

Chapter 170

SIGNS

ARTICLE I

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden 10-25-2018 as L.L. No. 14-2018. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention -- See Ch. 78.

Licenses and permits -- See Ch. 125.

Zoning -- See Ch. 210.

Fees -- See Ch. A220.

ARTICLE I
General Provisions

§ 170-1. Title.

This chapter and the corresponding rules and regulations shall be known and may be cited as "Chapter 170, Signs, of the Code of the Village of Alden, Erie County, New York."

§ 170-2. Intent.

The purpose of this chapter, together with the corresponding rules and regulations, and the intent of the legislative authority in its adoption is to promote and protect to the fullest extent permissible the environment of the village and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of signage and related structures and land for residences, open space, public facilities, business, services, industry or other purposes; by regulating the bulk, height, design, lot coverage and location of signs; by regulating and limiting population density; and to provide procedures for the administration and amendment of said Sign Chapter.

§ 170-3. Conflict with other provisions.

The provisions of this chapter shall not annul or in any way interfere with existing deed or plat restrictions, easements or other agreements between persons, codes, laws, rules, regulations or permits previously adopted or issued, except those ordinances or sections thereof which are contrary to and in conflict with this chapter.

§ 170-4. Severability.

If a court of competent jurisdiction finds any provision of this chapter or the corresponding rules and regulations invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of this chapter and the corresponding rules and regulations shall continue to be separately and fully effective.

§ 170-5. Applicability.

If a court of competent jurisdiction finds the application of any provision of this chapter or the corresponding rules and regulations to any building, other structure or tract of land to be invalid, in whole or in part, the effect of such decision shall be limited to the person, property or situation involved in the controversy, and the application of any such provision of any other person, property or situation shall not be affected.

§ 170-6. Word usage; definitions.

- A. Word usage. The word "shall" is mandatory; the word "may" is permissive; "should" is to be interpreted as expressing that which is desired and essential.
- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE -- A subordinate structure located on the same lot with the principal structure occupied by or devoted to an accessory use. When an "accessory structure" is attached to the principal structure in a substantial manner, as by a roof, such "accessory structure" shall be considered part of the principal structure.

BUILDING -- Any improvement having a roof supported by columns or walls for the housing or enclosure of persons, animals or property.

BUILDING AREA -- The maximum horizontal projected area measured from the exterior of the walls of the building and its accessory building(s).

BUILDING, DETACHED -- A building surrounded by open space on the same lot.

BUILDING HEIGHT -- See "height".

BUILDING INSPECTOR -- The Building Inspector of the Village of Alden, New York.

BUILDING, PRINCIPAL -- A building in which the main or principal use of the lot is conducted.

BUILDING (SETBACK) LINE -- A line parallel to the street line, between which line and the street line no structure may be built.

DWELLING -- A building or portion thereof designed or occupied exclusively for residential and permitted accessory uses.

DWELLING UNIT -- A room or group of rooms within a building forming a single habitable unit which may be occupied by a single family for living, sleeping, cooking and eating purposes. A dwelling unit may be attached or detached.

FENCE -- Any barrier enclosing or bordering a field, yard or piece of property which is used to prevent entrance or egress, to confine or to mark a boundary.

FLOOR AREA -- The total horizontal area of a building as outlined by its exterior main walls, not including built-in or attached garages, basements, crawl spaces, porches or terraces.

FRONT LOT LINE -- The line established at the edge of the front right-of-way of a property, or the front edge of the property line where it does not immediately adjoin a right-of-way. In the case of corner lots, the street of the street address in the tax rolls will be used as the right-of-way or the edge of the property line for determining this front lot line.

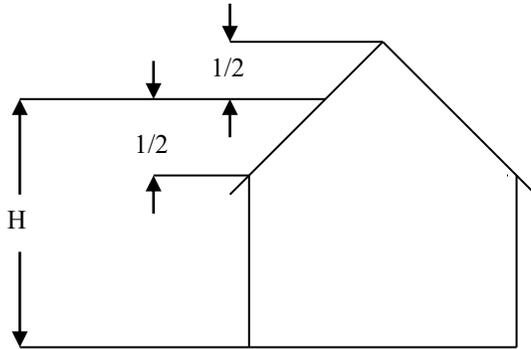
GARAGE, PRIVATE -- An enclosed structure accessory to a principal building for the purpose of storing motor vehicles and/or items incidental to the main building.

GARAGE, REPAIR -- A main or accessory building used or designed for repair purposes; a service garage, if accessory to an automobile salesroom.

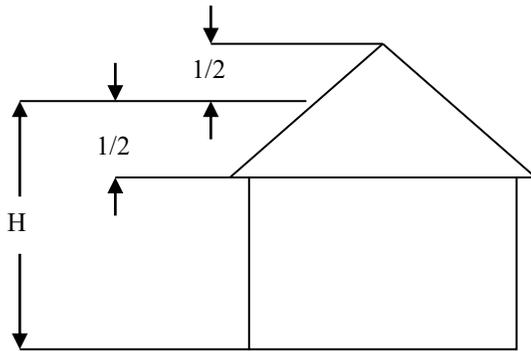
GARAGE, STORAGE -- A main or accessory enclosed building with doors, other than a private garage, used for parking or temporary storage.

GRADE, FINISHED -- The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs related thereto.

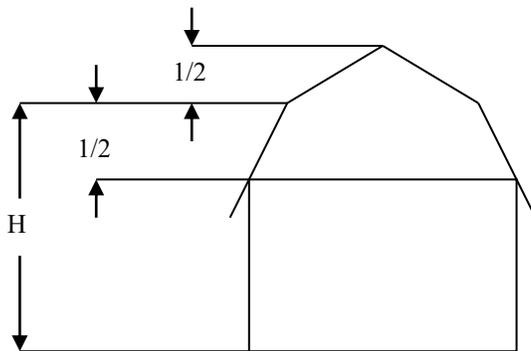
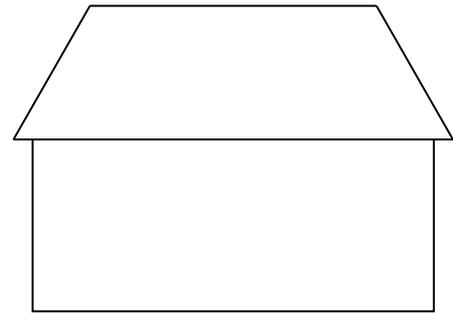
HEIGHT, BUILDING -- The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. See illustration below.



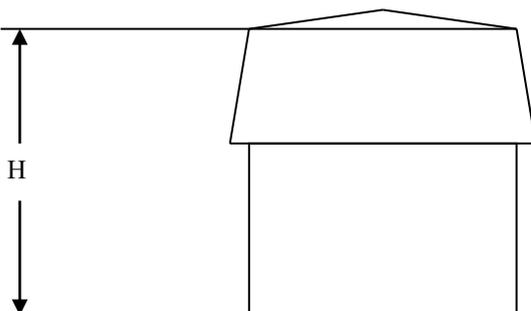
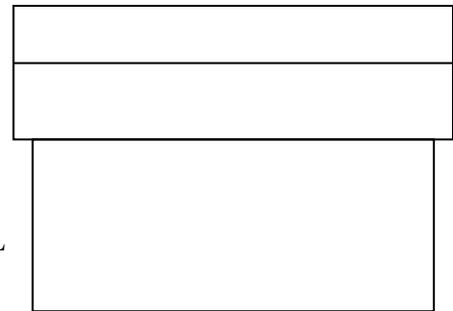
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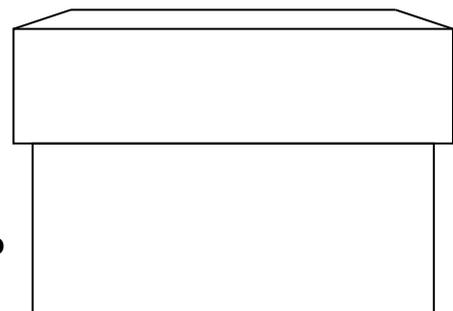
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HOME OCCUPATION -- An accessory use of a dwelling unit or accessory structure for gainful employment involving the manufacture, provision or sale of goods and/or services.

LOT -- A parcel of land for a structure, use and the accessory structures or uses customarily incidental to it, including such open spaces as are required by this chapter and such open spaces as are arranged and designed to be used in connection with such structure.

LOT, CORNER -- A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT COVERAGE -- The percentage of the lot covered by the main and accessory structures.

LOT DEPTH -- The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR -- A lot other than a corner lot.

LOT LINE -- Any boundary line of a lot.

LOT, THROUGH -- An interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT WIDTH -- The distance between the side lot lines measured along the required front building (setback) line. If the side property lines are parallel, the shortest distance between these side lines; or if the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.

LOT OF RECORD -- Land designated as a separate parcel on a plat map or deed filed or recorded in the office of the Clerk of Erie County, New York.

MULTIFAMILY DWELLING -- A building or portion thereof containing three (3) or more dwelling units and designed or used for occupancy by three (3) or more families living independently of each other.

OPEN SPACE -- An area unobstructed by buildings from the ground upward, except for walks, paths, landscaping or other site features in public, common or

other private ownership. Yards of individual lots occupied by dwellings shall not constitute open space.

OPEN SPACE, COMMON -- A parcel or parcels of land or an area of water or a combination of land and water within the site, privately owned and designed and intended for the use and enjoyment of two (2) or more households residing on the site or in specified portions thereof or other users, if permitted by the owners of the common open space. Common open space may contain such structures and improvements as are necessary and appropriate for the benefit and enjoyment of persons served by such common open space.

OWNER -- Includes, in addition to its usual meaning, tenant, lessee, occupant or other user.

PERSON -- Includes a firm, association, organization, partnership, company or corporation, as well as an individual.

SETBACK -- The least horizontal distance from any building to the nearest street or highway right-of-way.

SIGN, BUSINESS -- A sign which directs attention to a business, profession or industry conducted upon the premises or to a commodity or service sold or offered by such business, profession or industry upon the premises where such sign is located.

SIGN, DIRECTIONAL -- A sign that directs attention to the location of a local service or places of business.

SIGN, FREESTANDING -- A sign or sign support structure that is not attached to or part of a building or structure.

SIGN, GROUND -- A sign supported by a pole, uprights or braces which are placed in or on the ground.

SIGN, ILLUMINATED -- A sign lighted by electricity, gas or other artificial light, including reflective or phosphorescent light, paint or tape.

SIGN, OUTDOOR ADVERTISING -- A sign which directs attention to a business, profession or industry conducted or a commodity or service sold or offered on a site other than upon the premises where such sign is located.

SIGN, PORTABLE OR MOBILE -- A sign that is designed and intended to be transported from place to place and is not permanently affixed to the ground or to a building or structure. Portable signs may or may not have wheels.

SIGN, TEMPORARY -- A sign which is intended to advertise community or civic projects, real estate for sale or lease or other special events on a temporary basis.

STREET -- A public or private way which permits conducting of vehicular travel and/or affords a primary means of access by vehicles and pedestrians to abutting properties, including the entire area within the right-of-way. The term includes those ways as shown on plats filed in the office of the Erie County Clerk, whether improved or not.

STREET LINE -- A common property line separating a public street or right-of-way from abutting properties.

STRUCTURE -- A building or anything other than a fence constructed or erected which requires permanent location in or on the ground or attachment to something having such location.

USE -- The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

USED or OCCUPIED -- Includes the words "intended, designed or arranged to be used or occupied."

VILLAGE -- The Village of Alden, Erie County, New York.

YARD -- An open space on the same lot with the building unoccupied and unobstructed by any portion of the building from the ground upward, except as otherwise provided in this chapter.

YARD, FRONT -- An open space on the same lot with a principal building, extending the full width of the lot between the street line and the principal building.

YARD, REAR -- An open space on the same lot with a principal building, extending the full width of the lot between the rear lot line and the rear line of the building.

YARD, REQUIRED -- The minimum yard required between a lot line and building line or line of any parking, loading and stacking area or any other use requiring a yard in order to comply with the regulations of the district or zone in

which the lot is located. A required yard shall be open and unobstructed from the ground upward, except for projections on buildings as permitted in this Chapter and except for walks, landscaping and other yard or site features.

YARD, SIDE -- An open space extending from the front yard to the rear yard and of a width established by this chapter; the width shall be measured at right angles to its side lot line.

ZONING BOARD OF APPEALS -- The Zoning Board of Appeals of the Village of Alden, New York.

§ 170-7. Interpretation of language.

When a question of language arises, the Zoning Board of Appeals shall interpret this chapter. Any interpretation or order, requirement, decision or determination in connection with this chapter shall be final except as otherwise provided by law.

§ 170-8. Establishment of zoning districts.

For the purposes of this chapter, designated Zoning Districts shall be as set forth in Chapter 210 of this Code.

§ 170-9. Purpose

The intent of these regulations is to promote and protect public health, welfare and safety by regulating and restricting the location, construction, repair, removal, alteration and maintenance of signs and other advertising devices in the village. It is intended to promote public safety, to protect property values, to create a more attractive economic climate and to enhance the scenic and natural beauty of the village.

§ 170-10. General conditions and regulations.

The following requirements will apply to any signs not otherwise provided for in the Article:

- A. Except for those signs specifically identified in § 170-15, §170-16 and §170-17, no sign shall be erected in the Village of Alden without a permit issued by the Code Enforcement Officer.

- B. The provisions and regulations specified herein apply only to exterior signs which are visible from the public right-of-way.
- C. All signs shall be securely attached to a building or a structurally sound support, and their display surfaces shall be kept neatly painted and in good repair at all times.
- D. No illuminated signs or outdoor illumination shall direct light in a way which would create a traffic hazard or nuisance or be unreasonably detrimental to adjoining or neighboring properties.
- E. Except for time and temperature signs, no sign shall be illuminated by or contain a flashing, intermittent, rotating or moving light or lights. Lighting devices shall employ only lights emitting light of constant intensity.
- F. No sign shall project over a public right-of-way or sidewalk.
- G. A flush-mounted building sign shall not project more than twelve (12) inches from the face of the building to which it is attached.
- H. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or similar fluttering devices.
- I. No sign shall consist of animated or moving parts.
- J. No movable or portable signs shall be permitted to be placed on any premises in the village. Temporary signs approved under § 170-17 are exempt from this provision.
- K. No signs shall be attached to trees.
- L. No signs shall be attached to fences or utility poles for a period of more than seventy-two (72) hours.
- M. No sign shall be erected or maintained upon the roof of any building or structure.
- N. No motor vehicle, mobile home or trailer on which is placed or painted any sign shall be parked or stationed in a manner primarily intended to display the sign.
- O. No sign shall be erected or maintained within the public right-of-way of any street, nor within fifteen (15) feet of the pavement of any public street or within ten (10) feet of any property line unless flush-mounted to a building.

- P. Except when otherwise provided for in this chapter, not more than one (1) sign shall be permitted which advertises a business use or service other than that which exists on the premises on which said sign is located. The primary function of the sign must be to advertise the principal use of the business on the property on which the sign is located.
- Q. The regulations specified herein shall not apply to any sign or directional device erected by any governmental agency, nonadvertising signs identifying underground utility lines or posted or preserve signs erected pursuant to the Environmental Conservation Law of the State of New York.
- R. No sign shall be erected in such a manner as to confuse or obstruct the view of any traffic sign, signal or device.
- S. No sound amplifiers, public address systems or other sound devices shall be used as a means of advertising or to attract attention to a sign.
- T. Awnings, as defined by this chapter, may be permitted, provided that they comply with the following standards and regulations:
- (1) No awning shall extend out more than six (6) feet from the building surface from which it is attached.
 - (2) No awning shall be less than seven (7) feet above the sidewalk or entranceway over which it is attached.
- U. Flower boxes, which extend over or rest on a public right-of-way, shall not extend more than nine (9) inches from the façade of the building to which they are accessory. Flower boxes shall not contain any lettering, logos, or pictorial matter and may not be illuminated, except indirectly.

§ 170-11. Illuminated Signs.

- A. Sign lighting shall be shielded to prevent glare onto adjacent public rights-of-way and adjacent private properties. Sign lighting shall be directed so the light does not stray above the light source horizontally. All lighting shall be steady and even over the entire sign.
- B. All lighting fixtures and elements shall be maintained in good working condition.
- (1) The full number of illuminating elements of the sign shall be kept in working condition or immediately repaired or replaced.

- C. Illumination shall be steady in nature, not fluctuating, flashing, rotating, intermittent, moving or changing in brilliance or intensity. Any illuminated sign or lighting device shall employ only lights emitting a perceived constant intensity. The light shall be the minimum necessary for the intended purpose of such illumination, consistent with public safety and welfare. In no event shall any illuminated sign or lighting device be placed so as to permit the beams and illumination therefrom to be directed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. Overhead wires or exposed wires on a sign or its supporting members are prohibited.
- D. Message displays will be instantaneous, without scrolling, fading-in, dropping-in, or similar moving copy changes.
- E. Brightness shall not be of such intensity from sunset until sunrise that would annoy, disturb, distract, or otherwise endanger an individual of reasonable intelligence and demeanor.
- F. No sign shall be placed or be directed so as to permit the sign illumination to be directed upon a public street, highway, sidewalk or adjacent premises so as to cause hardship or danger to any person or persons.
- G. Sign lighting for commercial purposes which is permanently attached to the building shall be a steady, non-flashing light in addition to those regulations set forth in this Section.
- H. Light emitting diode (LED) and electronic variable Message (EVM) signs:
- (1) LED and EVM signs shall be permitted only in B-1, C-1, C-2 and I-1 Zoning Districts.
 - (2) The face area of the sign shall be limited to 50% of the allowable free-standing sign or forty (40) square feet, whichever is less.
 - (3) The frequency of the electronic display/displays will be limited to a maximum of one message display per every twenty (20) seconds.
 - (4) The message displays will be presented only in an alpha-numerical format; moving picture, digital movies and sound shall not be utilized. Still graphics may be utilized as backdrop to message displays, but they shall not otherwise change.

- I. All signs containing electrical wiring shall be subject to the provisions of the National Electrical Code and the New York Board of Fire Underwriters Provisions and the electrical components used shall bear the label of an approved testing agency.
- J. No sign or any part thereof shall contain or consist of any pennant, ribbon, streamer, balloons, spinner or other similar moving, fluttering, or revolving device. Such devices shall be prohibited even if they have no message or logo on them. Said devices, as well as strings of lights, shall not be used for advertising or directing attention whether or not they are part of the sign.
- K. All other provisions of this Chapter shall apply to illuminated signs as provided herein.

§ 170-12. Business uses in R-C, B-1, C-1, C-2 and I-1 Districts.

- A. The total area of all signs erected on a single property to advertise a specific business activity of that property, including freestanding and building signs, shall not exceed an area of two (2) square feet for each linear foot of building frontage of the principal structure, measured along the street or off-street parking area, whichever is greater, that provides the principal access for the use.
- B. Directional signs that do not exceed four (4) square feet in sign area and are limited to such texts as “Office,” “Entrance,” “Exit,” “Parking” and “No Parking” shall be excluded from the limitation on the total area of signs permitted.
- C. No freestanding sign shall be more than twenty-five (25) feet in height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof. The Planning Board shall establish the setback for freestanding signs to ensure that such signs do not obstruct the view of motorists or create a nuisance to adjacent properties.

§ 170-13. Conduct of more than one principal activity.

- A. Notwithstanding the standard governing the total area of signs permitted to be erected or maintained on any parcel of real property set forth in § 170-12 above, the following standards shall guide the regulation of all signs associated with projects when more than one (1) principal building or business use or activity is proposed to be conducted upon a single parcel of real property, such as in the case of a shopping center, plaza or mall or other multiple commercial use facility or industrial park.

- (1) A single freestanding sign of up to thirty-two (32) square feet in area and not more than twenty-five (25) feet in height may be erected which identifies the name of the center or facility as a whole and does not advertise any individual business activity.
- (2) One (1) sign identifying individual businesses or uses may be erected for each separate principal activity. Individual business signs may be attached to the face of the building. Such signs shall not exceed the lesser of two (2) square feet of area for each linear foot of store frontage or twenty percent (20%) of the surface area of the building face on which the sign is to be attached.
- (3) In a multiple commercial use facility or industrial park, there may be one (1) directory sign at any location therein which shall not exceed five (5) square feet for each acre of land in such commercial area or industrial park, provided that no such sign shall exceed twenty (20) square feet in area. In addition, at each point of entrance and exit for vehicular traffic into such multiple commercial use facility or industrial park, one (1) other directory sign shall be permitted which does not exceed four (4) square feet for each acre of land in such multiple commercial use facility or industrial park. Such signs shall not exceed a total area of twelve (12) square feet.
- (4) An overall sign design plan for any such center or facility shall be submitted with the application for site plan approval. The sign design plan shall include plans for each principal activity therein and shall reflect a reasonable uniformity of design, lettering and material.

§ 170-14. Non-business uses in R-O, R-1, R-2 and R-C Districts.

- A. For multiple-family dwellings, churches, libraries, social clubs, public buildings and other similar uses, a single identification sign not exceeding sixteen (16) square feet in area and indicating only the name and address of the building may be displayed. Signs identifying churches, libraries and other similar public buildings may, in addition to the name and address, include the times that services are provided. Such signs shall not be located closer to any lot line than one-half (1/2) of the required setback nor project more than four (4) feet in height above grade.
- B. No more than two (2) signs advertising the sale, lease or rental of a property may be placed on the site which is available. Said signs shall be removed from the

premises within seven (7) days after the property has been leased or title transferred.

- C. A permanent sign may be erected to indicate a subdivision. Said sign shall be approved by the Planning Board.
- D. A sign advertising the sale of property within an approved subdivision may be permitted, provided that said sign does not exceed an area of thirty-two (32) square feet. Said sign shall be located at the entranceway to the subdivision and may be placed on the property for a period of three (3) years from the time of subdivision approval or thirty (30) days following the sale of the last lot in the subdivision, whichever is first.

§ 170-15. Off-premises signs.

Off-premises signs that advertise a business use or service located on a property other than that of the advertised business use or service shall comply with the following:

- A. Signs shall only be erected on property located in B-1, C-1, C-2 and I-1 Districts.
- B. No vacant property containing an off-premises sign shall have any structure placed upon it until such time said sign has been removed.
- C. No sign on vacant property shall have more than two (2) sides. The maximum size of any one (1) side of a sign shall be one hundred (100) square feet.
- D. The maximum height of any sign on vacant property shall not exceed thirty (30) feet when measured from the ground at the point of the nearest public right-of-way (for these purposes determined to be the shoulder of the road immediately adjacent to the paved portion of the right-of-way) to the top of the sign or structure containing the sign, whichever is higher.
- E. No sign on vacant property shall be located closer than one hundred fifty (150) feet to any public right-of-way and/or any lot line of an adjoining lot located in a B-1, C-1, C-2 or I-1 Zoning District.
- F. No sign on vacant property shall be located closer than three hundred (300) feet to any lot line of an adjoining lot located in an R-O, R-1, R-2 or R-C Zoning District.

- G. The maximum number of signs permitted on any single property shall be one (1) sign.
- H. In the event an off-premises sign is located on property which is not vacant, same shall only be allowed as a temporary sign pursuant to § 170-17 of this code.

§ 170-16. Signs permitted in all districts without permit.

- A. The following signs are permitted in all districts without a permit:
 - (1) Signs bearing the name of the principal occupant and/or the street address of a private dwelling which do not exceed three (3) square feet in area.
 - (2) Professional nameplates which do not exceed three (3) square foot in area.
 - (3) Signs advertising the sale, lease or rental of the premises upon which the sign is located, as regulated in § 170-14B and § 170-14D of this code.

§ 170-17. Temporary signs.

- A. Temporary signs advertising any educational, charitable, civic, religious or like event may be erected or displayed without a permit for a consecutive period not to exceed thirty (30) days in any calendar year with Village Board approval. Approved signs shall not exceed thirty-two (32) square feet in area. Temporary signs advertising any business use not on the property owned by that business may be erected with a permit for a consecutive period not to exceed thirty (30) days in any calendar year upon the approval of the Village Board. Such sign must meet the conditions set forth in subdivision B herein.
 - (1) The actual location of any such sign shall be approved by the Code Enforcement Officer and Board of Trustees prior to its erection and/or placement.
 - (2) The owner of such sign shall provide proof of insurance satisfactory to the Code Enforcement Officer and Board of Trustees prior to the granting of any approvals.

- (3) Upon seeking a permit, the owner of such sign shall pay an annual registration fee¹ as determine by the Board of Trustees
- B. One (1) temporary sign advertising a business use may be displayed in front of said business, provided the following conditions are met:
- (1) A permit for each sign must be obtained from the Village of Alden, and shall be valid for one (1) year from the date of issuance. An application for a temporary business sign, on forms obtained from the Village of Alden, must be submitted to the Village Board of Trustees with the following information:
 - (a) The name and address of the applicant.
 - (b) The address of the location of the proposed sign.
 - (c) A plat plan of the premises showing all buildings, right-of-ways, easements, sidewalks, and the proposed location of the sign with distances to the above items indicated on the plan.
 - (d) Dimensions of the sign and all of its components.
 - (e) The graphic design of the sign, including symbols, letters, materials and colors.
 - (f) The visual message, copy, text or content of the sign.
 - (g) Additional information as necessary to show compliance with this Section.
 - (2) Signs shall not have more than two (2) sides. The maximum size of any one side of a sign shall be eight (8) square feet.
 - (3) All signs must be maintained in good repair at all times.
 - (4) Signs shall not be illuminated in any fashion.
 - (5) No sign shall be placed upon or project over a public right-of-way or sidewalk unless formal plans and specifications for same have been prepared by a professional engineer, contractor, architect, or similar profession which adequately depict the size, location, and configuration of

¹ Editor's Note: See Ch. A220, Fees.

such sign. Such plans, drawings, photographs and/or renditions, shall be clearly certified to the effect that the placement, configuration, and size of the sign shall not impede the public thoroughfare and/or sidewalk nor pose any danger and/or potential risk to any user of the sidewalk and/or public thoroughfare.

- (6) No sign shall consist of banners, vinyl signs, posters, pennants, ribbons, streamers, spinners or similar fluttering devices.
- (7) No sign shall consist of animated or moving parts.
- (8) No sign shall be attached to trees.
- (9) No signs shall be attached to fences or utility poles.
- (10) No sign shall be placed in such a manner so as to confuse or obstruct the view of a traffic sign, signal or device.
- (11) No sign shall be placed in such a manner so as to obstruct the view of any motor vehicle operator.
- (12) No sound amplifiers, public address systems or other sound devices shall be used as part of a sign.

C. Notwithstanding the above, political signs may be displayed without Village Board approval for a period not to exceed thirty (30) days prior to the date of election, special election and/or primary election. Said signs shall be removed within seven (7) calendar days after the election.

- (1) The removal of such signs shall be the responsibility of the particular candidate and it shall not be a defense to any alleged violation that such sign was not specifically placed on the property by the candidate.

D. Temporary signs advertising a special event, promotion, opening, or similar limited business event may be authorized for a period not to exceed fourteen (14) calendar days within a calendar year, when prior approval is granted by the Village of Alden Board of Trustees based on the following requirements:

- (1) An application for a special event sign approval, on forms obtained from the Village of Alden, must be submitted to the Village Board of Trustees with the following information:
 - (a) The name and address of the applicant.

- (b) The address of the location of the proposed sign(s).
- (c) A plat plan of the premises showing all buildings, right-of-ways, easements, sidewalks, and the proposed location of the sign(s) with distances to the above items indicated on the plan.
- (d) Dimensions of the sign(s) and all of its components.
- (e) The graphic design of the sign(s), including symbols, letters, materials and colors. If any sign is proposed to be illuminated, whether directly or indirectly, details on the lighting and intensity must also be provided. If any sign is proposed with movable parts, details on the movement and type must also be provided.
- (f) The visual message, copy, text or content of the sign(s).

§ 170-18. Permit required.

- A. Except as otherwise provided, no person shall erect, alter or relocate any sign without first obtaining a permit from the Code Enforcement Officer. No permit shall be required for the general repair or maintenance of any permitted sign.

§ 170-19. Application procedure.

- A. Applications shall be made in writing to the Code Enforcement Officer on forms obtained from the Village of Alden and shall contain the following information:
 - (1) The name, address and telephone number of the applicant.
 - (2) The name, address and telephone number of the property owner.
 - (3) The location of the building, structure and/or land upon which the sign now exists or is to be erected.
 - (4) A plan, drawn to scale, as well as a description of the sign, sign structure and placement and should include the following:
 - (a) Its location on the premises, specifically its position in relation to existing buildings, structures, property lines, roadways, driveways,

parking lots and any other existing or proposed signage, and indicating such distances.

- (b) Dimensions of the building or buildings on the property where the sign is proposed.
- (c) The method of illumination, if any, and the position of lighting or other extraneous devices.
- (d) Graphic design, including symbols, letters, materials and colors.
- (e) The visual message, copy, text or content of the sign.
- (f) Any other information the Code Enforcement Officer may deem necessary to confirm compliance with all applicable laws and codes.

§ 170-20. Issuance of permit.

- A. It shall be the duty of the Code Enforcement Officer, upon the filing of the application for said permit, to examine all of the data submitted to him with the application and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure. If it shall appear that the proposed sign is in compliance with all of the requirements of this chapter and other rules and regulations of the Village of Alden, the Village Board of Trustees has reviewed the sign for compliance with the comprehensive plan, and all other approvals have been granted, a permit for the erection of the proposed sign shall be issued upon payment of all applicable fees² as set from time to time by the Village Board of Trustees. If the sign authorized under any such permit has not been completed within one (1) year from the date of issuance of such permit, the permit shall become null and void.

§ 170-21. Removal of signs.

- A. The Code Enforcement Officer shall notify the owner of any sign which no longer serves the purpose for which a permit was granted or is unsafe, insecure, in a state of disrepair, or is a menace to the public or has been erected or installed in violation of this chapter, in writing, to remove or correct the unsatisfactory condition of said sign within five (5) days from the date of such notice.

² Editor's Note: See Ch. A220, Fees.

- B. The Code Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily upon written notice to that effect. Failure to comply within twenty-four (24) hours of such notice shall serve as an authorization to the Code Enforcement Officer to remove or cause the removal of such sign, with all costs and expenses charged as provided for above.

§ 170-22. Enforcement.

This chapter shall be enforced by the Code Enforcement Officer.

§ 170-23. Appeals.

Any person aggrieved by a decision of the Code Enforcement Officer may file an appeal to the Village of Alden Zoning Board of Appeals following the procedure for same as outlined in Chapter 210 of this Code.

§ 170-24. Construction and use.

Sign permits authorize only the use, arrangement and construction which is in compliance with this chapter and other applicable laws. Use, arrangement or construction not in compliance with this chapter or other applicable laws shall be a violation of this chapter.

§ 170-25. Fee.

Applicable fees for any sign permit issued shall be paid at the time of issuance of said permit in an amount as determined from time to time by the Village Board of Trustees.³

§ 170-26. Penalties for offenses.

- A. A violation of this chapter is hereby declared to be an offense punishable by a fine not to exceed five hundred fifty dollars (\$550.00) or imprisonment for a period not to exceed six (6) months, or both, for a conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five (5) years, punishable by a fine of not less than five hundred fifty dollars

³ Editor's Note: See Ch. A220, Fees.

(\$550.00) nor more than eight hundred dollars (\$800.00) or imprisonment for a period not to exceed six (6) months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five (5) years, punishable by a fine of not less than eight hundred dollars (\$800.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate additional violation.

- B. A person shall be subject to the penalties imposed by this section in any case where an order to remove any violation of any of the provisions of this chapter has been served by the Code Enforcement Officer upon the owner, general agent, lessee or tenant of the building, other structure or tract of land or any part thereof or upon the architect, building, contractor or anyone who commits or assists in any such violation and where such person shall fail to comply with such order within ten (10) days after the service thereof. Each week's continued violation shall constitute a separate additional violation and shall be punishable hereunder.

§ 170-27. Other remedies.

In addition to the foregoing remedies, the Village of Alden may institute any appropriate action or proceeding to prevent, correct or restrain any violation of this chapter.