


Chapter 270. SIGNS

Attachments:

[270a Table of Permitted Signs](#) 

[HISTORY: Adopted by the Council of the City of New Rochelle 7-30-1996 as Ord. No. 165-1996. Editor's Note: This ordinance also provided for the repeal of former Ch. 270, Signs, adopted as follows: Art. I, 3-11-1975 as Ord. No. 83-1975; Art. II, 9-18-1979 as Ord. No. 230-1979. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 111.

Numbering of buildings — See Ch. 118.

Fees — See Ch. 133.

Zoning — See Ch. 331.

§ 270-1. Purpose.

The purpose of this sign chapter is to promote and protect the public health, welfare and safety by regulating signs of all types. It is intended to encourage the use of signs as a means of communication, protect pedestrian and vehicular safety, protect property values, protect and enhance the aesthetic environment and enhance the City's ability to attract sources of economic development and growth.

§ 270-2. Word usage; definitions.

A. Customary meaning. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, the plural includes the singular and the singular includes the plural. The word "shall" is intended to be mandatory.

B. Defined phrases. As used in this chapter, the following terms shall have the meanings indicated:

ANIMATED SIGN

Any sign which is designated and constructed to give its message through blinking or flashing lights or a sequence of progressive changes of parts or lights or degrees of lighting, excluding time and temperature signs.

ATTACHED SIGN

Any sign which is supported primarily by a building or structure, other than by a sign structure which is supported wholly by the ground.

AWNING (FIXED)

Any nonrigid material such as fabric or flexible plastic that is supported by a frame that is permanently affixed to an exterior wall. Includes canopies and marquees.

AWNING (MOVABLE)

Any nonrigid material such as fabric or flexible plastic that can be rolled back or retracted and is supported by a frame that is attached to an exterior wall.

AWNING SIGN

Any visual message on an awning.

BANNER

A Temporary Sign constructed of cloth or other flat, flexible material. [Added 7-18-2006 by Ord. No. 186-2006]

BILLBOARD

A sign for a business, profession, activity (commercial or noncommercial), commodity or service not on the premises where the sign is located.

BILLBOARD, EXISTING

Billboard which as of March 20, 2001, has text or graphics (or a combination of the two) bearing a visible message (other than information which relates merely to the availability of the billboard or the place or manner in which the owner or lessee of the billboard, or their representative, may be contacted for the purpose of placing a message on the face thereof). [Added 3-20-2001 by Ord. No. 58-2001]

CAMPAIGN SIGN

A sign for the purpose of advertising an event, campaign or person(s) running for political or public office. [Amended 7-18-2006 by Ord. No. 186-2006]

DETACHED SIGN

Any sign not attached to or part of any building but permanently affixed by any other means to the ground.

DEVELOPMENT SIGN

A sign listing the architect, landscape architect, engineer, planner, contractor or other person or firm participating in the development or construction or financing of the project on the premises on which the sign is located.

DIRECTLY ILLUMINATED SIGN

A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within the sign which is visible from the street or from abutting property, including but not limited to exposed neon signs. A "directly illuminated sign" shall illuminate the letters of a sign to a greater degree than it does the background of a sign.

ERECT

Build, construct, attach, hang, place, suspend or affix a sign, and shall also include the painting of wall signs.

FRONTAGE

The length of a building along a street or other principal public thoroughfare, but not including such length along an alley, watercourse or railroad.

HEIGHT OF SIGN

The vertical distance from the uppermost point used in measuring the area of sign to the ground immediately below such point.

IDENTIFICATION SIGN

A sign which serves to tell only the name, address and lawful uses of the premises upon which the sign is located.

ILLUMINATED SIGN

Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

INCOMBUSTIBLE MATERIAL

Any material which will not ignite at or below a temperature of 1,200° F.

INDIRECTLY ILLUMINATED SIGN

A sign whose illumination is reflected from the sign display surface to the viewer's eye from a source of light not within the sign. Such light sources shall be shielded to reflect on the sign only.

LOGO

A symbol, design or insignia used to represent a company, corporation or person for the purpose of advertising the interests of any person, business or company. [Added 9-16-1997 by Ord. No. 191-97; amended 3-20-2001 by Ord. No. 58-2001]

MONUMENT SIGN

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

MUNICIPAL ART COMMISSION

A commission created, appointed, and empowered under Sections 181 and 182 of the City Charter and this Chapter 270, Signs. [Added 4-13-2009 by Ord. No. 61-2009]

OFFICIAL

The Building Official of the City of New Rochelle.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

PORTABLE SIGN

Freestanding sign not affixed to the ground.

PROJECTING SIGN

A sign attached to a building, wall or structure that projects horizontally or at a right angle more than 12 inches from the face of the wall.

REAL ESTATE SIGN

Any sign advertising property for sale, lease or rent, which may or may not include the name of the seller, broker or lessor.

ROOFLINE

The upper edge of any building wall or parapet, exclusive of any sign tower for any flat roof structure, or a line halfway between the eaves and the ridge line of the roof, exclusive of any sign tower, for any gable roof structure.

ROOF SIGN

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

SIGN

Any material, structure or device, or part thereof, composed of lettered or pictorial matter displaying an advertisement, announcement, notice or name, and including any declaration, demonstration, display, representation, illustration or logo used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public. [Amended 9-16-1997 by Ord. No. 191-97; 3-20-2001 by Ord. No. 58-2001]

SIGN AREA

Includes all faces of a sign measured as follows:

- (1) When any sign is framed or outlined, all of the areas of the frame or outline shall be included.
- (2) Sign measurement shall be based upon the entire area of the sign with a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including structural supports if they are not used for advertising purposes.

STRUCTURAL TRIM

The molding, battens, capping, nailing strips, latticing and platforms which are attached to the sign structure.

TEMPORARY SIGN

Any sign or advertising device that is displayed only for a specified period of time and is not permanently mounted.

WALL SIGN

Any sign which is attached to the wall of a building or structure.

WINDOW SIGN

A sign visible from a sidewalk, street or other public place, affixed or painted on glass or other window material, or located inside within two feet of the window, but not including graphics in connection with customary window display of products.

WIND SIGN

Any sign in the nature of a series of two or more banners, flags, pennants, balloons, ribbons, streamers or other subjects, fastened in such a manner as to move upon being subjected to pressure by wind or breeze. Wind signs shall be permitted as temporary signs only in conjunction with the opening of a new business or the relocation of an existing business to a new location. [Amended 2-16-1999 by Ord. No. 45-1999]

§ 270-3. Exemptions.

The following signs are exempt from any permit requirements under this chapter.

- A. Directional or informational signs not more than three square feet in area, bearing no advertising message and located wholly within the site to which the sign is appurtenant; signs not exceeding one square foot in areas erected for the convenience of the public, such as signs identifying rest rooms, public telephones, walkways and similar features or facilities. Accessory directional and informational signs as required by the New Rochelle Zoning Ordinance *Editor's Note: See Ch. 331, Zoning.* and the Code of the City of New Rochelle.
- B. Memorial signs or tablets, names of buildings and the date of erection when cut into masonry surface or when constructed of bronze or other incombustible materials, provided that said signs, tablets or letters do not project more than two inches.
- C. Legal notices, signs required by law, railroad crossing signs and such temporary, danger, emergency or nonadvertising signs and temporary signs and banners for civic purposes, as may be authorized by the City Council or the City Manager.

- D. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.
- E. Time and temperature devices, not higher than permitted detached signs, located on private property and bearing no advertising message. Any advertising message would require that the time or temperature device be included in the number and area of permitted signs.
- F. One real estate sign on any site. In a residential zone such sign shall be located entirely within the property, no more than four feet above grade, and not less than five feet from any street property line. All real estate signs under this section shall be unlighted, and shall not exceed four square feet in residential areas and 25 square feet in commercial areas. All real estate signs under this section shall be removed within 15 days after the sale or rental or lease has been accomplished.
- G. Barber poles not more than nine feet in height, located on private property in conjunction with a barber shop and bearing no advertising message. Any barber pole on City property will require the approval of City Council.
- H. House numbers and nameplates, nonilluminated or indirectly illuminated "no trespassing," "no parking" and other warning signs located on the site to which the sign is appurtenant and not exceeding three square feet each in area.
- I. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses, and shall not be visible from the street.
- J. Professional nameplates not exceeding three square feet in area.

[Amended 9-16-1997 by Ord. No. 191-97]

- K. Existing signs for public, religious, charitable or fraternal organizations when the same are located on the premises of said institutions; and new signs for public, religious, charitable or fraternal organizations, not over 12 square feet in area, when the same are located on the premises of said institutions. Such institutions may also erect a sign not over eight square feet in area on a street or streets with the permission of the City Council upon the recommendation of the Municipal Art Commission and the Building Official, except that any such signs erected at or near an entrance to the City shall not exceed two square feet in area. For the purposes of this subsection, a sign shall be considered existing if it was erected on or before July 31, 1997, and shall be considered new if it was erected or replaced on or after August 1, 1997.

[Amended 9-16-1997 by Ord. No. 191-97]

- L. Development signs denoting the architect, engineer or contractor when placed upon work under construction and not exceeding 20 square feet in area.
- M. Bus shelter signs erected pursuant to authorization from the City Council of New Rochelle.
- N. Movable awnings without signage, with the lowest portion at least seven feet six inches above the curb level or adjacent grade and projecting no closer than two feet to the curblin and projecting no further than four feet from the surface of the wall to which such awning is attached. Movable awnings shall be no greater than four feet in height measured from the lowest point when fully extended. Awnings without signage for residential purposes shall be exempt from all provisions of Chapter 270.
- O. Signs placed on the inside of fences at City athletic facilities during sport seasons, which signs recognize contributions from sponsors of such athletic activities and which have been approved by the Commissioner of Parks and Recreation. Such signs shall not be affixed to such fences more than 10 days prior to the start of the sports season to which they pertain and shall be removed not more than 10 days following the end of such season.

[Added 9-21-1999 by Ord. No. 229-1999; amended 11-20-2007 by Ord. No. 259-2007]

- P. Billboards attached to buildings at the following City-owned or City-leased locations, pursuant to City-granted license, provided such billboards are not visible from a public street and provided such billboards do not exceed 24 square feet in area:

[Added 3-21-2006 by Ord. No. 59-2006]

- (1) In the Municipal Garage on the south side of Huguenot Street between LeCount Place and Harrison Street;
- (2) In the elevator lobbies and in the bus platform area at the New Rochelle Transit Center; and
- (3) Along the rear facade of the Railroad Station building, facing the southbound train platform.

§ 270-4. Restrictions.

- A. Roof, rotating, moving or animated signs shall be prohibited from all zones. No flashing signs, blinking or flashing lights, flashers or chasers shall be permitted in connection with any sign or other advertising structure.
- B. Wind signs shall be prohibited in all zones, except as temporary signs for a new business or for an existing business at a new location in which case they shall be permitted for a period of time not to exceed 60 days following the initial opening of a new business or the relocation of an existing business to a new location.

[Amended 2-16-1999 by Ord. No. 45-1999]

- C. Directly illuminated signs must have an opaque or darkly colored background and must consist of light lettering on said background.
- D. Any projecting sign which extends above the roofline shall be prohibited.
- E. Billboards shall be prohibited, except for existing billboards, except as permitted pursuant to the court-ordered settlement in that matter entitled Universal Outdoor, Inc. et al v. City of New Rochelle et al (U.S.D.C. 98 CIV 3908), or except as exempted under § 270-3P above.

[Amended 3-20-2001 by Ord. No. 58-2001; 3-21-2006 by Ord. No. 59-2006]

- F. Marquees, canopies and fixed or movable awnings.

[Amended 6-20-2006 by Ord. No. 166-2006; 4-13-2009 by Ord. No. 61-2009]

- (1) Marquees, canopies and fixed or movable awnings are prohibited unless approval is first obtained from the Municipal Art Commission. The design of all new marquees, canopies and awnings shall be subject to the prior approval of the Municipal Art Commission, which may request their redesign if the proposed design is not appropriate to the architecture of the building to which they are proposed to be attached and/or to the architecture of neighboring buildings in the surrounding area. There shall also be obtained from the Building Official a permit for the erection and construction of any fixed or movable awning, canopy or marquee over any public property. The annual license fee shall be as set forth in § 133-1 of Chapter 133, Fees.
- (2) Fixed awnings, canopies and marquees located at least seven feet six inches above the sidewalk may project not closer than two feet to the curbline; but if the lowest portion of such marquee or fixed awning is located 13 1/2 feet or more above the sidewalk, it may project to the vertical plane through the curb.
- (3) Advertising messages on awnings, canopies or marquees shall be subject to all sign regulations, including prior approval by the Municipal Art Commission.

- (4) The recovering of awnings and the substantial repair of marquees and canopies shall be subject to the prior approval of the Municipal Art Commission. There shall also be obtained from the Building Official a permit for the recovering of awnings and the substantial repair of marquees and canopies. The annual license fee shall be as set forth in § 133-1 of Chapter 133, Fees.

G. Logos for any sign shall be no larger than the maximum permissible letter size for such sign.

[Amended 9-16-1997 by Ord. No. 192-97]

H. Portable signs shall be prohibited.

I. No sign shall be painted directly on to the exterior of a building or structure.

§ 270-5. Sign permit fees.

- A. An application for a permit for each sign, except for those signs exempt from regulation by § 270-3 herein, shall be made to the Official in such form and including such information as he may prescribe. Said application shall be accompanied by the written consent of the property owner or other authorized person as set forth in § 270-6 and a permit fee as set forth in Chapter 133, Fees. Plans submitted by the Applicant shall be of such scale and shall provide such information as is needed for the Official to determine compliance with this chapter. Any change in the lettering, area, shape or location of any sign will require a new sign permit.
- B. Fees for all signs, certificates of compliance, licenses and appeals shall be as set forth in Chapter 133, Fees.

§ 270-6. Consent of owner.

[Amended 3-20-2001 by Ord. No. 58-2001; 7-18-2006 by Ord. No. 186-2006]

- A. No person shall erect, permit to be erected, or permit to be maintained any permanent or temporary sign regulated by this chapter without first obtaining the consent of the owner, lessee or person having possession of the property upon which the sign is to be situated.
- B. No sign shall be affixed to any utility pole without the written consent of the owner of said pole.

§ 270-7. Temporary signs, including Campaign Signs.

[Amended 2-16-1999 by Ord. No. 45-1999; 7-18-2006 by Ord. No. 186-2006]

- A. Signs announcing the site of new business openings, new development marketing or otherwise identifying or informing the viewer of a condition situation or event of a known temporary nature shall be considered for purposes of this chapter as temporary signs. Temporary signs, including Banners, shall require permits from the Official except that Detached Campaign Signs shall not require permits, provided they otherwise comply with the size and other requirements for a Temporary Sign. New development marketing signs shall additionally require the approval of the City Manager, who may refer such signs to the Municipal Art Commission for recommendation thereon.
- B. No temporary sign, except Banners, shall exceed three feet in one of its dimensions and eight square feet in area.
- C. No temporary sign shall extend over or into any street, alley, sidewalk or other public thoroughfare at a distance greater than four inches from the wall upon which it is erected and shall not be placed or project over any wall opening. No temporary sign shall be erected so as to prevent free ingress to or egress from any door, window or fire escape nor shall such sign be attached to any standpipe or fire escape.
- D. Permits for temporary signs shall authorize the erection of said signs and their maintenance for a period not exceeding 60 days. The City Manager may extend such sixty-day period on application therefor, and may refer such application to the Municipal Art Commission for recommendation thereon. The

advertisement contained on any temporary sign, other than on Campaign Signs, shall pertain only to the business, industry or pursuit conducted on or within the premises on which such sign is erected or maintained.

- E. A temporary sign, other than a Campaign Sign, shall be completely removed by the owner of the sign or by the owner of the premises upon which the sign is located at the expiration of the time for which the sign was permitted. A Campaign Sign shall be completely removed by the owner of the premises within seven days following the event, vote and/or election to which it pertains.
- F. No person shall post or permit to be posted in any store window more than two "for sale" or "for rent" signs, and no sign shall exceed 18 inches by 24 inches.

§ 270-8. General requirements.

- A. No person shall erect any sign regulated by this chapter in the City of New Rochelle without first obtaining a sign permit to do so from the Official and except in conformity with the provisions of this chapter.
- B. No projecting sign shall have a vertical clearance of less than seven feet six inches from any public sidewalk, project more than four feet from the building face or be closer than six feet to any curblin nor project above the roofline.
- C. No attached sign shall have a vertical clearance of less than seven feet six inches from any public sidewalk nor project above a building roof line.
- D. No sign or other advertising structure, as regulated by this chapter, shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
- E. All electrical equipment used in connection with any type of sign or billboard shall conform to the requirements of the Building Code and shall be approved by an electrical inspection agency approved by the City of New Rochelle.
- F. All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than 40 pounds per square foot of projected area and shall be constructed to receive all dead loads as required.
- G. Every permanent sign or other advertising structure hereafter erected shall have painted in a conspicuous place thereon a sign identification panel consisting of the date of erection and the permit number of sufficient size to be read from the street, yard or ground level. This shall not apply to individual letters.
- H. Notwithstanding anything to the contrary contained in this chapter,
 - (1) No more than one wall sign per use shall be permitted on each street frontage of any building, except that no sign shall be permitted on the side of any building abutting a residential zoning district.
 - (2) One detached directory sign per lot shall be allowed in a multiuse complex. Dimensions shall be no larger than 15 feet high, seven feet from the ground to the bottom of the sign and a maximum of 40 square feet in area.

§ 270-9. Design and lettering.

- A. Signs shall be designed in harmony with the building and established development. No more than black or white and three other different colors shall be used in any one sign, and lettering on illuminated signs shall be light lettering on a dark or colored background.

[Amended 4-13-2009 by Ord. No. 61-2009]

- B. Lettering shall be no larger than 24 inches in height. However, on buildings whose principal facades fronting on a public street total 4,000 square feet in area or more, maximum permitted letter size of signs 15 feet or more above finished grade may be increased by 1 1/2 inches for each additional foot of building height beyond the first 15 feet above finished grade to a maximum letter height of five feet.
- C. Permanent and/or temporary signs on windows and doors shall have letters no larger than 12 inches in height nor occupy more than 15% cumulatively of the total area of windows and doors. Temporary signs on windows and doors shall not require a permit if they do not occupy more than 15% cumulatively of the total area of windows and doors. The fifteen-percent computation shall be based on any window and door areas inside of decorative borders, if any. Permanent signs on windows and doors occupying over 15% of the total area of windows and doors shall require permits. Area should be measured inside of decorative border.

[Amended 9-16-1997 by Ord. No. 191-97; 9-26-2000 by Ord. No. 158-2000; 3-20-2001 by Ord. No. 58-2001]

- D. Permitted window signs within a building shall be compatible and in harmony with wall signs.
- E. Where a building contains more than one store or use, all store units or uses in that building shall have a similar design and placement of signs.

§ 270-10. Wall signs.

- A. The use, kind, number, maximum area, maximum height and special regulations for all wall signs shall conform to § 270-23.
- B. Combustible materials are permitted for signs with areas of up to 40 square feet, subject to all other restrictions contained herein. All signs of more than 40 square feet shall be incombustible. All illuminated signs shall be incombustible.
- C. Wall signs projecting more than six inches over the street or property line and projecting signs of more than four square feet shall be constructed of incombustible material.
- D. No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached. No wall sign shall be supported by an untraced parapet wall nor shall any sign be erected so as to project above the roof cornice, parapet wall or above the roof level where there is no roof cornice or parapet wall. No wall sign shall be located on any nonstructural wall or chimney which extends above the structural roof, except in the case of a parapet wall.
- E. All wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts or expansion screws of not less than 3/8 inch in diameter embedded in said wall at least five inches; provided, however, that such signs may rest in or be bolted to strong, heavy metal brackets or saddles set not over six feet apart, each of which shall be securely fixed to the wall as provided herein. In no case shall any wall sign be secured with wire, strips of wood or nails. All metal supports and bracing members shall not be less than 3/16 inch thick.

§ 270-11. Detached signs.

- A. The use, kind, number, maximum area, maximum height and special regulations for all detached signs shall conform to § 270-22.
- B. All detached signs which are not in a residential zone shall have a surface or facing of incombustible material; provided, however, that combustible structural trim not exceeding four inches in width may be used thereon. All letters, figures and characters attached to or superimposed upon any sign shall be safely and securely attached to the sign structure. The total depth normal to the face of a ground sign shall not exceed 12 inches.

- C. No detached sign shall be located closer than 10 feet to any curblin nor be erected or maintained at a distance nearer than six feet to the rear lines of any lot, nor shall any sign be erected within the triangular area formed between two street lines 30 feet distant from their point of intersection. No ground sign shall project beyond the front property line or sidewalk.
- D. All detached signs shall be securely built, constructed and erected upon posts and standards set in concrete, the bottom of which shall be sunk at least three feet below the natural surface of the ground, and shall be supported and braced as required by acceptable engineering practices. All metal supports and bracing members shall not be less than 1/4 of an inch thick. Any detached sign which is more than nine square feet and which top point is 10 feet off the surface grade shall be designed by a registered architect or professional engineer.

§ 270-12. Regulations applicable to residential districts.

Signs in all residential districts shall conform to the following additional provisions:

A. General provisions for all signs.

- (1) No detached sign shall be located closer than five feet to a street property line.
- (2) No sign shall have or consist of any moving, rotating or otherwise animated part, or any flashing, blinking, fluctuating or other animated light nor shall it be directly illuminated, but may be indirectly illuminated.
- (3) No roof sign, wind sign or projecting sign shall be permitted, subject to the restrictions of this chapter.
- (4) No sign shall extend above the roofline of a building to which it is attached.

B. The kind, number, area and height of signs shall be as regulated by § 270-23 herein, except for subdivisions, condominium or apartment rental signs, which are permitted as provided in Subsection C herein.

C. Signs for subdivisions, subdivision sales offices, model homes, condominiums and apartment rentals are permitted in any district in accordance with the following provisions: One or more signs located not closer than five feet to any street property line are permitted for each subdivision, condominium or apartment, provided that the total area of such signs shall not exceed 16 square feet. Sales office signs and model home signs shall be located not closer than five feet to any street property line. No detached sign shall exceed 15 feet in height. No sign shall be a roof sign. All signs shall be stationary and unlighted or indirectly lighted. Temporary banners, flags, pennants and similar displays for model homes are permitted with permits only.

§ 270-13. (Reserved)

§ 270-14. Street clocks.

[Amended 6-20-2006 by Ord. No. 166-2006] All proposed street clocks shall go before the Municipal Art Commission.

§ 270-15. Licensing of sign hangers.

It shall be unlawful for any person or firm to hoist or lower or to hang or attach any sign exceeding a total area of six square feet, measured one side only, illuminated or otherwise, or exceeding 10 pounds in weight, on the outside of any building or structure without a sign hangers license, except as hereinafter provided. The provisions shall also apply to signs supported directly upon the ground, except as hereinafter provided.

- A. Jurisdiction.** The Building Official shall issue the license provided for by this section to applicants who have been duly qualified by him.

- B.** Application for license. Any person desiring a license to hang, hoist or attach any sign shall file in the office of the Building Official his application for such license. The application shall be made in writing on forms furnished and shall state all the information as may be required.
- C.** Qualifications. Sign hanger's license. Each applicant for a sign hangers license, and if the applicant is a corporation, then an officer thereof, must be at least twenty-one years of age and be able to produce evidence of at least three years practical experience in sign hanging during a period of five years immediately preceding the date of his application. He must also have knowledge and ability to read plans and specifications relating to sign construction and erection, including supporting framework or other support, and have knowledge of the problems and practice of sign construction and hanging and the equipment and tools used in sign hanging. He shall also have knowledge of sign ordinances, laws and rules applicable to the City of New Rochelle.
- D.** License. If qualified and said application is approved, the Building Official shall notify the applicant, in writing, and, upon payment of a fee as set forth in Chapter 133, Fees, a license will be issued, authorizing the applicant to engage in sign hanging in the City of New Rochelle, New York, subject to the limitations of the issued license and the limitations of this chapter.
- E.** Duration of license. All licenses issued as described in this section shall terminate on the 31st day of December of each year; provided, however, that a license may be renewed from year to year by the payment of an annual fee as set forth in Chapter 133, Fees, to the Bureau of Buildings of the City of New Rochelle. Licenses not renewed within 90 days after expiration shall be renewed upon the payment of a fee as set forth in Chapter 133, Fees.
- F.** Revocation. The Building Official shall have the power to revoke or suspend any license upon proof of fraud, deceit, collusion or misrepresentation on the part of the applicant in obtaining such license or where a licensed sign hanger has willfully violated any provision of this chapter or the Zoning Ordinance.
Editor's Note: See Ch. 331, Zoning.
- G.** Reinstatement of license. After revocation of a sign hanger's license, a new application for a license may be made after three months shall have elapsed from the date of such revocation. The applicant must then fulfill all of the requirements as hereinbefore set forth for a sign hanger's license.
- H.** Insurance requirements.
- (1) Liability. Each licensed sign hanger shall file with the Bureau of Buildings a surety bond or policy of insurance in a solvent and responsible company authorized to do business in the state, approved by such Department in the sum of \$100,000/\$300,000 conditioned for the payment of any judgment received against such sign hanger for death or for injury to any person or persons caused in the operation, maintenance or use of any sign hanging equipment or while engaged in any sign hanging operation. Such bond or policy shall contain a provision for continuing liability thereunder, notwithstanding any recovery thereon. If, at any time, in the judgment of the Department of Buildings, such bond or policy is not sufficient for any cause, such Department may require that the bond or policy be replaced with another bond or policy approved by it.
- (2) Property damage.
- (a) Every licensed sign hanger shall file with the Bureau of Buildings a surety bond or policy of insurance in a solvent and responsible company authorized to do business in the state, approved by the Department, in the sum of \$100,000 conditioned for the payment of any judgment recovered against such person for damage to or destruction of property caused in the operation, maintenance or use of any sign hanging equipment or while engaged in any sign hanging operation.
- (b) Such bond or policy of insurance shall contain a provision for a continuing liability thereunder, notwithstanding any recovery thereon. If, at any time, in the judgment of the Bureau of Buildings, such bond or policy is not sufficient for any cause, the Bureau may require that the policy be replaced with another bond or policy approved by it.
- (c) Such bond or policy of insurance shall name the City of New Rochelle as an additional insured.

- (d) Such bond or policy of insurance must provide proof of compliance with required amounts of worker's compensation and New York State disability insurance.

§ 270-16. Nonconforming signs.

- A. Any previously existing sign, excluding existing billboards which shall be controlled by Subsection C of this section, which has a valid sign permit upon the date of adoption of this chapter shall not be subject to the provisions listed herein, with the exception that any such sign shall not be altered or enlarged.

[Amended 3-20-2001 by Ord. No. 58-2001]

- B. Sign owners must remove or file a sign permit application for existing, unpermitted signs. If such signs already conform or are modified to conform to the provisions of this chapter and are properly permitted thereunder within 90 days of the date that notice of violation is issued by the Building Official, then the penalty fee of \$500 shall be waived and such permit shall only be subject to the application fee, all as listed in Chapter 133, Fees. For the purposes of this subsection, a sign shall be considered existing if it was erected on or before July 31, 1997.

[Amended 9-16-1997 by Ord. No. 191-97]

- C. Existing billboards. An existing billboard, solely in the same location and with the same sign area and height of sign which existed on March 20, 2001, without any enlargement at any time thereafter permitted, may remain in existence until and shall be removed on or before the earlier to occur of the following events:

[Amended 3-20-2001 by Ord. No. 58-2001]

- (1) Discontinuance of its use for more than a continuous period of 180 days. "Discontinuance of use" shall be defined as whenever the face of an existing billboard shall no longer contain text or graphics (or a combination of the two) bearing a message. The display of text or graphics conveying merely information relating to the availability of the existing billboard or the place or manner in which the owner or lessee of the existing billboard (or their representative) may be contacted for the purpose of placing a message on the face thereof shall not be deemed "use" of such existing billboard; and
- (2) December 31, 2020.

§ 270-17. Abandoned signs.

Any sign existing on or after the effective date of this chapter which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located shall be removed. The Building Official shall immediately revoke the permit that was issued for this sign and shall give written notice to the named owner of the building on which the sign is mounted or, if the sign is freestanding, to the named owner of the land upon which the sign is located, who shall remove the sign within 30 days from the date of written notice. If the sign is not removed within said time period, the Building Official shall remove the sign and assess the owner for all costs incurred for such service. The owner who refuses to pay removal costs will not be issued another permit for a sign on this building or property nor will a tenant or lessee be issued a permit for a sign on this building or property.

§ 270-18. Appeals.

[Amended 6-20-2006 by Ord. No. 166-2006]

- A. The Building Official shall serve as an advisor to the Municipal Art Commission, which shall hear appeals from denials of sign permits.
- B. Any person denied a sign permit may request an appeal therefrom by the filing of a petition and payment of the fee set forth in Chapter 133, Fees, and shall be granted a hearing on the matter before the Municipal Art Commission. Such petition shall set forth a brief statement of the grounds therefor and shall be filed in the office of the Building Official within 30 days after the notice of denial was issued.

- C. Upon receipt of such petition, the Municipal Art Commission shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced within 45 days after the day on which the petition was filed, provided that upon application of the petitioner the Municipal Art Commission may postpone the date of the hearing if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.
- D. After such hearing the Municipal Art Commission shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and the rules and regulations adopted pursuant thereto have been complied with. If the Municipal Art Commission sustains or modifies such notice, it shall be deemed to be an order.
- E. In all cases where said Municipal Art Commission shall grant a variance of any provisions or requirements of this chapter, such Municipal Art Commission shall find:
- (1) That there are special physical conditions, fully described in the findings of the Municipal Art Commission, applying to the land or building which is the location of the sign requiring said variance, which circumstances or conditions are peculiar to such land or building or sign and do not apply generally to land or buildings or signs in the neighborhood and have not resulted from any act of the applicant subsequent to the adoption of this chapter, whether in violation of the provisions hereof or not.
 - (2) That, for reasons fully set forth in the findings of the Municipal Art Commission, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of a sign and the granting of the variance is necessary for the reasonable use of said sign and that the variance as granted by the Municipal Art Commission is the minimum variance that will accomplish this purpose.
 - (3) That the granting of the variance under such conditions as the Municipal Art Commission may deem necessary or desirable to apply thereto will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- F. If an application to the Planning Board requires a sign variance, the applicant must apply to the Municipal Art Commission for said sign variance. The Municipal Art Commission shall forward the application for the sign variance to the Planning Board for Planning Board approval of the position and placement of the sign prior to any decision of the Municipal Art Commission.
- G. In all cases where the Municipal Art Commission grants a variance from the strict application of the requirements of this chapter, it shall be the duty of the Municipal Art Commission to attach such conditions and safeguards as may be required in order that the result of its action may be as nearly as possible in accordance with the spirit and intent of this chapter.
- H. The proceedings at all hearings of the Municipal Art Commission, including the findings and decision of the Municipal Art Commission, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Building Official. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Municipal Art Commission may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this state.

§ 270-19. Severability.

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remaining portions hereof, but shall be confined to the clause sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 270-20. Permitted signs.

The following signs listed in § 270-23 are permitted as listed in this chapter.

§ 270-21. Enforcement; penalties for offenses.

This chapter shall be enforced by the Bureau of Buildings and the New Rochelle Police Department. Copies of all offenses against the provisions of this chapter shall be made available to the Bureau of Buildings. An offense against the provisions of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

§ 270-22. Noncommercial copy.

Any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of other copy.

§ 270-23. Table of Permitted Signs.

SIGNS

270 Attachment 1

Table of Permitted Signs
City of New Rochelle
[Amended 9-16-1997 by Ord. No. 191-97]

Zone	Use of Signs	Kind of Sign	Maximum Number of Signs for Any 1 Use	Maximum Area of Signs for any 1 Use	Maximum Height of Any Attached Sign (feet)	Maximum Height of Any Detached Sign (feet)	Special Regulations and Exceptions
Residential zones (See § 270-12)	Buildings Professional Real estate	Identification Identification "For Sale"	1	3 square feet § 270-3H	12	4	No permit required
			1	½ square foot § 270-3J	12	4	
			1	4 square feet § 270-3F	12	4	
	Other permitted uses	Identification	1	8 square feet § 270-3K	14	8	Permit required
All zones other than residential	All zoning uses	Wall	1 per street front	The cumulative total of: 1. For the first 16 feet of frontage used by actual building: 2 square feet per foot of frontage. 2. For the next 44 feet of frontage used by actual building: 1 square foot per foot of frontage. 3. For any frontage above 60 feet used by actual building: 0.75 square foot per foot of frontage	Roofline	15	Permit required
			§ 270-8H(1) per use § 270-9E directory, 1 per complex § 270-8H(2) detached sign, 1 per project in addition to wall sign.				
	All zoning uses All zoning uses All zoning uses	Political Temporary signs Temporary signs on windows and doors	§ 270-7H 8 square feet- § 270-7B 15% of window area § 270-9C	Roofline N/A	8 N/A		No permit required Permit required No permit required

§ 270-5	Sign permit	
	First 15 square feet	\$90.00
	First 24 square feet	\$100.00
	Each additional square foot	\$4.20
§ 270-5	Signs	
	Street clocks	\$32.00
	Directional, development, acreage for sale	\$21.00
	Repainting, per square foot Certificate of compliance	\$2.10
	Marquees, canopies, awnings	\$75.00
	Signs	\$47.00
	Marquees, canopies, awnings, which overhang a public street, per square foot, annual	\$4.20
	All applications filed after installation without a permit	\$600.00
§ 270- 15E	Sign hanger's license	
	Original	\$48.00
	Renewal	\$48.00
§ 270- 18B	Application to Municipal Art Commission under Sign Code [Amended 6-20-2006 by Ord. No. 167-2006]	
	Attached wall signs under 100 square feet	\$63.00
	Attached signs over 100 square feet and detached signs	\$120.00
	Awning	\$63.00