

TOWN OF DRYDEN

LOCAL LAW NO. 5 FOR THE YEAR 2023

A LOCAL LAW AMENDING CHAPTER 270 OF THE TOWN CODE REGARDING BILLBOARDS

Section 1. Legislative Intent.

It is the intent of this zoning local law to amend Chapter 270 of the Code of the Town of Dryden, thereby providing authority for the establishment of Billboard Overlay Districts within the Town of Dryden, and otherwise amending Chapter 270 regarding billboards.

Section 2. Purpose.

The Town recognizes that billboards are, by their nature, different in scope and purpose from other types of signage in the Town. Among other matters, billboards advertise or communicate goods, services or messages not conducted, sold, or generated on the lot where the billboard is located. Billboards are significantly larger in size than other types of signage allowed in the Town and their principal purpose is to dramatically attract the attention of the travelling public. The potential impact of a billboard on adjacent areas is significantly greater than other types of signage. Recently, more businesses desire to utilize advancements in technology which permit signs (including billboards) to change copy electronically (e.g., utilizing an LED or digital type of sign). These newer technologies exacerbate the potential impact of a billboard in terms of adversely dominating the environment in which they operate due to light spillover and light pollution, unless regulated in a reasonable fashion. The intent of this local law is to establish size, location and operating standards and regulations for billboards, including addressing those utilizing these newer technologies, in order to minimize the secondary effects that can accompany the unregulated display of these types of signs, preserve the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protect property values in all areas of the Town, and reduce traffic and similar hazards caused by undue distractions.

Section 3. Authority.

This Local Law is adopted pursuant to Municipal Home Rule Law §10(1)(ii)(a) and Town Law §265.

Section 4. Amendments to Chapter 270 of the Town Code.

A. Article III, Section 270-3.2 of the Town of Dryden Code entitled “Definitions” is hereby amended by inserting in alphabetical order the following definition:

§ 270-3.2 Definitions.

SIGN, ELECTRONIC BILLBOARD

Electronic Billboard means a Billboard that incorporates or displays digital or electronic images or messages with the capability to change such images or messages by any method other than manually removing and replacing the billboard or its components.

B. Article IV, Section 270-4.1 of the Town Code entitled “Districts” is hereby amended by relisting the existing subparagraphs “A” through “L” as subparagraphs “B” through “M” and inserting a new subparagraph “A” as follows:

A. Billboard Overlay District. The purpose of the Billboard Overlay (BO) District is to define a location where Billboards may be appropriate, and to define specific requirements for the review and approval of Billboards. By establishing a Billboard Overlay District, the Town intends to encourage the responsible development and location of Billboards, thereby reducing the potential harmful impacts from Billboards. Areas suitable to the Billboard Overlay District are those of an industrial and commercial character, without nearby residential development.

C. Article VIII, entitled “Overlay Districts” is hereby amended by adding a new Section 270-8.3 as follows:

§ 270-8.3 Billboard Overlay (BO) District.

- A. Purpose and applicability. The purpose of this district is to define a location where Billboards may be appropriate, and specific requirements for the review and approval of Billboards.
- B. Establishment of the district. The BO District is an overlay zone, and is not defined as of the date of the adoption of the Town of Dryden Zoning Map. When the Zoning Law is amended to create the BO District, the Zoning Map will delineate the boundaries of the BO District.
- C. Bulk Requirements, Permitted Principal and Accessory Uses, Site Plan, and Special Permit Requirements for uses other than Billboards. Any property designated as a BO District is subject to the district regulations of the underlying district upon which it is imposed as well as the district regulations set forth herein. In the case of any conflict between the district regulations applicable in an existing district upon which the BO District is imposed and the district regulations set forth herein, these regulations shall be controlling.
- D. Special Permit Required. Prior to the construction or placement of a Billboard, it shall receive special permit approval. In considering applications for special permit approval, in addition to the other requirements of this chapter, the Town Board shall take into consideration the size, type of construction, design, location, its effect on surrounding property, safety of vehicular traffic and maintenance provisions, including a provision for removal of the Billboard, if abandoned.
- E. Location and Spacing. All Billboards erected pursuant to this section shall comply with the following location and spacing requirements:

- i. The minimum distance from other existing Billboards, including those located outside the boundaries of the Town, shall be 0.5 miles, except that the minimum distance for Electronic Billboards from other existing Billboards (including other Electronic Billboards), shall be 1 mile.
- ii. The minimum distance from any and all single- or multiple family dwelling(s), including those located outside the boundaries of the Town, shall be 500 feet. Under all circumstances, light shall be shielded from such properties.
- iii. Billboards shall not be located on top of, cantilevered over or otherwise suspended above any building or structure.
- iv. Billboards shall not be located closer than five feet from any state, county or town right-of-way, or thirty feet from the street, highway, or road lane of travel, whichever is greater.
- v. Billboards shall not be located closer than 500 feet from a street, highway or road intersection.
- vi. Billboards shall, in addition to the foregoing requirements, be located in areas with minimum other distractions.

F. Illumination.

- (1) All Billboards with standard illumination shall be equipped with a timer so as to only illuminate such Billboard for the time period between one half-hour prior to sunset and one half-hour after sunrise.
- (2) All Electronic Billboards shall be equipped with a mechanism to automatically adjust the brightness in response to ambient conditions and to produce a distinct reduction in the level of illumination for the time period between 1/2 hour prior to sunset and 1/2 hour after sunrise. Electronic Billboards shall also be equipped with a means to immediately turn off the display or lighting if they malfunction, and the owner thereof shall immediately turn off the electronic messages or lighting when notified by the Town that it is not in compliance with this law.
- (3) The maximum brightness levels of all Billboards shall not exceed brightness of ~~4,200~~5,000 candelas per square meter during the daytime, and ~~280~~150 candelas per square meter during the nighttime.

G. Height. The height of the Billboard shall not exceed 20 feet in height, including support, measured from the elevation base of the sign. In addition, the Billboard's height shall not exceed 30 feet above the highest level of the nearest roadway upon which the Billboard faces or to which the message upon the Billboard is directed. In the event that a Billboard is situated upon or facing two roadways having different levels, the height of the Billboard shall be measured from the higher roadway.

H. Size; surface area.

- (1) The surface display area of any side of a Billboard shall not exceed 300 square feet.
- (2) The surface display area of a ~~billboard~~Billboard shall be measured to include the entire area within a regular geometric form or combinations thereof comprising all of the display area of the billboard, including all of the elements of the matter displayed. Frames and structural members, excluding necessary supports or

uprights, shall be included in computation of surface display area. In the case of a sphere, spheroid, or similarly shaped billboard (e.g., a ball), the total surface display area shall be divided by two for determining the maximum surface display area permitted.

- (3) Tandem or stacked Billboards are prohibited.
- (4) Vee-style and double-sided Billboards are permitted.

I. Construction and maintenance.

- (1) All Billboards shall be constructed in such a fashion that they will withstand all wind and vibration forces that can normally be expected to occur in the vicinity and in compliance with all applicable codes.
- (2) All Billboards shall be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.
- (3) All Billboards must be otherwise kept in good repair, be clean, neatly painted or placarded, and free from all hazards, including but not limited to faulty wiring, loose fastenings, or damaged supports. The Billboard shall not be dangerous to the public health or safety. If the Code Enforcement Officer shall find that any such Billboard violates any of these provisions, he or she shall give written notice of such violation to the owner of the land, and the Billboard shall be removed or the deficiencies corrected within a period set in such notice but not less than 30 days from such notice.
- (4) In the event that the owner of the Billboard or the owner of the land on which it is situate shall fail or refuse to repair or remove such Billboard within any required period, the Code Enforcement Officer may remove or repair such Billboard. All costs and expenses incurred in the removal or repair of such Billboard shall be collected from the owner of the land or the owner of the Billboard in an action at law, or such costs and expenses may be assessed against the owner of the land upon which the Billboard is situate and shall be collected as part of the Town tax next due. No such amount shall be so assessed and collected unless a notice in writing of the amount due has been sent to the owner of the land on which the Billboard is erected prior to the first day of September of the next year in which the amount is to be assessed and collected along with the Town tax.

J. Electronic images and messages.

(1) Format.

- i. Electronic ~~billboards~~Billboards shall contain only a single, contiguous electronic message on each Billboard face, or a single, contiguous electronic message on one Billboard face and a non-digital/non-electronic image or message on the other Billboard face.
- ii. Images and messages displayed on Electronic Billboards shall be static or still images. Animation, video streaming, moving images, or other pictures and graphics displayed in a progression of frames that give the illusion of motion or moving objects is prohibited.
- iii. Sequential messaging as part of an electronic message is prohibited. The images and messages displayed on all Electronic Billboards shall be

complete within themselves without continuation in content to the next image or message or to any other Billboard.

- (2) Size. Every line of copy and graphics in an electronic message shall be at least 12 inches in height, except that any copy or graphic required by law (e.g., political, alcohol, health advertisements) may be ~~be~~ at least 5 inches in height. If there is insufficient room for copy and graphics of this size within the actual copy and graphic area of a billboard, then no electronic message shall be permitted.

- (3) Duration.

i. The display or message on a digital billboard may change no more frequently than once every eight seconds.

ii. The transition from one static image or message to another shall be instantaneous, without delay or special effects.

- (4) Emergency and public messages. Digital billboards shall be made available to the Town, county, and state emergency services in case of emergency or for such matters as Amber Alerts.

- (5) Safety and security technology. Electronic Billboards shall be designed and equipped to freeze the device in one position if a malfunction occurs. Electronic Billboards must also be equipped with a means to immediately discontinue their display if they malfunction or are accessed by persons not authorized to do so, and the owner thereof must immediately stop the electronic message or image when notified by the Town that it is not complying with the standards of this law. Prior to issuing any necessary permits for an Electronic Billboard, the applicant shall submit to the Town a data security plan to prevent unwanted content from being displayed, and written verification from the manufacturer that the Electronic Billboard is so designed and equipped.

K. Other applicable laws. All Billboards must comply with all applicable provisions of federal and state law, and all other relevant regulations and ordinances of the Town.

D. Section 270-9.4(C)(7)(a) through (e) of the Town of Dryden Code, including all subparagraphs thereof, is hereby amended by replacing said subparagraph with the following:

(7) Billboards. Billboards are allowed only in the Billboard Overlay District.

Section 5. Remainder

Except as hereinabove amended, the remainder of the Code of the Town of Dryden shall remain in full force and effect.

Section 6. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the

legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.