

CODE OF THE TOWN OF RUSH

ARTICLE III, Signs

§ 120-23. Purposes.

The purpose of this Article is to promote and protect the public health, welfare and safety by regulating signs of all types. It is intended to:

- stabilize and reinforce property values to protect private and public investment
- preserve and reinforce the natural, historic, and architectural qualities of neighborhoods
- establish and enhance aesthetic and architectural compatibility within neighborhoods and commercial areas
- create a regular and impartial process of businesses and/or persons seeking to erect signs
- reduce sign or advertising distractions and obstructions that may contribute to traffic accidents and reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way

§ 120-24. Title.

This Article shall hereinafter be known and cited as the "Town of Rush Sign Law."

§ 120-25 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ABANDONED SIGN – A sign which for a period of 90 consecutive days has not correctly directed or exhorted any person, advertised a bona fide business, lessor, owner, product or activity conducted or product available on or off the premises where such sign is displayed.

ADVERTISING SIGN – That copy on a sign describing products or services being offered to the public.

A-FRAME SIGN – A specific type of portable sign that is typically constructed or shaped in the form of the letter "A."

ANIMATED SIGN – Any sign which includes action or motion, or whose copy is changeable by other than direct manual intervention.

AREA OF COPY – The entire area within a single continuous perimeter composed of squares, rectangles, circles, ovals or any other geometrical shape which enclose the extreme limits of the message, announcement or decoration on a fascia, wall or freestanding sign.

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.

AWNING – a roof-like covering consisting of any pliable material attached to a rigid frame.

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BANNER – A sign of lightweight fabric or similar material that is secured or mounted to a pole or a building.

BILLBOARD – Any freestanding commercial sign located on a plot or parcel of land other than that where the advertised business is conducted.

CANOPY and/or MARQUEE – A structure of canvas or similar fabric on a framework sheltering an area or forming a sheltered walk to the entrance of a building.

CHANGEABLE COPY (AUTOMATIC) – A sign such as an electronically or electrically controlled public service time, temperature and date signs, message centers or reader boards, where different copy changes are shown.

CHANGEABLE COPY (MANUAL) – A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

COMMERCIAL USE – Any business whose primary purpose is retail or wholesale trade, any nonprofessional customer service (such as shoe repair, tailoring, laundry, photography or hairstyling) or customer service office uses (such as bank loan offices, insurance agents, travel agents or tax return preparers), including restaurants, bars, hotels, motels, and theaters.

COMPLEX, COMMERCIAL – One or more parcels occupied by more than two commercial use tenants.

COMPLEX IDENTIFICATION SIGN – A sign identifying a complex but which does not include identification of any individual business within the complex.

COMPLEX, OFFICE – A building larger than 10,000 square feet that is occupied by more than two business tenants.

CONSTRUCTION SIGN – A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors and similar persons or firms having a role or interest with respect to the structure or project.

DIRECTIONAL SIGN – Any sign commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including signs marking entrances, parking areas, one-way drives, rest rooms, pickup and delivery areas and the like. No logos shall be permitted on such signs.

DIRECTORY SIGN – Any sign containing a list of the names of business establishments located within a building complex. The style, lettering and color for all tenants identified on such signs shall be substantially similar. No logos shall be permitted on such signs.

DOUBLE-FACED SIGN – Any two-faced sign utilizing both faces or surfaces for display purposes.

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ERECT – To build, construct, alter, repair, display, relocate, attach, hand, place, suspend, affix or maintain any sign, and shall also include the painting of exterior wall signs.

FARM STAND – A facility from which agriculture or nursery products produced on the premises where the facility is located are offered for retail sale.

FREESTANDING – Any sign not affixed to a building.

FRONTAGE – The total length of the property line of a parcel bounded by or abutting a public highway right-of-way.

FRONT YARD – Any open, unoccupied space on the same lot with the building or structure, extending the full width of the lot and situated between the street line and the front lines of the building.

GOVERNMENTAL SIGN – A sign erected and maintained pursuant to and in discharge of any governmental function or required by any law or ordinance or governmental regulation.

GRAND OPENING SIGN – A temporary sign permitted for 30 days only to announce the opening of a completely new enterprise or the opening of an enterprise under new management.

GROUND LEVEL – The average ground elevation within 10 feet measured horizontally of the sign base.

HEIGHT – The vertical distance between the ground level under a sign and the highest point of the sign structure.

HOUSE OF WORSHIP – Any structure in which any recognized religion that has a tax-exempt status meets to practice its religion.

IDENTIFICATION SIGN – A sign which is limited to the name, address and number of a building, institution, complex or person.

ILLEGAL SIGN – Any sign for which a valid Town Rush sign permit has not been obtained and which is not exempt from the provisions of this Article.

ILLUMINATED SIGN – Any sign which emanates light either by means of exposed tubing or lamps on its surface or by means of illumination transmitted through the sign surface or which reflects lights from a source intentionally directed upon it consistent with the Town of Rush Lighting Ordinance. The areas considered are (1) scheduling, (2) direction, (3) hours of operation, (4) amount of lumens.

INTERIOR PROPERTY LINE – Property lines other than those fronting on a street, road or highway.

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LOGO – A symbol, graphic, trademark or emblem commonly associated with or representing a specific entity, product or concept.

LOT – Any parcel of real property recorded in deed form filed in the Monroe County Clerk's office.

MAJOR TENANT – A tenant in an office [this term is not defined] complex that occupies more than 50% of said complex.

MESSAGE – Wording or copy on a sign.

NONCONFORMING – Any sign which was lawfully erected and maintained prior to the effective date of this Article or any amendments thereto.

OFF-PREMISES SIGN – Any sign advertising or calling attention to any business or activity not located on the same continuous parcel of real estate as the sign, or any sign advertising or calling attention to any commodity or service not sold or offered upon the same continuous parcel of real estate as the sign.

OWNER – A person recorded as such on official records, and including but not limited to a duly authorized agent, purchaser, devisee or any person having a vested or contingent interest in the property in question.

PARCEL – A piece of real property which is defined on an approved subdivision map recorded with the Assessor's Office of the Town or is legally defined on a survey map certified by a licensed land surveyor or engineer.

PERMANENT SIGN – A sign for which a permit has been issued pursuant to the provisions of this Article for the period stated in the permit.

PERMIT STICKER – A sticker affixed either to the face or the channel of a sign visible from the ground denoting that the sign to which it is affixed has been authorized by town officials pursuant to the provisions of this Article.

POLITICAL SIGN – A temporary sign announcing or supporting political candidates or issues connected with any national, state or local election.

PORTABLE SIGN – For the purpose of this definition, a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes except A-FRAME signs.

PRIMARY COMPLEX IDENTIFICATION SIGN – Complex identification sign located on a parcel's primary frontage.

PRIMARY ENTRANCE – The entrance primarily used by customers/guests to enter a building.

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PRIMARY FRONTAGE or SECONDARY FRONTAGE – Where a parcel has more than one public highway.

PRIVATE SALE SIGN – A temporary sign advertising the sale of personal property at house sales, garage sales, rummage sales and the like.

PROJECTING SIGN – A sign that is wholly or partly dependent upon a building for support and which projects more than 18 inches from such building. These types of signs should be encouraged in high pedestrian use areas (traditional main streets) or areas where pedestrian activity is to be encouraged. Projecting signs should be limited in all other areas.

PUBLIC ISSUE SIGN – A temporary sign intended to draw attention to or express an opinion about an issue not directly related to a political election of local, state, or national importance.

PUBLIC SERVICE INFORMATION SIGN – Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.

REAL ESTATE SIGN – A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

ROOF – Any building surface whose slope is less than two vertical units to one horizontal unit.

ROOFLINE – The top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

ROOF SIGN – Any sign erected upon, against or directly above a roof or on a top of or above the parapet of a building.

ROTATING SIGN – Any sign or portion of a sign that moves in a revolving or similar manner, but not including multi-prism indexing signs.

SECONDARY COMPLEX IDENTIFICATION SIGN – Complex identification sign located on a parcel's secondary frontage(s).

SETBACK – All setback lines to be calculated pursuant to this Article shall be measured from the edge of the property line that is not located in a right-of-way.

SIGN – Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any logo, painting, banner, pennant, placard or temporary sign designated to advertise, identify or convey information, with the exception of window displays and national flags. "Signs" shall also include all sign structures.

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SIGN STRUCTURE – Any structure which supports, has supported or is capable of supporting a sign, including the decorative cover.

SINGLE-TENANT SITE – Any building or buildings, structure or structures located on a single parcel and used by one enterprise.

SOFFIT SIGN – A sign affixed to the underside of a roof overhang adjacent to a store or other commercial premises.

STORE FRONT – In a single tenant building, the linear distance of a building facing a street or right-of-way and which contains the main entrance to the building. In a complex, the linear distance of that wall which has the primary access to the out-of-doors.

STREET – A public highway, road or thoroughfare which affords the principal means of access to adjacent lots, measured from property line to property line.

STREET NUMBER PLATE – A non-electric sign identifying the number and/or name of the street where a specific building is located.

TEMPORARY SIGN – Any sign permitted pursuant to the provisions of this Article which is not permanent sign and is intended for use over a limited period of time.

TRADITIONAL MAIN STREET – A commercial and/or mixed use street(s) where the structures are not set back from the front property line, i.e., where structures are immediately adjacent to the sidewalk. Typically these areas are older, historic business districts that are the center of the community, although newer districts constructed in a traditional manner and new infill construction falls into this category of traditional main street. These areas are often based on pedestrian traffic and therefore require different regulations for signs compared to those for commercial districts based on automobile or higher speed traffic.

WALKWAY SIGN – A sign affixed to the underside of a permanent, covered walkway fronting and connecting three or more commercial premises having direct customer access to the out-of-doors and erected perpendicular to the fronts of such premises at the entrance, so as to aid passerby pedestrians in identifying the location of such premises. All such signs within a commercial complex shall be of the same coloring and shall use the same lettering style and shall not contain logos or any other information than the name of the commercial establishment.

WALL – Any building surface whose slope is two vertical to one horizontal or steeper.

WALL SIGN – A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than 18 inches from such building or structure.

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WINDOW SIGN – A sign that is applied or attached to the interior of a window or located within three feet of the interior of the window and which can be seen from the exterior of the structure, and which is non-electric in nature.

§ 120-26. Applicability.

This Article is intended to regulate all signs currently existing or yet to come into existence, which are to be located within the Town of Rush.

§ 120-27. Permitted signs.

Set forth in Charts A, B and C and the Table of Permitted Signs are the types of signs and their specific requirements for which permits may be issued pursuant to the provisions of this Article.

§ 120-28. Prohibited signs.

A. Any sign not permitted in § 120-27 or 120-29 or 120-31 of this Article and any sign specifically designated in this section is prohibited.

B. Signs specifically prohibited are as follows:

(1) Roof signs.

(2) Flashing, rotating or revolving signs, with the exception of barber poles and holiday decorations.

(3) Projecting signs, with the exception of properties that are in a traditional main street area. In such a case, see Table of Permitted Signs for regulations. A traditional main street area shall be determined by the zoning ordinances and/or the Town Board and/or the Zoning Board of Appeals.

(4) Animated signs, except public service information.

(5) Banners, except as a part of a grand opening when affixed exclusively to the face of a building (30 days maximum).

(6) Pennants, same as (5) above.

(7) Portable signs.

(8) Any sign or part thereof which includes lighting devices and reflectors that are placed so as to frame the outline or provide the background for a sign.

(9) Animated signs.

(10) Billboards.

(11) Any sign or part thereof on a vehicle parked on a public right-of-way or public property or on private property so as to be intended to be viewed from a motorized vehicular public right-of-way, which has for its basic purpose the providing of advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This subsection is not intended to prohibit any form of vehicular signage, such as a sign attached to a bus or lettered on a motor vehicle or signs that are part of a vehicle such as a construction trailer, whose primary purpose is not advertising to the public right-of-way.

(12) Any sign other than an exempt sign placed on any curb, sidewalk, hydrant, utility pole, building or tree.

(13) Any sign erected or maintained which might be confused with any traffic control device or which might interfere with the vision or discernment of any traffic sign or which might cause danger to public travel.

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§ 120-29. Exempt signs.

The following signs are exempt from the provisions or requirements of this Article:

- A. Any New York State inspection station identification sign which is at a height which does not exceed 10 feet and is located on an exterior or interior wall of the motor vehicle service station.
- B. Any New York State authorized repair shop identification sign for passenger vehicles which is at a height which does not exceed 10 feet and is located on an exterior or interior wall of the motor vehicle service station.
- C. Any New York State authorized repair shop identification sign for trucks, which is at a height that does not exceed 10 feet and is located on an exterior or interior wall of the motor vehicle service station.
- D. One self-service identification sign which does not exceed two square feet per self-service fuel pump island.
- E. One full-service identification sign which does not exceed two square feet per full-service fuel pump island.
- F. Fuel price signs required by federal, state or local legislation.
- G. Street number identification plates.
- H. Historical site markers.
- I. No-trespassing signs.
- J. Posted (no hunting, fishing and trapping) signs.
- K. Governmental signs.
- L. Utility line identification and location signs.
- M. Phone identification signs.
- N. Rest room identification signs.
- O. Handicapped parking and access signs.
- P. Vacancy/no vacancy signs which do not exceed three square feet.
- Q. Accessory signs identifying such use as parking, no parking or office, which do not exceed two square feet each.
- R. Holiday decorations erected for and during the particular holiday they relate to or symbolize.
- S. Open/closed business signs that do not exceed two square feet.
- T. Temporary signs, such as non-profit fundraising events or sales, garage sales, real estate for sale or for rent signs, or signs advertising political candidates or public issues, as per Charts A, B & C or in the Table of Permitted Signs.
- U. Street identification, traffic and governmental signs and control devices required by law, ordinance or regulation.
- V. Official public information signs, memorial signs, building names, erection dates or similar information cut into masonry or other permanent surface or constructed of bronze or other noncombustible material, not to exceed 16 square feet.
- W. Signs and markers in cemeteries designating graves and memorials.
- X. On-site directional signs, not to exceed a total of four square feet per sign and placed at a height no more than 10 ft.

§ 120-30. Illegal signs.

A. The following signs are deemed illegal signs and in violation of this article:

- (1) Abandoned signs.

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(2) Any non-exempt sign erected for which no building or sign permit was issued by the Town or which does not have a sign permit number displayed on its face or which has had its permit revoked.

(3) Any sign not properly maintained, such as but not limited to signs that are structurally unsound or are hazardous or unsafe.

B. The Code Enforcement Officer shall cause a notice of such violation to be served on the owner of the building, structure or lot where said sign is located or the lessee or tenant of the part of or the entire building, structure or lot where said sign is located, requiring the owner or lessee or tenant to remove the illegal sign within 10 business days. The notice may be served personally or by certified mail, return receipt requested. Upon failure of said owner or lessee or tenant to remove the sign within 10 business days after notice is provided, the Code Enforcement Officer shall be authorized to enter upon said property and remove therefrom any said illegal sign at costs to the owner, lessee or tenant. No liability shall attach to the Town or any officers, employees or agents of the town for the removal actions authorized herein.

C. In cases of emergency, the Code Enforcement Officer may cause the immediate removal of a dangerous or defective sign without notice. No liability shall attach to the Town or any officers, employees or agents of the town in carrying out the removal actions authorized herein.

D. Any sign for which a sign permit has been issued may be inspected for adequate maintenance, freedom from any hazardous condition and structural soundness. If a sign is found to be unsafe, the permittee shall have 30 days to correct any defect. If said defect cannot be corrected within 30 days, the Building Department may grant the permittee up to 30 additional days to correct. If the defect has not been corrected by the expiration of 30 days or any additional period granted to correct it, the sign permit shall become null and void and the sign shall be illegal.

§ 120-31. Nonconforming signs.

- A. Subject to the provisions of this article, any sign legally in existence one day prior to the effective date of this article, shall be considered a nonconforming sign and may be continued and maintained.
- B. Any sign existing at the time this article is enacted which is altered in any way, form or fashion shall be considered a new sign and shall be required to conform to the requirements contained herein, except that the original registrant may be allowed to alter the message of the sign, provided that the person, place, establishment, business and service identified by the sign remains the same, but may not alter its structure.
- C. A sign legally existing at the time this article was enacted which, though no responsibility or control of said sign's owner or user or that of the landowner on which this sign is located, becomes damaged or destroyed shall be permitted to be repaired or replaced, provided that said repair or replacement is to the identical specifications, location and appearance as existed immediately prior to its destruction or damage.

§ 120-32. Construction.

- A. All sign fabrication, erection and attachment shall conform to the requirements of the latest edition of the New York State Uniform Fire Prevention and Building Code and other applicable codes and regulations.
- B. Lighting fixtures and wiring shall conform to the requirements of the latest edition of the National Electrical Code and other applicable codes and regulations, and all electrified signs shall bear the Underwriters' Laboratories label or approved equal. Further, all electrical connections with a sign shall be inspected and approved by the New York Board of Fire Underwriters.
- C. Transformers, wires and similar items shall be concealed.
- D. All wiring to freestanding signs shall be underground.
- E. All signs, sign finishes, supports and electrical work shall be kept in good repair and safe condition, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign.

§ 120-33. Illumination.

All signs permitted within this article shall comply with the following requirements:

- A. Illumination of signs shall be accomplished by means of shielded light sources or in such other manner that no glare [this term is not defined] shall extend beyond the property lines of the property upon which such signs are located, and no glare shall disturb the vision of passing motorists or constitute a hazard to traffic.
- B. No flashing, non-constant, or moving light sources shall be permitted or constitute a part of any sign, with the exception of public service information signs. Each public service message shall be allowed to remain for not less than two seconds.

The following signs may not be illuminated:

- A. Exempt signs. The following signs are exempt from the provisions of this article and do not required permits:
 - (1) Non-illuminated warning, private drive, posted or no-trespassing signs, not exceeding two (2) square feet per face.

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(2) One attached on-premises sign in connection with any residential building in any zoning district, for permitted professional offices or any accessory use, not exceeding 1 ½ square feet. Such sign shall only state the name and type of business. Such sign is not to be specifically illuminated. [Amended 6-25-2003 by LL No. 3-2003]

(3) Non-illuminated "For Sale", or "For Rent", real estate signs and signs of similar nature, concerning the premises upon which the sign is located. In a residential zoning district, one sign not exceeding 50 square feet, set back at least 15 feet from all property lines. All such signs shall be removed within three days after the sale, lease or rental of the premises.

(4) Temporary unlighted signs erected by not-for-profit organizations such as churches, American Legion, Rush Fire Department, Boy Scouts, Red Cross and other not-for-profit or charitable organizations or divisions thereof in advertising of suppers, banquets, rummage sales, baked food sales, etc. Any such erected under this provision shall not be erected more than one (1) month prior to the event and shall be removed within one (1) week after the event.

B. Signs requiring permits.

(1) Temporary use signs.

(a) One non-illuminated, single-sided real estate development sign, including industrial and commercial development, residential subdivision, or construction sign denoting the architect, engineering and/or contractor, or the name of a subdivision, not exceeding 32 square feet in commercial and industrial zoning districts nor 16 square feet in residential zoning districts, may be erected on property being sold, leased or developed. Such sign shall be erected parallel to the fronting highway, set back a minimum of 35 feet from the property line or attached to the building face. Such sign shall be removed upon completion of the project and shall be in place for a period not exceeding two (2) years.

§ 120-34. Sign permit.

A. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the town, or cause the same to be done, without first obtaining a sign permit for each such sign. These directives shall not be construed to require any permit for a change of copy of any sign, provided that the person, place, establishment, business or service identified remains the same, nor for the repainting, cleaning and the normal maintenance or repair of a sign or sign structure for which a permit has previously been issued under this Article, so long as the sign or sign structure is not modified in any way.

B. Contents of application.

(1) Application for a sign permit shall be made, in writing, by the owner, lessee, occupant or agent for whom the sign is intended and shall be accompanied by two sets of plans of the sign, drawn to scale on sheets of a minimum of 8 1/2 inches by 11 inches. Sign plans shall include dimensions, proposed design, colors, materials, details of any illumination source, wiring and other electrical details and structural details, including fastening and joining methods and materials. Sign plans shall also include which Sign Chart, A, B or C, the applicant utilized to determine permissible sign size and provide written calculations showing how the sign size determination was made. Two plot plans of the parcel on which the sign is to be placed shall also be submitted, delineating property lines, street lines, building locations and dimensions, parking areas, location and dimensions of all other signs on the parcel, exact location of the proposed

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sign, including dimensions of setbacks from property lines, and any obstructions in relation to the designated location of the proposed sign. Where a parcel has more than one frontage, the primary frontage shall be designated on the plan.

(2) Sign plans shall include a statement that the proposed sign as shown on the plan is structurally sound and will withstand wind loads as prescribed by the New York State Uniform Fire Prevention and Building Code. Plans shall bear the signature of the owner, licensed personnel applicant or the person responsible for design of the sign.

(3) The application shall be made to the Code Enforcement Officer on forms prescribed and provided by the Code Enforcement Officer. At the time of filing the application, the applicant shall pay the required fee in accordance with the fee schedule then in effect.

C. The proposed sign application, when complete, shall be submitted by the Code Enforcement Officer to the Zoning Board of Appeals or its designee for its review within twenty-five business days of receipt thereof.

D. Within thirty business days after receipt by the Code Enforcement Officer, a sign permit shall be issued, provided that the proposed sign meets all requirements of this Article.

E. If a sign authorized by a permit is not completed and in place within six months from the date the permit was issued, said permit shall become null and void, except that the Code Enforcement Officer may grant one extension for a period not to exceed six months.

F. Design, size, construction and placement of a sign shall not deviate from the plans approved for issuance of the permit.

G. After the issuance of any permit for a sign under this article and within 10 days after the installation of such sign, the applicant shall submit a photograph of the sign as completely installed, which shall be filed with the original application, along with written certification from the owner, applicant or designer whose name appears on the approved plans, that the sign has been constructed according to the approved plans. Further, for all electrified signs, the applicant shall also submit, within 10 days after the installation of such sign, a New York Board of Fire Underwriter's certificate of approval of all electrical work undertaken to make electrical connections to the Underwriters' Laboratories approved components of the sign.

H. All non-exempt signs authorized under this article shall bear the assigned permit sticker, which is to be provided by the Code Enforcement Officer, prominently and permanently affixed by the applicant in an area readily visible to a sign inspector. Failure to so affix the permit sticker shall constitute cause for revocation of the permit by the Code Enforcement Officer, in addition to any other penalties or remedies prescribed herein.

§ 120-35. Administration and enforcement.

A. The provisions of this article shall be administered and enforced by the Code Enforcement Officer, which shall have the power to make any and all necessary inspections.

B. No sign permit shall be approved by the Code Enforcement Officer except in compliance with the provisions of this article or as directed by the Zoning Board of Appeals.

§ 120-36. Special Variance exception or interpretation.

A. Intent. The intent of this section is to allow certain provisions of this Article to be modified where such modification will encourage excellence in the planning and design of signs. This is particularly true in traditional main street areas where certain types of otherwise prohibited signs such as historically-inspired wall mural signs, portable signs, or A-frame signs may be desirable. The Zoning Board of Appeals shall make these determinations.

B. Application for a special exception or interpretation. Any person who is aggrieved by a decision of the Code Enforcement Officer may make an appeal for a special exception to, or interpretation of, the sign law on forms provided and prescribed by the Zoning Board of Appeals.

C. Guidelines. The following guidelines shall be considered by the Zoning Board of Appeals in determining whether a special exception shall be issued. The proposed sign should:

- (1) Not be detrimental to other property.
- (2) Not create a hazard or a nuisance.
- (3) Not interfere with the use of public lands or highways.
- (4) Be in harmony with the purposes of this article contained in § 120-23.

§ 120-37. Penalties for offenses.

A. Any person or persons, associations or corporations committing an offense under this article or any section or provision thereof is guilty of a violation and shall, upon conviction thereof, be subject to a fine not exceeding \$500 or imprisonment not exceeding 15 days, or both.

B. In the event of a continuing offense of any section or provision of this article, each day that such offense shall continue shall be a separate violation and subject to a separate fine, imprisonment, or combination thereof.

C. Notwithstanding a conviction for an offense against any provisions or sections, an association or corporation convicted shall be subject to revocation of any permit therein granted without reimbursement of fees paid thereof. No liability shall attach to the Town or any officers, employees or agents of the town, except for acts of affirmative negligence in connection with the removal of any such illegal signs.

D. In lieu of, or in addition to, any fine or imprisonment, or both, imposed for a conviction of an offense of this article, each such offense may be subject to a civil penalty not to exceed \$500 to be recovered in an action or proceeding in a court of competent jurisdiction. Each day an offense continues shall be subject to a separate civil penalty.

E. The Town Attorney may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with this article, notwithstanding the provisions of Subsections A, B and C of this section, for a penalty or other punishment.