

LOCAL LAW NO. \_\_\_\_ OF 2022

TOWN BOARD  
TOWN OF NEW CASTLE

PROPOSED LOCAL LAW TO AMEND CHAPTER 60, SECTION 210 AND  
SECTION 410 SUBSECTION D OF THE CODE OF THE TOWN OF NEW  
CASTLE

A LOCAL LAW to amend  
Chapter 60, Section 210 and  
Section 410 Subsection D of the  
Code of the Town of New Castle  
concerning sign regulations.

**Section 1.** Chapter 60, Section 210 of the Code of the Town of New Castle entitled “Terms defined” is hereby amended to define the term “temporary signs” and remove the terms “nonresidential development temporary event sign” and “residential sign” as follows:

§ 60-210 Terms defined.

**RESIDENTIAL SIGN**

Any sign located on a lot zoned for residential purposes that contains no for profit, commercial message except advertising for goods and services legally offered on the premises on which such sign is located, if offering such goods and services at such location conforms with all the requirements of this chapter. A residential sign shall not include a residential or nonresidential development identification sign.

**TEMPORARY SIGNS**

Temporary signs are those intended to be displayed for a limited duration in connection with a particular noncommercial event or activity, including but not limited to signs displayed during campaigns, drives or events of civic, political, philanthropic, not-for-profit, charitable, educational, or religious institutions.

**Section 2.** Chapter 60, Section 410 of the Code of the Town of New Castle entitled “District regulations” is hereby amended to modify Subsections D(10) follows:

§ 60-410 District regulations.

D. Sign regulations. The purpose of this subsection is to establish reasonable regulations for the design, construction, installation and maintenance of signs in the Town of New Castle in order to:

...

(10) Exempt signs. In the interest of promoting the public health, safety and general welfare, the following signs shall be exempt from regulation under this chapter, subject to compliance with the standards specified below:

(a) Any public notice or warning required by a valid and applicable federal, state, county, Town or school district law, regulation or ordinance; informational signs of a public utility regarding its poles, lines, pipes or facilities; and signs erected by or on behalf of a public transit company to identify the location of bus stops and train stations as well as related route and schedule information.

(b) Property identification signs containing street address numbers, not exceeding six inches in height and attached to a building or post located on private property behind the lot line.

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**Section 3.** Chapter 60, Section 410 of the Code of the Town of New Castle entitled “District regulations” is hereby amended to modify Subsections D(12) follows:

D. Sign regulations. The purpose of this subsection is to establish reasonable regulations for the design, construction, installation and maintenance of signs in the Town of New Castle in order to:

...

(12) Signs permitted in residence districts.

(a) Size and Location.

[1] Residential Signs and Temporary Signs that do not exceed 10 square feet or 5 linear feet in any single directional plane. Illuminated signs are prohibited, except as set forth in § 60-410D(15)(a).

[2] No sign shall hang or project over, or be placed upon, a Town right-of-way, except:

[i] exempt signs as set forth in § 60-410D(10)(a),

[ii] Temporary Signs as set forth in § 60-410D(12)(b), and

[iii] Residential Signs placed by the owner/occupant of residential property in a location contiguous with said property, provided that such signs shall be no closer than 5 feet from the edge of any Town road, shall not be attached to trees, utility poles, bridges, fences, or traffic signs, and shall be no more than three feet above the ground. [3] No sign, regardless of its location, shall interfere with the vision of a driver of a motor vehicle or otherwise create a safety hazard.

[4] No sign located on any exterior building wall shall project above the top of such wall at the location of the sign or project beyond the ends of the wall to which it is attached.

(b) Temporary Signs. Temporary signs may be displayed for a period not to exceed 30 consecutive days **immediately preceding the event or activity.** Temporary Signs may be placed in a Town right-of-way, provided that no Temporary Sign shall be placed within 5 feet of the edge of any roadway or otherwise interfere with proper sight distance, pedestrian movement, or traffic flow. Temporary Signs must be removed by the individual or organization posting them not later than three days after the event's conclusion. Identical Temporary Signs may not be placed closer than 20 feet from one another. Temporary Signs shall not be attached to trees, utility poles, bridges, fences, or traffic signs. The top of a Temporary Sign shall be no more than three feet above the ground. No Temporary Signs may be placed at the Chappaqua triangle (intersection of Rte. 120 and S. Greeley Avenue) or the Millwood triangle (intersection of Rtes. 100 and 120).

(c) Development Identification Signs. Residential and Nonresidential Development **Identification** Signs shall be placed where there is an active entrance drive and may be illuminated, subject to the requirements set forth in 60-410D (15)(a). Only one such sign is permitted per entrance. Residential and Nonresidential Development Identification Signs shall not exceed 5 linear feet in any single directional plane.

(d) Multiple Signs. Where multiple signs are placed on a single residential property, the total area of all such signs shall not exceed 20 square feet for each detached principal dwelling unit, including any signs placed by the owner/occupant of said property in a contiguous Town right-of-way.

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(13) Signs permitted in business and industrial districts.

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(c) No sign shall hang or project over, or be placed upon, a public right-of-way in a business or industrial district.

**Section 4.** Chapter 60, Section 410 of the Code of the Town of New Castle entitled “District regulations” is hereby amended to modify Subsections D(15) follows:

D. Sign regulations. The purpose of this subsection is to establish reasonable regulations for the design, construction, installation and maintenance of signs in the Town of New Castle in order to:

...

(15) Design, construction and maintenance.(a) Illumination. Illumination of signage is permitted only for Residential and Nonresidential Development Identification Signs, and for signs in business and industrial districts as permitted under § 60-410D(13), subject to the following requirements:

[1] Illumination shall be confined to, or directed to, the surface of the sign.

[2] No flashing, rotating or intermittent illumination shall be permitted.

[3] The sign, including its lighting sources, shall be designed and shielded so that the light sources cannot be seen from any neighboring residence district or from the street.

[4] Interior illumination of a sign shall not be permitted unless such illumination is confined to the sign's lettering and/or symbols, except that the illumination of the background area of a sign with interior illumination may be permitted, provided that the applicant can demonstrate to the satisfaction of the approving authority that such lighting will not result in a level of illumination or glare such that the sign may cause a distraction to motorists or negatively impact surrounding properties. Where interior illumination of a sign's background materials is sought, the applicant shall bear the burden of proof of demonstrating compliance with the above standards.

- [5] Illumination of signage regulated under § 60-410D(13) herein shall be limited to not later than 10:00 p.m. or the close of business for the establishment displaying the illuminated signage, whichever is later.

(b) Safety and maintenance.

- [1] All signs shall comply at all times with applicable provisions of the New York State Uniform Fire Prevention and Building Code and the electrical code of the Town of New Castle.
- [2] Except for window signs conforming in all respects with the provisions of § 60-410D, sidewalk signs conforming in all respects with the provisions of § 60-410D(13)(a)(f), and Temporary Signs, all other signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
- [3] All signs shall be maintained in good structural condition and free from all hazards, in compliance with all applicable building and electrical codes and in conformance with all applicable provisions of this chapter.
- [4] All signs shall be always maintained in a safe and attractive condition so as not to be detrimental to the public health, safety, and welfare.

**Section 5.** Chapter 60, Attachment 2:4 of the Code of the Town of New Castle entitled “§ 60-410A. Schedule of Regulations for residence districts. Use Regulations- Part 3” is hereby amended to permit all signs as permitted by § 60-410D(12) as permitted accessory uses in the MFPD, MFR-M, MFR-C Districts as follows:

5. Signs, as permitted by § 60-410D(12).

**Section 6. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 60, Section 410, Subsection D of the Code of the Town of New Castle is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 7. Numbering for Codification**

It is the intention of the Town of New Castle and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of New Castle; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as

required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

### **Section 8. Severability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

### **Section 9. Effective Date**

This local law shall take effect immediately upon filing with the Office of the Secretary of State.