

Chapter 140: SIGNS

[HISTORY: Adopted by the Town Board of the Town of Queensbury 8-21-2000 by L.L. No. 9-2000. *Editor's Note: This local law also repealed former Ch. 140, Signs, adopted 7-27-1976 by Ord. No. 46, as amended. Amendments noted where applicable.*]

GENERAL REFERENCES

Electrical standards — See Ch. 80.
 Building construction — See Ch. 88.
 Signs in junkyards — See Ch. 102.
 Signs in mobile home parks — See Ch. 113.
 Zoning — See Ch. 179.
 Signs in subdivisions — See Ch. A183.

§ 140-1. Purpose and intent.

The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed advertising, outdoor advertising signs and signs of all types. It is intended to provide for maximum visibility, to prevent unreasonable distraction of operators of motor vehicles, to prevent confusion with regard to traffic lights, signs or signals, to promote maximum safety, comfort and well-being of the users of the highways, to protect property values, to create a more attractive economic and business climate, to enhance and protect the physical appearance of the community, to preserve the scenic and natural beauty of designated areas and to provide a more enjoyable and pleasing community.

§ 140-2. Definitions.

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

- ADVERTISING PANELS — A sign relating to a product, service, activity, business or establishment that is not on the premises on which the sign is located, or a freestanding sign larger than 150 square feet and commonly called a "billboard."
- APPLICANT — An individual, tenant and/or property owner requesting a sign or temporary sign permit.
- BUSINESS COMPLEX — Three or more businesses and/or offices conducted on the same lot.
- COLLECTOR STREET — A street which serves or is designed to serve as a traffic-way for a neighborhood or as a feeder to a major street.
- DIRECTOR OF BUILDING AND CODE ENFORCEMENT — The Director of Building and Code Enforcement of the Town of Queensbury or his duly authorized assistant(s).
- DOUBLE-FACED SIGN — A sign designed to be viewed from two directions and which at no point is thicker than 24 inches measured from the exterior surface of each face and the two faces of the sign are either parallel or the angle between them is 30° or less.
- ERECT — To build, construct, alter, display, relocate, attach, hang, place, suspend or affix any sign, and also includes the painting of signs on exterior walls.
- FLASHING SIGN — An illuminated sign in which the artificial lighting is not maintained in a stationary or constant intensity.
- FREESTANDING SIGN — A sign not attached to any building, but permanently affixed, by any means, in or upon the ground.
- FRONT or FACE — The outer surface of a building which is visible from any private or public street or highway.
- ILLUMINATED SIGN — Any sign illuminated by electricity, gas or any other artificial lighting.
- LIGHTING DEVICE — Any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.
- MAJOR STREET — A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy-traffic-generating areas.
- MARQUEE or CANOPY — These shall be considered roof structures.
- MINOR STREET — A street intended to serve primarily as an access to abutting properties.
- PERSON — A person, firm, partnership, association, corporation, company, institution or organization of any kind.
- PORTABLE SIGN — A sign (whether on its own trailer, wheels or otherwise) designed to be movable and not structurally attached to the ground, a building, structure or any other sign.
- PROJECTING SIGN — A sign which is attached to the building wall and which extends more than 15 inches from the face of such wall, and a sign which is perpendicular to the face of such wall.
- PROPERTY LINE
- A. FRONT PROPERTY LINE — The line separating the property from the boundary of the highway or right-of-way upon

which the property abuts.

- B. FRONT PROPERTY LINE OF CORNER LOT — The line facing the wider of the two streets abutting the lot, unless they are equal, in which event the front property line may be established on either street.
- C. REAR PROPERTY LINE — The property line opposite to and the most distant from the front property line.
- D. SIDE PROPERTY LINE — Any property line other than a front or rear property line.

ROOF SIGN — A sign erected upon a roof or parapet of a building or structure.

SIGN — A name, identification, display, announcement, declaration, device, demonstration or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure or parcel of property and which directs attention to an object, product, place, person, activity, institution, organization or business.

SIGN STRUCTURE — The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two or more sides where the angle formed between any of the sides or the projections thereof exceeds 30°, each side shall be considered a separate sign structure.

SIGN SURFACE OR AREA — The entire area within a single, continuous perimeter enclosing all elements of the sign which form an integral part of the display. The structure supporting a sign shall not be included unless the structure is designed in a way to form an integral background for the display. Only one face of a double-faced sign shall be included as surface or area of such a sign.

STANDARD OUTDOOR ADVERTISING PANELS — An advertising panel structure, approximately 25 feet horizontal and 12 feet vertical, used for the posting or painting of advertising or public service copy.

STREET — A public way which affords the principal means of access to abutting property, including a(n) avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley.

TEMPORARY SIGN — The surface used for the purpose of short-term advertising limited to 30 days.

WALL SIGN — A sign which is attached to the wall of a building, with the face in the plane parallel to such wall and not extending more than 15 inches from the face of such wall.

WINDOW SIGN — A sign maintained in or painted upon a window or which is inside a structure not in or on a window but visible from a parking lot or roadway.

ZONE — The zones created by the Town of Queensbury.

§ 140-3. Signs allowed without permit.

The following signs are permitted without a permit, provided that such signs comply with the general regulations of this chapter:

- A. Signs posted by governmental agencies or required by governmental law, order or regulations.
- B. Signs incidental to the legal process.
- C. Historical tablets, memorial plaques or emblems installed by governmental agencies or religious or recognized nonprofit organizations, not to exceed six square feet.
- D. Transportation signs, including bus stops, etc., not to exceed two square feet.
- E. Flags or emblems of religious, educational or governmental organizations or individuals, flown from supports of the buildings or grounds being occupied by the organization or an individual.
- F. Signs necessary for the identification, operation or production of public utility.
- G. On-premises directional and/or instructional signs for the convenience of the general public, identifying public parking areas, loading zones, entrances and exits, self-service areas and similar signs, internally illuminated or nonilluminated, not to exceed four square feet. Where a portion of a sign is text required by law or regulation, the total area may be increased to maximum of six square feet per face. Business names or personal names shall be allowed, not to include advertising messages. A maximum height of six feet shall be allowed, except that, where required for public safety and/or by order of enforcement officers, a maximum height of 10 feet may be allowed.
- H. "Warning," "Private Drive," "Posted" or "No Trespassing" signs, not to exceed two square feet in surface area.
- I. Signs which are an integral part and advertise only the contents of vending machines and which are located within the profile of such vending machines, such as gasoline pumps and milk machines, not to exceed two square feet.
- J. On-premises signs which are not visible from any public street or adjoining and abutting properties.
- K. Signs advertising the sale, lease or rental of the premises upon which the sign is located, to be nonilluminated.
 - (1) R Zones: one sign per owner and one sign per broker, each sign not to exceed six square feet.
 - (2) C or M Zones: one sign, not to exceed 50 square feet. Setbacks from all property lines shall be a minimum of 15 feet.

- (3) Signs shall be removed by three days after the sale, lease or rental of the premises.
- L. Project signs, nonilluminated, denoting the developer, architect, engineer, subcontractors or contractor on the premises where construction, repair or renovation is in progress. Each project shall be permitted one sign not to exceed 50 square feet in surface area, to be removed upon completion of the project but not to be in place longer than two years. Setbacks from all property lines shall be a minimum of 15 feet.
- M. One double-faced freestanding sign and one single-faced attached sign for professional offices (physician, dentist, architect, engineer, surveyor or lawyer) and permitted home occupations, not to exceed two square feet of surface area per face, stating name and vocation only.
- N. Name and number plates identifying residents, mounted on a house, apartment or mailbox, not to exceed one square foot.
- O. Lawn signs identifying residents, not to exceed one square foot of surface area, or two square feet if double-faced. Signs are to be nonilluminated except by a light which is an integral part of a lamppost, if used as a support, with no advertising message thereon.
- P. Private-owner merchandise sale signs for garage sales and auctions, not to exceed four square feet, for a period not to exceed seven days.
- Q. Price signs required on gasoline pumps by New York State or federal law, not to exceed the minimum requirements established by said state or federal laws.

§ 140-4. Temporary signs.

A. General provisions.

- (1) All temporary signs shall be granted a permit or permits for a period not to exceed 60 days per calendar year, provided that such signs are not attached to fences, trees, utility poles, rocks or other such parts of a natural landscape, and further provided that such signs are not placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public. Temporary sign permit applications shall be available from the office of the Director of Building and Code Enforcement. The application must be signed by the property owner or his/her authorized agent, and the proper fee and deposit must be paid at the time of application submission. (See § 140-4F, Fees for temporary sign permit.)
- (2) The sign must be removed upon expiration of the permit. Upon failure of the permit holder to remove the sign, the Director of Building and Code Enforcement will issue a written notice directing that the sign be removed within 24 hours. Failure to comply with this notice within 24 hours shall result in forfeiture of the cash deposit.
- (3) All regulations as listed in § 140-5, General standards and regulations, shall apply to temporary signs.
- (4) The following temporary signs are prohibited:
 - (a) A-frame style of a temporary nature.
 - (b) Portable signs.

B. Types of temporary signs allowed:

- (1) Temporary wall signs.
- (2) Temporary, double-sided, freestanding signs.
- (3) Off-premises, temporary signs with property owner approval.

C. Sizes of temporary signs allowed:

- (1) Temporary wall signs shall be limited to 32 square feet in area.
- (2) Temporary freestanding signs shall be limited to 16 square feet in area.

D. Placement of temporary signs allowed:

- (1) Temporary wall signs must be placed flush against the wall of a building and may not project more than four inches from the surface of the wall to which they are attached.
- (2) Temporary freestanding signs must be placed a minimum of 15 feet from the front property line. In instances where the front property line cannot be determined, the following setbacks shall apply:
 - (a) Forty feet from the center line of a two-lane road.
 - (b) Forty-five feet from the center line of roads with three or more lanes.

E. Number of temporary sign permits allowed:

- (1) Five temporary sign permits per applicant for a maximum of 60 days per calendar year.
- (2) Only one active, temporary sign permit per applicant.

- F. Fees for temporary sign permit. A fee of \$10 per twelve-calendar-day period shall be paid upon the issuance of a permit for such sign, and a cash deposit of \$50 shall be deposited with the Director of Building and Code Enforcement to ensure removal of such sign or signs at the expiration of the permit. If the number of signs is 10 or more, the cash deposit shall be \$100.

§ 140-5. General standards and regulations.

The following regulations shall apply to all signs:

- A. Any advertising signs that are located on property where the goods or services mentioned on the sign are not available are not permitted, except billboards.
- B. Illumination. All illuminated signs shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent sequences or moving lights. No bare lamps, bare bulbs or fluorescent tubes over 40 watts shall be allowed. No bare lamps or bare bulbs on a string shall be allowed. The provisions of this subsection shall not be applied so as to prohibit a sign changing to show time or temperature. No sign shall use reflective material which sparkles or glitters.
- C. Hazard or nuisance. No sign or illumination therefrom shall be so placed as to be a hazard to traffic or the public generally or as to be a nuisance or annoyance to the residents or occupants of any other building or premises, nor shall any sign project into any public right-of-way.
- D. Signs using red, yellow or green lights shall not be placed within 100 feet of traffic control signals.
- E. Signs or advertising matter of an indecent or obscene nature shall be prohibited.
- F. No misleading advertising shall be allowed.
- G. Signs using wording such as "stop," "look," "danger" or words of a similar nature which may tend to confuse, mislead or resemble any governmental or duly authorized sign shall be prohibited.
- H. No projecting sign shall be erected or maintained from the face of a building a distance of more than four feet.
- I. Any advertising which uses a series of two or more signs placed along a street or highway, carrying a single advertising message, part of which is contained on each sign, shall be prohibited.
- J. All signs and parts thereof shall be stationary and shall not be allowed to simulate movement. Flags, banners, pinwheels, posters, balloons, streamers, searchlights or other similar fluttering, moving or revolving devices for the purpose of advertising or attracting attention shall be prohibited, except as may be permitted under § 140-4, Temporary signs.
- K. No permanent sign erected or maintained in the window of a building and visible from any public or private street or highway shall occupy more than 25% of the area of said window.
- L. Only one sign designating credit cards acceptable at any one premises may be displayed. Such sign shall be no more than six square feet in area. Said sign area shall not be computed as part of allowable sign footage.
- M. Portable signs shall not be allowed. Vehicles parked on the street or in locations on private property which have attached thereto or suspended therefrom any advertising sign shall not be allowed. This subsection shall not apply to permanent business identification on vehicles.
- N. Signs which project above any roof ridgeline or parapet line shall not be permitted. Signs which change the profile of the building shall not be permitted.
- O. The text on each sign shall be limited to the following:
- (1) The name or assumed name of the owner of the property on which it is located.
 - (2) The principal business or businesses conducted on the property.
 - (3) A brief indication of the products or services available.
 - (4) (No) vacancy.
 - (5) Price information.
- P. A wall sign shall not project more than 15 inches from the face of the building wall nor extend beyond the outer edge of the wall to which it is attached.
- Q. Advertising panels shall meet the following requirements:
- (1) No new advertising panels shall be constructed.
 - (2) All advertising panels shall be standard outdoor advertising panels except that those now located between 660 and 1,500 feet from and visible from the Northway right-of-way may remain the existing size.
 - (3) Standard outdoor advertising panels may be continued and maintained in any C or M Zone, but they may not be double-decked or over 25 feet in height, and they shall employ only lights emitting a light of constant intensity.

§ 140-6. Signs for which permits are required; number; regulations.

- A. General. No sign or other device for advertising purposes shall be erected, established, constructed, reconstructed, enlarged, extended, moved or structurally altered after the effective date of this chapter without application for and issuance of a permit, except as provided for by this chapter.
- B. Setback size, placement and number, height and off-premises directional sign limitations of permitted signs.
- (1) Setback of freestanding signs. The setback for freestanding signs shall be a minimum distance of 15 feet from any property line.
 - (2) Size.
 - (a) Freestanding signs. The surface area of one side shall not exceed 50 square feet at a fifteen-foot setback or 64 square feet at a twenty-five-foot setback.
 - (b) Signs attached to buildings (wall signs and permitted roof signs).
 - [1] The surface area of signs attached to any building shall not exceed 25% of the area of the wall or roof to which such sign is attached. A minimum area of 30 square feet shall be allowed in any case. The size of wall signs and permitted roof signs will be further regulated by the distance of the building from the front property line. Buildings which are located within or at a distance of 100 linear feet from the front property line are permitted to have a wall sign or a permitted roof sign of up to 100 square feet. Buildings with more than 100 feet of setback from the front property line will be permitted an additional 10 square feet of sign surface for each 10 additional feet of setback to a maximum sign size of 300 square feet. A shopping center with a group of stores or sales or service buildings shall not be eligible for this permit.
 - [2] In order for a roof sign to be permitted, there must be compliance with all other provisions of this chapter. If a roof sign is permitted under this chapter with respect to a particular building or structure, only either a roof sign or a wall sign shall be allowed, not both, and the total permitted surface area of either such roof sign or wall sign shall be as set forth in Subsection B(2)(b)[1] above.
 - (3) Placement and number.
 - (a) Freestanding signs shall be allowed in C and M Zones only, except as provided for in this chapter.
 - (b) Signs attached to buildings shall be allowed in C and M Zones only, except as provided for in this chapter.
 - (c) A business located on a parcel of property shall be granted a permit for two signs: one freestanding, double-faced sign and one sign attached to a building (wall sign or permitted roof sign) or two signs attached to a building. A building on a street corner lot or contiguous to two streets shall be allowed two building signs and one freestanding sign. Where a building is situated on a corner lot, one wall sign will be allowed on each side of the building facing a public street. Only one freestanding sign will be permitted in these circumstances.
 - (d) Business complex. The following regulations shall apply specifically to a business complex. These regulations supersede other provisions of this chapter.
 - [1] No signs other than the following types of signs shall be allowed within a business complex:
 - [a] Freestanding signs.
 - [b] Wall/roof signs.
 - [c] On-premises directional signs, as described in § 140-3G.
 - [2] Signs allowed within a business complex shall comply with the following size and dimensions:
 - [a] Double-sided, freestanding signs shall be limited to 50 square feet in area at a setback of 15 linear feet and 64 square feet in area at a setback of 25 feet. Maximum height shall be 25 feet.
 - [b] Wall/roof signs shall be regulated by the distance of the wall or roof on which the sign is to be placed to the front property line. At a distance of up to 100 linear feet from the front property line, the wall or roof sign area shall be limited to 100 square feet. Linear setback distances of greater than 100 linear feet from the front property line shall be permitted an additional 10 square feet of sign area for each 10 additional feet of setback distance. In any case, wall signs shall not exceed 25% of the area of the wall or roof to which they are attached.
 - [c] Directional signs shall be limited to four square feet in area. When a portion of a sign is text required by law or regulation, the total area may be increased to a maximum of six square feet. The maximum height shall be limited to 10 feet.
 - [3] Placement of signs within a business complex shall be regulated as follows:
 - [a] A freestanding sign may be placed at each entrance accessing a different public right-of-way. Freestanding signs shall be placed a minimum of 15 feet from the front property line. In entrances where the front property line cannot be determined, the following setbacks shall apply:
 - [i] Forty feet from the center line of a two-lane road.

- [ii] Forty-five feet from the center line of a road with three or more lanes.
- [b] Wall/roof signs shall not project above the roof ridgeline or parapet line of the building to which they are attached. Wall/roof signs shall not alter or expand the profile of the building to which they are attached.
- [c] Directional signs shall be placed at points of ingress or egress to the business complex. Placement of directional signs shall not adversely affect vehicular or pedestrian traffic safety or flow.
- [4] The number of business complex signs shall not exceed the following criteria:
 - [a] One freestanding sign per entrance accessing a different public right-of-way.
 - [b] One wall sign per occupant of the business complex.
- [5] Other provisions. Lettering and/or logos on freestanding signs for business complexes shall be a minimum of six inches in height.
- (e) Hotels, motels, golf clubs, ski areas, boat storage, amusement centers and other substantial facilities in all zones shall be permitted two signs of 50 square feet maximum each.
- (f) Roadside stands in all zones shall be permitted two signs: one for identification and one for current products for sale, each sign not to exceed 32 square feet.
- (g) Apartment complexes in all zones shall be permitted one sign for each entrance on a different street or highway, each sign not to exceed 50 square feet. Apartment complexes shall also be permitted one sign, to include changeable text, not to exceed six square feet.
- (4) Height.
 - (a) No freestanding sign shall exceed a height greater than the following:
 - [1] R Zones: 12 feet.
 - [2] C and M Zones: 25 feet.
 - (b) The height of such signs shall be measured from grade level or entry level of the building or structure, whichever is lower, and shall include supporting structures.
- (5) Off-premises directional sign.
 - (a) Signs for the convenience of the general public and for the purpose of directing persons to a business, activity, service or community facility may be erected in any zone, provided that such signs do not exceed 10 square feet of area per establishment, not to exceed a total of 100 square feet.
 - (b) Text shall be limited to name or identification; arrow or direction; and distance. Advertising messages shall be prohibited.
 - (c) Permits for such signs shall be subject to the approval of the Town Planning Board.
 - (d) Such signs shall be limited to major and collector streets.

§ 140-7. Previous sign permit approvals and fees.

All sign permit approvals and fees previously issued and collected by the Town of Queensbury under any previous sign ordinance shall be deemed valid, binding and in full force and effect.

§ 140-8. Nonconforming signs.

A nonconforming sign is a sign which is in conflict with the provisions of this chapter. Such sign or signs in existence on the effective date of this chapter shall be brought into conformity in all respects with the provisions of this chapter or shall be removed within 60 days of such effective date.

§ 140-9. Permit procedure; fees.

- A. Application for permit. Application for the permit shall be made in writing, in duplicate upon forms prescribed and provided by the Director of Building and Code Enforcement and shall contain the following information:
 - (1) The name, address and telephone number of the applicant and the owner of the premises.
 - (2) The location of the building, structure or land to which or upon which the sign is to be erected.
 - (3) A detailed drawing or plan, to scale, showing the area (size) and the lettering and/or pictorial matter composing the sign; a description of the construction details of the sign; the method of illumination, if any; the location of the sign on

any building, structure or land and its position in relation to nearby buildings, structures, lot boundaries and any private or public streets or highways; and any other information deemed necessary by the Director of Building and Code Enforcement.

- (4) Written consent of the owner or lessor of the building, structure or land to which or on which the sign is to be erected, in the event that the applicant is not the owner thereof.
- (5) A change of copy requires a permit, except in the case of any changeable copy sign.

B. Fees.

- (1) A fee shall be paid to the Director of Building and Code Enforcement for each sign permit issued as set forth in the following schedule:
 - (a) Temporary sign or group of identical signs: fee of \$10 and deposit of \$50; for 10 signs or more, deposit of \$100.
 - (b) All others: fee of \$2 per square foot of sign area.
- (2) Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining a permit therefor, the fees specified in the fee schedule shall be doubled, but the payment of such double fees shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work nor from the penalties prescribed in this chapter.

- C. Issuance of permit. It shall be the duty of the Director of Building and Code Enforcement, upon the filing of an application for a permit to erect a sign, to examine such plans, specifications and other data submitted to him with the applications and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure. If it shall appear that the proposed sign is in compliance with all the requirements of this chapter and other laws and ordinances of the Town of Queensbury and that the necessary fee has been paid, the Director of Building and Code Enforcement shall, within seven days, issue a permit for the erection of the proposed sign. If the sign authorized under such permit has not been completed within six months from the date of the issuance of such permit, the permit shall become null and void, but may be renewed once, within 30 days from the expiration thereof, for good cause shown, for an additional six months, upon payment of an additional fee of \$5.

§ 140-10. Construction and maintenance.

All signs in the Town shall meet the following requirements:

- A. All signs installed in the Town after the effective date of this chapter shall have attached to them a nameplate giving the sign permit number and the name and address of the owner, person or corporation responsible for the general requirements and maintenance as outlined in the chapter.
- B. Internally illuminated signs. Such signs shall be constructed in conformance with the Standards for Electric Signs (UL 48) of Underwriters Laboratories, Inc., and bear the label of the Underwriters Laboratories, Inc.
- C. Wind pressure requirements. All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area.
- D. General maintenance. The Director of Building and Code Enforcement shall require proper maintenance of all signs and shall inspect every sign within 30 days after it is erected. All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair, in safe condition and in a proper state of preservation.
- E. All illuminated signs shall be inspected and certified by an appropriate electrical inspection agency under Chapter 80, Electrical Standards, if they do not bear the Underwriters Laboratories, Inc., label.

§ 140-11. Penalties for offenses.

- A. Penalty for failure to apply for sign permit. Any person who proceeds to erect, reerect, construct or structurally alter any sign without first applying for and obtaining the necessary permit shall be considered in violation of this chapter and shall be liable for a fine of not more than \$250 or imprisonment for a term not exceeding 15 days, or both, for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.
- B. Penalty for failure to comply with chapter. In case of a violation of this chapter, the Town and its officers may, in addition to any other remedies conferred by law or ordinance, institute any appropriate proceedings to prevent unlawful erection, construction, reconstruction or alteration of any sign.
- C. Penalty for failure to maintain. The Director of Building and Code Enforcement may order the removal of any sign that is not maintained in accordance with this chapter.
- D. Removal of certain signs. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold shall be taken down and removed by the owner, agent or person having beneficial use of such building, structure or lot upon which such a sign is located, within a period of 30 days after written notification from the Director of Building and Code Enforcement, after which period the Director of Building and Code Enforcement is hereby authorized to cause removal of such sign, and any expenses incidental thereto shall be chargeable to the owner of the buildings, structure

or lot upon which the sign is located.

- E. Unsafe and unlawful signs. If the Director of Building and Code Enforcement shall find that any sign or other advertising structure regulated herein is unsafe, insecure, a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this chapter or any other ordinance, law or statute, he shall give written notice to the owner of the sign and/or property thereof. If the owner fails to alter the structure so as to comply with such ordinance, law or statute, and/or remove such sign or structure, whichever is applicable, within 30 days after such notice, the Director of Building and Code Enforcement shall be authorized to cause removal of such sign, and any expenses incidental thereto shall be chargeable to the owner of such sign and/or premises upon which the sign is located. The Director of Building and Code Enforcement may cause any sign or structure of a sign which is an immediate peril to persons or property to be removed summarily and without notice, with the expenses charged to the owner.

§ 140-12. Enforcement.

This chapter shall be enforced by the Director of Building and Code Enforcement or his duly authorized assistant(s), who shall be appointed by the Town Board. No permits for signs shall be issued by him, except where all of the provisions of this chapter have been complied with. It shall be the duty of the Director of Building and Code Enforcement to issue a sign permit, provided that he is satisfied that the sign conforms in all respects with the requirements of this chapter and that all other reviews and actions, if any, called for in this chapter have been complied with and all necessary approvals secured therefor. When the Director of Building and Code Enforcement is not satisfied that the applicant's proposed sign will meet the requirements of this chapter, he shall refuse to issue a sign permit, and the applicant may appeal to the Board of Appeals for a reversal of the decision of the Director of Building and Code Enforcement. The Director of Building and Code Enforcement shall further have the power to revoke permits issued if it shall appear at any time that the application or accompanying material is in any respect false or misleading or that the work being done is differing materially from what is called for on the application filed with him.

§ 140-13. Appeals.

- A. An appeal to the Board of Appeals from a ruling of the administrative officer administering any portion of this chapter may be taken by a person aggrieved by filing with the Director of Building and Code Enforcement from whose action the appeal is taken and with the Board of Appeals by filing with the Secretary thereof a notice of appeal specifying the grounds therefor in the form set forth herein. All such appeals shall be in writing and shall refer to the specific provisions of this chapter setting forth exactly the interpretation that is claimed and such other information as shall be deemed appropriate and proper by the Zoning Board of Appeals. An appeal shall stay all proceedings and furtherance of the action appealed from, unless the Director of Building and Code Enforcement certifies for the Board of Appeals, after notice of such appeal shall have been filed, that by reason of the fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Appeals or by the Supreme Court on application on notice to the Director of Building and Code Enforcement and on due cause shown.
- B. All decisions from the Board of Appeals are subject to court review in accordance with the applicable laws of the State of New York.
- C. The Board of Appeals shall decide each appeal within 60 days of filing thereof. After hearing the appeal, the decision of the Board of Appeals shall be immediately filed in its office and shall become a public record. The Board of Appeals may, in conformity with the provisions of this chapter, reverse, affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from or make any such order, requirement, decision or determination as may be necessary in accordance with the provisions hereof. Unless otherwise specified by the Board of Appeals, a decision on any appeal or request for a variance shall expire in the event that the applicant fails to obtain any necessary permit or comply with the conditions of such authorized permit within six months from the date of authorization thereof.
- D. The Board of Appeals shall fix such a reasonable time for the hearing of an appeal or other matter referred to it and give the public notice thereof by the publication of the same in the official paper of the notice of the meeting at least five days prior to the date thereof and shall, at least five days before such hearing, mail notice thereof to the following officials, persons and owners of properties involved and in accordance with the requirements of § 267, Article 16, Chapter 62, of the Consolidated Laws of the State of New York (Town Law § 267):
- (1) When appealing the action of the Director of Building and Code Enforcement: the Director, the appellant and also the applicant, if the appellant is an aggrieved person other than the applicant.
 - (2) In the case of a variance, all owners of property within 500 feet of the nearest line of the property for which the variance or other special relief is sought, and to such other property owners as the Chairman of the Board of Appeals may direct.

§ 140-14. Variances.

The Board of Appeals may vary or alter or adapt the strict application of any of the requirements of this chapter in the case of exceptional physical conditions, whereby such strict application would result in substantial difficulty or unnecessary hardship that would deprive the owner of a sign of the reasonable use of the same. No variance in the strict application of the provisions of this

chapter shall be granted by the Board of Appeals unless it finds that there are special circumstances or conditions applying to the land or a sign and not applying generally to land or signs in the neighborhood and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such sign or land, where the variance would otherwise be in general harmony with restrictions established for the area, and where it shall find that the request made is the minimum variance that will accomplish the necessary objectives intended and that the granting of the variance will be in general harmony with the general purpose and intent of this chapter and with the Master Plan of the Town of Queensbury and will not be otherwise injurious to the neighborhood or detrimental to the public welfare.

§ 140-15. Interpretation.

The Board of Appeals shall, upon appeal from a decision by an administrative official, decide any question involving the interpretation of any provision of this chapter, including a determination as to the exact location of any district boundary if there is any uncertainty with respect thereto.