

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. OF 2021**

**A LOCAL LAW AMENDING CHAPTER 70 OF  
THE TOWN CODE, ENTITLED “ZONING”**

**BE IT ENACTED** by the Town Board of the Town of North Hempstead, as follows:

**Section 1. Legislative Intent.**

The Board finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 70 of the Town Code entitled “Zoning” in order to modify the types of signs that are prohibited within the Town; to amend the provisions related to the destruction of devices, including municipal signs, within a Public Highway; and to modify the penalties for offenses related to certain types of prohibited signs.

**Section 2.**

Chapter 70 of the Town Code is hereby amended as follows:

§ 70-196 Permitted signs.

The following signs shall be permitted in any use district in accordance with the requirements of this article:

- A. Professional nameplate. In residential districts, professional nameplates bearing the name and profession of the resident, not exceeding two square feet in area or more than one such sign in number, and which may be illuminated by an electric lamp not exceeding 15 watts of power contained within the sign; in nonresidential districts, on professional office buildings having two or more occupants, only one wall or ground sign containing the names of all occupants shall be permitted.
- B. Sale or rent sign advertising the sale or rental only of the real property on which it may be located, provided there be only one such sign, not to exceed four square feet in area and located not less than 20 feet from any property line. Where such sign is not attached to a building, it shall be attached to a standard sunk in the ground, and no part of said sign shall be more than five feet above the ground.
- C. Building contractor's, subcontractor's, architect's or engineer's sign, maintained on a building only while the same is under construction, provided that there be only one such sign not exceeding four square feet in area.
- D. Institutional identification sign placed upon a building or lot of a church, hospital, school or public agency, provided that there be only one such sign, not exceeding 16 square feet in area.

- E. Informational signs, directional or traffic signs, or other signs which are erected and maintained only by a governmental agency for the general welfare.
- F. Temporary signs, posters or displays placed by any governmental agency, church or civic organization if such signs are related directly to public, religious or patriotic matters, and otherwise comply with the provisions of this article.
- G. Subdivision sign, advertising an approved subdivision, located on the premises and not less than 25 feet from any lot line, provided that there be only one such sign not to exceed 50 square feet. No renewal of such sign permit shall be issued beyond a period when development of the subdivision has reached 90% of completion.
- H. Danger sign, warning of the condition or danger of travel on a street, may be erected and maintained for a temporary period, provided that such sign does not exceed two square feet in area.
- I. Directional sign, directing persons to a parking area, placed on a side wall of a building, may be erected subject to authorization by the Board of Zoning and Appeals pursuant to Article XXIV of this ordinance.
- J. Signs in business or industrial districts. The following signs shall be permitted only in business or industrial districts in accordance with the requirements of this article:
  - (1) Wall sign, attached to and parallel to a building wall on a public street or parking area and advertising only the business conducted in such building; provided that:
    - (a) There be only one such sign for each wall on any wall where such sign is permitted.
    - (b) The sign on the building wall facing upon a public street shall not exceed 4 1/2 feet in vertical measurement or two square feet per linear foot of wall width. The sign on the building wall facing upon a parking area shall not exceed two feet in vertical measurement or one square foot per linear foot of wall width, but in no case shall exceed 24 square feet in area.
    - (c) The sign is not wider than the building upon which it is placed.
    - (d) The sign or any part thereof, including lighting devices and reflectors, does not project more than one foot from such wall, but in no case shall extend into any right-of-way.
    - (e) The sign does not extend higher than the roof of any building.
    - (f) The sign is not higher than the distance between the head of the windows of one story and the lower sill course of the windows of the next higher story, or the top of the parapet wall if a one-story building, and in no event shall the top of the sign be higher than 18 feet above the mean level of the ground.

- (g) Any such sign shall be maintained in a good state of repair, in working order and neatly painted; all projecting lighting devices, including reflectors and all parts thereof, shall be painted aluminum on the outside.
  - (h) The provisions of Subsections J(1)(a) through J(1)(g) above shall not prohibit a sign projecting not more than one foot from the wall of any building and not more than one foot by one foot in area used to indicate the location on the premises of a public telephone or other public utility facility for the use of the general public.
  - (i) All signs in shopping centers shall be uniform in appearance, construction and dimensions. [Added 8-26-1980 by L.L. No. 13-1980]
- (2) Detached or ground sign, advertising only the business conducted on the premises upon which the sign is located, provided that:
    - (a) There be only one such sign detached from a building.
    - (b) Such sign shall not exceed 24 square feet in area or 15 feet in height from the mean level of the ground.
    - (c) Such sign shall be located not less than 10 feet from any property line.
    - (d) An open space of at least three feet in height shall be maintained between the bottom of the sign and the ground.
    - (e) The area between the sign and front property line shall be maintained free of weeds and debris.
  - (3) A tower sign, advertising only the business conducted in such building, provided that:
    - (a) Said sign is an integral part and made of the same material as the front of the building.
    - (b) There be only one such sign.
    - (c) The sign shall not exceed 100 square feet in area nor 10 feet in any dimension.
    - (d) The top of the sign shall not exceed 35 feet in height from the mean level of the ground.
    - (e) There shall be no moving parts or any flashing, changing, intermittent or varying illumination in connection therewith.
  - (4) Window signs, provided that the total area of all such window signs located in a window does not exceed one-third (1/3) of the total area of such window. For purposes of this subsection, a "window sign" shall mean a sign of any material which is either temporarily or permanently attached or affixed to the interior or exterior surface of a display window and

is used for advertisements, announcements or notices, directional matters, company names or trade names and which is related to the business, products or services provided. Window signs shall not require permits as otherwise provided herein. [Added 8-26-1980 by L.L. No. 13-1980]

- (5) Hanging sign or blade sign, attached to and perpendicular to a building wall on a public street or parking area and advertising only the business conducted in such building, provided that: [Added 10-22-2020 by L.L. No. 14-2020]
- (a) There be only one such sign per business in addition to any other permitted signage.
  - (b) The sign shall not exceed six square feet of surface area per side.
  - (c) The sign is six or fewer inches thick.
  - (d) The sign is attached to the building wall no more than 15 feet from the entrance of the business it advertises.
  - (e) There are no other blade or hanging signs within 15 feet.
  - (f) The blade or hanging sign extends no further than the lesser of 42 inches from the building or a distance equivalent to 1/2 the width of the sidewalk.
  - (g) No portion of the blade or hanging sign is more than 15 feet above grade or the roof of the building.
  - (h) No portion of the blade or hanging sign is less than eight feet above grade.
  - (i) There shall be no means of internal illumination.
  - (j) Exterior lighting shall be from above or the side of the sign attached to the building wall, facade, or soffit face; lamps shall not project more than 1 1/2 feet from the building wall, facade, or soffit face; such illumination shall not result in confusion with traffic signals, either because of color or proximity.
  - (k) Signs must be durable, sturdy, and stable and must be designed, constructed and installed to withstand one-hundred-ten-mile-per-hour gusts of wind and rain.
  - (l) The bracket holding the hanging sign shall be mounted above the sign only; brackets shall be attached to the building wall, facade, or soffit face only; brackets attached to the top of the soffit or roof shall be prohibited.

**(6) Temporary grand opening displays. Notwithstanding § 70-197(D) of the Town Code, a**

temporary grand opening display shall be permitted under this chapter, subject to the following:

(a) Grand opening displays shall be limited to signs, flags, pennants, banners and similar items, which displays shall be hung on the building or from the building, but shall, in all cases, be within the property line of the building and shall not exceed the height thereof. In no event shall illuminated displays or signs be permitted hereunder.

(b) No grand opening display shall be permitted for a period of longer than 14 calendar days.

(c) Grand opening displays shall not exceed three feet by 15 feet.

(d) For purposes of this subsection, "grand opening" shall mean a promotional activity not exceeding 14 calendar days within two months after initial occupancy, used by newly established, newly renovated or under-new-management businesses, for which all required licenses, permits and certificates of occupancy and/or completion have been issued, to inform the public of their location and services available to the community. "Grand opening" or "grand reopening" does not mean an annual or occasional promotion by a business.

(e) Grand opening displays shall be subject to all accessibility and fire safety regulations.

(f) Dangerous signs. Should a grand opening display be or become insecure or in danger of falling or otherwise unsafe in the opinion of the Building Inspector or Code Enforcement Officer, the owner thereof or person maintaining the same shall, upon receipt of written notice from the Building Inspector or Code Enforcement Officer and in any case within three days thereafter, secure the same in a manner to be approved by the Building Inspector or Code Enforcement Officer. If such order is not complied with, the Building Inspector or Code Enforcement Officer is hereby authorized to cause removal of such dangerous grand opening display; and any expense incident thereto shall be paid by the owner of the building, structure or premises on which such display is located. If such payment is not made, such expenses shall be assessed against the owner of the property to be levied against such property. Such amount shall be a lien on the property and collected at the same time and in the same manner as Town taxes. When any grand opening display is in such dangerous condition as to be immediately dangerous to the safety of the public, the Building Inspector or Code Enforcement Officer is hereby authorized to take such actions as, in their opinion, shall be necessary to protect the public or property, including but not limited to the removal of such sign; and any expense incident thereto shall be paid by the owner of the sign.

- K. Gasoline station signs. Notwithstanding § 70-196J(1) and J(2) of this Article, the following signs, deemed customary and essential, shall be permitted as accessory to an existing gasoline station in any use district:
- (1) Signs which are an integral part of gasoline pumps.
  - (2) Signs over bays, not to exceed two feet in height, containing the words "lubrication," "washing" or other similar customary words.
  - (3) Signs showing the selling price of gasoline, not to exceed one such sign for each gasoline pump and attached thereto, and measuring not less than seven inches in height and eight inches in width nor more than 12 inches square.
  - (4) Ground signs, not to exceed two in number, 24 square feet in area per sign face or 18 feet in height above the mean level of the ground, not to extend or project beyond any lot line.
  - (5) Temporary signs, not to exceed two in number of 10 square feet per sign face; such signs shall advertise some special seasonal service and shall remain in view only during the periods October 1 to December 1 and/or April 1 to June 1.
  - (6) Wall signs, in conformance with Subsection J(1).
  - (7) The subject matter of any sign shall relate only to the business occupying the lot.
- L. Marquee sign, erected and maintained in connection with a hotel or theater, provided that such sign shall not exceed 15 inches in height nor extend beyond the permissible outer limits of said marquee nor be less than 10 feet above the mean level of the ground.
- M. Billboards or poster panels for hire shall be permitted only in industrial districts, provided that:
- (1) Only one such sign shall be permitted on the lot.
  - (2) Such sign shall not exceed 15 feet in height from the top to the mean level of the ground.
  - (3) Such sign shall not exceed 300 square feet in area.
  - (4) There shall be not less than three feet of open space between the bottom of such sign and the ground surface.
  - (5) Such sign shall be located at least 20 feet from any lot line and at least 50 feet from any residence district.

### **Section 3.**

Chapter 70 of the Town Code is hereby amended as follows:

§ 70-197. Sign prohibitions.

- A. No sign shall be erected on the roof of any building or structure, nor shall any part of a sign project higher than the roof line.
- B. No sign shall be painted on the surface of the walls or roofs of any building or structure.
- C. No sign shall be constructed of cloth, oil cloth, paper or other destructible material for display outside of any building except signs permitted under § 70-196F.
- D. No banners and/or pennants, **balloons or other gas-filled figures, advertising or message flags, bunting,** ribbons, streamers, spinners or other similar moving, fluttering or revolving devices constructed of cloth, oil cloth, paper, plastic, **nylon** or other destructible or indestructible material shall be erected or maintained across any street or attached to or upon any building or part thereof or upon any premises. [Amended 3-19-1974 by L.L. No. 4-1974]
- E. No sign or any part thereof, including lighting devices and reflectors, shall be placed so as to frame, ~~[or]~~ outline **or hang from** ~~[two or more]~~ **any window, door or** side[s] of any wall of a building, **or prevent or inhibit free ingress to or egress from any door, window, fire escape or any required exit.**
- F. No sign designed generally for the use of vertical lighting shall be erected.
- G. No sign which directs attention to a business, service, entertainment or commodity conducted, sold or offered, elsewhere than upon the premises shall be erected or maintained.
- H. No sign shall be attached to any tree~~;~~ **or** fence ~~[or utility pole]~~.
- I. No sign shall be erected which directs, emits, radiates or reflects any beam, ray, gleam or glare of light away from the lot on which such sign is located.
- J. All signs which direct, emit, radiate or reflect any beam, ray, gleam or glare of light on an abutting residential district shall be extinguished within one-half (1/2) hour after the close of business and in no event later than 11:00 p.m. The close of business shall be deemed to be that time at which the premises are closed to the general public. Lights within business establishments may be kept on during the entire night, provided that the total amount of illumination does not exceed 20 footcandles.
- K. No sign shall be erected or maintained which might be confused as any traffic sign or which might interfere with the vision or discernment of any traffic sign or which might cause danger to public travel.
- L. Except as otherwise permitted in this ordinance, no sign shall be erected or maintained which extends or projects into any right-of-way.

M. No sign, display or advertising device not heretofore classified in this Article shall be permitted in any use district.

N. No sign shall be permitted within 500 feet of the border of any state park or parkway unless the applicant first complies with the appropriate provisions of the Conservation Law.

O. ~~[There shall be no moving parts or any]~~ **No flashing, blinking, rotating, changing, intermittent, animated or moving light or lights shall be permitted to constitute a part of any sign, including any sign or device on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use. Time and temperature displays are not prohibited by this section, nor are message boards, provided that the message is not changed more than once per day.** ~~[varying illumination in connection therewith.]~~ [Added 10-15-1968]

**P. No sign, including handbills and stickers, shall be affixed or attached to another sign, traffic signal, pole, controller cabinet or supporting structure, fire hydrant, bridge, streetlight, lamppost, or utility pole, within the right-of-way of any Town, state or county road or highway except when affixed or attached by, or with the written permission of, the governmental entity having jurisdiction over the location. Nothing herein shall be construed to prohibit any sign erected by, or with the express written permission of, the Town, county, state or other governmental authority or public utility having jurisdiction over the location, including any sign pertaining to traffic regulations, parking regulations and fire zones which are subject to the rules and regulations of the New York State Vehicle and Traffic Law.**

#### **§ 70-197.1 Rebuttable Presumption.**

**It shall be presumed that any person, business or entity identified on any sign, poster, sticker or advertising device regulated under this section, or the owner, agent, registrant, manager, business, entity or person in charge of any telephone number, website, entity, business or address identified on any sign, poster, sticker or advertising device regulated under § 70-197, is responsible for the placement of that sign, poster or sticker. This presumption shall be rebuttable.**

#### **Section 4.**

Chapter 70 of the Town Code is hereby amended as follows:

§ 70-235 Penalties for offenses; additional fees for certain nonconforming structures.  
[Amended 11-19-1974 by L.L. No. 11-1974; 8-18-1987 by L.L. No. 13-1987; 5-25-1993 by L.L. No. 5-1993; 8-27-1996 by L.L. No. 21-1996; 12-16-1997 by L.L. No. 24-1997]

For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and



the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part in, allows or assists in any such violation or who maintains any part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a violation against this chapter and shall be punished as follows:

- A. For a violation of § 70-212 or 70-213, by a fine of not less than \$50 nor more than \$250 for conviction of a first offense; by a fine of not less than \$250 nor more than \$500 for conviction of the second of two offenses, both of which were committed within a period of five years; and by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a third or subsequent offense of a series of offenses, all of which were committed within a period of five years. Each week's continued violation shall constitute a separate and distinct violation.
- B. For a violation of §§ 70-3.2, 70-3.3, 70-5, 70-5.1, 70-14, 70-15, 70-24, 70-25, 70-34, 70-35, 70-44, 70-45, 70-47, 70-54, 70-55, 70-57, 70-66, 70-67 or 70-69, by a fine of not less than \$1,000 nor more than \$2,500 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; by a fine of not less than \$2,500 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two offenses, both of which were committed within a period of five years; and by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a third or subsequent offense of a series of offenses, of which were committed within a period of five years. Each week's continued violation shall constitute a separate and distinct violation.
- C. For a violation of § 70-229, by a fine of not less than \$250 nor more than \$1,500 or by imprisonment for a period not to exceed 15 days, or by both, for conviction of a first offense; by a fine of not less than \$1,500 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or by both, for conviction of the second of two offenses, both of which were committed within a period of five years; and by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment or a period not to exceed 15 days, or by both, for conviction of the third or subsequent offense of a series of offenses, all of which were committed within a period of five years. Each week's continued violation shall constitute a separate and distinct violation.
- D. For a violation of § 70-222 of this chapter or any rule or regulation made pursuant thereto shall be guilty of a misdemeanor punishable by a fine of up to \$1,000, or by imprisonment of up to one year, or by both fine and imprisonment as hereinbefore set forth in this Subsection D. Each week's continued violation shall constitute a separate and distinct violation of said section or any rule or regulation made pursuant thereto. [Added 5-15-2003 by L.L. No. 5-2003]

- E. For a violation of §§ 70-202.2 and 70-202.3 of this chapter or any rule or regulation made pursuant thereto shall be guilty of a misdemeanor punishable by a fine of up to \$1,000, or by imprisonment of up to one year, or by both fine and imprisonment as hereinbefore set forth in this Subsection E. Each week's continued violation shall constitute a separate and distinct violation of said section or any rule or regulation made pursuant thereto. [Added 4-12-2005 by L.L. No. 2-2005]
- F. For a violation of §§ 70-173, 70-186, 70-187, 70-188, by a fine of not less than \$2,500 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or by both, for conviction of a first offense; by a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for a period not to exceed 15 days, or by both, for conviction of the second of two offenses, both of which were committed within a period of five years; and by a fine of not less than \$20,000 nor more than \$30,000 or by imprisonment or a period not to exceed 15 days, or by both, for conviction of the third or subsequent offense of a series of offenses, all of which were committed within a period of five years. Each week's continued violation shall constitute a separate and distinct violation. [Added 9-24-2020 by L.L. No. 10-2020]
- G. For a violation of § 70-197 (P), by a fine of not less than \$250 nor more than \$1,500 or by imprisonment for a period not to exceed 15 days, or by both, for conviction of a first offense; by a fine of not less than \$1,500 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or by both, for conviction of the second of two offenses, both of which were committed within a period of five years; and by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment or a period not to exceed 15 days, or by both, for conviction of the third or subsequent offense of a series of offenses, all of which were committed within a period of five years. Each week's continued violation shall constitute a separate and distinct violation.**
- H. For a violation of § 70-236 of this chapter shall be guilty of an unclassified misdemeanor punishable as follows: by a fine of not less than \$500 nor more than \$2,500 or by imprisonment of not more than one year, or by both, for conviction of a first offense; by a fine of not less than \$2,500 nor more than \$10,000 or by imprisonment of not more than one year, or by both, for conviction of the second of two offenses, both of which were committed within a period of five years; and by a fine of not less than \$10,000 nor more than \$15,000 or by imprisonment of not more than one year, or by both, for conviction of the third or subsequent offense of a series of offenses, all of which were committed within a period of five years. Each week's continued violation shall constitute a separate and distinct violation.**
- I. Reserved.**
- J. Reserved.**

[G]K. For all other violations of this chapter, by a fine not exceeding \$1,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; by a fine of not less than \$1,000 nor more than \$2,500 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two offenses, both of which were committed within a period of five years; and by a fine of not less than \$2,500 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a third or subsequent offense of a series of offenses, all of which were committed within a period of five years. Each week's continued violation shall constitute a separate and distinct violation.

[H]L. Applications submitted prior to December 31, 2006. [Added 2-13-2008 by L.L. No. 3-2008; amended 3-8-2011 by L.L. No. 6-2011]

(1) All building permit applications submitted on or after January 1, 2000, through and including December 31, 2006, which have received approval or authorization by Building Department personnel, but are now deemed by the Building Department to be outside the scope of the Zoning Code, shall be hereby authorized for approval under the following circumstances and with the following conditions:

(a) Square footage, setback, sky plane and height.

[1] A structure not greater than 10% beyond the allowed square footage under the Zoning Code shall be deemed authorized on the condition that the applicant pay additional permit fees as set forth in the following schedule: \$170 per square foot, up to 6% beyond that allowed under the Zoning Code, plus an additional \$85 per square foot for each square foot greater than 6% and up to 10% of that allowed under the Zoning Code.

[2] Setback: A structure that is 10% or less beyond the allowed setback under the Zoning Code shall be deemed authorized on the condition that the applicant pay an additional permit fee of \$1,500 per inch beyond the setback authorized under the Zoning Code.

[3] Sky plane:

[a] A structure that is four feet or less beyond the allowed sky plane under the Zoning Code shall be deemed authorized on the condition that the applicant pay an additional permit fee of \$10,000 per foot beyond the sky plane authorized under the Zoning Code.

[b] A structure that is not greater than seven feet beyond the allowed sky plane under the Zoning Code and contains no height violation shall be deemed authorized on the condition that the applicant pay additional permit fees as set forth in the following schedule: \$10,000 per foot, up to six feet beyond the sky plane authorized under the Zoning Code, plus an additional \$5,000 per foot, or \$425 for each inch greater than six feet, but not exceeding seven feet beyond the sky plane authorized under the Zoning Code.

- [4] Height: A structure that is not greater than 24 inches beyond the allowed height under the Zoning Code shall be deemed authorized on the condition that the applicant pay additional permit fees as set forth in the following schedule: \$5,000 per inch, up to 12 inches beyond the height authorized under the Zoning Code, plus an additional \$2,500 per inch for each inch greater than 12 inches and up to 24 inches beyond the height authorized under the Zoning Code.
- (b) All measurement calculations are to be set by the Building Department and shall be rounded upward for purposes of permit fee costs.
  - (c) The Commissioner of the Building Department or his designee is hereby authorized to serve or cause to be served a written notification by regular mail and certified mail, return receipt requested, to the last known residential owner(s) of all known properties where building permit applications were submitted on or after January 1, 2000, through and including December 31, 2006, and which were issued certificates of occupancy by Building Department personnel, but are now deemed by the Building Department to violate the Zoning Code. Such written notification shall advise said owner(s) of the provisions of § 70-235H and shall advise of a date and time to be heard and afford an opportunity to reconcile the status of any nonconforming dwelling by satisfying the conditions and criteria required therein. Nothing stated herein shall preclude the owner of any premises that meets the foregoing description from submitting, without prior notification from the Town, an application to the Building Department pursuant to this article.
  - (d) The Building Commissioner shall have the authority, after notice and an opportunity to be heard, to revoke any certificates of occupancy erroneously issued in connection with building permit applications submitted on or after January 1, 2000, through and including December 31, 2006, for properties now deemed by the Building Department to violate the Zoning Code. The Building Commissioner shall provide written notification to the owner prior to said revocation. Contemporaneously upon revocation, the Building Commissioner shall issue a restricted/limited certificate of occupancy that is annotated in such a manner as to provide any prospective purchaser with sufficient notice of the nonconforming zoning issues related to the subject property.
- (2) Property owners with building permit applications submitted prior to January 1, 2000, and subsequent to December 31, 2006, but are otherwise in conformance with the above-mentioned criteria, may apply to the Town Board to receive certification approval by requesting that the matter be heard by resolution before the Town Board. Such requests must be in writing and submitted to the Town's Building Commissioner. Matters that are presented to the Town Board pursuant to a resolution are subject to any conditions and/or additional fees set by the Town Board.

## **Section 5.**

Chapter 70 of the Town Code is hereby amended as follows:

§ 70-236 Destruction of [~~advertising~~] devices **within a Public Highway.**

[~~Any~~] **No person, corporation, association or other entity shall** [~~who~~] willfully or maliciously displace[s], remove[s], destroy[s] or injure[s] a mileboard, milestone, danger sign or signal or guide sign, guidepost or street sign, **or any other sign,** or any inscription thereon, lawfully within the limits of any public highway, or [~~who~~] in any manner paint[s], print[s], place[s], put[s] or affix[~~es such~~] **or cause to be painted, printed, placed or affixed** any **business, commercial or other** advertisement **or sign** upon or to any rock, stone, tree, fence, stump, pole, mileboard, milestone, danger sign, danger signal, guide sign, guidepost, street sign, **or any other sign,** building, **structure** or other object lawfully within the limits of any public highway [~~is guilty of a misdemeanor~~]. **Any person, corporation, association or other entity who willfully or maliciously violates the provisions of this section shall be guilty of a misdemeanor and be punishable in accordance with the penalties set forth in § 70-235(H).**

#### **Section 6.**

This Local Law shall take effect immediately upon filing with the Secretary of State.