



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: April 23, 2014

Sponsored by Council Members: Berg, Mihalko, Papastrat, Matzo

Introduced by Committee: Planning and Community Development

ORDINANCE

entitled

**AN ORDINANCE AUTHORIZING PARK
OUTDOOR ADVERTISING OF NEW YORK,
INC. TO INSTALL BILLBOARDS AT 117 N.
GRISWOLD STREET**

WHEREAS, pursuant to the Code of the City of Binghamton § 410-62, *Signs specifically prohibited in all districts; signs allowed by permit only*, all advertising signs installed within the City of Binghamton must first be approved by City Council before permit approval; and

WHEREAS, Park Outdoor Advertising of New York, Inc. has requested approval to install billboard signs at 117 N. Griswold Street (Tax Parcel No. 144.68-2-1), in accordance with the attached proposal; and

WHEREAS, the Council of the City of Binghamton wishes to approve the attached proposal, subject to the condition that Park Outdoor Advertising of New York, Inc. must remove the four (4) billboards located at 310 Front Street (Tax Parcel No. 144.73-1-17) prior to the issuance of any permit for the installation of billboards at 117 N. Griswold Street (Tax Parcel No. 144.68-2-1).

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. Subject to the Code of the City of Binghamton § 410-62, *Signs specifically prohibited in all districts; signs allowed by permit only*, the Council of the City of Binghamton does hereby approve the proposal submitted by Park Outdoor Advertising of New York, Inc. for the installation of billboard signs at 117 N. Griswold Street (Tax Parcel No. 144.68-2-1), subject to the condition that Park Outdoor Advertising of New York, Inc. must remove the four (4) billboards and associated sign structures, such as poles, braces or brackets, and lighting, located at 310 Front Street (Tax Parcel No. 144.73-1-17) prior to the issuance of any permit for the installation of billboards at 117 N. Griswold Street (Tax Parcel No. 144.68-2-1).

Section 2. That this Ordinance shall take effect immediately.

Introductory No. _____

Permanent No. _____

Sponsored by City Council Members:
Berg, Mihalko, Papastrat, Matzo

AN ORDINANCE AUTHORIZING PARK
OUTDOOR ADVERTISING OF NEW YORK, INC.
TO INSTALL BILLBOARDS AT 117 N.
GRISWOLD STREET

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage				
Mihalko				
Rennia				
Webb				
Papastrat				
Matzo				
Berg				
Total				

Code of the City of Binghamton

Adopted Defeated

_____ Ayes _____ Nays _____ Abstain _____ Absent



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: April 23, 2014

Sponsored by Council Members: Webb, Berg, Mihalko, Motsavage, Papastrat

Introduced by Committee: Planning and Community Development

ORDINANCE

entitled

AN ORDINANCE AMENDING CHAPTER 410,
ARTICLE XI OF THE CODE OF THE CITY OF
BINGHAMTON, REGARDING SIGN
REGULATIONS

WHEREAS, the City of Binghamton wishes to amend Chapter 410, Article XI, *Sign Regulations*, of the Code of the City of Binghamton to provide people freedom to effectively advertise their business, provide a more flexible approach to signage, enhance the visual aesthetics of the City and reduce the number of signs which require variances from the Zoning Board of Appeals as set forth in the attached "Exhibit A".

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Code of the City of Binghamton Chapter 410, Article XI, *Sign Regulations*, is hereby deleted and replaced as set forth in the attached "Exhibit A":

Introductory No. _____

Permanent No. _____

Sponsored by City Council Members:
Webb, Berg, Mihalko, Motsavage, Papastrat

AN ORDINANCE AMENDING CHAPTER 410,
ARTICLE XI OF THE CODE OF THE CITY OF
BINGHAMTON, REGARDING SIGN
REGULATIONS

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage				
Mihalko				
Rennia				
Webb				
Papastrat				
Matzo				
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Total				

Code of the City of Binghamton

Adopted Defeated

_____ Ayes _____ Nays _____ Abstain _____ Absent

ARTICLE XI, Sign Regulations

§ 410-58. Purpose and intent.

The purpose of this article is to promote the public health, safety, and welfare by establishing content neutral standards and criteria for the construction, installation, maintenance, and operation of outdoor advertising, outdoor advertising signs, and outdoor signs of all types in the City of Binghamton, which are subject to the provisions of this article. It is the further purpose to provide for the removal of those signs that do not comply with these regulations. More specifically, this article is intended to:

- A. Promote the creation of a an attractive visual environment that promotes a healthy economy by:
 - 1. Permitting businesses to inform, identify, and communicate effectively; and
 - 2. Directing the general public through the use of sign while maintaining attractive and harmonious application of signs on the buildings and sites.
- B. Protect and enhance the physical appearance of the City of Binghamton in a lawful manner that recognizes the rights of property owners by:
 - 1. Encouraging appropriate design, scale, and placement of signs;
 - 2. Encouraging the orderly placement of signs on the building while avoiding regulations that are so rigid and inflexible that all signs are in a series are monotonously uniform;
 - 3. Assuring that the information displayed on a sign is clearly visible, conspicuous, legible, and readable so that the sign achieves the intended purpose;
 - 4. Reducing sign clutter and the distractions and obstructions that may contribute to traffic accidents, and to reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way; and
 - 5. Preserving scenic views and the visual character of neighborhoods, historic districts and parkland.
- C. Foster public safety along public and private streets within the City of Binghamton by assuring that all signs are in safe and appropriate locations.
- D. Establish review procedures that are the minimum necessary to:
 - 1. Balance the City's objectives and regulatory requirements with the reasonable advertising and way finding needs of businesses;
 - 2. Allow for consistent enforcement of the Sign Ordinance;
 - 3. Minimize the time required to review a sign application; and
 - 4. Provide flexibility as to the number and placement of signs so the regulations are more responsive to business needs while maintaining the City's standards.
- E. Prohibit all signs not expressly permitted by this article.

§410-59. Application Process; Categories of Review.

- A. Signs for which a permit must be obtained in accordance with the provisions of this Article XI shall fall into one of the following categories:
 - 1. CAUD Review: any sign within a designated Local Historic District or involving a designated Local Landmark Property. Review of, and decision on, any sign application shall be made by the Commission on Architecture and Urban Design (CAUD) pursuant to §18-78.
 - 2. Standard Review: any sign that is located within the City of Binghamton that is outside a designated Local Historic District and does not involve a designated Local Landmark Property. Review of, and decision on, any Standard Review shall be made by the Department of Planning, Housing, and Community Development, except that the staff may request that such review and decision be made by the Commission on Architecture and Urban Design (CAUD)
- B. Permit applications shall be filed with the Department of Planning, Housing, and Community Development. The application shall contain:

1. The name and address of the sign owner, the owner of the premises on which the sign is to be erected and the sign erector.
2. Scaled drawings showing the design and location of the sign, including an accurate plot plan and such other pertinent information as may be required to determine that the required standards are met. A photograph or rendering including all dimensions is required. The City reserves the right to approve, approve with modifications, or deny an proposed sign plan.
3. Insurance for Signs Extending Over the Public Right-of-Way.
 - a. The applicant shall place on file with the City, without cost to the City, satisfactory proof of general liability insurance in the minimum amount of one million dollars (\$1,000,000.00) naming the City of Binghamton as an additional insured on a primary non-contributory basis, along with any appropriate endorsements, including state of indemnification to hold the City of Binghamton harmless from any liability incurred or caused by the sign.
 - b. Such insurance shall remain in force throughout the effective period of the permit and/or any authorized extension or extensions thereof and shall carry an endorsement to the effect that the insurance company will give prior written notice to the City of Binghamton Office of the Corporation Counsel of any modification or cancellation of such insurance.
 - c. The provisions of this subsection shall not in any way limit the rights of the City to bring any action or proceeding against the applicant, his or her agents or employees to recover damages suffered by the City and caused by the applicant, his or her agents or employees.

§410-60. Sign Permit Required; Fees.

- A. Permit required. Except as expressly provided herein, no sign shall be erected, enlarged, altered or relocated unless an application for a sign permit evidencing the compliance of such work with the provisions of this section and other applicable provisions of this chapter shall have first been issued by the Supervisor of Building and Construction or their designee.
 1. A sign permit shall be required whenever there is any change in the structural form or sign face of any preexisting sign regardless of whether there is a change in ownership of the sign or the premises on which it is located.
 2. Routine sign maintenance or changing of parts designed to be changed shall not be considered an alteration requiring a sign permit.
- B. Fees.
 1. The permit and license fees for the erection, maintenance and continued operation of signs shall be as set from time to time by the City Council. An additional fee shall be charged for illuminated signs. Signage exempt from fees is limited to those found in §410-64.
 2. Where there is more than one sign on a property, a separate fee shall be collected for each sign.

§410-61. Definitions.

- A. As used in this article, a “sign” is any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or project images. “Sign” does not include the flag of any nation, organization of nations, state or city, or fraternal, religious or civic organizations. “Sign” does not include merchandise; works of art which in no way identify a product; or scoreboards located on athletic fields.
- B. The following words and phrases used in this Sign Code shall have the following meanings:

Abandoned Sign. A sign which for a period of at least 30 consecutive days or longer no longer advertises or identifies a legal business establishment, product, or activity. See also “Landmark Status Sign.”

Accessory Sign. A sign which is intended solely for the purposes of providing information to pedestrians and vehicles, and which does not include any commercial or advertising content.

1. **Directional Sign.** A permanent accessory sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.
2. **Instructional Signs.** A sign clearly intended for instructional purposes, as determined by the Zoning Enforcement Officer, shall not be included in the permitted sum of the sign area of identification wall signs, provided such sign is not larger than necessary to serve the intended instructional purpose, and such sign is not in a location, nor includes design characteristics, that constitute or serve the purposes of an identification sign.
3. **On-Site Informational Sign.** A sign commonly associated with, and limited to, information and directions necessary or convenient for persons coming on the property, including signs marking entrances and exits, parking areas, one-way drives, rest rooms, pickup and delivery areas and the like.

Alteration. Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.

Animated Sign. A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

Area of Sign. The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, or forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Refer to measurement standards in §410-61 below.

Awning. A shelter extending from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

Awning Sign. Any sign painted on or attached to or supported by an awning.

Banner Sign. A lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constricted of non-durable materials, including, but not limited to, cardboard, cloth and/or plastic, and is subject to the requirements of §410-67.2. Banner signs are typically considered temporary, but may be considered as permanent signage under special circumstances, such as when used for vertical, projecting signs.

Billboard or Poster Panel. An off-premises advertising sign.

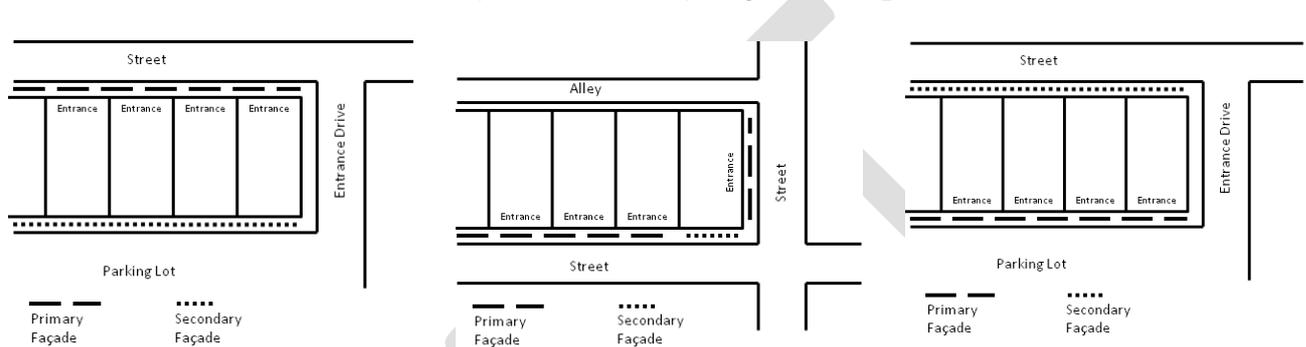
Building Identification Sign. Any sign containing the name or address of a building and may include hours of operation and emergency information, such sign being located on the same site as the structure.

Business Façade. The linear length of a business unit’s space. For multi-tenant buildings, the portion of such building that is owned, or leased by a single tenant, shall be considered a separate business façade.

Business Façade, Primary. The primary façade shall be considered the portion of any façades containing primary public entrance(s) to the building or building units.

Business Façade, Secondary. The secondary façade shall included façades containing secondary public entrances to the building or building units, and all walls facing a public street or primary parking area not designated as the primary façade by above.

Primary and Secondary Façade examples



Business Unit. The area in a building, or portion thereof, occupied by a single business entity; tenant space.

Cabinet Sign. A permanent sign that is mounted on the face of a building that provides for internal illumination and changing the message of the sign by replacing a single transparent or translucent material such as a Plexiglas/lexan face; may be roughly rectangular in shape or may roughly follows the shape of the text of the sign. Also known as a “lightbox” sign.

Canopy. A permanently roofed shelter, other than the building roof, covering a sidewalk, driveway, or other similar area, which is supported by the building to which it is attached.

Canopy Sign. Any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure which extends over the pedestrian walkway which effectively prevents the wall signs for being visible to the pedestrian walking under the canopy.

CAUD. Commission on Architecture and Urban Design; see Chapter 18, Boards, Commissions and Committees, Article VI, of the Code of the City of Binghamton.

Changeable Copy Sign. A sign or portion thereof on which the copy or symbols change manually through placement of letters or symbols on a panel mounted in or on a track system. See also Electronic Messaging Center sign.

Construction Sign. A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Electronic Messaging Center (EMC) Sign. A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses

changing lights or similar form of electronic display such as LED to form a sign message or messages with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, video boards, and holographic displays. See also “Static LED Display.”

Freestanding Sign. Any sign which is permanently affixed in or upon the ground, supported by one or more structural members; this shall include Ground Signs, Pole Signs, and similar.

Freestanding Vertical Banner Sign. A temporary, freestanding vertically-oriented banner sign attached to a single vertical pole, supported by crossbar base or tipped with a ground spike.

Footcandle. A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

Governmental Sign. A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

Grade. The level of the site at the property line located at the closest distance to the sign.

Ground Sign. A sign erected on a freestanding base or structure (such as, but not limited to: concrete, masonry, wood, or stone) approximately the same dimensions as the sign face, and not attached to any building. See also Freestanding Sign and Pole Sign.

Halo Lighting. A method of sign illumination that consists of a light source external to the sign or sign elements and mounted behind the sign or sign elements. A halo lit sign shall be comprised solely of opaque letters or other sign elements, so that the light does not appear to emit from within or through the letters or other sign elements.

Height of Sign. The measurement from the base of the sign to its highest element; measured as set forth in §410-61 below.

Historic District. The regulation of signs in historic districts shall be subject to the additional provisions provided in Chapter 18, Boards, Commissions and Committees, Article XII, Landmarks Preservation Commission, of the Code of the City of Binghamton.

Holiday Decorations. Signs or displays including lighting which are a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.

Illegal Sign. Any sign placed without proper approval or permits as required by this Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this Code.

Illuminated Sign. Any sign for which an artificial source of light is used in order to make readable the sign’s message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.

Landmark Status Sign. Abandoned signs which have been determined by the Commission on Architecture and Urban Design (CAUD) to have historical significance for the City; these signs are exempt from the removal requirements of other abandoned signs.

Length of Façade.

1. For measurement purposes, the length of any primary or secondary façade as defined herein, shall be the sum of all wall lengths parallel, or nearly parallel, to such façades excluding any such wall length determined by the Zoning Enforcement Officer or Planning Commission as clearly unrelated to the façade criteria.
2. The business façade for a building unit shall be measured from the centerline of the party walls defining the building unit.

Logo, Logogram, or Logotype. An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

Marquee. A permanent rooflike shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.

Marquee Sign. Any sign painted on or attached to or supported by a marquee. A marquee sign shall not project beyond the supporting marquee more than six (6) inches.

Merchandise Advertising Sign. Any point-of-purchase sign or advertisement located in immediate proximity to merchandise for sale or the business or service offered, describing such merchandise or service, its price and any terms of sale. This shall not include the following: any labeling or product information applied by the manufacture directly to the product; any changeable copy type signage or off-premises advertising signage; or any political and/or noncommercial sign.

1. Exterior merchandise advertising sign. Any merchandise advertising sign located outside of a structure; may be attached to an exterior façade of a structure or secured to a freestanding pole or other support structure.
2. Window merchandise advertising. Any merchandise advertising sign applied or attached the exterior or interior surface of the window, or within 12 inches of the window through which it can be seen. These sign include, but are not limited to: product signs, illuminated and neon alcohol advertising signs, illuminated ATM signs, Western Union or similar signs.

Mural. A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

Neon Sign. A sign with tubing that is internally illuminated by neon or other electrically charged gas.

Noncommercial Sign. Any sign (including, but not limited to: political signs, statements of opinion, no trespassing signs, and similar) designed for the purpose of any noncommercial expression not related to the advertisement of any product, item for sale, or service or the identification of any business.

Nonconforming Sign. A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code.

Off-Premises Advertising Sign. Any sign identifying or advertising goods, products, services or facilities offered at a different location from where the sign is installed.

On-Premises Advertising Sign. Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises on which the sign is installed.

Pole Sign. A sign that is mounted on a freestanding pole or similar supports, with air space between the ground and the sign face. See also Freestanding Sign and Ground Sign.

Political Sign. See “Noncommercial Sign.”

Portable Reader Sign. A sign which is not structurally attached to the ground or to a building, but which is mounted on a trailer, platform, legs or other device which may be moved from one location to another. This does not include Sandwich Board signs or Vertical Banner signs as separately defined herein.

Projecting Sign. A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See also Canopy sign.

Real Estate Sign. Any nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

Revolving or Rotating Sign. An animated sign.

Roof Sign. Any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.

Sandwich Board Sign. A freestanding temporary sign, with no moving parts or lights, displayed outside a business, during business hours, to advertise the business, hours of operation, an event, a promotion or special, et cetera (excluding real estate signage). It is not intended as permanent business signage.

Sign. Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.

Sign Face. An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

Site. All the contiguous ground area legally assembled into one development location which is a zoning lot. A zoning lot is defined as a permanent parcel (lot of record), multiple lots of record, or a portion of a lot of record.

Static LED Display. A single-color light emitting diode (LED) display used for limited, infrequently changing sign content (including, but not limited to: time and temperature displays, fuel prices, and similar) which is incorporated into a freestanding sign as a subservient, accessory feature. The displayed content shall not move, scroll, flash, or in any other way simulate motion. This type of display shall be distinct from EMC signs.

Special Event Sign. Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic or special event of general public interest.

Temporary Sign. Any sign which is installed for a period not to exceed 30 days. This does not include Noncommercial signs as defined above.

Wall Sign. Any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

Window, Area of. The area of a single window includes all of the window panes in an area that is separated by mullions, muntins, or other dividers which are less than three (3) inches wide.

Window Sign. Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building.

§410-62. General standards.

The following general standards shall apply to all signs:

- A. Unless specifically stated otherwise, the signage for each business unit in a multi-tenant building or development site shall be considered independently.
- B. Sign Measurements and Dimensions.
 1. For a sign which is framed, outlined, painted, or otherwise prepared and intended to provide a background for the sign display, the area and dimensions shall include the entire portion within such background or frame.
 2. For a sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements.

Sign Area examples



Individual letters with no background
Sign Area = 14.25 square feet

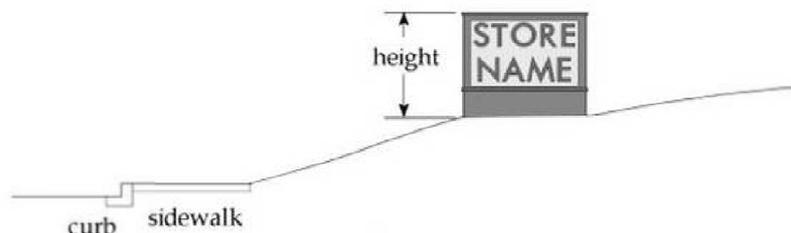


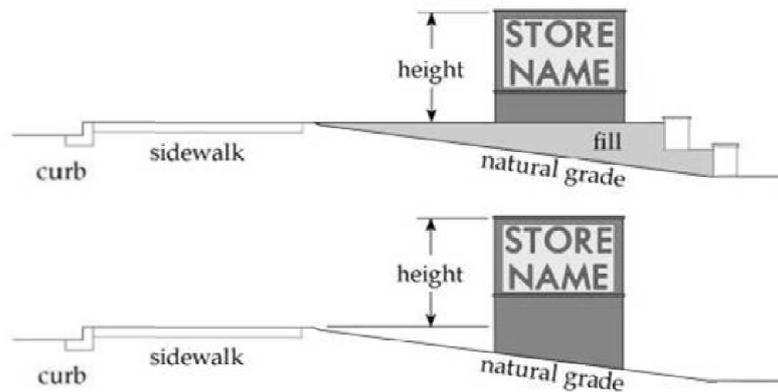
Framed sign with background
Sign Area = 22.5 square feet

3. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:

- a. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
 - b. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building, or structural form complementing the site in general.
4. Multi-faced Signs.
- a. Signs with two (2) faces. If the interior angle between the two (2) sign faces is 15 degrees or less, the sign area is of one sign face only. If the angle between the two (2) sign faces is greater than 15 degrees, the sign area is the sum of the area of the two sign faces.
 - b. Signs with more than two (2) faces. The sign area is the sum of the areas of all sign faces.
- C. Maximum Total Sign Area. The total sign area of a business unit shall be limited to two (2) square feet of sign per one (1) linear foot of business façade. Only primary and secondary business façades shall be included in this calculation. Except for freestanding signs, area allowances for signs may be utilized only on the side of the building from which they are calculated. Specific sign types included in the maximum total signage area are established in §410-67 below.
- D. Minimum Transparency. The total area of each window covered or obscured shall not exceed 50%. The calculation of this area shall include, but is not limited to, all signs, permanent or temporary, and all notices, flyers, posters, and merchandise advertisements. Address signs, hours of operation, and similar shall not be included in this calculation. The total area of each door window covered or obscured shall not exceed 10%. Temporary signs, including but not limited to notices, flyers, posters, merchandise advertising signs, et cetera, shall not be permitted in any windows located in doors used by the public.
- E. Sign Height.
- 1. Freestanding Signs (Ground Signs and Pole Signs). The sign height is measured as the vertical distance from the average elevation of the finished grade within an eight-foot radius from all sides of the sign at its base to the top of the sign, exclusive of any filling, berming, mounding, or landscaping solely for the purpose of locating the sign (e.g. – man-made grade change).
 - a. If the natural grade at the base of a sign is higher than the grade of the adjacent road, the sign height shall be measured from the base of the sign.
 - b. If the natural grade at the base of a sign is lower than the grade of the adjacent road, the height of the sign shall be measured from the top of the curb elevation.

Freestanding Sign Height examples





- F. Sign Illumination. Unless otherwise specified in this Article, allowed permanent signs may be non-illuminated, or illuminated by internal light fixtures, halo illuminated, or external indirect illumination; temporary signs may not be illuminated.
1. Electrical elements. All wiring, fitting and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of §225-4 of the Code of the City of Binghamton.
 2. All illumination for signs shall comply with the regulations as set forth in §410-24(J) of the City of Binghamton Zoning Ordinance.
 3. All electrical signs must be manufactured by a licensed electronic sign company and shall be labeled with the appropriate UL or ETL label as required by the NEC Code and the UL 48 Standards, or their most recent addendum, prior to the installation of the sign.
 4. Externally Illuminated Sign Standards
 - a. Except as provided in subsection b, externally illuminated signs shall be illuminated only with steady, stationary, shielded light source, directed so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
 - b. Bare bulb illumination. Permitted for a theatre/cinema as accent lighting around the outside edge of a changeable copy sign.
 5. Neon Sign Standards. Neon tubing may be used in conjunction with other types of materials to artistically emphasize the business name or logo.
 6. Static LED Display Standards. Static LED displays may be used in conjunction with a freestanding sign, provided it does not occupy more than 15% of the freestanding sign's area. A static LED display may not change more than once per 60 seconds.
 7. Electronic Message Center (EMC) Signs.
 - a. Any message or portion of an image or message must have a static display for a minimum duration of 10 seconds.
 - b. Transition time between content may not exceed 2 seconds.
 - c. No portion of the image or message may flash, scroll, twirl, change color, or in any manner imitate movement.
 - d. All EMC signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and must be programmed to automatically dim according to ambient light conditions. The nighttime illuminance of an electronic message center shall not increase ambient lighting conditions by more than 0.3 footcandles, as measured by a footcandle meter (also known as a "luxmeter"), when

measured perpendicular to the electronic message center face at a distance determined by the following formula:

$$\text{Measure distance (ft)} = \sqrt{[\text{area of EMC sign (in sq ft)} \times 100]}$$

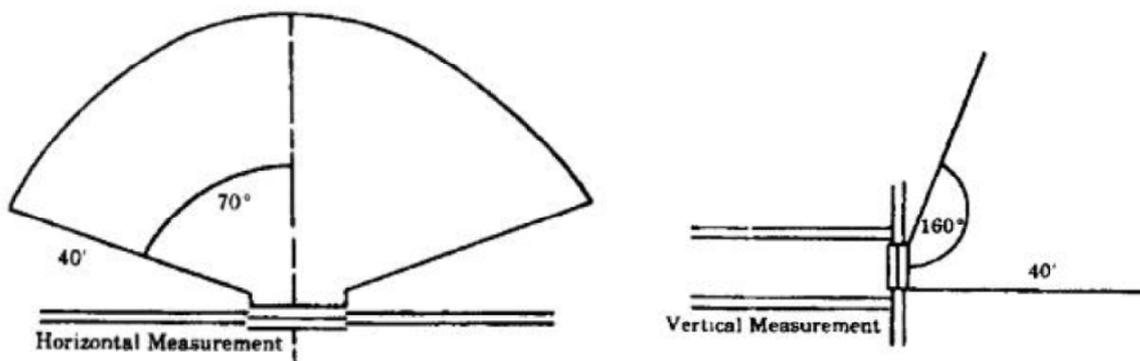
- e. EMC signs must have an automatic dimmer control to produce a distinct illumination change from the higher illumination level to a lower illumination level.

G. Setbacks. All minimum setbacks for signage shall be measured from any property line to the closest portion of the signage structure, including, but not limited to any: sign face; frame; supporting pole(s) or structure(s); or lighting devices attached to the sign or its structure.

H. Structure and Installation

1. Supporting Structures. The construction and structural components of all signs shall be in accordance with the standards and regulations of the New York State Building Construction Code, Fire Code of New York State, Mechanical Code of New York State and the Electrical Code of New York State.
2. Raceways and Cabinets.
 - a. Raceways shall not be included in the sign area measurement, provided the raceway does not extend beyond any letters, symbols, or images included in the sign.
 - b. Where a raceway or cabinet provides contract background color to the sign copy, the colored area is counted in the sign area measurement.
 - c. Signs with raceways or cabinets cannot extend beyond the face of the building façade by more than ten (10) inches.
3. All signs shall be secured in a manner sufficient to ensure that they will remain attached to the building or structure.
4. Obstruction of accessways. No sign or sign structure shall obstruct free ingress or egress from a fire escape door, window, sidewalk or other required accessway.
5. Obstruction of light, air or ventilation. No sign shall be erected or maintained within the zone of light obstruction for any window opening into any habitable room of any residential unit. The zone of light obstruction is a segment of a cone described horizontally by an arc drawn from the center line to the window, measured horizontally, extending to 70° on either side of the center line, at a radius of 40 feet, and described vertically by the space between a plane extending horizontally from the window sill and a plane extending from the top of the window at an angle of 160° to the face of the building.

Obstruction of Air and Light



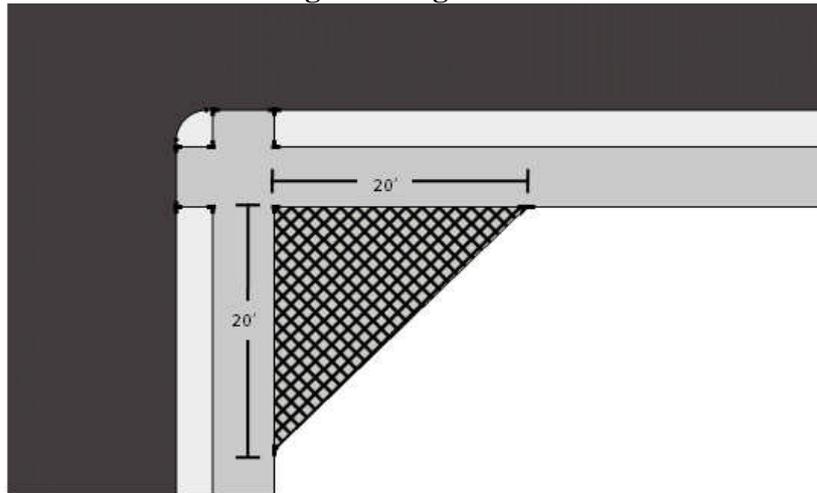
I. Traffic Safety.

1. Traffic control. No sign shall be maintained at any location where, by reason of its position, size, shape, content, lighting, or color, it may obstruct, impair, obscure, interfere with the view of, or

be confused with, any traffic-control sign, signal or device, or where it may interfere with, mislead or confuse traffic.

2. Sight Triangle.. For parcels located at the corner of two intersecting streets, a clear sight triangle shall be maintained. The sight triangle shall be the area formed by measuring a distance of 20 feet from the corner of the parcel along the lot lines and connecting the end points so as to establish a triangle on the area of the lot adjacent to the street intersections. No sign, nor any part of a sign, other than a supporting pole or brace measuring 18 inches or less in width or diameter, shall be located between three (3) feet and 10 feet above the grade within this sight triangle

Sight Triangle Area



J. Sign Maintenance

1. Responsibility. The owner of a sign and the owner of the premises on which each sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times, and to prevent the development of any corrosion, rotting or other deterioration in the physical appearance or safety of such sign. This includes graffiti, peeling paint, faded colors and damaged materials.
2. Unsafe signs. Unsightly, damaged, deteriorated sign or signs in danger of falling shall be put in order or removed upon written notice from the Building Inspector. Immediate compliance is expected for the repair or removal of unsafe signs. If compliance is not achieved within the time period specified in such notice, the sign shall be repaired or removed by the City and the costs assessed to the sign owner.

- K. Abandoned Signs, Removal. The property owner is responsible for the removal of signage upon termination of occupancy or use of premises. Written permission of the owner of a property is required in the application for a permit to erect any sign. In giving written permission, the owner of the property assumes full financial responsibility for removal of the signage within 30 days from termination of occupancy or use. Failure to remove may result in removal by the City, with all charges incurred assessed to the property owner.

§410-63. Design Criteria.

- A. Minimum Design Criteria. Sign applications shall be reviewed according to the following minimum design standards:
1. Signs shall enhance the overall appearance, image, and design character of the building and site.
 2. Signs shall be simple and clear so as not to distract moving traffic.

3. Signs shall be architecturally integrated into the building by relating scale, location, sign type, style, materials, and colors to the architectural style and size of the building or business unit.
 4. Placement of signage shall not obscure or overlap architectural elements.
 5. Internally illuminated signs shall either be constructed with an opaque background and translucent text and symbols, or with a colored (not white, off-white, light grey, or cream) background and generally lighter text and symbols.
 6. Illuminated signs should be oriented away from adjoining residential properties whenever possible.
 7. Raceway cabinets, where used as an element of wall mounted signs, shall match the building color at the location of the building where the sign is located.
 8. Signage in designated Historic Districts and signage located on designated Local Landmark Historic properties shall be in conformance with the City of Binghamton Historic Design Guidelines.
- B. Preferred Design Criteria and Incentives. Applicants are encouraged to take proactive steps to improve the quality and design of signage in the City of Binghamton. The following are the City’s preferred design standards. Sign applications meeting these optional, increased standards shall be eligible for the incentives as specified below. The incentive bonuses shall be increased signage area based on the square foot allowed for each sign as established in §410-67.1 below. Any bonus shall be applied only to the specific sign meeting the preferred standards; area bonuses shall not be applied to the maximum total sign area permitted for the business unit as established in §410-62 above.

Example:

<u>Max. Area</u>	<u>Bonus #1</u>	<u>Bonus #2</u>	<u>Bonus #3</u>	<u>Total Area</u>
100 sq ft	10% of 100 = 10 sq ft	N/A	N/A	110 sq ft
100 sq ft	10% of 100 = 10 sq ft	15% of 100 = 15 sq ft	N/A	125 sq ft
100 sq ft	10% of 100 = 10 sq ft	15% of 100 = 15 sq ft	20% of 100 = 20 sq ft	145 sq ft

1. Incorporation of a Distinctive Logo. Distinctive or unique logos or images provide visual interest to the streetscape and help attract the attention of customers, and are encouraged. Signs that incorporate a unique and distinctive logo, rather than a generic image, shall receive a maximum area bonus of 10% of the allowed square footage. Common, widely used trademarked corporate logos are not eligible for this bonus.
2. Use of Individually Cut Letters. Panel or box signs, or signs with a single cabinet containing all of the content, are discouraged. Signs which use individual cut letters, such as pan channel cut letters, or projecting or ground signs with a three-dimensional textured surface that is integral to its design, such as extensively carved, routed, or sandblasted signs, shall receive a maximum area bonus of 15% of the allowed square footage.
3. Simplified Content. Signs which include information such a telephone numbers, general business information, or other secondary content, are discouraged. Signs which limit the content to the business name and/or a distinctive image or logo, if any, shall receive a maximum area bonus of 5% of the allowed square footage.
4. External or Halo Lighting. Internally illuminated signs can become a distraction and a visual nuisance, so they are discouraged. Signs which use properly shielded external illumination or backlit, or halo, illumination as strongly encouraged. Signs which use either properly shielded external illumination or halo lighting shall receive a maximum area bonus of 10% of the allowed square footage.
5. Signs on Awning Valences. Awning signs located on an awning valence, instead of the awning face, shall not be counted toward the total signage area for the business unit, provided the valence does not hang more than nine (9) inches down from the bottom of the awning frame.

6. Voluntary Removal of a Legally Non-Conforming Sign. Any applicant voluntarily removing an active pre-existing non-conforming sign in order to comply with these regulations, shall receive a maximum area bonus of 20% of the allowed square footage. This area bonus shall only apply to signs replaced beginning from the effective date of this legislation until 31 December 2015.

§410-64. Signs Specifically Prohibited, All Districts.

The following signs are prohibited in all districts and new signs shall not be erected. Existing signs are grandfathered and must be maintained or removed at the request of the Building Inspector.

- A. Off-Premise Advertising signs (“Billboards”). Off-Premise Advertising signs are expressly prohibited except upon permit issued by the Common Council as provided herein.
 1. Common Council approval. Within 30 days, or such longer period as may be agreed upon by the applicant, of receipt and review of the written recommendations of the Planning Commission, the Common Council shall either deny the permit or, by ordinance duly adopted, approve the permit, with or without modifications to be accepted by the applicant as a condition of such approval. The failure of City Council to act within the aforementioned time period shall be deemed a final denial of the permit.
 2. Review by the Planning Commission. Before consideration of the Common Council, an applicant shall first submit an application to the Planning Commission for review. The Planning Commission shall consider the application at the next regularly scheduled meeting and thereafter forward to the Common Council its written recommendation within 30 business days following such meeting. In its report, the Planning Commission may recommend approval, approval with modification or denial. In reaching its decision, the Planning Commission shall consider:
 - a. Whether the proposed sign will have a substantial or undue adverse effect upon adjacent properties, the character of the neighborhood, traffic safety, and other matters affecting the public health, safety and general welfare.
 - b. Whether the proposed sign will be constructed or arranged so as not to dominate the immediate vicinity or interfere with the development or use of neighboring property.
 - c. Whether the proposed design will result in the destruction, loss or damage of any natural, scenic or historic features of significant importance.
 - d. Whether the proposed design will be compatible with the physical environment and aesthetically harmonious with the surrounding area.
 - e. Whether the proposed location and placement of the sign will create any traffic or safety hazards.
 - f. Whether the placement of the sign is necessary or desirable to provide a service which is in the interest of public convenience or which contributes to the general welfare of the community.
 - g. Whether the proposed sign, when considered with all other signage in the vicinity, will result in an excessive number of signs so as to result in a negative impact on the visual aesthetic of the area.
- B. Signs posted on public property per Chapter 163 of the City of Binghamton Code of Ordinances, except as provided for in §410-67.2 below (“Standards for Temporary Sign Types”) and Chapter 327 of the City of Binghamton Code of Ordinances, “Rights-of-Way, Use Of.” The City reserves the right to remove any such unauthorized sign on public property immediately and without notice.
- C. Mechanically moving signs including but not limited to: signs which spin or rotate; signs which, in whole or in part, pivot or wave; tri-vision signs or signs with multiple faces which periodically rotate into view; signs with multiple faces on a roll.
- D. Portable reader signs as defined in §410-61 above.
- E. Signs which purport to be, or are an imitation of, or resemble and official traffic sign or signal.

- F. Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal, or device or the light of an emergency vehicle, or which obstruct the visibility of any traffic or street sign or signal device.

§410-65. Signs Allowed by Right.

The following signs are permitted in any district without design review, sign permit, or fee:

- A. Address signs, provided that such signs are limited to no more than one sign per occupancy, and shall be limited to not more than two square feet, and if a ground sign or pole sign not more than four (4) feet above grade.
- B. Signs required by law.
- C. Governmental signs.
- D. Flags and emblems: flags and emblems of a governmental, civic, philanthropic, educational or religious organization. Shall not contain any advertising content.
- E. Historical or architectural designation signs: limited to not more than one wall or ground sign per structure, building or site. Such sign may not be more than three square feet in area and, if a ground sign, shall be not more than four feet above grade to top of sign, and shall be set back at least five feet from any lot line. Such signs must be approved by CAUD.
- F. Memorial signs, provided that such signs are an integral part of the building or structure, or are made of a durable material such as bronze, stone, or concrete. Such signs must be approved by CAUD.
- G. Holiday decorations, provided that such signs shall be displayed for a period of not more than 60 consecutive days, nor more than 10 days following the holiday in connection with which they are displayed.
- H. Noncommercial signs, provided that such signs are not more than 32 square feet in area if located in a commercial or industrial district or four (4) square feet in a residential district; are limited to not more than one message or topic per street frontage; are located entirely on private property pursuant to the owner's consent; and are maintained as so to prevent any corrosion, rotting or other deterioration in the physical appearance or safety of such sign in accordance with §410-62(J) above..
- I. Private event signs: temporary signs advertising private events, such as bingo games, fairs, and the like; provided that such signs are no more than 32 square feet in area; and are erected no more than 30 days prior to the event; and removed within 10 days following the conclusion of the event.
- J. Private sale signs, provided that such signs are no more than five (5) square feet in area; are located entirely on the premises where such sale is to be conducted or on other private property pursuant to the owner's consent; are clearly marked with the name, address and telephone number of the person responsible for the removal of such sign; are erected not more than 24 hours in advance of such sale; and are removed on the day following the conclusion of such sale.
- K. Real estate signs: one real estate sign per street frontage per lot, provided that the sign does not exceed four (4) square feet in area per residential lot, 32 square feet in area per commercial lot, or 50 square feet

in area per industrial lot. Real estate signs shall be removed within two weeks following the sale or rental of the property.

L. Warning signs, provided that such signs are wall or ground signs, are not more than three square feet in area each, and are illuminated only by an indirect source of light.

M. Roadside mailbox bearing a name and/or address number and installed according to U.S. Postal Service requirements.

§410-66. Allowable Sign Type and Location Matrix.

Except as specified above in §410-65, signs allowed in each Zoning District shall be as follows:

Schedule IV-A. Permanent Signs

	R-1	R-2	R-3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
Accessory Signs				X	X	X	X	X	X	X	X	X
Awning Signs				X	X	X	X	X	X	X	X	X
Canopy Signs				X	X	X	X	X	X	X	X	X
Changeable Copy Signs				X	X	X	X				X	X
EMC Signs				X								X
Ground Signs				X	X	X	X	X		X	X	X
Marquee Signs				X	X	X	X	X		X	X	X
Pole Signs	#	#	#	X		X	X				X	X
Projecting Signs				X	X	X	X				X	X
Wall Signs	#	#	#	X	X	X	X	X	X	X	X	X
Window Signs				X	X	X	X	X	X	X	X	X

Schedule IV-B. Temporary Signs

	R-1	R-2	R-3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
Banner Signs				X	X	X	X	X	X	X	X	X
Construction Signs				X	X	X	X	X	X	X	X	X
Free-Standing Vertical Banner Signs				X	X		X				X	X
Merchandise Advertising Signs, Exterior				X			X				X	X
Merchandise Advertising Signs, Window				X	X		X	X			X	X
Sandwich Board Signs				X	X	X	X	X	X		X	X

X – Allowed Sign Type

– Strictly as accessory to an approved Home Occupation. Limit 1 sign per parcel, maximum area of 2 square feet, no more than 4 feet above grade. Illumination prohibited.

§410-67.1. Standards for Permanent Sign Types.

All permanent signs require a valid permit, as set forth above in §410-59. Maximum sign area per business unit shall be determined as set forth in §410-62 above. Except as specified for residential districts in §410-66 above, the following standards shall apply to all permanent sign types.

A. Accessory Signs.

1. Maximum sign area: 5 square feet
2. Maximum height, building mounted: 8 feet from grade
3. Maximum height, freestanding: 4 feet from grade

- 4. Maximum number of accessory signs: 2 per business unit frontage
- 5. Illumination: Permitted
- 6. Counts toward total signage area: No

B. Awning Signs.

- 1. Maximum sign area: 50% of the awning area
- 2. Minimum height to bottom of the awning: 8 feet above grade
- 3. Maximum height of awning: Top of the awning may not extend beyond the first floor of the building
- 4. Maximum number of awning signs: 1 per awning face
- 5. Illumination: Permitted.
- 6. Counts toward total signage area: Yes

C. Canopy Signs.

- 1. Maximum sign area: 8 square feet
- 2. Minimum height at the bottom of the sign: 10 feet above grade
- 3. Maximum projection: 5 feet from building
- 4. Maximum number of canopy signs: 1 per business unit
- 5. Minimum spacing: 10 feet from any other canopy sign
- 6. Illumination: External illumination only
- 7. Counts toward total signage area: Yes

D. Changeable Copy Signs.

- 1. Maximum sign area: 75% of permitted sign face area, see below
- 2. Maximum number of changeable copy signs: 1 per parcel
- 3. Illumination: Permitted
- 4. Counts toward total signage area: Yes
- 5. Additional Requirements:
 - a. Permitted only as an integral part of a wall sign or a freestanding (pole or ground) sign.
 - b. The allowed area of the changeable copy sign shall be limited to 75% of the allowed area of the wall sign or freestanding sign of which it is a part.
 - c. Area incentives as established in §410-62.2 shall not apply to changeable copy signs.

E. Electronic Message Center (EMC) Signs.

- 1. Maximum sign area: 32 square feet
- 2. Maximum height, pole-mounted: 25 feet from grade
- 3. Minimum height, pole-mounted: 10 feet from grade
- 4. Maximum height, ground: 8 feet from grade
- 5. Minimum setback: 5 feet from any property line
- 6. Minimum spacing: 50 feet from another other EMC sign
- 7. Maximum number of EMC Signs: 1 per parcel
- 8. Illumination: Permitted, in accordance with §410-61.
- 9. Counts toward total signage area: Yes
- 10. Additional Requirements
 - a. An EMC sign may be installed an integral part of, or in place of, a freestanding (pole or ground) sign; an EMC sign shall not be installed as a separate sign on the same parcel as another freestanding sign.
 - b. Cannot be located within 200 feet of a residential district or designated historic district.
 - c. Applicant must demonstrate compliance with §410-61(F) above.

d. Area incentives as established in §410-62.2 shall not apply to EMC signs.

F. Ground Signs.

1. Maximum sign area: 40 square feet
2. Maximum height: 8 feet from grade, as established in §410-61
3. Minimum setback: 5 feet from any property line and/or driveway
4. Maximum number of ground signs: 1 per street frontage
5. Illumination: Permitted
6. Counts toward total signage area: Yes
7. Additional requirements
 - a. Compliance with §410-62(I) – Sight Triangle, as set forth above.

G. Marquee Signs.

1. Maximum sign area: 75% of marquee structure's height; 75% of its width
2. Maximum number of marquee signs: 1 per marquee; maximum 1 per business unit façade
3. Allowed Locations: Primary façades only
4. Minimum height at the bottom of the sign: 10 feet above grade
5. Maximum projection from marquee: 10 inches
6. Illumination: Permitted
7. Counts toward total signage area: Yes

H. Pole Signs.

1. Maximum sign area: 50 square feet
2. Maximum height at the top of the sign: 25 feet from grade
3. Minimum setback: 5 feet from any property line
4. Maximum number of pole signs: 1 per parcel
5. Illumination: Permitted
6. Counts toward total signage area: Yes
7. Additional requirements
 - a. Compliance with §410-62(I) – Sight Triangle, as set forth above.

I. Projecting Signs.

1. Maximum sign area: 20 square feet
2. Minimum height at the bottom of the sign: 10 feet above grade
3. Maximum projection: 5 feet from building
4. Maximum number of projecting signs: 1 per business unit
5. Minimum spacing: 10 feet from any other projecting sign
6. Illumination: External illumination only
7. Counts toward total signage area: Yes
8. Additional Requirements
 - a. Projecting signs shall not extend beyond the top of the building.

J. Wall Signs.

1. Maximum sign area, primary frontage: 2 square feet per linear foot of business frontage
2. Maximum sign area, secondary frontage: 1 square foot per linear foot of business frontage
3. Maximum number of wall signs: 1 sign per frontage
4. Maximum length of sign: 80% of the business façade
5. Maximum projection from building façade: 10 inches
6. Illumination: Permitted

7. Counts toward total signage area: Yes
8. Additional Requirements
 - a. The wall sign shall not extend beyond the top of the wall to which it is attached

K. Window Signs.

1. Maximum sign area: 50% of the window
2. Maximum number of window signs: 1 sign per window, 2 signs per frontage
3. Illumination: External illumination only
4. Counts toward total signage area: Yes

§410-67.2. Standards for Temporary Sign Types.

The followings standards shall apply to all temporary sign types. Temporary signs are not eligible for the incentives established in §410-62.2.

A. Banner Sign.

1. Maximum sign area: 1 square foot per linear foot of primary frontage
2. Maximum number of banner signs: 1 per business unit
3. Maximum length of banner sign: 50% of the business façade
4. Maximum display period: Up to 30 days, not more than 3 times in 12 months
5. Illumination: No
6. Temporary Sign Permit: Required
7. Counts toward total signage area: No
8. Additional Requirements
 - a. All banners must be anchored at all corners so as to keep the banner secured to the structure.

B. Construction Signs.

1. Maximum sign area: 32 square feet
2. Maximum number of construction signs: 1 per street frontage
3. Illumination: No
4. Temporary Sign Permit: Required
5. Counts toward total signage area: No
6. Additional Requirements
 - a. All such construction signs must be removed within 7 days after construction is completed.

C. Free-Standing Vertical Banners.

1. Maximum sign width: 2 feet at the widest point
2. Maximum sign height: 8 feet above grade
3. Maximum number of vertical banners: 1 per business unit
4. Maximum display period: During business hours only
5. Illumination: No
6. Temporary Sign Permit: Required
7. Counts toward total signage area: Yes
8. Additional Requirements
 - a. The applicant must maintain a clear and unobstructed path of at least five (5) feet around the sign and any other obstructions (such as, but not limited to: trees, planters, or other landscaping; light poles or traffic signals; fire hydrants; parking meters; public sign posts; utility boxes; et cetera) so as to not impede pedestrians.

- b. The applicant must provide an insurance rider naming the City of Binghamton as an additional insured on a primary noncontributory basis or other form found acceptable by the City of Binghamton Corporation Counsel.

D. Merchandise Advertising Signs, Exterior.

- 1. Maximum sign area: 4 square feet
- 2. Maximum number of signs: 1 per 300 feet of business frontage
- 3. Minimum set back: 10 feet from any property line and/or driveway
- 4. Minimum spacing: 100 feet from any other exterior merchandise sign
- 5. Illumination: No
- 6. Temporary Sign Permit: Required
- 7. Counts toward total signage area: Yes

E. Merchandise Advertising Signs, Window.

- 1. Maximum sign area: 25% of the window
- 2. Maximum number of signs: 1 per window, maximum 4 per business unit
- 3. Illumination: Permitted, no flashing, scrolling, or moving
- 4. Temporary Sign Permit: Required
- 5. Counts toward total signage area: Yes
- 6. Additional Requirements

- a. Window Merchandise Advertising Signs are not permitted in any door windows.

F. Sandwich Board Sign.

- 1. Maximum sign area: 8 square feet
- 2. Maximum number of sandwich board signs: 1 per business unit
- 3. Maximum display period: During business hours only
- 4. Illumination: No
- 5. Temporary Sign Permit: Required
- 6. Counts toward total signage area: Yes
- 7. Additional Requirements

- a. The applicant must maintain a clear and unobstructed path of at least five (5) feet around the sign and any other obstructions (such as, but not limited to: trees, planters, or other landscaping; light poles or traffic signals; fire hydrants; parking meters; public sign posts; utility boxes; et cetera) so as to not impede pedestrians.

- b. The applicant must provide an insurance rider naming the City of Binghamton as an additional insured on a primary noncontributory basis or other form found acceptable by the City of Binghamton Corporation Counsel.

§410-68. Variance Procedure.

Where a sign permit application is denied, the applicant is entitled to petition the Zoning Board of Appeals, which shall hear and decide all appeals pursuant to Article XIV of this chapter. Such appeals shall be taken by filing for such a variance with the Zoning Board of Appeals through the Department of Planning, Housing, and Community Development. In making a decision, the Zoning Board of Appeals shall consider the standards applicable to an area variance.

§410-69. Violations and Penalties.

- A. Violations. The Office of Building and Construction shall have the authority to enforce the removal of any signs that are in violation of this chapter. Any person, firm, corporation or other entity who uses or maintains or causes to be used or maintained any sign or any part thereof for any purpose other than the

uses permitted therefor by this chapter, or who erects, enlarges, moves, alters or maintains, or causes to be erected, enlarged, moved, altered or maintained, any sign or any part thereof, except in accordance with the provisions of this chapter or any regulation made under authority conferred thereby, or who uses or maintains, or causes to be used or maintained, any sign or any part thereof which has been erected, enlarged, moved or altered, other than in conformity with the provisions of this chapter, or who otherwise violates or causes to be violated any provision of this chapter, or who allows any violation of this chapter on premises owned or leased by him, or otherwise under his or her control, including his or her agent or contractor, shall be guilty of a violation.

- B. Procedure. In the event that any sign is erected, constructed, reconstructed, altered, converted, relocated or maintained, or any sign or premises is used in violation of this chapter, or any regulation made pursuant thereto, or any authority conferred thereby, the Supervisor of Building and Construction, or their designee, shall serve written notice, either by personal service or by certified mail, return receipt requested, addressed to the premises of such violation, on the person or corporation permitting or committing the same. Unless action to correct the violation is taken within 10 days from the date of service of the notification, that person or entity shall be considered in violation of this chapter. If, after 30 days from the aforementioned date, the violations have not been corrected, the Supervisor of Building and Construction, or their designee, shall cause the removal of such sign and charge the owner of the sign and/or premises for the cost of removal.
- C. Penalties. The City may bring a civil action to recover a penalty, which shall not exceed \$1500, or to imprisonment not to exceed 15 days, or both such fine and imprisonment, for any violation of any provision of this chapter; each day's failure to comply with such provision shall constitute a separate violation. The City may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation.

§410-70. Nonconforming signs.

- A. All permanent signs existing at the time of adoption of this chapter may continue although not in conformity with the provisions herein.
- B. All temporary signs existing at the time of adoption of this chapter must be removed or brought into compliance the requirements of §410-67.2 above within 90 days of the adoption of this chapter.
- C. Removal of nonconforming on-premises signs. Any sign, except advertising signs, lawfully existing and erected prior to the effective date of this ordinance, but which becomes nonconforming by virtue of this chapter, shall be removed, including all support structures, when the business to which such sign is related ceases or is sold or transferred to a new owner. No nonconforming sign shall be structurally altered, enlarged, moved or replaced, except as to bring the sign into conformance with this chapter.



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: April 23, 2014

Sponsored by Council Members:

Introduced by Committee: Municipal and Public Affairs

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING A NOISE
VARIANCE FOR THE BELMAR PUB**

WHEREAS, the Belmar Pub (the “Applicant”), located at 95 Main Street, Binghamton, New York, has applied for a special variance to the City’s noise regulations, as outlined in Chapter 292, *Noise*; and

WHEREAS, the Applicant wishes to hold outdoor music on Wednesdays and Saturdays from May 7th to October 8th and on Thursday May 15th, such events to be held at 95 Main Street, Binghamton, New York; and

WHEREAS, the Council of the City of Binghamton held a public hearing on April 23, 2014.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that a special variance to the City of Binghamton’s noise regulations as set forth in Chapter 292 of the Code of the City of Binghamton, entitled *Noise*, is hereby granted to the Belmar Pub for outdoor music events on Wednesdays and Saturdays from May 7th to October 8th and on Thursday May 15th, from 5:00 P.M. to 9:00 P.M. during weekdays and from 12:00 P.M. to 10:00 P.M., such events to be held at 95 Main Street; and be it further

RESOLVED that notwithstanding the foregoing, the Council of the City of Binghamton may revoke this variance, after giving written notice to the Applicant and providing an opportunity for the Applicant to be heard, for any violation of the time limits or complaints for noise in excess of anticipated noise.

Introductory No. _____

Permanent No. _____

Sponsored by City Council Members:

A RESOLUTION AUTHORIZING A NOISE
VARIANCE FOR THE BELMAR PUB

The within Resolution was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage				
Mihalko				
Rennia				
Webb				
Papastrat				
Matzo				
Berg				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ Absent



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: April 9, 2014

Sponsored by Council Members: Webb, Mihalko, Berg, Motsavage, Matzo, Rennia, Papastrat

Introduced by Committee: Planning and Community Development

ORDINANCE

entitled

AN ORDINANCE AMENDING CHAPTER 410
OF THE CODE OF THE CITY OF
BINGHAMTON, REGARDING THE SALE OF
TOBACCO PRODUCTS NEAR SCHOOLS

WHEREAS, the Council of the City of Binghamton wishes to amend the Code of the City of Binghamton, § 410-24, *Performance standards*, regarding the sale of tobacco products near schools.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That § 410-24 of the Code of the City of Binghamton, entitled *Performance standards*, is hereby amended as follows:

§410-24. Performance standards [Amended 7-20-09 by Ord. No. 23-2009; Amended 9-7-13 by Ord. No 13-049; Amended __-__-14 by Ord. No 14-__]

N. Tobacco Sales Near Schools Prohibited. The sale of tobacco and tobacco products (including but not limited to: cigarettes, cigars, pipe tobacco, chewing tobacco and electronic cigarettes) is prohibited within 500 feet of any property boundary of any public or private elementary or secondary school. The provisions of this section shall not preclude the occupancy, maintenance, and occupancy of any tobacco retailer that existed lawfully prior to the effective date of this Section. Such uses shall be subject to nonconforming use regulations in Article XII.

Section 2. That this Ordinance shall take effect immediately.

Introductory No. _____

Permanent No. _____

Sponsored by City Council Members:
Webb, Mihalko, Berg, Motsavage, Matzo, Rennia,
Papastrat

AN ORDINANCE AMENDING CHAPTER 410 OF
THE CODE OF THE CITY OF BINGHAMTON,
REGARDING THE SALE OF TOBACCO
PRODUCTS NEAR SCHOOLS

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage				
Mihalko				
Rennia				
Webb				
Papastrat				
Matzo				
Berg				
Total				

Code of the City of Binghamton

Adopted Defeated

_____ Ayes _____ Nays _____ Abstain _____ Absent