

**LOCAL LAW TO BE ENACTED BY  
THE BOSTON TOWN BOARD  
TOWN OF BOSTON, NEW YORK**

**2019 LOCAL LAW NO. 2**

**A LOCAL LAW Amending Chapter 95 of the Boston Town Code, Signs.**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS  
FOLLOWS:**

**Section 1. Legislative Intent.**

This Local Law amends the Boston Sign Law adopted by the Town Board of the Town of Boston on March 6, 1974 by L.L. No. 1-1974 and as from time to time amended. The amendments effected by this Local Law are intended to promote the general health, safety, and welfare of the residents of the Town of Boston by regulating the placement, type, and size of signs in a sensible manner that balances the use of signs as a means of identification and communication with the goals of maintaining an aesthetic environment that protects property from adverse effects and pedestrian and vehicular traffic from the erection of signs that may constitute hazards.

**Section 2. Amend Chapter 95 of the Boston Town Code, Signs.**

The following sections of Chapter 95 of the Boston Town Code, *Signs*, are hereby amended to read as follows:

2.1 Article II: Definitions, § 95 *Terms Defined*, is amended as follows, with all other portions of that Article remaining unchanged:

**GROUND MOUNTED SIGN**

A sign not attached to any building or structure and whose lowest portion shall not be more than three feet from grade to the bottom of the sign and supported by framework resting on the ground of whatever material constructed. "Ground mounted signs" shall not exceed a maximum height of nine feet.

**PERSONAL EXPRESSION SIGN.** An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

VARIABLE MESSAGING CENTER (VMC)

An automatically changeable sign that utilizes a method of changing text or graphics. These signs include but are not limited to displays using incandescent lamps, light-emitting diodes (LEDs), liquid-crystal displays (LCDs) and/or flipper matrices.

2.2 Article III: § 95-5 *Regulations pertaining to all signs in any zoning district*, is amended as follows, with all other portions of that Article remaining unchanged:

- A. Regulations governing illumination of signs.
  - (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. Beacon lights and strobe lights shall not be permitted except as herein provided in § 95-6B(1). VMC's are not permitted except as herein provided in 95-15B.
  - (2) An illuminated sign or lighting device shall not be placed so as to permit the beams and illumination therefrom 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.
  - (3) Molded plastic or similar precast signs which are illuminated from within shall not exceed in light intensity the lumens cast by a series of high-output tubes with a ballast rating of 800 milliamperes and located within the sign a minimum of 12 inches apart, and illuminating devices may be the same length as the interior of the sign.
  - (4) All signs containing electrical wiring shall be subject to the provisions of the National Electric Code and the New York Board of Fire Underwriters, and the electrical components used shall bear the label of an approved testing agency.
- B. No signs shall be placed on the roof of any building.
- C. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in § 95-6 herein.
- D. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices except as herein provided in § 95-7B. The said devices, as well as strings of lights, shall not be used for the purposes of advertising or attracting attention when not part of a sign.

- E. In the construction or composition of a sign as designated in this chapter, not more than 25% of the permitted surface area shall be used to promote a particular product or commodity which is not the primary function or principal product sold or distributed on the premises.
- F. No signs shall be permitted in any district which advertise commodities or services other than those available for sale, hire or use on the premises, including billboards or other ground mounted signs.
- G. This chapter shall in no event be construed or employed in any manner to prohibit the decoration of the premises during religious, patriotic or holiday seasons.
- H. Regulations Governing Variable Messaging Center (VMC) Signs.
  - (1) The entire display, including but not limited to the border, the background, and the lettered and/or pictorial message, except for numerical display of the current time and temperature, on any VMC Sign shall not change, or move, or give the impression of movement for a minimum of 2 hours.
  - (2) The total light intensity emitted or reflected by any VMC Sign shall not exceed 0.3 foot candles in the night time (one half hour after sunset to one half hour before sunrise).
  - (3) VMC Signs on non-residential properties may be illuminated from 5:00 a.m. until 11:00 p.m. or ½ hour past the time when the property closes to the public for business on the premises, whichever is later.
- I. The following signs are unlawful and prohibited:
  - (1) Signs that interfere with traffic or that obstruct official traffic lights, signs, or signals.
  - (2) Reflective signs not authorized or required by local, state, or federal government.
  - (3) Banners or signs suspended across a public street, without the permission of the owner of the property and road.
  - (4) Signs erected without the permission of the property owner, with the exception of those signs authorized or required by local, state, or federal government.
- J. No pedestal signs are permitted in any district.
- K. No sign that obstructs vision between three (3) and seven (7) feet above the street level shall be placed or maintained within the triangular area formed by two (2)

intersecting right-of-way lines and a line connecting points on such right-of-way lines 30 distant from their point of intersection.

2.3 Article IV: § 95-7 *Temporary and special purpose signs*, is amended as follows, with all other portions of that Article remaining unchanged:

- A. Temporary or permanent signs resting on or attached to vehicles are prohibited except as provided in § 95-6A(4) and shall not be used to circumvent the provisions of this chapter.
- B. Temporary signs for commercial activities or enterprises may be granted a temporary permit for a period not to exceed 30 days, provided that such signs do not exceed 24 square feet in surface area per side and are not attached to fences, trees, utility poles or the like 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
- C. The following temporary signs are permitted in any use district without a permit:
  - (1) Temporary announcement signs for non-commercial special events and activities shall be permitted, provided that such signs shall not exceed 24 square feet in surface area per side and shall be removed within one week after such event or activity and further provided that they shall not be displayed for a total time period of more than four weeks.
  - (2) Construction signs displaying the names of the architect, engineer, principal contractor and other participants engaged in the work of constructing a building or structure, as well as a sign announcing the purpose of the building or structure for which a building permit has been issued and has not expired, are permitted on approval of the Enforcement Officer, subject to the following conditions:
    - (a) Single multilisting sign. A single sign not exceeding 32 square feet in area covering all of the participants named above may be erected and maintained for the period beginning with the excavation and ending with the completion of the construction of any building.
    - (b) Special purpose building announcement sign. A single sign announcing the purpose of a building or structure may be erected and maintained for a period not to exceed one year. Such sign shall:
      - [1] Not exceed 24 square feet in area.
      - [2] Not be more than seven feet in height.
      - [3] Be mounted on post supports.

- (3) Agricultural signs for customary agriculture operations selling farm produce, a majority of which is grown on the premises, not to exceed an area of 15 square feet, shall be permitted, provided that such signs shall not include any illumination and shall be promptly removed by the property owner when the circumstances leading to their erection no longer apply. Signs that do not exceed six square feet in area advertising the variety of a crop growing in a field are not limited, but must be removed after the growing season.
- (4) Personal expression signs of any type, including flags, provided that they do not exceed three square feet per side, are non-commercial in nature, and not illuminated.
- (5) Flags greater than three square feet in area are limited to two per lot in residential districts and three per lot in all other districts, with a maximum flag size not to exceed 24 square feet without a special use permit issued by the Town of Boston. Flags containing commercial messages count toward the allowable area of signs for a property. Flags smaller than three square feet containing non-commercial messages are considered personal expression signs.

2.4 Article V: § 95-8 *Regulations pertaining to signs in certain districts*, is amended as follows, with all other portions of that Article remaining unchanged:

In any R-C, C or M District, no signs shall be erected or maintained except as follows and no more than three signs shall be permitted on any single premises:

- A. Wall identification signs. A wall identification sign shall be permitted, provided that such wall sign shall be attached to the face of the building or applied thereto and shall have an aggregate area not in excess of 10% of the area of the building wall to which such sign is affixed, including the area occupied by doors and windows.
- B. Ground mounted signs. A ground mounted sign shall be permitted inside the property lines which does not exceed 24 square feet in area.
- C. Projecting signs. A projecting sign shall not exceed 12 feet in area and shall not project above the roofline.
- D. Gasoline service station signs. No signs shall be permitted on gasoline service station premises except as hereinafter provided:
  - (1) Pump area. Portable signs may be located in the pump area, not to exceed one foot on either side of the row of pumps or two feet from the last pump on each end of the pump row. No signs shall be permitted to extend more

than four feet above the base of the pumps nor exceed 10 square feet in area. No more than two portable signs shall be allowed on the premises.

- (2) One wall identification sign, not to be more than 8% of the total area of the building face in which such business establishment is located, except that an additional 2% shall be allowed where the building faces on an additional public street or public parking area. In such case, the total sign area shall not exceed 10% of the sum of the applicable building faces. Wall identification signs may be mounted on the gas station canopy or on the gas station building itself, but the area of the canopy shall not be included in the building face for the purpose of calculating the total sign area.

- E. Entrance, exit and other control signs. Entrance and exit identification and other traffic control signs are to be approved by the Town Board as to location and size.

2.5 Article VI: § 95-10 *Permits and application procedure*, is amended as follows, with all other portions of that Article remaining unchanged:

- A. Sign permit application forms shall be prescribed and provided to the Enforcement Officer by the Town Clerk. 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 Sign permit approved by the Enforcement Officer.
- B. Each application for a Sign permit shall be made in writing, in duplicate, on the prescribed form, obtained from the Enforcement Officer and shall contain the following information:
  - (1) Name, address and telephone number of applicant.
  - (2) Location of building, structure or land to which or upon which the sign is to be erected.
  - (3) A detailed drawing or blueprint showing a description of the construction details of the sign and showing the lettering and/or pictorial matter composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any building or land and its position in relation to nearby buildings or structures and to any private or public street or highway.
  - (4) 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.
  - (5) A copy of any required or necessary electrical permit issued for said sign or a copy of the application therefor.

- C. The completed sign permit application form(s) must be approved by the Enforcement Officer. The fee must be paid before the permit is issued.
- D. No permit shall be required for changing sign content or the customary maintenance of any sign that otherwise is in compliance with this Chapter.

2.6 Article VII: § 95-11 *Fees*, is amended as follows, with all other portions of that Article remaining unchanged:

The fees for signs requiring a permit shall be assessed as follows:

- A. Signs or bulletin boards customarily incident to non-commercial places of worship, schools, libraries, museums, social clubs or societies: as set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.
- B. Signs advertising a commercial enterprise, including real estate developments or subdivisions which are permitted in R-1, R-2, R-3 or R-4 Districts: as set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.
- C. Temporary commercial promotional devices or other signs of similar nature: as set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.
- D. Temporary announcement signs for special events, temporary agricultural signs and activities of non commercial institutions or organizations: no fee.
- E. Signs in an R-C, C or M District.
  - (1) Wall identification signs: as set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.
  - (2) Ground mounted signs: as set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston.
- F. Entrance, exit or traffic control signs: no fee.\*

\*NOTE: Approval of the Town Board shall be required.

2.7 Article VIII: § 95-12 *Issuance of permit*, is amended as follows, with all other portions of that Article remaining unchanged:

It shall be the duty of the Town Clerk, upon the filing of an application for a Sign permit to forward such plans, specifications and other materials submitted ~~to him~~ with the application to the Enforcement Officer. After the Enforcement Officer certifies that the application is in compliance with this Chapter and all other applicable regulations and payment is made to the Town Clerk, a permit can be issued. If the sign authorized under any such permit has not been

completed within 12 months from the date of the issuance of such permit, the permit shall become null and void, but such permit may be renewed within 30 days from the expiration thereof, for good cause shown, upon payment of an additional fee of \$50. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining a permit therefor, the fee specified in § 95-11 will be doubled, but the payment of such double fee shall not relieve any person or persons from fully complying with the requirements of this chapter in the execution of the work nor from the penalties prescribed in this chapter. Every sign shall bear the permit number imprinted on a sticker issued by the Town Clerk, prominently and permanently affixed on the face thereof in the lower right-hand corner. Failure to so affix the permit number shall constitute cause for revocation of the permit by the Enforcement Officer in addition to any other penalties or remedies provided in this chapter.

2.8 Article VI: § 95-15 *Nonconforming signs*, is repealed and replaced in its entirety as follows:

- A. Signs legally in existence as of March 1, 2019, which do not conform to the amendments to this Chapter, shall be considered nonconforming signs.
- B. All nonconforming signs other than Variable Messaging Center Signs shall be brought into conformance when and if the following occurs:
  - (1) The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimensions of the sign. Changes to the sign copy or the replacement of a sign face using the same material on a nonconforming sign shall not be considered a significant alteration. Changing the material of a sign face is a significant alteration.
  - (2) If more than 50% of the sign area is damaged, it shall be repaired to conform to this Chapter.
  - (3) An alteration in the structure of a sign support.
  - (4) The property on which the nonconforming sign is located undergoes a change requiring site plan approval under the Town of Boston Code.
  - (5) All non-conforming temporary signs, portable signs, or banners must be permanently removed on or before December 1, 2019, unless a permit is secured as provided for herein.
- C. All nonconforming Variable Messaging Center Signs must be removed or brought into compliance with this Chapter on or before December 1, 2019.
- D. Permit Noncompliance. If a sign lacks a required permit but is otherwise permitted under this Chapter, the sign's continued display shall be allowed provided that the sign owner applies for a permit and pays the required fee within



five business days of notice by the Enforcement Officer of the absence of a required permit.

**Section 3. Authority.**

This local law is enacted pursuant to Article 16 of the Town Law of the State of New York and the Municipal Home Rule Law.

**Section 4. Severability.**

A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.

B. If any part of this Local Law shall be judicially declared invalid void unconstitutional or unenforceable all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Boston to further regulate the subject matter of this Local Law.

**Section 5. Effective Date.**

This Local Law shall become effective upon filing with the Secretary of State of the State of New York as required by the Municipal Home Rule Law.

**Sponsor: Councilmember Lucachik**