

LOCAL LAW X OF 2017

This reform to the Town’s signs ordinance has been submitted for consideration but has not yet been placed on the agenda for any meeting.

The current law allows the a Code Enforcement Officer to confiscate and dispose of a sign that he or she believes to violate the Code without any notice or opportunity to be heard. It is necessary for Code Enforcement to have the power to remove signs without notice if they fit certain criteria – for example if they block traffic or are obscene. However, those signs should be stored and the owners given an opportunity to retrieve them. This proposed law specifies which signs may be taken and under what circumstances, and provides a procedure for notifying owners and giving them the chance to retrieve their property. If a sign does not fit into those specific criteria but does violate the Code, the owner should be charged with a Code violation and given a chance to be heard in Town Court.

ORIGINAL LAW	AMENDED LAW (new subsections are underlined)
<p>§210-18 Signs.</p> <p>...</p> <p>L. Enforcement. The Code Enforcement Officer is authorized to remove any sign erected in violation of this chapter.</p>	<p>§210-18 Signs.</p> <p>...</p> <p>L. Enforcement.</p> <p><u>(1)</u> <u>The Code Enforcement Officer is authorized to remove:</u></p> <p><u>a.</u> <u>Signs that are obscene as that term is defined in §235(1) of the Penal Law;</u></p> <p><u>b.</u> <u>Signs that are erected on public property or in a public easement or right of way, that impede access to private property not owned or controlled by the owner or user of the sign, or that endanger public safety;</u></p> <p><u>c.</u> <u>Signs that have been found by a court of competent jurisdiction to have been erected in violation of this Chapter, either by a decision after a hearing, a plea of guilty, or a default by the accused;</u></p> <p><u>d.</u> <u>Signs that are abandoned. For the purposes of this provision, a sign is abandoned if it advertises a business or service which has not been in operation or available for a period of</u></p>

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at least sixty (60) days, if the Code Enforcement Officer finds probable cause to believe that it violates a provision of this Chapter and the owner or user of the sign cannot with due diligence be located, or if it advertises or gives notice of an event or occurrence that is to take place on a specific date, and it has been more than ten (10) days since that date has passed.

- (2)** Except as otherwise provided in §210-18(L)(3), upon removal of a sign pursuant to this subsection, the Code Enforcement Officer shall notify the owner or user thereof, by personal service or regular mail, that their sign has been removed as well as the location and times at which the sign may be retrieved. If, after thirty (30) days of such notice being given, a sign has not been retrieved or arrangements for retrieval have not been made, the sign shall be deemed abandoned and may be disposed of by the Code Enforcement Officer without further notice.
- (3)** Disposable signs shall not be subject to the notice and retention requirements of §210-18(L)(2). For the purpose of this provision, a sign is disposable if it is composed of plain paper or cardboard or a similar material that is not protected from destruction or damage by inclement weather.
- (4)** Notwithstanding the provisions of §210-18(L)(1)(b), political signs erected in compliance with §210-18(B)(1) shall not be removed from public easements or rights of way unless they endanger public safety or impede access to private property not owned or controlled by the owner or user of the sign.