

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of Rockville Centre

Local Law No. 3 of the year 2021

(Insert Title)

A local law to amend the Code of the Village of Rockville Centre in relation to signs and awnings.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of Rockville Centre as follows:

Section one. The definition of “Business Districts”, as contained in section 335-2 of the Code of the Village of Rockville Centre (“Village Code”) is hereby amended, to read as follows:

“BUSINESS DISTRICTS

Areas located wholly or partly within the following use districts, as defined in Chapter 340 of this Code:

- A. Business AAA.
- B. Business AA.
- C. Business A.
- D. Business A-1
- E. Business B.
- F. Urban Renewal Commercial or Light Manufacturing A.
- G. Urban Renewal Recreational and Limited Commercial.”

Section two. Section 335-2 of the Village Code is hereby amended, by adding thereto the following definitions, to be placed in alphabetical order with other definitions:

“FEATHER SIGN, FEATHER BANNER, OR FEATHER BANNER SIGN - A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, “quill sign,” “banana banner,” “blade banner,” “flutter banner,” “flutter flag,” “bowflag,” “teardrop banners,” and others. The definition includes functionally similar display devices.”

“NEON BORDER TUBING – A cylindrical body of metal, glass or other material, containing neon or similar gas(es) used for illuminating the borders of windows, doors, facades or other design elements.”

“NEON SIGN” – A sign or display of lighting or decoration which uses neon or similar gas(es) for illumination.”

Section three. Subdivision D of section 335-3 of the Village Code is hereby amended to read as follows:

“D. The flags, emblems or insignia of any nation, governmental subdivision, educational, religious or fraternal organization or not for profit corporation.”

Section four. Section 335-3 of the Village Code is hereby further amended, by adding thereto a new subdivision, to be subdivision T, to read as follows:

“T. SIGN, ILLUMINATED. Any sign, including but not limited to neon signs, in or upon which an artificial light source is utilized in order to illuminate the information and/or graphics of the sign. An illuminated sign includes each of the following types:

(1) Self-Illuminated

(a) Type A – Direct source, wherein the light source itself is shaped and utilized to form the sign (e.g. neon tubing or an array of individual lamps).

(b) Type B – Interior illumination, wherein a translucent, transparent, or opaque material which forms the sign is backlit by the light source, and the light source is enclosed so as not to be visible to direct view.

(2) Externally Illuminated

(a) Direct external illumination, whereby the sign is illuminated by a

light source placed in a manner so as to cast light upon the sign from a source other than in the interior of the sign.

(b) Indirect external illumination, whereby the sign, whether on an opaque, transparent or translucent panel or applied to a window or other surface of the business establishment, is illuminated by ambient light.”

Section five. Paragraph G of section 335-4 of the Village Code is hereby amended, to read as follows:

“G. Pennants shall not be permitted, maintained, used or displayed on or after January 1, 2023, Until January 1, 2023, pennants shall be permitted only under the following conditions:

(1) Pennants are confined within the lot lines of the premises or business they are advertising or promoting.

(2) The exterior or perimeter poles to which the pennants are affixed or strung are a minimum of 35 feet apart.

(3) Pennants may only be affixed or strung between exterior or perimeter poles and a center or interior pole.

(4) No pennant may be affixed or strung, or maintained, between exterior or perimeter poles.

(5) The pennants shall be properly maintained in a clean, safe, and physically intact condition.

(6) The pennant was lawfully in exterior use on the premises on or before March 1, 2021.

(7) All pennants shall be removed on or before January 1, 2023.”

Section six. Section 335-5(F) of the Village Code is hereby amended to add an additional subparagraph, to be subparagraph (9), to read as follows:

“(9) Any wall sign lawfully in existence on March 1, 2021, and which is not in compliance with the provisions of this article, shall be removed on or before the later of (a) ten years from the date of installation of such sign, or (b) January 1, 2022.”

Section seven. Paragraph G of section 335-5 of the Village Code is hereby renumbered to be section 96-2.2, and amended to read as follows:

“§96-2.2. Awning signs. In addition to any awning sign permitted by this article, signs not exceeding six inches in height, painted, applied, affixed or attached to the front valance of a retractable awning facing a public street shall be permitted. The area of such sign shall be measured from the borders or exterior locations of the lettering or graphics of such sign, and such area shall not be counted as part of the maximum permitted sign area. It shall not be necessary to affix a sign permit number to an awning sign. No sign may be hung from an

awning.”

Section eight. Paragraphs B(8), (9), (10) and (11) of Section 335-9 of the Village Code are respectively hereby amended, to read as follows:

“(8) The written, signed and acknowledged consent of the owner of the property upon which such sign is to be erected and maintained.”

(9) The written, signed and acknowledged agreement on the part of the applicant and the owner of the premises that such applicant and owner shall hold the Village harmless from and against any claim, liability, loss or expense (including reasonable attorneys’ fees) by reason of any injury to person or property arising out of, or resulting from negligence or other conduct, cause or otherwise on the part of the Village, applicant, owner or any of them in connection with said sign, and authorizing and permitting the Village to remove the sign, at the expense of the applicant and owner, in the event it shall be abandoned or become unsafe.

(10) A permit fee as set from time to time by resolution of the Board of Trustees.

(11) A certificate of liability insurance maintained by the sign installer, and covering the applicant as an additional insured, in an amount as reasonably determined by the Superintendent.”

Section nine. Paragraph E of section 335-9 of the Village Code is hereby amended, to read as follows:

“E. Sign permits shall be valid for a term of two years, and except as otherwise provided in this article permits for lawfully existing signs may be renewed for subsequent periods of two years each. Such renewals shall be subject to a permit renewal fee as determined from time to time by resolution of the Board of Trustees.”

Section ten. Paragraphs D and E of section 335-10 of the Village Code are hereby amended, to read as follows:

“D. The Superintendent shall, as practicable, survey the Village for signs which do not conform to the requirements of this article. Upon determination that a sign is non-compliant or nonconforming, the Superintendent shall use reasonable efforts to give written notice to the occupant and owner of the property on which the sign is located as to the following:

(1) The classification of a sign as non-compliant or nonconforming and the reason for such determination.

(2) Whether the sign is eligible for classification as legally nonconforming.

E. Any sign lawfully existing on or after January 1, 2021 which does not conform with the provisions of this article shall be considered a legal nonconforming sign, provided that a sign permit or variance is in effect on such date permitting such sign, or the sign otherwise was lawfully existing on the date of adoption of this article, and the sign is not required by any provision of this article to be removed “

Section eleven. Paragraph F of section 335-10 of the Village Code is hereby amended, to read as follows:

F. Termination or loss of legal nonconforming status.

(1) The legal nonconforming status of a sign shall be considered to have terminated, and such sign shall be considered abandoned, regardless of intent, if any of the following circumstances apply:

(a) On or after the date the sign became legal nonconforming, the sign is or has been altered in any way in structure, including size, shape or dimensions.

(b) The sign is or has been relocated to a position other than that in which it was located at the time it became legal non-conforming, and the current position or condition is not in compliance with the requirements of this chapter.

(c) The sign is or has been replaced after the date it became legal non-conforming, and the present condition or location of the sign does not conform to the Village Code currently in effect.

(d) Fifteen years have elapsed from the adoption of this article.”

(2) In the event the legal nonconforming status of a sign has terminated pursuant to paragraphs F(1)(a), (b), (c) or (d), the sign shall immediately be brought into compliance with this article, and a new permit secured therefore, or shall be removed by the owner or occupant of the property or sign. If not so removed, such sign shall be deemed to be an abandoned sign and shall be disposed of in accordance with the provisions of § 335-10B of this article.”

Section twelve. Paragraph I of section 335-10 of the Village Code is hereby amended, to read as follows:

“I. Unless permitted by other provision of this article, any feather or surfboard sign in existence on or after June 1, 2013 shall be removed. Any person who shall cause or permit the maintenance or continued use of any such surfboard sign on or after June 1, 2013, shall be guilty of a violation.”

Section thirteen. The definition of Business Districts, as contained in section 96-2 of the Village Code, is hereby amended to read as follows:

“BUSINESS DISTRICTS

Areas wholly or partly within the following use districts as defined in Chapter 340 of the Village Code:

- A. Business AAA.
- B. Business AA.
- C. Business A.
- D. Business A-1.
- E. Business B.
- F. Urban Renewal Commercial or light Manufacturing A.
- G. Urban Renewal Recreational and Limited Commercial.”

Section fourteen. Section 96-2 of the Village Code is hereby amended, by adding thereto, in alphabetical order, the following definition:

“Superintendent – the Village Superintendent of Buildings.”

Section fifteen. Section 96-2 of the Village Code is hereby amended, by deleting therefore the definition of “Front Property Line”.

Section sixteen. Article 96 of the Village Code is hereby amended, by adding thereto a new section, to be section 96-2.1, to read as follows:

“96-2.1 Permit Required.

- A. No awning, whether fixed or retractable, shall be erected, installed in a Business District unless a permit for the same has been approved by the Superintendent, after consultation with design consultants designated by the Board of Trustees, and before commencement of installation.
- B. Every awning must be constructed so that it may be detached from the supporting building or structure. “

Section seventeen. Section 96-4 of the Village Code is hereby amended, by adding thereto new paragraphs, to be paragraphs C and D, to read as follows:

- C. Frames shall be constructed of galvanized metal or aluminum tubing, round or square stock, with a minimum cross-sectional dimension of $\frac{3}{4}$ ” and designed in accordance with generally accepted standards.
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- D. New awnings may not project further from the building line, nor closer to the street line, than any lawfully existing awning located within 350 feet on the same side on the block. A uniform design and character shall be sought within the same grouping of stores.”

Section eighteen. Section 96-5(A) of the Village Code is hereby amended, to read as follows:

”A. No more than one fixed awning sign shall be allowed on each premise. All lettering and symbols or images installed, placed or affixed to a fixed awning sign on or after March 1, 2021 shall first be approved by the Superintendent, after consultation with design consultants designated by the Board of Trustees.

Section nineteen. Section 96-6(B) of the Village Code is hereby amended to read as follows:

”B. A permit issued by the Superintendent must be obtained before beginning the installation of any type of awning.”

Section twenty. Section 96-7 of the Village Code is hereby amended, to read as follows:

“§ 96-7. Colors and Materials.

A. No more than three colors, or shades of colors, including the awning, lettering and/or numbering, may be used on any awning or awning sign. In consultation with the Building Department and the design consultants designated by the Board of Trustees, the Village shall establish and maintain a palette of preferred colors which shall be made available to applicants at the Building Department. Applicants shall be encouraged to choose from said preferred colors in order to promote uniformity and favorable aesthetics for the Village.

B. Awnings may be made only of canvas, wood or cloth type materials chosen from the “Village’s suggested palette”, as determined by the Superintendent after consultation with design consultants designated by the Board of Trustees. Samples of materials, styles and colors are required to be submitted with each permit application.”

Section twenty-one. Section 96-8 of the Village Code is hereby amended to read as follows:

“§ 96-8. Nonconforming uses.

A. Awnings lawfully existing at the time of the adoption of this chapter or any amendment thereto, and which are not in compliance with this chapter are hereby declared to be nonconforming. Such awnings may remain until such time as (1) the covering is replaced, (2) the occupant of the premises is changed, or (3) the ownership of the premises is transferred, whichever first occurs, at which time the awning must be in conformity with this chapter.

B. Whenever an awning frame is replaced, the entire new awning, both covering and frame, must be in conformity with this chapter.

Section twenty-two. Nothing in this law shall be deemed to affect any pending violation notice or prosecution for violation of any provision of the Village Code which is amended by this local law. Any such violation may be enforced, and any such prosecution may continue, notwithstanding any provision of this local law.

Section twenty-three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section twenty-four. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and
strike out that which is not applicable.)**

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

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2021 of the ~~(County)(City)(Town)~~(Village) of Rockville Centre was duly passed by the Board of Trustees on March 18, 2021, in accordance with the applicable *(Name of Legislative Body)* 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 ~~(County)(City)(Town)~~(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20__, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the ~~(County)(City)(Town)~~(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20__. *(Elective Chief Executive Officer*)*

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 ~~(County)(City)(Town)~~(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20__. Such local *(Elective Chief Executive Officer*)* 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.

* 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.

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, ____1____ above.

~~Clerk of the county legislative body, City, Town or Village Clerk or~~
~~officer designated by local legislative body~~

(Seal)

Date: March 18, 2021