

COLONIE LAND USE LAW
ADOPTED 1-4-07 by LOCAL LAW #1 of 2007

ARTICLE XV - CHAPTER 190-15 (as last amended 12/20/07 by LL#20-07)

Signs & Billboards

A. Signs

- (1) Permitted signs. Set forth below are the types of signs and their specific requirements for which permits shall be issued pursuant to the provisions of this article.
 - (a) Special event sign. Sign to be temporary in nature (not to exceed 15 days), no more than one per entrance with a minimum fifteen-foot setback and no more than six feet high for a freestanding sign or 10 feet high if a wall sign.
 - (b) Political signs; lawn signs. Sign to be temporary in nature (must be removed within 30 days after election), no larger than 4.5 square feet, may only be placed on private property and shall not exceed three feet in height for a freestanding sign. No permit is required.
 - (c) Commercial real estate signs. Sign to be temporary in nature (must be removed five days after property transfer or no longer for sale), no larger than 32 square feet with a ten-foot front yard and fifteen-foot side and rear yard setback, one per parcel, shall not exceed six feet in height for freestanding or 10 feet in height if a wall sign.
 - (d) Construction project identification signs. Sign to be temporary in nature (one-year renewable), no larger than 48 square feet with a fifteen-foot setback, two per parcel, shall not exceed 20 feet in height for freestanding or 10 feet in height if a wall sign.
 - (e) Grand opening sign. Sign to be temporary in nature (thirty-day maximum), no larger than 32 square feet with a fifteen-foot setback, one per parcel, shall not exceed six feet in height for freestanding or 10 feet in height if a wall sign.
 - (f) Residential subdivision identification (temporary). Sign to be temporary in nature, no larger than 32 square feet with a fifteen-foot front, side and rear yard setback, one per subdivision entrance, shall not exceed six feet in height for freestanding and wall signs are not allowed for this type of sign.
 - (g) Residential subdivision identification (permanent). Sign to be permanent in nature, no larger than 32 square feet with a fifteen-foot front, side and rear yard setback, one per subdivision entrance, shall not exceed six feet in height for freestanding and wall signs are not allowed for this type of sign.

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- (h) Walkway Sign. Signs to be permanent in nature. One sign per tenant is permitted. Signs may not exceed 14 inches in height by 36 inches in width, may not extend beyond the walkway covering, and must be at least 7 feet - 8 inches in height from the walkway surface to the bottom of the sign.

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(i) Table of Permitted Signs.

Function	Type	Area Per Sign	Number of Signs	Setback (feet)	Height (feet)	Permit Required?
Retail ⁵ including hotels, motels and restaurants	Freestanding	See Formula A	1 per lot	15	20	Yes
	Wall	See Formula C	1 per tenant ¹	NA	20	Yes
Non-retail ^{2,3,4,5}	Freestanding	See Formula B	1 per lot		20	Yes
	Wall	See Formula C	1 per tenant ¹	NA	20	
Commercial Complex - Primary ⁶ Identification	Freestanding	See Formula A	1 per complex	15	20	Yes
Commercial Complex - Secondary ⁶ Identification	Freestanding	32 square feet and cannot be any closer than 600 feet from the primary identification sign	1 per complex	15	20	Yes
Commercial Complex - Directory	Freestanding or Wall	Not more than 4 square feet for header plus 1½ square feet per tenant. The total area of directory signage within a complex shall not exceed the allowable area of primary complex identification sign.	1 per building, either freestanding or wall	45	Freestanding - 8 Wall - 10	Yes

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On-site Directionals,	Freestanding or Wall	2 square feet	Per Planning Board	Per Planning Board	Per Planning Board	Yes
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(SEE NOTES AND FORMULAS ON NEXT PAGE)

NOTES:

¹ To qualify for this sign, a tenant must have direct customer access to the out-of-doors and the sign must be placed by the primary entrance.

² Non-retail--Those uses that would not be considered retail, which shall include, but not be limited to, apartment complexes, mobile home parks, private schools, houses of worship, fire stations, private clubs, wholesale, cemeteries, offices, research and development and sports and recreation centers.

³ A single tenant may elect, in lieu of a permitted wall sign, to erect a forty-square-foot wall sign on the primary entrance side of the building or, in the alternative, to erect a twenty-five-square-foot wall sign on any other side of said building. A major tenant, without direct customer access (direct customer access being the access used from the out-of-doors that directly enters the tenant's premises and not into a common or lobby area) or a major tenant with direct customer access (and in lieu of a permitted wall sign) may elect to erect a forty-square-foot wall sign on the primary entrance side of the building or, in the alternative, to erect a twenty-five-square-foot wall sign on any other side of said building.

⁴ A major tenant, without direct customer access (direct customer access being the access used from the out-of-doors that directly enters the tenant's premises and not into a common or lobby area) or a major tenant with direct customer access (and in lieu of a permitted wall sign), in an office complex, may elect to erect a forty-square-foot wall sign on the primary entrance side of the building or, in the alternative, to erect a twenty-five-square-foot wall sign on any other side of said building.

⁵ If more than one tenant is occupying shared space with direct customer access, each tenant may be identified as a group on one wall sign. The size of such sign is determined by Formula C.

⁶ If a commercial complex is a retail shopping center of contiguous stores totaling 500,000 square feet or more, then the primary and secondary identification signs may list any tenant in said shopping center that is more than 25,000 square feet, however, at no time shall such sign list more than six tenants regardless of their size.

FORMULAS:

- A: Permitted Sign Area "A" = $2((BF/1,000) + (PF/10))$, where BF is the area in square feet of Building Footprint, and PF is the length in feet of Primary Frontage. "A" need not be less than thirty-two (32) sq. ft. and shall not be greater than one hundred sixty (160) sq. ft.
- B: Permitted Sign Area "A" = $(BF/1,000) + (PF/10)$, where BF is the area in square feet of Building Footprint, and PF is the length in feet of Primary Frontage. "A" need not be less than twenty (20) sq. ft. and shall not be greater than seventy (70) sq. ft.
- C: Permitted Sign Area "A" = $0.42L + 11.6$, where L is the length in feet of the Store Front. "A" need not be less than twenty (20) sq. ft. and shall not be greater than seventy-five (75) sq. ft.

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- (2) Prohibited signs.
- (a) Any sign not permitted is prohibited. Any sign not permitted in this Article and any sign specifically designated in this section is prohibited.
 - (b) Signs specifically prohibited. Signs specifically prohibited are as follows:
 - [1] Roof signs.
 - [2] Rotating signs.
 - [3] Projecting signs.
 - [4] Animated signs, except public service information.
 - [5] A-frames.
 - [6] Banners and Pennants, except as a part of a grand opening when affixed exclusively to the face of a building (30 days maximum).
 - [7] Portable signs.
 - [8] Any sign or part thereof which includes lighting devices and reflectors which are placed so as to frame the outline or provide the background for a sign.
 - [9] 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.
 - [10] Any sign other than an exempt sign placed on any curb, sidewalk, hydrant, utility pole, building or tree.
 - [11] 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.
- (3) Exempt signs. The following signs are exempt from the provisions or requirements of this Article:
- (a) New York State inspection station identification sign. 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.

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- (b) New York State authorized repair shop identification sign for passenger vehicles. 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) New York State authorized repair shop identification sign for trucks. Any New York State authorized repair shop identification sign for trucks 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.
- (d) Self-service identification sign. One self-service identification sign which does not exceed two square feet per self-service fuel pump island.
- (e) Full-service identification sign. One full-service identification sign which does not exceed two square feet per full-service fuel pump island.
- (f) Fuel price signs. 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. Vacancy/no vacancy signs which do not exceed three square feet.
- (q) Accessory signs. Accessory signs identifying such use as parking, no parking or office, which do not exceed two square feet each.
- (r) Holiday decorations. Holiday decorations erected for and during the particular holiday they relate to or symbolize.
- (s) Open/closed business signs. Open/closed business signs which do not exceed two square feet.
- (t) Street identification, traffic and governmental signs and control devices. Street identification, traffic and governmental signs and control devices required by law, ordinance or regulation.
- (u) Official public information signs, memorial signs, building names, erection dates. 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.

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- (v) Signs and markers in cemeteries. Signs and markers in cemeteries designating graves and memorials.
 - (w) Farm stand signs. Farm stand signs that do not exceed 16 square feet in size.
 - (x) Residential use "for sale" or "for rent" signs. Residential use, one- and two-family use "for sale" or "for rent" signs that do not exceed 16 square feet in size.
- (4) Nonconforming signs.
- (a) Subject to the provisions of this article, any sign legally in existence at the date of the adoption 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, through 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.
- (5) Illegal signs.
- (a) Signs deemed illegal. The following signs are deemed illegal signs and in violation under this article:
 - [1] Abandoned signs.
 - [2] Any 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. Indicators of same are signs that are structurally unsound, hazardous, or unsafe to the public or sign company employee, or those which are unsightly (i.e., faded, warped, peeling, rusted or illegible).
 - (b) Violation notice and sign removal. The Building Department 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

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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 Building Department 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, except for acts of affirmative negligence in connection with the removal of any such illegal sign.

- (6) Emergency action. In cases of emergency, the Building Department may cause the immediate removal of a dangerous or defective sign without notice.
- (7) Inspection. 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.
- (8) 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 an electrical inspection agency listed in the Town of Colonie Electrical Code.
 - (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

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defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign.

- (9) 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 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, nonconstant 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.
- (10) Sign Permit Application and Approval
- (a) Sign Permit Required. 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) Application. Application for a Sign Permit for a proposed sign shall be made to the Building Department, on forms prescribed therefor, by the owner, lessee, occupant or agent for whom the sign is intended. The application and shall include the following:
 - [1] Sign Plans. 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:
 - [a] Dimensions
 - [b] Proposed design, and colors and materials
 - [c] Details of any illumination source
 - [d] Wiring and other electrical details and structural details, including fastening and joining methods and materials.
 - [e] Written calculations showing how the sign size determination was made.
 - [f] A statement that the proposed sign as shown on the plan is structurally sound and will withstand wind loads

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as prescribed by the New York State Uniform Fire Prevention and Building Code. Plans shall bear the signature of the owner, applicant or the person responsible for design of the sign.

- [2] Plot Plans. 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 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.
- [3] Fee. At the time of filing the application, the applicant shall pay the required fee in accordance with the fee schedule then in effect.
- (c) Referral to PEDD. The proposed freestanding sign application, when complete, shall be submitted by the Building Department to the PEDD for its review.
- (d) PEDD Determination. PEDD will issue its determination to the Building Department.
- (e) Permit Issuance. After receipt by the Building Department, a sign permit shall be issued, provided that the proposed sign meets all requirements of this Article.
- (f) Expiration of Permit. 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 Building Department may grant one extension for a period not to exceed six months.
- (g) Deviation from Plans. Design, size, construction and placement of a sign shall not deviate from the plans approved for issuance of the permit.
- (h) Certification. 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 certificate of approval of all electrical work undertaken to make electrical connections to the Underwriters' Laboratories' approved components of the

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sign by an electrical inspection agency listed in the Town of Colonie Code.

- (i) Permit Sticker. All signs authorized under this article shall bear the assigned permit sticker, which is to be provided by the Building Department, 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 Building Department, in addition to any other penalties or remedies prescribed herein.
- (11) Appeals. 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.
- (a) Application. Any person who is aggrieved by a decision of the Building Department may make an appeal for a special exception to, or interpretation of, the sign law on forms provided and prescribed by the Sign Review Board.
 - (b) Guidelines. The following guidelines shall be considered by the Sign Review Board 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 as stated in the legislative intent section above.
 - (c) Additional Criteria. The Sign Review Board may develop additional criteria for issuance of special exceptions for adoption by the Town Board by local law amending this Article.
 - (d) Public Hearing. The Sign Review Board shall hold a public hearing on any request for a special exception or an interpretation of any order or determination of the Building Department involving the interpretation of the provisions of this article, upon notice of not less than five days, published in the official newspaper of the Town.
 - (e) Decisions. Decisions of the Sign Review Board shall be based on the guidelines listed in this Article. Decisions shall require a vote of a majority of the full membership of the Board to grant, deny, or modify any applications for appeals before it, and a minimum of three members of the Sign Review Board must be present to transact any business at any time. If the majority vote required above is not cast either to approve, deny, or to modify the application or appeal, the application for appeal shall be denied. All decisions shall be transmitted in writing, and copies shall be

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sent to the applicant and the Building Department.

B. Billboards

- (1) Permits.
No billboard shall be erected or maintained without the proper permit.
- (2) General Regulations.
 - (a) Illumination. A billboard may be illuminated, provided that all light sources shall be designed, shielded, arranged and installed to confine or direct all illumination to the surface of the billboard and away from adjoining properties. Light sources shall not be visible from any street or any adjoining properties. Billboards may contain or include such public service information as time, date, temperature, weather or similar information. This regulation shall not prohibit Digital Billboards as defined in this law. However, Digital Billboards may not display more than one message every 8 seconds. Also, Digital Billboards shall be made available to Town, County and State emergency services in case of emergency or for such matters as Amber Alerts.
 - (b) Attachment to building prohibited. No billboard shall be erected on or attached to any building.
 - (c) Moving, fluttering or revolving devices prohibited. No billboard or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices.
 - (d) Size. No billboard shall exceed 400 square feet where the speed limit on an adjacent highway is 45 miles per hour or less. Billboards up to 700 square feet shall be permissible where an adjacent highway has a speed limit of 46 miles per hour or more.
 - (e) Height. No billboard shall be in excess of 30 feet in height above the average existing grade level at the billboard.
 - (f) Permit Number. Every billboard shall bear the permit number and name of the permit holder and/or owner of the land upon which the billboard is erected prominently and permanently affixed on the face thereof. A proper space shall be reserved in the lower left-hand corner of the permit plaque where the annual permit inspection tag shall be affixed. This annual permit tag shall be issued by the Director of the Building Department or his

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designee. This annual permit tag shall be affixed to the billboard by the owner and/or applicant.

- (g) Maintenance required. A billboard and its structure shall be maintained, including the change of the advertising message, the repairing and replacing of components parts and the performance of other acts as incident to the upkeep of the billboard.
 - (h) No billboards shall display advertising matter of an indecent or obscene nature.
 - (i) No billboard shall confuse, mislead or resemble any government billboard.
- (3) Location.
- (a) Billboards shall be permitted in the Industrial District only. Side line setbacks shall not be less than 25 feet, front line setbacks shall not be less than 50 feet, and rear line setbacks shall not be less than 25 feet. Setbacks shall be from property lines.
 - (b) Billboards shall be separated from each other by a distance of at least 300 feet, except that two such billboards may be arranged on an angle or back-to-back.
 - (c) Billboards shall not be permitted within 200 feet of any public park, playground, cemetery or residential zone.
 - (d) No billboard shall be erected within 25 feet of any building.
 - (e) No billboard shall be constructed, erected or altered within 660 feet of the edge of the right-of-way of any Primary Arterial Roadway. Normal maintenance of the structure and modification of copy shall be exempted from the aforementioned prohibitions.
- (4) Construction specifications.
- (a) Billboards shall be constructed in accordance with the NYS Uniform Fire Prevention and Building Code.
 - (b) Each application for the erection of a billboard shall be accompanied with a detailed set of structural plans bearing the seal of a licensed engineer or architect registered to practice in the State of New York.
 - (c) All electrical work shall be in accordance with Underwriters' Laboratories, Inc. (UL), standards.
- (5) Billboard permit required; restoration; revocation of permit; removal of certain billboards.
- (a) Billboard Permit Required. After the effective date of this article and except as otherwise herein provided, no person shall erect or maintain any billboards as defined herein without first

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obtaining a billboard permit from the Building Department. The process for obtaining a permit is as follows:

- [1] Application for zoning verification. Application for a billboard zoning verification must first be made to the Building Department, in writing, in duplicate, upon forms prescribed and provided by the Director of the Building Department. The Building Department will issue its verification to Planning and Economic Development Department (PEDD) and the applicant.
- [2] Application for site plan review. No permit shall be issued for any new billboard unless the applicant has obtained site plan approval from the Town Planning Board, pursuant to the Major Site Plan Review regulations of this Chapter.
- [3] Application for billboard permit. Application for the permit must be made in writing upon forms prescribed and provided by the Building Department, and shall include the following:
 - [a] A detailed drawing showing a description of the construction details of the billboard position of lighting or other extraneous devices; a location plan showing the position of the billboard on the site and its position in relation to nearby buildings or structures and to any private or public street or highway and its height.
 - [b] Written consent of the owner of the land on which the billboard is to be erected in the event that the applicant is not the owner thereof.
 - [c] An electrical permit from an electrical inspection agency listed in the Town of Colonie Electrical Code issued for said billboard.
 - [d] The current fee established for the same by resolution of the Town Board. This fee and approval constitutes the first-year annual fee and renewal permit.
 - [e] Other such information as required by the Building Department.
- [4] Issuance of permit. It shall be the duty of the Director of the Building Department to issue a permit for the erection of a proposed billboard, provided that:
 - [a] The proposed billboard has received Planning Board approval.
 - [b] The proposed billboard is in compliance with all the requirements of this Article, as well as all other laws and ordinances of the Town of Colonie.

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- [5] Issuance of annual renewal permit. Each billboard permit shall be renewed with the Director of the Building Department in accordance with the following regulations:
 - [a] Application for an annual permit shall be made within 14 calendar days after the first day of January.
 - [b] The applicant shall submit any changes in ownership of the billboard or property and an affidavit stating that the same has been changed on the billboard itself.
 - [c] Fees. The fee for an annual permit shall be in accordance with the fee schedule adopted by the Town Board.

- (b) Replacement or restoration of an existing billboard. Nothing in this article shall prevent the replacement or restoration of an existing billboard or its supporting structure which has been destroyed or which has been deemed by the applicant to be in need of replacement. Such replacement or restoration shall be permitted, provided that the billboard face following the replacement or restoration is to the identical specifications, size, location and appearance as existed prior to said replacement or restoration. As a pilot program, Digital Billboard may be used to replace a standard billboard if the above requirements are met as to size and location, and such Billboard is located at either number 50 Fuller Road or number 1160 Loudon Road.

- (c) Revocation of permits. The Director of the Building Department shall revoke such billboard permit 14 days after written notice has been given to the owner on record of said billboard for any one of the following conditions, provided that said condition has not been corrected within the fourteen-day period:
 - [1] Failure to obtain the annual permit within the first 14 calendar days of the new year.
 - [2] Failure to submit proper information in regard to changes in ownership of billboards.
 - [3] Failure to complete construction within 180 days of date of issuance of the development permit.
 - [4] Failure to affix the permit number and necessary names.
 - [5] Failure to obtain permission from the Director of the Building Department to structurally alter the billboard.
 - [6] Failure to maintain any billboard in accordance with the judgment of the Director of the Building Department of the Town of Colonie. This would include, but not be limited to, the following:

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- [a] That the structure be free from all hazards, such as faulty wiring, loose fastening or supports, etc.
 - [b] That the structure remain safe, secure and in no way a menace to the public.
 - [c] That the structure be maintained in a clean, neat condition.
- (d) Removal of certain billboards.
- [1] Any existing billboard not licensed or for which the permit has been revoked under the provisions of this article must be removed within 14 days after written notification to the billboard owner and/or landowner. In the event that said billboard is not removed within the specified time limit, the Town of Colonie may remove said billboard and assess all costs and expenses incurred in said removal against the billboard owner and/or the owner of the land on which said billboard is located.
 - [2] To remove a licensed billboard one must first obtain a demolition permit for such removal from the Town of Colonie Building Department.
 - [3] The Director of the Building Department may cause any billboard which is a source of immediate peril to persons or property to be removed summarily and without notice.
- (6) Nonconforming Billboards.
- (a) Any billboard in existence at the effective date of this article that does not comply with this article shall be deemed nonconforming and shall be allowed to remain as such, provided that a billboard and annual renewal permit is filed for in accordance with this Article.
 - (b) No nonconforming billboard shall be reconstructed or structurally altered except as provided for in this Article.
 - (c) Once a nonconforming billboard has been removed, an applicant has a period of up to six months to apply for a restoration permit and reestablish the billboard, provided that the billboard is to the identical specifications, size, location and appearance as existed prior. If such a permit is not applied for six months after the billboard was removed then abandonment or relinquishment of such nonconforming billboard shall be presumed, and such nonconforming billboard shall be deemed abandoned and shall not thereafter be reestablished.

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- (7) Review & appeal. Any person aggrieved by any decision of the Director of the Building Department relative to the provisions of this Article may appeal such decision to the Zoning Board of Appeals and shall comply with all procedural requirements prescribed by such Zoning Board of Appeals.

C. Administration and enforcement.

- (1) The provisions of this article shall be primarily administered and enforced by the Building Department, which shall have the power to make necessary inspections.
- (2) No sign permit or billboard permit shall be approved by the Building Department except in compliance with the provisions of this article or as directed by the Sign Review Board or Zoning Board of Appeals, as applicable.