

Chapter 272. SIGNS

[HISTORY: Adopted by the Common Council of the City of Ithaca as Ch. 34 of the 1975 Municipal Code; amended in its entirety 6-4-2003 by Ord. No. 2003-11. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Encroachments — See Ch. 170.

Numbering of houses — See Ch. 206.

Landmarks preservation — See Ch. 228.

Streets and sidewalks — See Chs. 285 and 342.

Zoning — See Ch. 325.

§ 272-1. Purpose and intent.

The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to improve communications within the community, 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. 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 public rights-of-way, to provide more open space and to curb the deterioration of natural beauty and community environment.

§ 272-2. Title.

This chapter shall hereafter be known and cited as the "Sign Ordinance of the City of Ithaca."

§ 272-3. Definitions.

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

AWNING

An overhead structure attached to a building wall and that consists of fabric or other material covering a frame extending at least 12 inches from the face of a building.

BANNER

A temporary sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.

A. **ADVERTISEMENT BANNER** — Any banner intended to act as signage to advertise a specific business or the sale of a specific product or not-for-profit-sponsored community event or service.

B. **DECORATIVE BANNER** — Cloth banners designed for long-term use that are not intended to act as signage to advertise a specific business or the sale of a specific product. Decorative banners may, however, contain sponsor tags, if they are part of a formally approved program by the Public Art Commission.

BILLBOARD

Any freestanding sign that advertises business conducted, services provided or products sold on properties other than the property on which the sign is erected.

BUILDING SIGN

Any sign erected on any part of a building or structure or on a sign structure attached to a building. For the purposes of this chapter, a freestanding sign or sign structure, any part of which is less than five feet away from a building or structure on the same premises, shall be considered a building sign. Building signs are further defined as follows:

A. **AWNING SIGN** — A sign that is painted, printed, or stenciled onto the surface of an awning.

B. **CANOPY SIGN** — A sign that is painted, printed, or stenciled onto the surface of a canopy.

C. **FASCIA SIGN** — A sign erected or painted on the horizontal fascia or eave trim of a roof, including signs in the filled-in portion of any roof gable. Such signs shall not extend beyond any edge of the surface on which they are mounted.

D. **PERMITTED ROOF SIGN** — A sign erected on the roof of a building or structure in such a manner that, when viewed from any public right-of-way giving access to the premises, no part of the sign or its supporting structure projects above the roof ridge, beyond its hips or edges nor below the eave line nor more than 18 inches beyond the plane of the wall below. Roof signs are permitted provided they do not extend four feet beyond the height of the lowest portion of the roof.

E. **WALL SIGN** — A sign fastened, painted or otherwise erected on the wall of a building so that the wall becomes the sign's supporting structure and wholly or partially forms its background.

F. **WINDOW SIGN** — A permanent sign affixed to a window surface or in front of or behind a window in such a manner that the window acts as its frame or background.

CANOPY

A canopy is a roof-like structure that shelters a drive lane use such as, but not restricted to, a gasoline pump island. A canopy is open on two or more sides and may be supported by either columns or by being attached to the building to which it is accessory.

DIRECTIONAL SIGN

A small ground-mounted sign, the purpose of which is to direct traffic safely into and out of the premises. Any directional signs that are affixed to an exterior wall of the building will be considered building signs and will be calculated as part of the total allowable building signage. See § 272-5.

FREESTANDING SIGN

Any sign or sign structure not attached to the exterior of a building or other structure and no part

of which extends closer than five feet to such building or other structure on the same premises. Freestanding signs or sign structures, any part of which is closer than five feet to a building or other structure on the same premises, shall be classified as building signs. Freestanding signs are further defined as follows:

A. **POLE SIGN** — A sign or signs mounted on a freestanding sign structure consisting of one or more poles, columns or piers, none of which supporting members shall exceed 18 inches in any horizontal dimension between two feet and eight feet above grade level.

B. **MONUMENT SIGN** — A sign or signs mounted, painted on or fastened to a freestanding wall, pier or other sign structure, of which any horizontal dimension of a structural member exceeds 18 inches between two feet and eight feet above grade level.

FRONT OR FACE OF A BUILDING

The outer surface of a building, including the outer and inner surface of windows thereon, visible from any private or public street or highway.

HISTORIC SIGN

An existing exterior sign erected prior to 1950 which may or may not refer to an occupant, business, service or product currently or previously existing or offered on the premises on which the sign is located or within the city. Historic signs shall not be limited to sites designated as local landmarks. Historic signs are distinguished by one or more of the following characteristics: design; decorative character; age; historic relationship to persons, places, activities or products of the city; or their representation of early advertising techniques or sign technology, including the use of materials, techniques and devices no longer in common use for signage, such as but not limited to Carrara glass, painting directly on building surfaces and exposed neon tubing. The term shall include reproductions of original signs as provided further in § 272-16 below.

ILLUMINATED SIGN

Any sign illuminated by electricity, gas or other artificial light, including but not limited to reflective or phosphorescent light originating from outside the body of the sign or from within or behind it.

INFORMATIONAL SIGN

Any sign whose purpose is to inform the public of safety hazards, of property use regulations or of the location of specific activities on the premises. Any informational signs that are affixed to an exterior wall of the building will be considered building signs and will be calculated as part of the total allowable building signage.

LIGHTING DEVICE

Any light, string of lights or group of lights located or arranged so as to cast illumination on a sign face from the exterior or to illuminate a sign from its reverse side.

MURAL

A picture, design or decorative treatment painted on or otherwise affixed to and covering a large portion of a wall surface, including sculpture and sculptural treatments of solid elements for the purpose of this definition. Murals may be erected on any wall of a structure. Signage and advertising may be erected in conjunction with murals. Murals erected in conjunction with signage shall not be considered signs for the purpose of this chapter if such murals are clearly separate from the signage and the content and design of the mural does not overtly represent specific goods, services or activities offered for sale. Generalized depictions of types of goods; commonly used symbols other than trademarks, brand names and logos; and scenes which do not specifically

illustrate commercial activity may be allowed in murals. Graphic, pictorial or representational material which is clearly subordinate to signage, which is contained within a sign or which forms a design element integral to a sign shall be considered to be signage rather than a mural and shall be counted as part of the signage for the premises on which it is located.

PORTABLE SIGN or MOBILE SIGN

Any sign or sign structure, other than a window sign, that is not permanently affixed to a building, structure or the ground, but not including advertising on motor vehicles.

PROJECTING SIGN

Any sign that projects from the exterior of any building.

SHOPPING PLAZA

Any group of two or more stores which share a common vehicular entrance or entranceways and common off-street parking.

SIGN

Any material, symbol, emblem, structure or device, or part thereof, 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, including exterior and interior window surfaces, for display of an advertisement, announcement, notice, directional matter or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or grounds signs, and shall also include any announcement, declaration, demonstration, display, illustration 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.

A. The term "sign" includes signs related and unrelated to a business or profession or to a commodity or service sold or offered upon the premises where such sign is located.

B. For the purposes of this chapter, the term "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation, nor does it include flags, emblems or symbols of a nation, governmental body or school, nor memorial tablets or historical markers, nor does it include murals, as defined above.

SIGN AREA

The surface area of a sign that is within view of a public right-of-way, visible from any one point of view. For measurement purposes, the sign surface area shall be calculated as follows:

A. For rectangular wall signs: that area of the smallest rectangle that can be placed over the entire sign, including its lettering, pictorial matter or devices, frame and decorative moldings along its edges and background, if of a different color from the predominant color surrounding the sign.

B. For irregular wall signs: that area defined by the edges of the sign, including all lettering, pictorial matter or devices, frame and decorative moldings and background, if of a different color from the predominant color surrounding the sign.

C. For letters, pictorial matter or devices not attached to frames or freestanding: that area defined by the smallest rectangle or rectangles that can be placed over any series of letters, pictorial matter or devices which can be considered as a unit. In the event that both uppercase and lowercase letters are used, the area shall be defined by the smallest rectangles

that can be placed over the series of lowercase letters plus the area of the smallest rectangles that can be placed over the individual uppercase letters. In the event that a letter or letters or other pictorial matter is placed as a separate unit on background boards, the sign area shall be calculated as the sum of the areas of the background boards.

D. For freestanding double-faced signs: the area of one entire side of the sign calculated as above.

E. For multiple-sided signs: the maximum area visible from any one point of view.

F. For signs on other than flat surfaces: the maximum actual surface area visible from any one point of view.

SIGN STRUCTURE

Any structural framework or base intended to support a sign or signs, but not including the sign, sign frame or background. Sign structures whose separate nature and purpose as support for signage is apparent shall not be counted as part of the sign area permitted by this chapter, but any sign structure or portion thereof which, by shape, material, color or other means, serves as a sign box, frame or background or which serves to identify the premises, its proprietors or owners or the products, services or activities provided on the premises shall be considered a sign as defined above.

TEMPORARY SIGN

Any sign constructed of cloth, paper, canvas, plastic or light fabric, wallboard or other light, impermanent material with or without frames intended to be displayed for a limited period of time only.

TO ERECT

To build, construct, alter, display, relocate, attach, hang, place, suspend, affix or maintain any sign, and shall also include the painting of exterior wall signs.

§ 272-4. General regulations.

The prohibitions contained in this section shall apply to all signs and all use districts, regardless of designation, of the City of Ithaca, unless otherwise provided herein:

A. Types of signs.

- (1) Projecting signs. No sign shall be erected or maintained in which any portion of the sign or its supporting structure projects a horizontal distance of more than 18 inches from the surface to which the sign or sign structure is attached, except as provided in § 272-15 below.
- (2) Overhead signs. No sign shall be supported or attached, wholly or in part, over or above any wall, building or structure, except as otherwise provided in below for canopy, marquee or awning signs, which may not project beyond any edge of the building or structure to which the awning, canopy or marquee is attached, and except as otherwise provided for ground signs and sign structures and for permitted roof signs.
- (3) Canopy, awning, and marquee signs. Signs on the front or sides or affixed to the top edge or bottom surface of a marquee, canopy, awning or sunscreen shall be counted as part of the total area and number of signs permitted the premises under this chapter and shall be subject to computation of area and payment of fees as covered in this chapter. Such signs shall not

project more than 18 inches from the surface to which they are attached nor extend beyond any edge of such surface, except that signs affixed to the top edge of a marquee or similar structure shall not project beyond the front of the side face above which it is mounted; and except further that such marquee signs may be more than 18 inches tall, provided that they do not project visually above the top of the building facade or roof ridge when viewed from the public right-of-way. (See Chapter **170**, Encroachments.)

- B. Encroachments. Signs may be mounted on structures or portions of structures which form encroachments, provided that, if such signs form an additional encroachment, they shall be subject to the provisions of Chapter **170**, Encroachments, of this Code, in addition to the payment of required sign permit fees.
- C. Pedestrian hazard. All signs or other advertising structures which are erected at any point where pedestrians might be endangered shall have a smooth surface, and no nails, tacks or wires shall be permitted to protrude therefrom.
- D. Wind pressure and dead-load requirements. All signs shall be designed and constructed to withstand wind pressure to receive loads as required by the Building Code.
- E. Site plan. Whenever a site plan is required to be filed, the site plan shall show the proposed location of any signs to be erected on the property and shall define the size and height of the signs with dimensions and elevation views as well as the street and driveway visibility.

§ 272-5. Prohibited signs.

The following signs shall be prohibited in all zones of the city:

- A. Any sign which violates any provision of law or code of the State of New York or of the United States;
- B. Any sign which obstructs a door, fire escape or building opening intended for light, air or access to a building;
- C. Any sign of which all or any part is in motion by any means, including fluttering, rotating or other moving signs set in motion by movement of the atmosphere;
- D. Any sign displaying flashing or intermittent lights or lights changing degrees of intensity, except a sign indicating time or temperature, with changes alternating on not more than five-second cycles when such time or temperature sign does not constitute a public safety or traffic hazard in the judgment of the City Building Commissioner; provided, however, that no such sign shall be permitted in any historic district;
- E. Any sign that obscures a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information;
- F. Any sign that uses the words "stop," "danger," "slow," "caution," "warning," "yield," "go," or otherwise presents or implies the need or requirement of stopping or caution, or the existence of danger, or which is likely to be confused with any sign displayed by public authority or any sign that imitates or resembles an official traffic sign or signal, except for private, on-premises directional signs.

- G. Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related, or any sign whose level of intensity exceeds the average ambient levels in the immediate area;
- H. All displays which are not shielded to prevent any light to be directed at oncoming traffic in such brilliance as to impair the vision of any driver. No device shall be illuminated in such manner as to interfere with or obscure an official traffic sign or signal.
- I. Any billboards or portable or mobile signs.

§ 272-6. Signs permitted in all districts.

- A. Permit not required. The following signs are permitted in any use district without a permit, as noted:
 - (1) Any temporary political posters, which signs shall not exceed 15 square feet in area, except in residential districts, where said signs shall not exceed five square feet.
 - (2) Nameplates, not self-illuminated, denoting the names and/or address of the occupants of the premises, not exceeding 144 square inches per occupant.
 - (3) Signs denoting the architects, engineers and/or contractors placed on premises where construction, repair or renovation is in progress, not exceeding one sign per premises and not exceeding five square feet in area in residential zones and 15 square feet in area in all other zones; provided, however, that such signs shall be removed immediately upon completion of the project.
 - (4) Directional entrance/exit signs on premises, each not exceeding six square feet in area nor three feet in height from grade, and no part of such signs or supporting structures may extend closer than 18 inches to any public right-of-way. One each "in" and "out" signs are permitted per curb cut serving premises in B-5, SW-1, SW-2, and SW-3 Districts, and the "in" sign may bear one word or symbol identifying the business (such as "Smith's" or "Gulf") occupying the premises in lieu of "in," "enter," etc., which identifier may not cover more than 25% of the total area of the directional sign.
 - (5) Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies, which signs or bulletin board shall not exceed 25 square feet in area and shall be located on the premises of such institutions.
 - (6) Murals.
 - (a) Where any part of a mural will be visible from a public way, a description and a drawing of the proposed mural shall be submitted to the Building Commissioner for a determination as to whether such mural, or any part thereof, would constitute signage within the meaning of the definitions of "mural" and "sign" in § 272-3 above. The description submitted shall fully explain the proposal in terms of size, location on the property, graphic/pictorial content and relationship to any signage existing or proposed for the property to aid the Building Commissioner in making his/her determination.

(b) Upon receipt of a proposal for a mural for any property subject to the provisions of Chapter **160**, Design Review, or Chapter **325**, Zoning, Article **VIII**, Courthouse Special Use Zone, or Chapter **228**, Landmarks Preservation, of this Code, or facing such property, the Building Commissioner shall notify the Planning and Development Board, the Public Art Commission, and/or the Landmarks Commission, as applicable, for their information and any appropriate action and shall so inform the applicant. **[Amended 7-6-2011 by Ord. No. 2011-11; 12-7-2011 by Ord. No. 2011-15]**

(c) Upon determination by the Building Commissioner that a proposed mural does not constitute signage, murals not subject to further review as indicated above may be erected without permit or fee. Murals or any part thereof which are determined to be signage shall be subject to the provisions of this chapter for signs.

B. Permit required. The following signs require a permit as provided herein:

(1) Residential zones. For properties with up to 50 feet of building frontage, any sign advertising the name of a building or a commercial enterprise, including real estate developments or subdivisions, permitted in a district zoned residential by any zoning regulation shall not exceed five square feet in area and shall advertise only the name of the building, owner, trade names, products sold and/or the business or activity conducted on the premises where such sign is located, provided that no more than one sign shall be allowed for each such residential, business or commercial activity conducted on the premises, and it shall in all respects conform to the provisions of this chapter respecting signs permitted for establishments in business districts. For properties with more than 50 feet of building frontage, such signs shall not exceed 12 square feet.

(2) Commercial zones. Any commercial building in any zone, except the SW-1, SW-2, SW-3, WEDZ-1a, B-5, or the I-1 Zone, may have a total sign area not to exceed 1.5 square feet of signage to every one linear foot of building frontage. Within the total allowable signage, each place of business may have no more than one freestanding sign or structure erected for the purpose of advertising a business, products and/or services, with a maximum height of 22 feet, including framework. No individual sign may exceed a maximum square footage of 50 square feet. In lieu of one freestanding sign, a business is allowed two wall signs. Such wall signs shall not exceed a total of 50 square feet each.

(a) Exception. In all districts except residential, where a structure or building has frontage on more than one street, public highway or waterway, one sign attached, painted on or applied to the front or face of said structure or building shall be permitted facing each street, public highway or waterway frontage, within the overall allowance for number of signs and total sign area for the zoning district and use type as specified in this chapter, which maximums shall apply to the premises as a whole.

(b) Any sign advertising the name of a residential building, including real estate developments or subdivisions, permitted in a district zoned commercial shall not exceed 12 square feet in area and shall advertise only the name of the building, provided that no more than one sign shall be allowed for each such residential activity conducted on the premises, and it shall in all respects conform to the provisions of this chapter respecting signs permitted for establishments in business districts. In cases where signs advertising residential uses are located on buildings which combine commercial and residential uses in the same

structure, such signs shall be included within the overall allowance for total sign area for the zoning district as specified in this chapter, which maximums shall apply to the premises as a whole.

(3) Temporary signs, as provided further under § **272-8** below.

(4) Historic signs, as provided further under § **272-16** below.

§ 272-7. Signs permitted in the SW-1, SW-2, SW-3, WEDZ-1a, B-5 and I-1 Zones.

In districts zoned SW-1, SW-2, SW-3, WEDZ-1a, B-5, or I-1 by the Zoning Ordinance of the City of Ithaca, New York, no signs shall be erected or maintained, except as follows:

A. Freestanding businesses may have one freestanding sign not to exceed .5 square foot to every one linear foot of the building frontage occupied by the business and not to exceed 75 square feet in area, a width of 12 feet, and not to exceed a maximum height of 22 feet, including the framework. In addition, the freestanding business may have building signs not to exceed 1.5 square feet of sign area to every one linear foot of building frontage or of building frontage occupied by each business conducted on the premises, the total of both freestanding and building signs not to exceed a total area of 250 square feet. See below for setback bonus information.

B. Shopping plazas may have one freestanding sign structure located on the property at each major entrance to the shopping plaza at a location approved by the Planning and Development Board as a part of the site plan review process, in accordance with § 276-7(3)b of the City Code. No freestanding sign structure shall exceed a maximum height of 30 feet and maximum sign area width of 12 feet. Each individual business within a shopping plaza may have a maximum sign area on the freestanding structure of .5 square foot of sign to every one linear foot of the building frontage occupied by that business. In addition each business within a shopping plaza may have building signs that do not exceed 1.5 square feet of sign to every one linear foot of building frontage occupied by the business and not to exceed total area of 250 square feet. See below for setback bonus information.

(1) Wall sign setback bonus: Wall signs that are set back from the public street right-of-way over 150 feet can increase the maximum primary wall signage size by 25%, and increase it an additional 25% for every additional 100 feet of setback, up to a maximum of 200% of the allowed sign area at 450 feet. The setback shall be measured from the center point of the building frontage perpendicular to the center line of the public right-of-way.

(a) Over 150 linear feet setback: 125% of allowed sign area, or a maximum of 312.50 square feet, whichever is less.

(b) Over 250 linear feet setback: 150% of allowed sign area, or a maximum of 375 square feet, whichever is less.

(c) Over 350 linear feet setback: 175% of allowed sign area, or a maximum of 437.50 square feet, whichever is less.

(d) Over 450 linear feet setback: 200% of allowed sign area, or a maximum of 500 square

feet, whichever is less, [Note: Under no circumstances shall the primary wall signage exceed 500 square feet, regardless of wall size or increased setbacks, nor shall any one wall sign exceed a total of 250 square feet.]

(2) Filling stations. Filling stations located within a shopping plaza may have two wall signs or two canopy signs or a combination of one wall sign and one canopy sign. No individual sign may exceed 50 square feet, with the total signage not to exceed 100 square feet. In addition, filling stations may have a maximum of two price signs not to exceed 15 square feet each.

(3) Directional signs. One directional sign may be erected per interior access road intersection within a shopping plaza. Each sign may not exceed 15 square feet in area.

C. Exception. Where a structure or building has frontage on more than one public or private street, highway or waterway, one sign attached, painted on or applied to the front or face of said structure or building shall be permitted facing each street, highway or waterway frontage, as provided in § 272-5B2(a) above.

§ 272-8. Temporary signs.

A. Permit required. No person or sponsoring organization which is commercial or otherwise profit-making shall place or cause to be placed any sign of a temporary nature without first obtaining a permit as hereinafter provided. Permit fees are waived for all legal not-for-profit organizations.

B. Exemptions. Temporary signs advertising an event for less than 10 days are exempt from the permit requirement, provided that the sign be removed immediately following the event. Signs temporarily advertising the sale, lease or rental of the premises upon which the sign is located, temporary political posters, and signs denoting the architects, engineers and/or contractors placed on premises where construction, repair or renovation is in progress are also exempt from the permit requirement, as provided in § 272-6 above. Decorative cloth banners designed for long-term use, reviewed by the Public Art Commission and as approved by the Building Department, are exempt from the permit time period. However, should the banner become damaged or severely worn, it must be removed immediately.

C. Time periods. Signs of a temporary nature may be erected with a permit for a period not exceeding 60 days, provided that the consent of the property owner or occupant is obtained and that such signs are not attached to trees, utility poles or the like and that such signs are not placed in such a position as may obstruct or impair vision or traffic or in any manner create a nuisance, hazard or disturbance to the health and welfare of the general public. All such sign permits must identify the name and address of the sponsoring person or organization and the name of a person responsible for their removal at the expiration of the sixty-day period. Such permits may be renewed no more than once a year for an additional thirty-day period. A temporary sign will not be re-permitted for more than two consecutive time periods, regardless of whether or not it remains in the same location.

D. Exception for B-5, SW-1, SW-2, and SW-3 Zones. In B-5, SW-1, SW-2, and SW-3 Zones, no temporary signs shall be placed anywhere on a premises except in a window, and in no case shall the total combined area of permanent and temporary signs in a window exceed 15% of a window's area.

§ 272-9. Setbacks.

- A. In all zones except B-5, SW-1, SW-2, and SW-3, no freestanding sign or sign structure shall be erected or maintained in such a manner as to project over or above any street, public highway or waterway, nor shall any such freestanding sign be erected or maintained in such a manner as to project within 18 inches of a public or private right-of-way or the inner edge of a public highway, sidewalk or waterway. Said signs or sign structures shall be set back at least 10 feet from any public highway or street right-of-way. Side yard and rear yard setbacks shall be no less than those required for structures or buildings in the Zoning Ordinance of the City of Ithaca, New York, and for the zoning district in which the property is located.
- B. In SW-1, SW-2, and SW-3 Zones, freestanding signs or sign structures must be set back at least 10 feet from any public right-of-way. No part of a freestanding sign shall project closer than five feet to any public right-of-way or to any property line nor closer than 18 inches to any private right-of-way or to the edge of any access to the premises.
- C. In B-5 Zones, pole signs must be set back at least 10 feet from any public right-of-way. Ground signs in B-5 Zones shall be set back not less than 15 feet from any public right-of-way or from the edge of any access drive to the premises. No part of any freestanding sign shall project closer than five feet to any public right-of-way or to any property line nor closer than 18 inches to any private right-of-way or to the edge of any access to the premises. Side and rear yard setbacks shall be no less than those required for buildings and structures in the B-5 Zone.

§ 272-10. Permit required.

Except as otherwise herein provided, no person shall erect any sign, as defined herein, without first obtaining a permit from the Building Commissioner.

§ 272-11. Application for permit.

Application for the permit shall be made to the Building Commissioner, in writing, in duplicate, upon forms prescribed and provided by the Building Commissioner, and shall contain the following information:

- A. The name, address and telephone number of both the applicant and the owner of the property on which the sign is to be located.
- B. The location of the building, structure or land to which or upon which the sign is to be attached or erected.
- C. A detailed drawing or blueprints showing a description of the construction details of the sign and showing the lettering and/or pictorial matter composing the sign; the position of lighting or other extraneous devices; and 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.
- 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 that 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 for such permit.

F. Such additional information as the Building Commissioner may reasonably require in order to carry out the intent of this chapter.

§ 272-12. Permit fees.

A. The following fees shall be paid to the City of Ithaca, New York, upon filing of an application for a sign permit:

Sign Area (square feet)	Fee Per Sign
0 to 50	\$50
51 to 100	\$100
101 to 150	\$150
151 to 200	\$200
201 to 250	\$250
251 to 300	\$300
301 to 350	\$350
351 to 400	\$400
401 to 450	\$450
451 to 500	\$500
Each additional square foot of signage allowed by variance	\$500, plus \$10 per each additional square foot

B. For the purpose of establishing the fee, the calculated square-foot area of the sign shall be rounded to the nearest whole square foot.

§ 272-13. Issuance, expiration and renewal of permit.

A. Building Commissioner to investigate and issue permit. It shall be the duty of the Building Commissioner, upon the filing of an application for a permit to erect a sign, to examine such plans, specifications and other data submitted to him/her with the application 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 City of Ithaca, New York, the Building Commissioner shall then, within 15 days, issue a permit for the erection of the proposed sign.

B. Expiration and renewal. If the sign authorized under any such permit has not been fully erected

within six months from the date of the issuance of such permit, the permit shall become null and void.

§ 272-14. Conformance required; maintenance; revocation of permit.

- A. Erection. No sign, whether new or existing, shall hereafter be erected or altered except in conformity with the provisions of this chapter. Alterations shall include any modification to a sign other than minor corrections to information, i.e. changes in phone numbers.
- B. Maintenance. Notwithstanding any provisions contained herein, the sign must be kept clean, in neat order and repair and free from all hazards, such as but not limited to faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.
- C. Revocation for failure to correct violation. In the event of a violation of any of the foregoing provisions, the Building Commissioner shall give written notice, specifying the violation, to the named owner of the sign and the named owner of the land upon which the sign is erected, sent to the addresses as stated in the application for the sign permit, to conform or remove such sign. The sign shall thereupon be conformed by the owner of the sign and the owner of the land within 60 days from the date of said notice. In the event that such sign shall not be so conformed within 60 days, the Building Commissioner shall thereupon revoke the permit, and such sign shall be removed by the named owner of the sign or the named owner of the land within 30 days after receipt of notice of permit revocation.
- D. Removal of signs. Property owners are responsible for removing signs of businesses that have closed and must remove signs within 60 days of the tenant vacating the premises.

§ 272-15. Unsafe or dangerous signs.

If the Building Commissioner shall find that any sign regulated by this chapter is unsafe or insecure or is a menace to the public, he/she shall give written notice to the named owner of the sign and the named owner of the land upon which the sign is erected, who shall remove or repair said sign within 14 days from the date of said notice. If said sign is not removed or repaired, the Building Commissioner shall revoke the permit issued for such sign, as herein provided, and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign was located. The Building Commissioner may cause any sign which is a source of immediate peril to person or property or any temporary sign not removed at the expiration of 30 days to be removed summarily and without notice.

§ 272-16. Historic signs.

Historic signs in any zoning district shall be exempt from the requirements to conform, and from other requirements of this chapter, provided that an approved historic sign permit is obtained in accordance with the following:

A. Procedure.

- (1) Requests for retention of signs which are felt to be historic may be made to the Building

Commissioner by the owner of the property on which such sign is located, by the owner's agent or by any other party with the owner's consent and shall be made in writing. Each such request shall be accompanied by a statement outlining the reason for the request, including written or pictorial information documenting the sign's history, original and current purpose, colors and other relevant details which may be helpful in evaluating the request.

- (2) Upon receipt of a completed request form and supporting documentation, the Building Commissioner shall refer the applicant to the Landmarks Commission for a determination as to whether the sign is historic. Upon receipt of a determination from the Landmarks Commission, the Building Commissioner shall determine whether the sign is related directly to uses currently existing on the premises and, if so, shall proceed as if it were a regular sign permit application, subject to the following:
 - (a) Signs determined by the Landmarks Commission to be historic shall be permitted in addition to conforming signage currently existing on the premises but shall be counted in computing the amount of signage permitted on the premises in the event that additional signs are applied for. Nonconforming, nonhistoric signage on the premises shall be treated as provided in § **272-14** and shall not preclude approval of historic signs.
 - (b) Consistent with considerations of safety, such signs shall be permitted to retain their original size, shape, location, method of attachment, illumination, projection from building surface and other characteristics. Modifications thereto for any purpose shall respect the character and appearance of the original sign, and the reasons for such modification shall be clearly explained in the application.
 - (c) If such sign would be in any respect nonconforming to the provisions of this chapter, it shall be referred to the Board of Zoning Appeals for approval.
- (3) Historic signs which are clearly unrelated to existing uses of the premises and which conform in all other respects to the requirements of this chapter may be approved without referral to the Board of Zoning Appeals and shall not be counted against the signage permitted on the premises so long as they remain functionally unrelated to existing uses thereon. Historic signs forming an integral part of the original design or ornament of a building shall not be required to be removed, conformed or obliterated in order to comply with the terms of this chapter but shall be reviewed as provided by this section.

B. Signs on landmark sites. Signs on sites designated as local landmarks shall be referred to the Landmarks Commission for a determination and a certificate of appropriateness before approval action by the Building Commissioner or Board of Zoning Appeals. Signs on sites designated as having state or national historic significance but not locally designated shall be referred to the Landmarks Commission for determination as to whether they are historic and shall be governed by applicable regulations.

C. Maintenance, repair, alteration and restoration.

- (1) Approved historic signs shall be maintained in accordance with the provisions of this chapter and other applicable regulations. Approval of an historic sign permit shall bear with it the responsibility of the owner of the sign to maintain and rehabilitate the sign to a state as close to the original condition and appearance as feasible, including the restoration of exposed

neon-type illuminating systems to operation. Replacement of original visible components with substitutes to retain the original appearance shall be permitted, provided that such replacements accurately reproduce the size, shape, color and finish of the original.

- (2) Alterations or repairs to historic signs shall be accomplished using materials which match original materials as closely as possible and which, in any case, are compatible with the original. Historic signs which are severely damaged or deteriorated or which are for other good reason impractical to rehabilitate or repair in their existing condition, including signs remaining basically intact in their original location which have been partly obscured by over-painting or weathering or which have been covered by subsequent building remodeling, may be reproduced in a format as closely matching the original as possible and may be relocated or erected in a position near the original location, consistent with the other provisions of this chapter and with consideration of aesthetics. Alterations, reproductions or relocations of historic signs shall be referred to the Landmarks Commission for approval or a certificate of appropriateness.
- (3) In the event that a historic sign is not rehabilitated or maintained in accordance with the terms of this subsection within one year of the issuance of a historic sign permit, the Building Commissioner shall be authorized to require its maintenance, repair or removal as provided in §§ **272-14** and **272-15**.

§ 272-17. Duty and authority of Planning and Development Board.

The Planning and Development Board shall advise the Building Commissioner with reference to desirable and effective use of signs for the purpose of enhancing and maintaining the natural beauty and cultural and aesthetic standards of the community. The Planning and Development Board may advertise, prepare, print and distribute pamphlets and other media which, in its judgment, will further these purposes.

§ 272-18. Variances, review and appeal.

Any person aggrieved by any decision of the Building Commissioner relative to the provisions of this chapter may appeal such decision to the Board of Zoning Appeals, as provided in Chapter **325**, Zoning, of this Code, and shall comply with all procedural requirements prescribed by said Board of Zoning Appeals, including payment of a fee of \$100 to defray the cost of the required legal notice and written notice to all property owners within 200 feet of the boundaries of the proposed sign location. However, when any variance, review or appeal relative to the provisions of this chapter is requested, the Board of Zoning Appeals shall not take action until a report is received from the Planning and Development Board. If, however, no report is received within 45 days after referral, then approval by the Planning and Development Board shall be presumed, and the Board of Zoning Appeals shall proceed accordingly. In making any determination or decision with respect to any proposed sign, any city officer or any board having jurisdiction shall be guided by the general purpose of this chapter, as stated in § **272-1** hereof, and shall also consider the following:

- A. Size of sign. The purpose for which the sign is erected and the distance from which the sign is intended to be or can possibly be read and the character of adjacent streets shall be taken into consideration. In all cases, the smallest sign that will suit the purpose shall be the guide, taking into account the legitimate commercial or other interests which are intended to be promoted by the sign and the speed limits and traffic conditions on adjacent streets.

- B. Number of letters. A sign with only a few letters need not be as large as one with many letters to be seen from the same distance.
- C. Other signs. The context of existing signs in the vicinity of the proposed sign shall be taken into consideration.
- D. The character of the neighborhood. The proposed use shall not be detrimental to the general amenity or neighborhood character so as to cause a devaluation of neighboring property or material inconvenience to neighboring inhabitants or material interference with the use and enjoyment by the inhabitants of the neighboring property.
- E. Public interest. The protection of the public interest and the desirability of maintaining open spaces, views and vistas shall be considered insofar as possible. Any person aggrieved by any decision of the Board of Zoning Appeals may have the decision reviewed by a Special Term of the Supreme Court in the manner provided by Article 78 of the Civil Practice Law and Rules.

§ 272-19. Penalties for offenses.

Failure to comply with any of the provisions of this chapter shall be deemed an offense and shall be punishable as provided in Chapter 1, General Provisions, Art. I, Penalties, of this Code, in addition to penalties for violation of any other regulation or ordinance of the City of Ithaca. Each day such violation continues shall constitute a separate violation.

§ 272-20. Applicability and construal of provisions.

This chapter is applicable within the City of Ithaca and shall be construed as an exercise of the powers of such municipality to regulate, control and restrict the use of buildings, structures and land for outdoor advertising purposes, displays, signs and other advertising media in order to promote the health, safety, morals and general welfare of the municipality and its inhabitants and of peace and good order, for the benefit of trade and all matters related thereto.