

**Proposed  
Town of New Scotland  
Local Law E of the year 2017**

A Law Amending the Town of New Scotland Zoning Law relating to signs.

Be it enacted by the Town Board of the Town of New Scotland as follows:

**SECTION I. BACKGROUND, PURPOSE AND FINDINGS**

The Town's Zoning Law currently prohibits "flashing signs" in all zoning districts, but the law does not contain a definition of the term. The Town has received a recommendation from the Chairman of the Planning Board that regulation of flashing and digital signs is needed due to changes in technology and development of bright LED, digital and illuminated signs. As businesses desire to utilize advancements in technology, the Town needs to balance the interests of its residents and neighboring property owners. New technologies pose risks of impacting adjacent areas and adversely dominating the visual environment in which they operate unless regulated in a reasonable fashion. The intent of this law is to establish definitions for certain types of signs and regulations for signs which utilize newer technologies. The intent of this law is to minimize the secondary effects that often accompany the unregulated display of digital signs, preserve the character and peacefulness of adjacent areas (with a principal focus on residential neighborhoods), protect property values, and reduce traffic hazards caused by undue distractions.

**SECTION II. AUTHORITY**

This local law is enacted by the Town Board of the Town of New Scotland pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Article 18 of the General Municipal Law, and the Municipal Home Rule Law.

**SECTION III. AMENDMENTS**

Chapter 190 of the Town of New Scotland Zoning Law is hereby amended as follows:

- A. Section 190-99, entitled "Definitions," is hereby amended by adding the following definitions:

**SIGN, FLASHING:** A sign, or part thereof, which is illuminated and has any of the characteristics of a Digital Sign, or which uses artificial lighting that is not stationary or constant and changes in color or intensity.

**SIGN, DIGITAL –** A digital sign incorporates a technology allowing the sign face to change the image without the necessity of physically or mechanically replacing the sign face or its components. A digital sign includes any sign using any of the following technologies or characteristics: rotating, revolving, moving, flashing, blinking, “marching,” oscillating light source, moving picture, streaming video, strobe lighting, lasers, beacons, or animated display signs, and any sign display that incorporates rotating panels, LED lights manipulated through digital input, electronic message centers, or other similar methods or technologies that permit a sign face to present different images or displays. Digital signs also include any sign that has, or appears to contain, movement or that appears to change, caused by a method other than physically removing and replacing the sign or its components, whether the real or apparent movement or change is in the display, the sign structure itself, or any other part of the sign.

**SIGN, CHANGEABLE COPY (MANUAL) –** A sign the text or copy of which is either (A) changed manually in the field, i.e., reader boards with changeable letters, or (B) changed by human operator (not automatically) using a computer keyboard (not computer programmed).

B. Section 190-32, entitled “Signs,” of the Town of New Scotland Zoning Law is hereby amended as follows:

(i) by deleting subsection (7) of Subsection (C) and replacing it with the following in its place:

(7) Digital Signs, Flashing Signs, and Illuminated Signs. In all zoning districts, digital signs and flashing signs are prohibited. Illuminated signs not containing any characteristics of flashing signs or digital signs, are permitted in the industrial and commercial zoning districts by special use permit only. Use of LED technology to illuminate a sign is permitted wherever an illuminated sign is permitted. Use of changeable (manual) copy signs is permitted upon issuance of a special use permit, provided the text or copy does not change within an 18 hour period. Existing digital signs that display the current time and/or temperature are permitted.

(ii) by adding the following to Subsection (C):

(8) The prohibition on flashing signs does not apply to (a) temporary signs installed by any government agency on public property for traffic control, hazard warnings, or temporary speed control/information, or (B) signs installed for railroad crossing warnings.

(9) The prohibition on flashing signs does not apply to signs that are incorporated into equipment or appliances for dispensing or pumping gasoline, provided the sign does not exceed 12" x 12".

**SECTION IV. VALIDITY**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

**SECTION V. REPEAL OF OTHER LAWS**

All local laws in conflict with provisions of this local law are hereby superseded. This local law supersedes any inconsistent provisions in Chapter 190 of the Town of New Scotland Zoning Law relating to zoning and permitted and special uses.

**SECTION VI. EFFECTIVE DATE**

This local law shall take effect immediately, as provided by law, upon filing with the Secretary of State, and publication thereof in the official newspaper of the Town of New Scotland.

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_\_\_ of the Town of New Scotland was duly passed by the New Scotland Town Board on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_\_\_ of the Town of New Scotland was duly passed by the New Scotland Town Board \_\_\_\_\_ on 20 \_\_\_\_ , and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 20 \_\_\_\_\_ , in accordance with the applicable provisions of law.

\* **Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20 \_\_\_\_ of the Town of New Scotland was duly passed by the New Scotland Town Board \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_, and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20 \_\_, Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20 \_\_\_\_ of the Town of New Scotland was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_, and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_.

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20 \_\_\_\_, in accordance with the applicable provisions of law.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_, 20 \_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_, above.

\_\_\_\_\_  
New Scotland Town Clerk

(Seal) Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature \_\_\_\_\_  
New Scotland Town Attorney

Date: \_\_\_\_\_