

**LOCAL LAW #4 OF 2018
A LOCAL AMENDING
CHAPTER 185 ENTITLED “ZONING”
OF THE CODE OF THE TOWN OF NEWBURGH:
ELECTRONIC AND ILLUMINATED SIGNS**

BE IT ENACTED by the Town Board of the Town of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Amending Chapter 185 entitled ‘Zoning’ of the Code of the Town of Newburgh: Electronic and Illuminated Signs.”

SECTION 2 - INTENT

The intent of this local law is to implement a change in the Town of Newburgh Zoning Code to address changes in the technology of sign illumination and certain design guidelines and to fulfill the objectives of Section 185-14 of the Municipal Code.

SECTION 3 - AMENDMENT TO CHAPTER 185.

Subsection 185-14P entitled “Electronic and illuminated signs” is hereby added to Section 185-14 entitled “Sign regulations ”to read as follows:

“P. Electronic and illuminated signs

1. Definitions: As used in this Section, the following terms shall have the following meanings:

ANIMATED SIGN — Any sign that uses movement or change of lighting or color to depict action or give the sense of motion, including animated graphics and video. “Electronic Message Displays” and “Time, Temperature or Price signs” are not Animated Signs for purposes of this Chapter. Animated signs are not permitted in any zoning district.

ELECTRONIC MESSAGE DISPLAY – a sign or portion of a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. A sign on which the message changes more than one time per one half hour shall be considered an animated sign and not an Electronic Message Display for purposes of this chapter. A “Time, Temperature or Price Sign” shall not be considered an Electronic Message Display for purposes of this Chapter

ELECTRONIC SIGN - any sign, video display, projected image, or similar device or portions thereof with text, images, or graphics generated by solid state electronic components. Electronic signs include, but are not limited to, signs that use light emitting diodes (LED), liquid crystal displays (LCD), plasma displays, fiber optics, or other technology that results in bright, high-resolution text, images, and graphics.

DISSOLVE – a mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

FADE – a mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

FLASHING - a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign. Flashing is not permitted in any zoning district.

FRAME – a complete, static display screen on an Electronic Message Display.

FRAME EFFECT – a visual effect on an Electronic Message Display applied to a single frame to attract the attention of viewers.

ILLUMINATED SIGN — Any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent light.

NITS - a unit of measure of brightness or luminance. One nit is equal to one candela per square meter.

SCROLL – a mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.

TIME, TEMPERATURE OR PRICE SIGN – A sign on which the only copy that changes is an electronic or mechanical indication of the following functional information: time, temperature and/or price. A "Time, Temperature or Price Sign" shall not be considered as having an Electronic Message Display or as an Animated Sign for purposes of this chapter.

TRANSITION – a visual effect used on an Electronic Message Display to change from one message to another.

TRANSITION DURATION – The time interval it takes the display to change from one complete static message to another complete static message.

TRAVEL – a mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

2. Electronic Message Display standards and requirements.

Electronic Message Displays may be permitted with the approval of a special use permit from the Planning Board in the B, IB and I zoning districts and on properties fronting on NYS highways in the RR, AR, R-1, R-2 and R-3 zoning districts, subject to the following standards and requirements:

- a. Operational Limitations. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.
- b. Minimum Display Time. Each message on the sign must be displayed for a minimum of one half hour.
- c. Message Change Sequence. The change of messages transition duration must be accomplished within 4 seconds.
- d. Number of Electronic Message Displays per site. Only 1 Electronic Message Display is permitted per site for each street frontage on which the site fronts and the sign is visible from a public right of way.
- e. No special effects. No special visual effects of any kind such as moving toward or away from the viewer, expanding or contracting, bouncing,

rotating, spinning, twisting, or otherwise portraying movement or animation as the message is displayed on the screen or to accompany the transition between any successive messages are permitted.

f. Electronic Message Display area. The Electronic Message Display shall not exceed 50% percent of the total sign area permitted on the site.

g. Types of signs on which permitted. An Electronic Message Display may be utilized on any permitted freestanding or monument sign provided that the sign is at least 200 linear feet in any direction from any other sign that uses electronic display in the B, IB and I Zoning Districts and 300 linear feet in the RR, AR, R-1, R-2 and R-3 Zoning Districts, and is 90 degrees perpendicular to the flow of traffic.

h. Manufacturer's manual to be provided. Permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for light levels, scrolling or traveling speed and other display operations.

i. Electronic Message Display required to go dark. Permitted Electronic Message Displays shall be equipped to go dark in the event of a malfunction.

3. Standards applicable to all electronic signs and illuminated signs.

a. Permitted Zoning Districts. Electronic signs are permitted in the B, IB and I Zoning Districts, and in the RR, AR, R-1, R-2 and R-3 Zoning Districts only on properties having frontage on New York State Highways and provided that the sign is oriented towards the fronting State Highway.

b. Electronic Signs which do not have Electronic Message Displays shall utilize lights, including but not limited to LED's and LCD's, which are stationary and constant in intensity and color.

c. Automatic dimming. Electronic signs shall be equipped with an automatic dimming photocell which adjusts the display's brightness based on ambient light conditions.

d. Adjacent and nearby residentially zoned property. Electronic sign faces shall be oriented away from areas zoned for residential use. Electronic signs located on a lot adjacent to any residentially-zoned lot and within 100 linear feet of the lot boundary shall be turned off between the hours of 11:00 p.m. and 6:00 a.m. Electronic signs shall be located at least 200 linear feet from any residence on a residentially zoned lot.

e. Brightness.

Brightness levels of Electronic signs cannot exceed the following foot candles (fc) by zone: measured within 100 feet of the sign.

Zoning district	Foot candles
B, RR, AR, R-2, R-2 and R-3	0.3
IB and I	0.5
	0.8

Source: Illuminating Engineering Society (IES)

No electronic sign shall be illuminated to a degree of brightness greater than necessary for adequate visibility or a maximum of 300 nits between sunrise and sunset, 5,000 nits during daylight hours, or the minimum standards set by the Federal Highway Administration, whichever is more restrictive.

Certification must be provided to the Town demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. In the event of receipt of a complaint, the Code Compliance Department may require re-inspection and recalibration in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.

"f. Non-electronic illuminated signs. The illumination provided shall be diffused or indirect and arranged so as not to directly illuminate neighboring properties in residential districts and any public street. Front lighting of carved wood and raised letter signs is permitted so long as the lighting does not illuminate neighboring properties or the public street. See Section 185-14H(12) for design criteria for illumination."

SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be

confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Sign illustrations:

Example of time, temperature and price sign



Source: *Buttington Signs*

Programmable Electric Sign



Source: *City of San Jose*

Electronic Message Display Sign



Source: J. Ewens Design