

MINUTES
VILLAGE OF HOLLEY
72 Public Square
Board of Trustees – Public Hearing
August 13, 2013

Present: Mayor Kenney, Trustees Carpenter, Penna, and Sorochty,

Excused: Trustee Dill

Public Present: Jim Krencik, Dan & Monica Seeler, Kevin Keenan

Motion by Trustee Carpenter and seconded by Trustee Sorochty to begin the Public Hearing at 6:56 p.m.

Motion carried

- Discussion on Downtown Designation
- Discussion on Village Sign Law
- Discussion on Village Water Rate increase (public meeting held 12/11/2012)
 - No comments

Motion by Trustee Penna and seconded by Trustee Carpenter to approve Local Law No. 2 of the year 2013

Motion carried

Village of Holley

Local Law No. 2 of the year 2013.

A LOCAL LAW AMENDING SECTION 265-6 OF THE VILLAGE OF HOLLEY CODE MODIFYING THE DOWNTOWN DISTRICT BY RESCINDING THE REQUIREMENT THAT APARTMENTS PROVIDE A MINIMUM NUMBER OF PARKING SPACES

Be it enacted by the Board of Trustees of the Village of Holley as follows:

WHEREAS, it is in the public interest for the Village of Holley to enact legislation to control various zoning requirements within the confines of the Village of Holley, and

WHEREAS, sections 265-6 of the Official Code of the Village of Holley establishes certain zoning districts within the Village of Holley, and

WHEREAS, this proposed amendment creates an additional district for zoning purposes in the Village of Holley, and

WHEREAS, this proposed amendment was published for public review in accordance with the Municipal Home Rule Law and the Village Law of the State of New York, and that a public hearing was held thereupon on the 9th day of July, 2013, and

NOW, THEREFORE be it resolved that Village of Holley Board of Trustees hereby approve and adopt the following amendment to the Official Code of the Village of Holley which reads as follows:

Local Law No. 2 of the Laws of 2013 of the Village of Holley

I. AMENDMENT: - A portion of Section 265-6 of the Village of Holley Code has been changed by adding the following text:

(C)(4) Apartments, or residences, shall be permitted on floors above the first floor (street level), subject to all applicable provisions of the New York State Property Maintenance Code, or other New York State Fire or Building Codes.

(a) Apartments, or residences, within this district are not required to provide a minimum number of parking spaces per unit, or residence.

(b) Residents, or tenants, of these units, or locations, may be provided authorization to utilize municipal parking lots, upon request, and subject to certain restrictions, requirements, fees, or limitations.

Any provision of the Village of Holley Code sections 265-6 not specifically modified herein shall remain in full force and effect.

II. **AUTHORITY:** The Legislative body of the State of New York has granted authority to local government units to adopt and amend local laws from time to time as necessary in order to protect the health, safety and welfare of the persons and properties within such local municipality. In addition, the Legislative body of the State of New York has specifically deemed that the local government unit shall adopt a local law in certain situations. That, pursuant to such grant of authority, and pursuant to the provisions of Section 714 of the General Municipal Law of the State of New York, the Board of Trustees of the Village of Holley, being the local legislative body of such municipality, is empowered to adopt or modify a local law related to zoning within the confines of the Village of Holly.

The Village of Holley Board of Trustees has authorized that this change be made to the Village of Holley Code and that same be implemented into, and enforced, as set forth in the Village of Holley Code.

III. **EFFECTIVE DATE OF AMENDMENTS:** The amendments as described above shall become effective upon the filing of this local law in the office of the Secretary of State.

Motion by Trustee Penna and seconded by Trustee Sorochty to approve Local Law No. 3 of the year 2013

Motion carried

Village of Holley

Local Law No. 3 of the year 2013.

A LOCAL LAW MODIFYING DELINQUENT FEES ASSOCIATED WITH THE USE OF WATER IN THE VILLAGE OF HOLLEY

Be it enacted by the Board of Trustees of the Village of Holley as follows:

WHEREAS, it is in the public interest for the Village of Holley to enact legislation associated with the use, enforcement and collection of rates and fees associated with the Village of Holley water department, and

WHEREAS, section A270-8 of the Official Code of the Village of Holley currently sets forth the authority, procedure and cost of fees to turn on and turn off water for delinquent water accounts in the Village of Holley, and

WHEREAS, this proposed amendment clarifies and increases the fees for discontinuing and re-establishing water service for delinquent consumers in the Village of Holley, and

WHEREAS, this proposed amendment was published for public review in accordance with the Municipal Home Rule Law and the Village Law of the State of New York, and that a public hearing was held thereupon on the 11th day of December, 2012, and

NOW, THEREFORE be it resolved that Local Law No.3 of the Laws of 2013 of the Village of Holley be adopted.

Local Law No. 3 of the Laws of 2013 of the Village of Holley

I. **AMENDMENT ONE:** The former section A270-8 of the Village of Holley Code is replaced with the following text:

A. The Village of Holley Board, by resolution, may establish and amend water use rates, fees and charges for purposes of meeting the expenses of the water department in such amounts as shall be determined and be in the best interests of the water department. Such rates, fees and charges shall be on file in the Village of Holley office. Fees associated with this provision are subject to review and modification from time to time in the sole discretion of the Village of Holley Board of Trustees.

B. Emergencies. If, in the judgment of the Superintendent of the Water/Electric department that an imminent health hazard or imminent danger to property exists, the Village of Holley may immediately cause service to the building, unit, tenancy, premises or parcel to be terminated and not restored until the defects are corrected.

C. Notification of violations. The Village of Holley shall notify owners or authorized agents of owners, tenants, lessees, renters or any other person claiming a right to real property in which there is found to be a violation of this section exists and should set a reasonable period of time for the owner or other person to have the violation removed or corrected as provided by law. Upon failure to have the defect corrected by the end of the specified time interval, the Superintendent of Water/Electric may cause the water service to the building, unit, tenancy, premises or parcel to be terminated and not be restored until the condition or defects are corrected.

D. Unpaid charges, fees, penalties, interest or other costs associated with water provided to any tenancy or parcel of real property by the Village of Holley shall be the responsibility of any lessee, renter, tenant, owner, or any person claiming an interest in said real property.

Water service provided to a tenancy or parcel of real property in the name of one or more lessee, renter, tenant or other person claiming a right thereto shall not relieve or excuse the owner of such real property from responsibility for payment of water charges, including fees, fines, assessments, interest or other penalties or costs.

In the case of a delinquent water account, a shut off notice will be sent as set forth above.

E. In the event the Village has to shut off water to real property because an account is delinquent 30 days or more, the owner to said real property, or any lessee, renter, or person claiming an interest in said real property, will be assessed a fee of \$50.00. At no time will duplicate fees of \$50.00 be collected from more than one person, or entity, per tenancy or parcel of real property per incident. In other words, if an incident occurs where water is shut off to a particular parcel of real property, the Village cannot collect from a tenant and then again from another person, such as the landlord, for that same incident. However, nothing contained herein prohibits the Village from collecting numerous fees for several incidents occurring during the same month, or from several different tenancies located on one titled parcel of real property.

F. Similarly, in the event the Village has to turn the water back on as associated with a tenancy or parcel of real property, the owner to said real property, or any lessee, renter, or person claiming an interest in said real property, will be assessed a fee of \$50.00. At no time will duplicate fees of \$50.00 be collected from more than one person, or entity, per tenancy or parcel of real property per incident. In other words, if an incident occurs where water is shut off to a particular parcel of real property, the Village cannot collect from a tenant and then again from another person, such as the landlord, for that same incident. However, nothing contained herein prohibits the Village from collecting numerous fees for several incidents occurring during the same month, or from different tenancies located on one titled parcel of real property.

III. AUTHORITY: The Legislative body of the State of New York has granted authority to local government units to adopt and amend local laws from time to time as necessary in order to protect the health, safety and welfare of the persons and properties within such local municipality. In addition, the Legislative body of the State of New York has specifically deemed that the local government unit shall adopt a local law in certain situations. That, pursuant to such grant of authority, and pursuant to the provisions of Section 714 of the General Municipal Law of the State of New York, the Board of Trustees of the Village of Holley, being the local legislative body of such municipality, is empowered to adopt or modify a local law related to sewer use within the confines of the Village of Holly.

The Village of Holley Board of Trustees has authorized that these changes be made to the Village of Holley Code and that same be implemented into, and enforced as set forth in the Village of Holley Code.

IV. EFFECTIVE DATE OF AMENDMENTS: The amendments as described above shall become effective upon the filing of this local law in the office of the Secretary of State.

Motion by Trustee Carpenter and seconded by Trustee Penna to approve Local Law No. 4 of the year 2013

Motion carried

Village of Holley

Local Law No. 4 of the year 2013.

A LOCAL LAW AMENDING SECTION 265-49 OF THE VILLAGE OF HOLLEY CODE REGARDING SIGNS

Be it enacted by the Board of Trustees of the Village of Holley as follows:

WHEREAS, it is in the public interest for the Village of Holley to enact legislation concerning the safety and welfare of Village of Holley residents, and

WHEREAS, sections 265-49 of the Official Code of the Village of Holley sets forth provisions regarding signs within the Village of Holley; and

WHEREAS, this proposed amendment was published for public review in accordance with the Municipal Home Rule Law and the Village Law of the State of New York, and that a public hearing was held thereupon on the 11th day of January, 2011, and

NOW THEREFORE be it resolved that Village of Holley Board of Trustees hereby approve and adopt the following amendment to the **Official** Code of the Village of Holley which reads as follows:

Local Law No. 1 of the Laws of 2011 of the Village of Holley

I. AMENDMENT ONE: - Section 265-49 of the Village of Holley Code has been replaced by adding the following text:

Chapter 265-49: SIGNS

Title

This chapter shall hereafter be known and cited as the "Sign Law of the Village of Halley"

This chapter shall apply to the entire area of the Village of Holley with the exception of the Light Industrial (LI) District, which has its own regulations.

Purpose

The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types and of signs on the inside of any building that are observable from the outside. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, to reduce hazards that may be caused by signs overhanging or projecting over the public rights-of-way and to improve beauty and community environment. It is the intention of this chapter to regulate all exterior signs and interior signs which are visible from the exterior of the building.

It is further intended that in commercial, industrial and restricted business areas, all signs within one complex shall be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form and proportion. Signs in such areas shall preferably be of the same size, shape, color and aesthetic style.

§ 265-49A. Definitions

As used in this chapter, unless otherwise expressly stated, the following terms shall have the meanings indicated.

ACCESSORY SIGN — any sign related to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such a sign is located.

APARTMENT UNIT - A room or rooms connected together for residential occupancy by one family and including provision for living, sleeping, cooking and sanitation facilities.

APARTMENT COMPLEX – two or more buildings located on a single property containing multiple apartment units.

AREA OF SIGN— the area of a sign shall be determined by multiplying the maximum horizontal measurement times the maximum vertical measurement of the lettering and the pictorial matter. The area of all signs will be determined as though they consist of four square corners.

BILLBOARD — See "non-accessory sign."

BUILDING — any structure designed or erected so as to present the appearance of a single harmonious unit. Where a conflict of opinion arises as to whether a structure is composed of one or several buildings, the determination shall be made by the Planning Board.

DISTRICT — when used in regard to use districts, zoning districts or classes of districts, said provisions shall be defined and interpreted as used in Chapter 265-6, of the Code of the Village of Holley.

ENCLOSED SHOPPING MALL — a group of contiguous commercial enterprises in one or more buildings which has a limited number of public entrances entering from the parking lot and the majority of the commercial enterprises front on an interior hall, walkway or mall.

ERECT — to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any sign, including the painting of exterior wall signs.

FRONT or FACE (of a building) — One outer surface of a building as designated on the architectural drawings.

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GARAGE SALE — the sale of used household goods, clothing and equipment of the homeowner or tenant of a residential property, from such property.

GROUND SIGN or FREESTANDING SIGN — any sign not attached to any building.

HEIGHT — when used in regard to freestanding signs, the vertical distance between the grade level of the ground floor of the principal building on said lot and the portion of the sign referred in this chapter.

IDENTIFICATION SIGN — to conform to the definition of sign and to include the name and/or address of the property.

ILLUMINATED SIGN — Any sign illuminated by electricity, gas or other artificial light, including reflective, projected, incandescent, and phosphorescent or neon light, interior or exterior, direct or indirect.

LIGHTING DEVICE — any light, string of lights or group of lights located or arranged so as to illuminate a sign.

MESSAGE SIGN — A noncommercial advertising sign expressing the position, opinion or philosophy of the owner or occupant of the subject property regarding political, religious, social or economic causes.

NON-ACCESSORY SIGN — any sign or billboard related to a business or profession conducted, or to a commodity or service sold or offered, upon premises other than where such sign is located.

OFFICE — A place, such as a building, room or suite, where professional duties, etc., are carried out by single tenant/organization or group.

OFFICE COMPLEX — A site containing multiple offices.

PERSON — any person, firm, partnership, association, corporation, company, institution or organization of any kind.

POLITICAL SIGN— A sign which by its content promotes or supports or opposes a candidate or candidates for any public office or which advocates a position on upcoming ballot proposition(s).

PREMISES — all real property assessed as a single tax account number by the Village of Holley and all buildings and structures connected by a common wall.

PROJECTING SIGN — any sign which projects from the exterior of any building.

ROOF - that part of the external covering of a building which is not on the same plane as the vertical or supporting walls of the building. With types of structures such as A-frame, Quonset or similar structures that have no clear line of demarcation between the supporting walls and the roof, the roof shall be considered to start eight feet above ground level.

SHOPPING PLAZA - A group of contiguous commercial enterprises in one or more buildings fronting on a common parking lot, with each enterprise having an outside public entrance fronting on the common parking area, or an interior mall.

SIGN - Any material, structure or device, or any pad thereof, located on the same property for which it advertises, composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed, when used or located out of doors or outside or on the exterior of any building or on the inside of any building which is observable from the outside, including window-display area, for display of advertisement, announcement, notice, directional matter or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, projecting signs or ground signs, and shall also include any announcement, declaration, demonstration, display, illustration, logo, monogram or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public. The sign area shall also include any background of a different color or material.

TEMPORARY SIGN — a sign, banner, or poster related to a single activity or event having duration of no more than 30 days. This does not include the signs regulated under Section 265- 4 9C1 0.

§ 265-49B. Exceptions

For the purposes of this chapter, the term "sign" does not include:

- 1. Signs erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulation.*
- 2. The changing of the advertised copy or message on an approved painted or printed sign or theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.*
- 3. Repainting, cleaning and other normal maintenance and repair of a conforming sign or a conforming sign structure, unless a structural change is made.*

4. *Memorial tablets or signs, and historic markers.*
5. *Signs which are within a ball park or other similar public or private recreational use and which cannot be seen from a public street or adjacent properties.*
6. *Flags, emblems or insignia of the United States, the State of New York, other countries and states, the United Nations Organization or similar organizations of which this nation is a member, and of the President or Vice President of the United States.*
7. *Small signs displayed for the direction or convenience of the public, including signs which identify rest rooms, location of public telephones, freight entrances, traffic controls or the like, with a total area not to exceed two square feet.*
8. *Freestanding signs or signs attached to fences at approximate eye level, no larger than two square feet, warning the public against hunting fishing, trespassing, dangerous animals, swimming or the like.*
9. *Any information or directional sign or historical marker erected by a governmental agency, which may include signs displayed by a governmental agency for the purpose of giving directions and distances to commercial districts in which are located the following types of commercial facilities for the convenience of the traveling public: restaurants, motels and establishments for the servicing of motor vehicles, provided that no such sign shall give direction or distance to any specific business establishment.*
10. *Civic signs for the purpose of displaying shields, emblems or signs of civic, charitable or religious organizations with offices or meeting places located in the Village for the purpose of advertising said organization, its address and/or meeting place, and the days and hours of meeting, with a total area of not to exceed two square feet for each such sign.*
11. *An illuminated sign, using only the word "open," and operational only when a commercial business is open for business, provided that it has no more than two colors, is no greater in size than two square feet, faces the public right-of-way, and there is only one such sign per premises.*

§ 265-49C. General Regulations

1. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights (See note 1). In no event shall an illuminated sign, lighting or a reflective device or projected light be so placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

Note 1: Any request for a sign described in this section requires a special use permit granted by the Planning Board, subject to a public hearing and all applicable fees and costs.

2. The use of pennants, banners, posters, ribbons, spinners, streamers, moving signs, flashing or intermittent lights, glittering, reflective, projected, animated, or rotating signs, the changing of degrees of light intensity or color, or other similar moving, fluttering, or revolving eye-catching devices, is not permitted on any sign accessory thereto or as separate devices, Searchlights and strings of lights shall not be used for the purposes of advertising or for attracting attention.

2. No part of a projecting sign shall be erected or maintained so that it extends more than 18 inches from the front or face of a building unless it is attached to the roof or overhang of the building.

3. No sign attached to a building shall extend above the roof line.

4. No sign shall project over any property line.

5. No sign shall be located on any property other than for which the property advertises.

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6. No portable or temporary sign shall be placed on a building or on any premises, except as provided in accordance with the provisions of this chapter.

7. Preexisting signs which do not comply with this chapter shall be brought into conformity herewith upon any:

- A. *Change of ownership of the premises;*
- B. *Change of activity advertised except multitenant;*
- C. *Failure to maintain such sign as required by § 265-49J herein;*
- D. *Destruction or damage to said sign to the extent of 51% of its replacement cost determined as of the time of the destruction or damage; or*
- E. *Creation of a hazard or disturbance to the health and welfare of the general public as determined by the Code Enforcement Officer*

8. *No Sign shall be painted directly on a building wall.*

9. *No portable signs are permitted, including any sign displayed on a vehicle or trailer used primarily for the purpose of such display, but excluding parade signs. This regulation shall not be deemed to prohibit advertising on vehicles on public streets which is not otherwise prohibited by law.*

10. *No signs are permitted that violate any provision of any law or regulation of the State of New York or the United States relative to outdoor advertising.*

11. *No signs shall be placed in windows or behind glass walls that cover an area in excess of 20% of the total exterior glass surface. Illuminated signs are not allowed in windows or immediately behind windows except during business hours. No sign shall be permitted that obstructs any window, door, fire escape, stairway, ladder, opening or access intended for light, air or ingress to or egress from any building.*

12. *No sign shall be permitted that is attached to a utility pole, whether on public or private property, except official notices or announcements as provided above, and warning signs as provided above.*

13. *No sign shall be permitted which by reason of its location, position, size, shape or color may obstruct, impair, obscure, interfere with the view of or be confused with any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic. No sign shall use the words "stop," "caution," "yield," "danger," "warning" or "go" when such sign may be confused with a traffic control sign used or displayed by a public authority.*

14. *No non-accessory sign shall be constructed at any location after the effective date of this chapter, with the exception of garage sale and real estate signs which are regulated separately in 265-49D.*

§ 265-49D. Permitted signs in all districts

The following signs are permitted in any use district without a permit, with the restriction that signs under this section, in the aggregate, number more than two per property.

1. *A sign advertising the sale, lease or rental of the premises upon which the sign is located. Only one sign shall be permitted on each parcel. On residential property, said sign shall not exceed six square feet in area and 42 inches in height above the ground and may have printing on two sides and shall be removed within seven days after the sale, lease or rental. On nonresidential property, said sign shall not exceed 16 square feet in area and eight feet in height above the ground and may have printing on two sides and shall be removed within seven days after the sale, lease or rental. Such sign shall be placed anywhere within the property line of the premises advertised. A second freestanding sandwich sign and open for inspection sign shall be permitted only during those hours which such property is actually available for public inspection, which shall be within the hours of 8:00 a.m. and 6:00 p.m., and if located upon such premises.*
2. *Directional signs, advertising the property or goods as being open for inspection shall be permitted at the intersections of those streets leading to the property. All such signs shall be placed behind any pavement, curb, gutters or sidewalks, and no sign shall be attached to any highway sign or utility poles.*
3. *Sandwich signs, A-signs and directional signs may have printing on two sides, but such signs shall not exceed six square feet in area and shall be removed at the end of the business hours.*
4. *For new subdivisions under development, one sandwich sign, A-sign or directional sign shall be permitted at the entrances to said subdivision or project without limitation of time and until the properties within the subdivision or project are sold or rented.*

5. *A professional nameplate that shall not exceed two square feet, which may have printing on two sides, may be erected in conjunction with a customary home occupation.*
6. *A sign denoting the property name, the name of the owner or occupant, the street name and house number of the premises, which sign shall not exceed two square foot in area and may have printing on two sides.*
7. *A sign denoting the architect, engineer, or contractor or financing institution placed on premises where construction, repair or renovation is in progress, which sign shall not exceed 32 square feet in area with printing on two sides only. It shall be removed when said work is completed. The top of said sign shall not be higher than eight feet above the ground. It shall not include the advertisement of any product. The sign shall be confined to the site of the construction and shall be removed within seven days following completion of construction.*
8. *A sign within a developing subdivision denoting a model home or a sales office or within a sales rental office, placed upon the lot or premises so denoted. Such sign shall not exceed two square feet in area and not over one foot in height, may have printing on two sides and shall be removed as follows:*
 - A. *In the case of the developing subdivision, within seven days after the sale of 95% of the allowable subdivision lots.*
 - B. *In the case of the apartment or office building sales or rental office, upon the daily closing of said sales or rental office.*
9. *The following signs are permitted in any use district but require a permit as provided herein:*
 - A. *A sign or bulletin board customarily incident to places of worship, public schools, public buildings, hospitals, nursing homes, apartment complexes, libraries, museums, social clubs or societies, which sign or bulletin board shall not exceed 16 square feet in area and shall be located on the premises of such institution. The top of such sign shall not be higher than eight feet above the ground.*
 - B. *Any sign advertising real estate developments or subdivisions permitted in a residential district shall not exceed six square feet in area or eight feet above the ground and shall advertise only the name of the owner, trade names, products sold and/or the business or activity conducted on the premises where such sign is located. No more than one sign shall be allowed for each such separate business or commercial activity conducted on the premises.*
 - C. *Subdivision identification signs containing only the name of the subdivision and the streets located therein, provided that the bottom of such signs shall not be more than five feet above the ground, shall not be more than eight feet in length and shall have a maximum area of 32 square feet.*
 - D. *Any commercial property in the C1 District with a setback greater than 200 feet from the public road will be allowed one sign with a size based on the following formula:*
 - *One square foot of signage per lineal foot of face of building, plus;*
 - *One-half square foot of signage for each foot that the principal building is setback from the public right-of-way. Total sign size shall not exceed 300 square feet. If the building has multiple tenants, then the formula will be calculated based on the lineal feet of leased space.*
 - E. *A sign advertising an allowed business on each side of the building abutting a street. The sign shall not exceed one (1) square foot per lineal foot of building frontage plus one half square foot set back from the curb, not to exceed 32 square feet.*

§ 265-49E. Temporary signs

1. *A temporary sign shall not exceed 32 square feet in area announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided that the sponsoring organization shall ensure proper and prompt removal of such sign. Such sign may be maintained for a period not to exceed one month.*
2. *A temporary sign shall not exceed 32 square feet announcing such happenings as "grand opening", "under new management" or "going out of business," subject to the following conditions:*
 - A. *For a period not to exceed ten days.*
 - B. *Only in a location which has been given written approval by the CEO on a request for approval of a sign.*
 - C. *The request must be signed by the property owner.*
 - D. *On a given property, such a temporary sign may be displayed only one time by the same proprietor in a 12 month period.*
 - E. *Temporary signs are not allowed on vacant property without the written consent of the owner.*
3. *Temporary signs may be erected or displayed at the "old Holley High School" (1 Wright Street) only with a valid permit. Said permit may be obtained by completing an application and by following the written procedure available at the Village of Holley Office. Applications must be accompanied by a \$20.00 refundable deposit. The cost and procedure associated with permits pursuant to this section may be changed from time to time. Exception: Political signs are not subject to the application and fee described above. (See § 265-49E4 for requirements regarding Political Signs)*
4. *Political signs shall be permitted, subject to the following standards:*
 - A. *No such sign shall exceed 6 square feet.*
 - B. *No such sign shall exceed 6 feet in height.*
 - C. *Such signs shall be erected not more than 30 days prior to the election or event to which they relate and shall be removed within seven days after the election or event to which they relate.*
 - D. *The owner of the property on which such signs are to be posted shall consent to the erection of such signs and shall be responsible for their removal.*
 - E. *Such signs shall not require a permit, but signs erected on vacant land shall be registered with the Village by the owner of the property in person or by mail. Such registration is solely to assure the property owner's knowledge of the existence of said sign(s).*
 - F. *Such signs shall not be affixed to fences, trees, utility poles, bridges or traffic signs and shall in no way obstruct or impair vision or traffic in any manner or create a hazard or disturbance to the health and welfare of the general public.*
 - G. *Such signs shall not be located within rights-of-way of public streets.*
 - H. *Such signs shall not be closer than 10 feet to any abutting property line and shall comply with all other requirements of the law.*

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5. *Message signs shall be permitted, subject to the standards of § 265-49E.*

§ 265-49F. Setbacks.

1. *All setbacks shall be measured from that part of the sign nearest the property line extended vertically to the ground, measured at right angles to or radially from such property line. Said measurements shall be made from the ground point and not the sign's supports.*
2. *All front, side and rear setbacks shall comply with the underlying zoning. § 265-*

49G. Permit required.

1. *After the effective date of this chapter and except as otherwise herein provided, no person shall erect any sign as defined herein without first obtaining a permit from the Code Enforcement Officer (hereinafter referred to as "CEO").*

§ 265-49H. Application for permit.

1. *Application for a permit shall be made in writing to the CEO upon forms prescribed provided by the CEO and shall contain the following information:*
 - A. *The name, address and telephone number of applicant.*
 - B. *The location of building, structure or land to which or upon which the sign is to be erected.*
 - C. *A detailed drawing or blueprint showing a description of the construction mounting and electrical details of the sign and showing the letter and/or pictorial matter composing the sign; the position of lighting or other extraneous devices; a location plan showing the position and colored rendering of the sign on any building or land, and its position in relation to nearby buildings or structures and its interrelationship with the surrounding areas.*
 - D. *Written consent of the owner of the building, structure or land to which or on which the sign is to be erected, in the event the applicant is not the owner thereof.*
 - E. *A copy of any required or necessary electrical permit issued for said sign or a copy of the application therefore.*
 - F. *The estimated net cost of sign, including the cost of installation.*
2. *The application for each sign may be accompanied by a fee as set from time to time by the Village Board.*

§ 265-49I. Issuance of permit

1. *It shall be the duty of the CEO, upon the filing of an application for a permit, to examine such plans, specifications and other data submitted to him with the application, and, if necessary, the building or premises upon which it is proposed to erect a sign or other advertising structure.*
2. *If it shall appear that the proposed sign is in compliance with all the requirements of this Chapter and other codes, laws and ordinances of the Village of Holley, he shall then, issue a permit. The Board of Appeals shall be responsible for variances. 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, within 30 days from the expiration thereof for good cause shown.*
3. *Permits for temporary signs in compliance with all the requirements of this chapter shall be approved by the CEO.*

§ 265-49J. Maintenance and removal

1. *The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in a neat, clean, attractive appearance and in good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. When any sign becomes insecure, in danger of falling or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this chapter, the owner thereof or the person or firm maintaining the same shall, upon written notice by the Code Enforcement Officer, forthwith in case of immediate danger, make such sign conform to the provisions of this chapter or shall remove it. If within 10 days the order is not complied with, the Code Enforcement Officer may take action to remove such sign at the expense of the owner or lessee thereof as set forth in the enforcement procedures Law of the Village of Holley.*
2. *The Code Enforcement Officer may remove a sign immediately and without written notice if, in his opinion, the condition of the sign is such as to present and immediate threat to the safety of the public.*
3. *A sign shall be removed within 30 days by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, the Code Enforcement Officer shall give the owner notice to remove it. Upon failure to comply with this notice, the CEO may remove the sign at the expense of the owner or lessee thereof*
4. *Any permanent sign designating subdivision identification under 265-49D7C which violates any terms*

of this chapter and whose ownership cannot be ascertained may be removed by the CEO after 30 days' notice to the residents in the subdivision by legal notice published one time in the official Village newspaper.

§ 265-49K. Nonconforming signs

- 1. No nonconforming sign shall be enlarged, reconstructed, structurally altered or changed in any manner, nor shall it be worded so as to advertise or identify any use other than in effect at the time it became a nonconforming sign.*

§ 265-49L. Variances

- 1. The Board of Appeals of the Village of Holley may, in appropriate cases, after public notice and hearing and subject to appropriate safeguards, vary or modify the application of this chapter in harmony with its general purpose and intent.*

§ 265-49M. Review and appeal

- 1. Any person aggrieved by any decision of the CEO relative to the provisions of this chapter or the Village of Holley may appeal such decision to the Board of Appeals, as provided in the Zoning Law of the Village of Holley zoning and shall comply with all procedural requirements prescribed by such Board of Appeals.*
- 2. Any person aggrieved by any decision of the Board of Appeals may have the decision reviewed by Special Term, Supreme Court, Orleans County, in the manner provided by Article 78 of the Civil Practice Law and Rules.*

§ 265-49N. Penalties for offenses

- 1. Violations of this chapter shall be punishable by a minimum \$25 fine, and no greater than \$250, or by imprisonment for not more than 15 days, or both. Each day a violation continues after notice of violation constitutes a separate violation of this chapter. No additional notices shall be required for continuing violations.*

§ 265-49O Amendment of provisions.

- 1. The Village Board may from time to time amend, supplement, change, modify and repeal this chapter pursuant to the provisions of the laws of the State of New York*

Motion by Trustee Penna and seconded by Trustee Sorochty to adjourn Public Hearing at 7:00 p.m.

Motion carried

Respectfully submitted by:

**Jane Murray
Village Clerk Treasurer**