoting only the names and professions of occupants in a commercial building, public institutional building or dwelling house, and not exceeding two (2) square feet in area.

(d) Memorial Signs or tablets, historical markers, names of buildings and dates of erection, cut into masonry or of Noncombustible Material.

(e) Traffic or other municipal Signs, legal notices, railroad crossing Signs, danger Signs and such temporary emergency or non-advertising Signs as may be approved by the Commissioner.

(f) Directional, phone, public conveniences, credit card Signs and similar public facility Signs not exceeding eight (8) square feet in area for a Ground Sign or two and one-half (2½) square feet in area for any other type of public facility Sign.

(g) Awnings attached to one or two family dwellings.

(h) Signs installed on bus passenger shelters provided by the county, the City or other government entity or agency thereof approved by the City.

(i) One (1) Temporary Sign at the premises where a garage sale is taking place. If the owner of the premises is not performing the sale, the operator of the sale shall have a letter of permission from the owner of the premises.

(j) Temporary Signs that conform to the requirements and standards set forth in Section 9-10-48 of this Chapter.

(k) Window Signs that conform to the requirements and standards set forth in Section 9-10-48 and Section 9-10-51(A)(1) of this Chapter.

Secs. 9-10-32—9-10-40. - Reserved.

ARTICLE III. - REGULATIONS FOR SPECIFIC TYPES OF SIGNS

Sec. 9-10-41. - Generally.

Sec. 9-10-42. - Ground Signs.

Sec. 9-10-43. - Pole signs.

Sec. 9-10-44. - Wall Signs.

Sec. 9-10-45. – Wall Mounted Sale or Lease Signs – Special Circumstances

Sec. 9-10-46. – Projecting Signs

Sec. 9-10-47. – Canopy Signs.

Sec. 9-10-48. - Temporary Signs.

Sec. 9-10-49. – Violations and Cost of Removal of Temporary Signs.

Sec. 9-10-50. – Banners and Bunting.

Sec. 9-10-51. - Window Signs and Covering or Blocking of Windows.

Sec. 9-10-41. - Generally.

- (a) Except as otherwise provided in this Chapter, no types of Signs other than those described in this Chapter shall be erected or maintained, and no permit shall be issued by the Department of Building for any Sign or Temporary Sign that advertises any premises for sale, lease or rent that is affixed to a building or wall except as may be permitted in accordance with Section 9-10-45 of this Chapter.

- (b) Nothing in this Chapter is intended to prevent the use of designs or technologies as alternatives to those prescribed in this Chapter provided that said designs or technologies result in substantially equivalent, greater or better construction, performance and appearance. All technical information requested by the Commissioner of Building shall be provided by the applicant so that the design or technology alternatives can be evaluated. The Commissioner may approve or disapprove any such submission in his/her discretion.

- (c) If a new project or building requires site plan approval by the Common Council of the City of White Plains, the Common Council shall have jurisdiction over the approval of all Signs for such project or building.

- (d) No Signs shall display "offensive sexual material," as defined and prohibited by the New York State Penal Law Sections 245.10 and 245.11 and any amendments and successors thereto, so as to be visible from any public right of way, thoroughfare or sidewalk.

Sec. 9-10-42. - Ground Signs.

- (a) Ground Signs constructed entirely of metal or approved combinations of materials may be erected to a height not to exceed twenty-five (25) feet above the average grade of the ground level at the base of the uprights.

- (b) Ground Signs having an open space of more than five (5) feet and less than eight (8) feet between the lower edge of signboard and the ground shall have a substantial horizontal rail between principal supports directly under the sign four (4) feet above the ground.

- (c) Ground signs shall be located back from all property lines a distance not less than six (6) feet.

(d) Ground signs shall be securely built, constructed, and erected upon one or more posts or standards which shall be adequately anchored to the ground and braced, if required.

(e) Only one (1) Ground Sign shall be permitted for each building location or premise, per public street frontage.

(f) Ground Signs shall not exceed forty (40) square feet in area on any one side and shall not exceed ten (10) feet in any dimension.

Sec. 9-10-43. - Pole Signs.

A Pole Sign shall be subject to the following additional requirements:

(1) A Pole Sign shall not exceed forty (40) square feet in area on any one side.

(2) Pole Signs located on areas, walkways or driveways that are open to the public shall have a distance of at least ten (10) feet between the bottom of the Sign and the average grade of the ground level at the base of the pole.

(3) The distance between the center line of the supporting pole of a Pole Sign and the extreme projection of any trademark, sign or insignia affixed thereto shall not exceed eight (8) feet.

Sec. 9-10-44. - Wall Signs.

(a) Wall Signs shall not be painted directly onto the outside face of any building, part of a building or wall.

(b) Wall Signs shall be securely and safely attached to the wall of a building or to the supporting structure by means of corrosive resistant metal anchors, bolts or expansion screws of not less than three-eighths of an inch in diameter or by any method which may be found adequate and approved by the Commissioner. Wall Signs shall not be secured by wooden blocks or anchored with wood, wire, nails or screws.

(c) Except as provided in section 9-10-46 of this Chapter, a Wall Sign shall not be permitted to extend more than four (4) inches from the face of its supporting wall over public property, right-of-way, public area or public highway unless the lowest point of said Wall Sign is at least ten (10) feet above the grade under such Wall Sign.

(d) A Wall Sign may project a distance not to exceed fifteen (15) inches from the face of its supporting structure, provided that the lowest edge of such Wall Sign or any affixed device is a minimum of ten (10) feet above grade at the Wall Sign, and provided further that the Wall Sign

does not project beyond any property line other than a street property line or a street building line.

(e) All Wall Signs shall be located as low on a building as possible, above the store front or main entrance door. A Wall Sign or a supporting framing shall not project above the eave, parapet wall, or where there is no parapet, above the roof line of the building; nor shall a Wall Sign or its supports project at any point above the structure to which it is attached. Only one (1) Wall Sign shall be permitted for each building on a public street frontage except that in a multi-tenant retail building one Wall Sign shall be permitted at each ground floor tenant space that has direct access from a street. No Wall Signs shall be permitted above the ground floor of buildings up to fifty (50) feet or four (4) stories, whichever is lower, above average grade except for buildings fronting on I-287. When the proposed mounting height of a Wall Sign exceeds fifty (50) feet or four (4) stories, whichever is lower, above the average grade of a building, the Common Council of the City of White Plains shall have jurisdiction over the approval thereof.

(f) A Wall Sign shall not obstruct the required door and/or window area of any building, nor shall it be attached to or placed upon a fire escape.

(g) A Wall Sign shall not be attached to any building or structure so that, in the opinion of the Commissioner, it will interfere with possible operations of the Fire Department.

(h) Except as may be deemed safe by the Commissioner and appropriate by the Design Review Board because of arrangement and dimensions, a Wall Sign erected within ten (10) feet of a street or Right of Way shall not have a vertical dimension greater than three (3) feet.

(i) Materials and colors of all Signs shall be subject to review and approval by the Design Review Board.

(j) All Wall Signs on the same building are to be of a similar height with no new Signs higher than the top of any existing adjoining Sign on that building. This standard shall also apply to Signs on adjacent buildings where relative store front elevations permit. In case of demonstrated hardship the Design Review Board may grant exceptions to the foregoing.

(k) Wall Signs shall be permitted only on a street front or face of a building for each corporation or business enterprise per location, except Wall Signs shall also be permitted on a building's face which has direct public access from a public or quasi-public area such as a parking lot or courtyard when the Signs advertise a business or firm located in the building.

Sec. 9-10-45. – Wall Mounted Sale or Lease Signs – Special Circumstances

(a) The Commissioner, in his/her sole discretion, may, upon proper application therefore, issue a permit for a Wall Mounted Sale or Lease Sign that advertises for sale, lease or rent

any premises or part thereof where said Sign is to be located and affixed to an exterior wall of said premises only on or at the premises for which the proposed sale, rent or lease is being advertised and only upon a showing by the property owner that no other suitable location for such a Wall Mounted Sale or Lease Sign is available on any façade, door or window of such building or structure that is in conformance with this Chapter.

- (b) A permit to install and maintain a Wall Mounted Sale or Lease Sign may be issued for a period of one year without fee. One year extension permits may be issued without fee upon a showing to the Commissioner that the conditions set forth in Subsection (a) above continue to apply.
- (c) Such Wall Mounted Sale or Lease Sign shall be removed within five (5) business days after the lease signing or closing on the sale of the premises described in such Wall Mounted Sale or Lease Sign.
- (d) A Wall Mounted Sale or Lease Sign shall not exceed twenty five (25) square feet in size.
- (e) During such times as a Wall Mounted Sale or Lease Sign is installed on a premises, the property owner shall permit the Commissioner or his/her representative to visit the premises during normal business hours to verify the existence of available space to be leased and/or described on the Wall Mounted Sale or Lease Sign.
- (f) The provisions of this Section 9-10-45 shall apply to Wall Mounted Sale or Lease Signs installed after March 6, 2017. The owner of any property upon which a Wall Mounted Sale or Lease Signs is installed and existing as of March 6, 2017 shall comply with subsections (b), (c), (d), and (e) of this Section.

Sec. 9-10-46. - Projecting Signs.

Projecting Signs shall be subject to the following requirements:

(1) The bottom edge of a Projecting Sign or of any affixed devices, shall be at least ten (10) feet above grade at the Projecting Sign when located over a street property line or street building line.

(2) A Projecting Sign or any part thereof shall not project over a property line except that a Projecting Sign may project over a street property line or street building line a distance not to exceed eighteen (18) inches.

(3) A Projecting Sign or any part thereof shall not project more than five (5) feet from the face of the supporting structure.

(4) A Projecting Sign shall not have advertising in a plane parallel to the surface of the supporting structure.

(5) All Projecting Signs shall be located as low on a building as possible, above the store front or main entrance door. A Projecting Sign or a supporting framing shall not project above the eave, parapet wall, or where there is no parapet, above the roof line of the building; nor shall a Projecting Sign or its supports project at any point above the structure to which it is attached. Only one (1) Projecting Sign shall be permitted for each building on a public street frontage except that in a multi-tenant retail building one Projecting Sign shall be permitted at each ground floor tenant space that has direct access from a street. No Projecting Signs shall be permitted above the ground floor of buildings up to fifty (50) feet or four (4) stories, whichever is lower, above average grade except for buildings fronting on I-287. When the mounting height of a Projecting Sign exceeds fifty (50) feet or four (4) stories, whichever is lower, above the average grade of a building, the Common Council of the City of White Plains shall have jurisdiction over the approval thereof.

Sec. 9-10-47. – Canopy Signs.

(a) A Canopy Sign shall not project beyond the supporting Canopy.

(b) The bottom edge of any Canopy Sign shall be at least ten (10) feet above the sidewalk or ground elevation.

(c) The Canopy to which such Canopy Sign is to be attached shall be of a permanent nature and constructed of rigid and substantial materials approved by the Commissioner.

Section 9-10-48. - Temporary Signs

(a) Posting on Public Property and Right of Way Prohibited

(1) It shall be unlawful for any Person to paste, post, paint, print, nail or attach or affix by any means whatsoever any Temporary Sign, handbill, poster, notice, sign, advertisement, sticker or other printed material upon any City property, park or right of way, or upon any curb, gutter, flagstone, tree, lamppost, awning post, telegraph pole, telephone pole, public utility pole, garbage bin, bus shelter, bridge, elevated train structure, highway fence, barrel, box, parking meter, mail box, traffic control device, traffic stanchion, traffic sign (including pole), tree box, tree pit protection device, bench, traffic barrier, hydrant, public pay telephone, or any personal

property maintained on a City street or right of way or other City-owned property pursuant to a franchise, concession or revocable consent granted by the City or other such item or structure in any street, or to direct, suffer or permit any servant, agent, employee or other person under his or her control to engage in such activity; provided, however, that this section shall not apply to any handbill, poster, notice, sign, advertisement, sticker or other printed material so posted by or under the direction of the Common Council, or by or under the direction of any City department or agency, or pursuant to a franchise, concession or revocable consent granted by the City.

(b) Size of Temporary Signs

Temporary Signs shall not exceed twelve (12) square feet in area, four (4) feet in width and three (3) feet in height, except as may be permitted for Window Signs in accordance with Section 9-10-51 of this Chapter.

(c) Duration of Placement or Posting of Temporary Signs

Except as permitted in Section (d)(3) below, Temporary Signs relating to an event, including an election, may not be erected prior to sixty (60) days before the event and must be removed within five (5) business days after said event.

(d) Location & Condition of Temporary Signs

(1) Temporary Signs shall be constructed and maintained in an orderly, clean condition, be neatly displayed and mounted on solid, sturdy material.

(2) Temporary Signs promoting, advertising or identifying a political candidate, party or issue, shall be limited to one such sign per candidate, party or issue per premises, lot or storefront. Said Temporary Sign shall be removed within five (5) business days after the date of the election or vote.

(3) One Temporary Sign may be displayed at a construction site for each owner, architect, engineer, real estate broker, financing institution and principal contractor engaged in the work of constructing a building or structure for which a building permit has been issued and has not expired. Said Temporary Sign may display the name, address & phone number of said persons and all such Temporary Signs shall be removed within five (5) business days after the completion of construction or renovation.

(4) A Sign which advertises for sale, lease or rent any premises is a Temporary Sign. Any Temporary Sign that advertises for sale, lease or rent any premises shall be located only on or at the premises for which the proposed sale, rent or lease is being advertised and shall not be affixed to any exterior wall of said premises nor may any person Erect such a Temporary Sign on any exterior wall, except as may be permitted by Section 9-10-45 of this Chapter. Once the

premises or part thereof advertised are sold or leased such Temporary Sign shall be removed within five (5) business days after the lease signing or closing on the sale.

(5) Temporary Signs shall be limited to one such sign per premises, lot or storefront for each event, political campaign or candidate, project, real estate sale, lease or rental or other subject, provided, however, that two of the same Temporary Sign shall be permitted on a premises located at a corner property at the intersection of two public streets, with one such sign facing each street. If affixed to a window, such Temporary Signs shall not, individually or cumulatively, cover greater than 25% of the door glass or street-level or other window space of any store, office or place of business and shall in all respects conform to Section 9-10-51 of this Chapter.

(6) All Temporary Signs that are Window Signs shall comply in all respects with Sections 9-10-48 and 9-10-51 of this Chapter.

(7) Unless otherwise directed or ordered by the Commissioner, in the event that the work to remove any Temporary Sign requires the issuance of a street or sidewalk obstruction permit by the Department of Public Works, and the five (5) business days removal period set forth in this section begins during the time of any moratorium on such permits, including the annual Central Business Area Holiday Moratorium, the time to complete such corrective action shall be extended to five (5) business days after the first business day after such moratorium.

Section 9-10-49 - Violations & Cost of Removal of Temporary Signs

(a) Any authorized employee of the City of White Plains, City of White Plains Department of Public Works, City of White Plains Department of Building or City of White Plains Police Department may issue an appearance ticket, notice of violation or summons for any violation of this Chapter and may remove without notice any Temporary Sign installed, placed or affixed in violation of this Chapter and repair any damage caused by the placement or removal of said Temporary Sign. Said Sign may be destroyed and disposed of or stored to be retrieved by the person described in Subsection (b) below.

(b) There shall be a rebuttable presumption that the person whose name, telephone number, or other identifying information appears on any Temporary Sign, handbill, poster, notice, sign, advertisement, sticker or other printed material on any item placed in violation of this Chapter authorized the pasting, posting, painting, printing, nailing or attaching or affixing by any means whatsoever such Temporary Sign, handbill, poster, notice, sign, advertisement, sticker or other printed material, or (ii) directed, suffered or permitted a servant, agent, employee or other individual under such person's control to engage in such activity and accordingly such person shall be liable for the costs incurred by the Department of Public Works for removal of and any damages arising out of the placement and removal of such Temporary Sign.

(c) There shall be a rebuttable presumption that if a telephone number that appears on any Temporary Sign, handbill, poster, notice, sign or advertisement placed in violation of this Chapter belongs to a telephone answering service and no other telephone number or address is readily obtainable to locate the person or business advertised therein, such telephone answering service shall be held liable for a violation of this Chapter, unless said service promptly provides the name and address of said person or business.

(d) Any person convicted of a violation of any of the provisions of this Chapter shall be punished by a fine of not less than seventy-five dollars nor more than one hundred fifty dollars, for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period, plus the cost of the removal of the unauthorized signs, imprisonment for not more than ten days, or both. Any person found to have violated the provisions of this Chapter, in addition to any criminal or civil penalty imposed, shall be responsible for the costs to the City of the removal and disposal of said Temporary Sign by City employees or otherwise and any damages caused by any illegal, unauthorized Temporary Sign. For the purposes of imposing a criminal fine or penalty pursuant to this section, every Temporary Sign pasted, posted, painted, printed or nailed in violation of this Chapter, shall be deemed to be the subject of a separate violation for which a separate criminal fine or penalty shall be imposed.

Sec. 9-10-50. – Banners and Bunting.

(a) The Commissioner may issue permits for the placement of Banners and Bunting on a building or structure for a period not to exceed seven (7) days.

(b) Banners and Bunting shall be erected on the face of a building or structure only and shall not be erected across any sidewalk, driveway, right-of-way, parking lot or vacant lot unless authorized and approved by the Department of Public Works or the Common Council.

Sec. 9-10-51. - Window Signs, Displays and Lighting; Covering or Blocking Windows.

(A) Standards for Window Signs:

(1) Window Signs, including Temporary Signs, may be affixed or otherwise attached to or displayed within a door or other windows of commercial establishments and stores, provided, however, that the aggregate area of all such Window Signs shall not exceed twenty-five (25) percent of the glass area of all windows and doors fronting a public street of each premises or tenant space.

(2) The Design Review Board may approve a Window Sign or Temporary Sign that is also a Window Sign the area of which is greater than twenty-five (25) percent of the glass area of all windows and doors fronting a public street of each premises or tenant space. Approval and installation of a Window Sign and Temporary Sign that is also a Window Sign described in this Subsection (2) shall require an application for a building permit as described in Section 9-10-28 of this Chapter, submission of a comprehensive design plan for affected windows and displays and payment of fees as described in Section 9-10-29 of this Chapter. The Design Review Board may, after consultation with the Commissioner, establish guidelines for the approval of a Window Sign or Temporary Sign that is also a Window Sign pursuant to this Subsection (2).

(3) Credit card (monetary, institutional, etc.) signs, decals, or emblems shall be additionally allowed but limited to twenty-four (24) square inches or an aggregate of ninety-six (96) square inches per business premises.

(4) Permanent perimeter or background rope lighting, flexible lighting, neon lighting, series lighting, lighting arranged in patterns, lighting unrelated to communicating the name of the business and other similar applications of window trimming or lighting on any part of a window shall only be permitted if approved by the Design Review Board. The Design Review Board may, after consultation with the Commissioner, establish guidelines for the approval of lighting pursuant to this Subsection (4).

(B) Merchandise may be displayed within a store Display Window. However, the bulk storage of such merchandise within a store Display Window shall be prohibited.

(C) Storefront windows at grade that provide a view from the outside of interior areas that are accessible to the public within any store or premises shall not be permitted to (1) be blocked by merchandise, (2) have opaque glass or (3) be permanently or continuously covered by any window treatment. Such window treatment includes, but is not limited to, blinds, drapes, shades, opaque film or similar material. Blinds, drapes and shades shall not permanently or continuously cover windows and shall only be used at such times as are required to screen customers, patrons and persons from direct sunlight. The Design Review Board may grant exceptions to the strict requirements of this paragraph upon proper application and subject to such guidelines as may be established by the Design Review Board after consultation with the Commissioner of Building.

(D) In the event of a vacancy of and during construction in the interior of a ground floor premises, opaque film or similar material may be applied to cover the entire inside of the window and door glass, provided, however, that the material and design of such covering material shall be subject to the prior approval of the Commissioner of Building.

(E) Penalties for Violation: Any person who violates any of the provisions of this section shall be punishable by a fine of not more than two hundred dollars (\$200.00) for each offense or by imprisonment for not more than fifteen (15) days, or both. Each day such violation continues shall constitute and be deemed a separate offense.

(F) Enforcement: This section shall be enforced by the Commissioner of Building and the Commissioner of Public Safety or their duly authorized representatives.

SECTION 3. This ordinance shall take effect on March 6, 2017.