DRAFT LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO DELETE CHAPTER 183 AND AMEND CHAPTER 223 SECTIONS 15 AND 63 OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to deleted Chapter 183 entitled "Signs" and to amend Chapter 223 Sections 15 and 63 of Code of the City of Beacon, concerning sign regulations in the City of Beacon.

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BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 183 of the Code of the City of Beacon entitled "Signs" is hereby deleted in its entirety.

Section 2. Chapter 223, Section 63 of the Code of the City of Beacon entitled "Definitions" is hereby amended to add the following definitions:

SIGN

Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out of doors, or on the exterior of any building, including window signs located within 18 inches of the window surface and intended to be viewed from the exterior of the building, displaying an advertisement, announcement notice or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, fluttering devices or projecting signs, and shall include any declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public. A sign for the purposes of this section does not include works of art, including murals or other works of art, approved by the Planning Board.

~~Any structure or part thereof, or any device attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, light, device, trademark or other representation used as an announcement, designation, direction, display or advertisement of any person, firm, group, organization, commodity, service, profession or enterprise when placed in such~~

~~manner that it provides visual communication to the general public out of doors, but not including the following:~~

~~A. Signs maintained or required to be maintained by law or governmental order.~~

~~B. The flag or insignia of any government or governmental agency.~~

~~C. The flag of any civic, political, charitable, religious, fraternal or similar organization, which is hung on a flagpole or mast.~~

~~D. Religious or other seasonal holiday decorations which do not contain commercial lettering, wording, designs, symbols or other devices.~~

SIGN AREA

Where a sign consists of a single board or face with information on one or both sides, the area which results by including the outside dimensions of such sign, not including the vertical, horizontal or diagonal supports which may affix the sign to the ground or to a structure or building unless such supports are evidently designed to be part of the sign as defined herein. Where a sign consists of several individual faces, the area shall be the total of the area of all such faces which can be observed from any one point. Where the sign consists of individual letters or symbols attached to or painted on any building, window, or part thereof, the area shall be considered to be that of the smallest basic geometric shape (rectangle, triangle or circle) which encompasses all of the letters, symbols and/or any background of a different color than the color of the building.

SIGN, AWNING

Any visual message incorporated in an awning attached to a building. This sign type does not include canopies over gas pumps.

SIGN, BANNER

Any sign constructed of fabric or other flexible material. Flags are note considered banner signs.

SIGN, BILLBOARD

Any sign, other than an exempt sign, which advertises or otherwise directs attention to a business, commodity, service, industry or other activity which is not, or is only incidentally, sold, offered or conducted at the real property at which such sign is located.

SIGN, FREESTANDING

Any sign independent of any building but permanently affixed, by any other means, to the ground.

SIGN, LAWN

Temporary freestanding signs placed or inserted on the ground.

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SIGN, PROJECTING
Any sign which is attached perpendicular to a building or other structure and extends 12 inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

SIGN, ROOF
A sign erected on a roof or extending in height above the cornice or projecting eave of the roofline of the building on which the sign is erected.

SIGN, SANDWICH BOARD
A two-sided hinged sign, portable in nature and capable of standing without support or attachment. The area of a sandwich board sign shall be the total area of one face of the sandwich board sign.

SIGN, TEMPORARY
A banner, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the Building Inspector, or his or her designee, to be displayed for a limited period of time of no more than six months in a twelve month period.

SIGN, WALL
Any painted sign or poster or any surface or place that may be affixed to the front, side or rear walls of any building.

SIGN, WINDOW
A type of sign applied onto or attached to the inside or outside of a window or a transparent door or within 18 inches of the window or transparent door surface.

Section 3. Chapter 223, Section 15 of the Code of the City of Beacon entitled "Signs" is hereby amended as follows:

§ 223-15 Signs.

A. Purpose. The purpose of this section is to promote and protect the public health, safety and welfare by regulating signs of all types within the City of Beacon. This section is intended to protect property values, create a more attractive economic and business climate, ensure pedestrian and vehicular safety, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of the City.

B. Objectives. These regulations also serve to achieve the following objectives:

(1) Ensure right to free speech as protected under the Constitution;

(2) Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;

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(3) Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;

(4) Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;

(5) Minimize the adverse effect of signs on nearby public and private property;

(6) Avoid personal injury and property damage from unsafe or confusing signs; and

(7) Establish a clear and impartial process for those seeking to install signs.

C. Conformity required. No sign or billboard shall be erected, constructed, displayed, maintained, moved, reconstructed, extended, enlarged or altered, except in conformity with and expressly authorized by the provisions of this chapter.

D. Permit required.

(1) Unless specifically exempted from obtaining a permit under the provisions of this section, no person shall erect, construct, replace, relocate or structurally alter any sign within the City without first obtaining a sign permit from the Building Inspector and paying the required fee to the City Clerk. The repainting, repairing, changing of parts or sign facing, and maintenance of signs shall not require the issuance of a sign permit provided such maintenance, change or alteration does not in any way alter the size, illumination or location of the sign on the property.

(2) Submission of a permit application shall be on a form issued by the Building Department and the application fee shall be set forth in the City of Beacon Fee Schedule. The application shall include plans and/or specification of the sign, including the dimensions, materials and details of construction of the proposed sign.

(3) If a sign is not erected within six months following the issuance of a sign permit for said sign, the sign permit will automatically become void.

~~A. Relationship to a permitted use. All signs must pertain to a use conducted on the same property on which they are located.~~

~~B. Signs in residence districts. In residence districts, the following signs are hereby authorized:~~

~~(1) One identification sign stating the name and address of the resident or property or the number of the lot, not exceeding one square foot in area.~~

~~(2) One identification sign announcing any profession or occupation permitted~~

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~~as an accessory use on the lot, not exceeding one square foot of area.~~

~~(3) For other permitted uses, one sign at each street frontage where the use has an access drive, provided that the total area of such sign does not exceed 50 square feet.~~

~~(4) Temporary signs in accordance with Subsection **F** below.~~

~~(5)~~(1) ~~Interior signs displayed through windows shall not require a permit under this section, and said signs shall not count toward maximum number of signs affixed to a building per establishment. However, interior window signs affixed to or placed so as to be visible through a window shall be limited to the windows of the structure within which the permitted use is situated, facing the principal street giving access to such structure. The total amount of signage shall not exceed 30% of the total glass area. All signs shall be maintained in a legible, neat and orderly fashion.~~

E. Prohibited Signs.

(1) Signs that contain words or pictures of an obscene or pornographic nature.

(2) Signs that emit audible sounds, odor or visible matter.

(3) Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or over any public street, public property or within any public right-of-way, unless otherwise permitted. The City reserves the right to remove any sign placed on public property without notice.

(4) Portable signs, including signs that are mounted on wheels or mounted on any structure on wheels, but not including permitted sandwich board signs.

(5) Signs with mirrors or any other reflective material.

(6) Roof signs.

(7) Billboards.

(8) Signs that are mechanically, digitally or electronically animated.

(9) Inflated signs, wind-animated banners, tethered balloons, and projected images.

F. Signs exempt from permit requirements. The following signs are exempt from the permit requirements of this section. Unless otherwise limited below, such exempt sign shall not exceed four feet in height and shall not exceed six square feet in sign area per sign. Each exempt sign must comply with all other provisions of this section.

(1) Any official sign, public notice, or warning sign prescribed by federal, state or

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local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. The sign must comply with the size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.

(2) Identification signs stating the name and address of the resident or property or the number of the lot, not exceeding two square feet in area.

(3) One nonilluminated secondary window signs communicating accessory information such as hours of operation, "in" or "out" signs, and totaling no more than one square foot in size.

(4) Temporary nonilluminated window signs in non-residential uses. The total amount of signage shall not exceed 20% of the total window surface area. Temporary window signs shall include signs that identify special events and sales.

(5) Nonilluminated signs used for the purpose of selling, renting or leasing land or buildings, and displayed only on the premises for sale or lease. No such signs shall exceed four feet in height or six square feet in area, shall be limited to one per premises, and shall be removed immediately upon sale, rental or lease of the premises. The top of the sign shall be no more than six feet off the ground. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.

(6) One nonilluminated construction sign not exceeding six square feet in area identifying the parties involved in the design, financing and/or provision of labor and materials associated with the labor on the premises where the sign is located, but not including the advertisement of any product. Such sign shall be removed prior to the issuance of a certificate of occupancy authorizing the initiation of intended use of the premises. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.

(7) Flags of any nation or state, and seasonal flags shall not require a sign permit. Flags shall not exceed 20 square feet.

(8) Historical markers, monuments or signs as approved by local, state or federal authorities.

(9) One nameplate or sign not exceeding two square feet for home occupation and home professional offices uses.

(10) Lawn signs on any lot without a permit provided that the sign does not exceed three feet in height and three square feet in area. The aggregate area of all lawn signs on any lot shall not exceed 16 square feet. The top of the lawn sign shall be no more than five feet off the ground. The lawn sign shall be placed at least

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five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow. Such signs are to be nonilluminated and shall be displayed for a limited period of time of no more than six months in a twelve month period. Law signs must be removed within seven calendar days after the event for which they are displayed.

(11) Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is not legible beyond the property lines.

~~C.~~G. Sign regulations in ~~residence~~ all districts.

(1) ~~Animation. No sign shall be mechanically animated, such as moving, rotating or revolving~~.

(2) Setback. All signs shall be located within the setback lines of the lot or on the building, unless otherwise permitted.

(3) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

(4) Illumination. Permitted signs may be internally or externally illuminated, unless otherwise prohibited, ~~except by means of a neon-type electric material,~~ provided that such illumination shall not be twinkling, flashing, intermittent, or of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights-of-way ~~and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located~~. Notwithstanding the above, neon, ~~LCD~~ fluorescent and LED signs shall not be permitted for any residential use, but may be permitted in nonresidential districts, unless otherwise prohibited. All illuminiation shall be focused downward from above, shall create no direct glare and shall light only the sign area.

(5) Placement. No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.

(6) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act.

H. Signs for residential uses.

(1) No sign for a residential use, including exempt signs under § 223-15G, shall be placed above the first floor.

(2) The aggregate sign area of all signs with permits on any lot shall not exceed 16 square feet.

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(3) A subdivision, apartment or multi-family housing development consisting of more than 15 dwelling units may display freestanding identification sign at each street entrance to the development, designating only the name of the development, the address and name of the owner and the names of any buildings located therein, provided that the maximum sign area of said sign shall not exceed 24 square feet and shall not be more than six feet in height. The top of the sign shall be no more than eight feet off the ground. Such sign shall maintain at least a five foot setback from all property lines.

~~D.~~I. Signs ~~in~~ for ~~nonresidence districts~~nonresidential uses. ~~In nonresidence districts, t~~The following signs are hereby permitted for nonresidential uses: ~~authorized:~~

(1) Not more than one sign affixed to the outer wall of the structure within which the permitted use is situated, which outer wall faces the principal street giving access to such structure, provided that:

(a) The aggregate area of each ~~such~~ sign shall not exceed one square foot for each linear foot of building facing the street.

~~(a)~~(b) The aggregate area of all signs with permits on any lot shall not exceed two square feet for each linear foot of a building facing the street.

~~(b)~~(c) ~~No such sign shall exceed two feet in height, except that a~~A ~~vertical~~ projecting wall sign shall not exceed eight feet in height or ten square feet. ~~A vertical projecting wall sign is defined as any sign which is attached to the building wall or structure which is perpendicular to the face of such wall or structure.~~

~~(c)~~(d) No sign shall project above the eaves of the building on which it is affixed or, if no eaves exist thereon, the roof, nor shall any wall sign extend more than six inches from the building ~~into any required yard~~.

~~(d) No sign shall face an abutting residential zoning district if located within 50 feet of such district.~~

(e) ~~Vertical p~~Projecting wall signs shall not have more than two faces.

(f) The exterior edge of a ~~vertical~~ projecting wall sign shall not extend more than ~~five~~ six feet from the outer wall of the structure ~~or 1/3 the width of the sidewalk, whichever is less~~.

(g) No part of a ~~vertical~~ projecting wall sign shall extend into vehicular traffic areas, and any part over pedestrian areas shall have a minimum clearance of seven feet, six inches.

(2) Not more than one freestanding sign facing each street on which the lot abuts,

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provided that:

(a) The building is set back ~~not less than~~at least 50 feet from the street line, in which case the sign shall not exceed 20 square feet in area.

(b) The building is set back ~~not less than~~at least 100 feet from the street line, in which case the sign shall not exceed 35 square feet in area.

(c) ~~No dimension shall exceed 12 feet.~~ The top of the sign shall be no higher than 16 feet off the ground.

(3) Permanent window signs. The total amount of signage shall not exceed 20% of the total window surface area and shall not exceed four feet in height and 16 square feet in area.

(4) Awning signs. One sign for each premise shall be allowed. The area of such sign shall not exceed 20% of the area of the awning.

(5) Sandwich board signs. A single sandwich board sign shall be permitted on any lot provided that such sign does not exceed three feet in height and six feet in area. All sandwich board signs shall be brought in each day at the close of business. Signs shall not be placed in such a way as to obstruct property sight distance or otherwise interfere with pedestrian or traffic flow. A pedestrian clearway of at least six feet shall be maintained in a pedestrian walkway, a pedestrian clearway of at least eight feet shall be maintained whenever possible.

~~(3)~~(6) ~~One identification sign, not exceeding 10 square feet in area, to the outer wall of the structure facing upon a street or parking lot not faced by a sign as permitted in Subsection **E(1)** above.~~

~~(4)~~(7) ~~In addition to other permitted signs, necessary small directional signs are permitted on access roads and parking areas, provided that the area of each sign shall not exceed two square feet~~.

~~(5)~~(8) ~~Interior signs displayed through windows shall not require a permit under this section, and said signs shall not count toward maximum number of signs affixed to a building per establishment. However, interior window signs affixed to or placed so as to be visible through a window shall be limited to the windows of the structure within which the permitted use is situated, facing the principal street giving access to such structure. The total amount of signage shall not exceed 30% of the total glass area. All signs shall be maintained in a legible, neat and orderly fashion.~~

~~(6) Temporary signs in accordance with Subsection **F** below.~~

~~E.~~J. Signs in the Historic District and Landmark Overlay Zone. All signs in the Historic District and Landmark Overlay Zone shall be approved by the Planning

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Board pursuant to § 134-6.

~~F.~~K. Temporary signs.

(1) All signs of a temporary nature must receive permits before being displayed, except those specified in 123-15G.

(2) Requirements. Any proposed temporary sign shall conform to the following:

(a) Such sign shall not exceed four feet in height and 32 square feet in area for any non-residential use. The top of the temporary sign shall be no more than 16 feet off the ground.

(b) Such sign shall not exceed four feet in height and 32 square feet in area for any residential use. The top of the temporary sign shall be no more than six feet off the ground.

(c) Such sign shall not be displayed for more than six months in a twelve month period.

(d) Such sign shall not be illuminated.

(e) Such sign shall maintain at least a five foot setback from all property lines.

(f) Such sign shall be placed in such a way as to not obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.

(3) Banners shall be permitted as temporary signs and shall be subject to the provisions set forth above.

~~(i.) A temporary sign is a nonilluminated sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, such as signs displayed during campaigns, drives or events of civic, political, philanthropic, educational or religious institutions. If such sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as "temporary." Unless otherwise provided in this section, signs shall not be considered temporary if they are effectively displayed on an ongoing basis, interrupted by short intervals when they are not displayed. Temporary signs shall not require a permit under this section, unless located in the public right-of-way or on public property.~~

~~(2) Temporary signs must be removed by the individual or organization which posted, or caused to be posted, such temporary signs within seven calendar~~

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days after the event for which they are displayed, unless otherwise provided in this section.

(3) No temporary sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.

(4) The following temporary signs shall be permitted in all districts, unless otherwise provided in this section:

(a) Not more than one temporary sign for each street frontage of the lot, identifying the architect, engineer and/or contractor, and not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts, shall be permitted during the course of construction only.

(b) One "for sale" or one "to let" sign not exceeding six square feet in area for a single lot, or 50 square feet in area for a real estate subdivision, and set back at least 15 feet along the frontage of the street upon which the property is located. A "sold" sign shall not be displayed for more than 30 calendar days.

(c) Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival or similar event is taking place on the lot where the sign is located, not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts, and limited to one sign for each street frontage of the lot. The sign shall not be posted sooner than two weeks prior to the special event and shall be removed by the individual or organization which posted, or caused to be posted, such sign within three calendar days following the special event.

(d) Sidewalk signs with no more than two faces, including but not limited to sandwich boards, in nonresidence districts, or in any other district provided the sign is located on Route 52 (Fishkill Avenue and Teller Avenue) or Route 9D (North Avenue and Wolcott Avenue), not exceeding one sign per business and not exceeding two feet in width and three feet in height. Sidewalk signs may be displayed on an ongoing basis, but shall not be displayed between the hours of 11:00 p.m. and 6:00 a.m., shall not include banners, and shall not be tethered. Sidewalk signs shall be located in the front of the business for which the sign is displayed, unless the business is located on a corner lot in which case the sign may be located to the side of the business, or unless the business maintains a rear entrance in which case the sign may be located to the rear of the business.

(e) Signs for tag, garage or yard sales, not exceeding six square feet.

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(f) Signs conveying a nonpolitical, noncommercial message, not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts and limited to one sign for each street frontage of the lot.

(g)(a) Political posters, banners, promotional devices and similar political signs.

G. Sign regulations in nonresidence districts.

(1) Illumination. Permitted signs may be internally or externally illuminated, provided that such illumination shall not be twinkling, flashing, intermittent, of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights-of-way and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located. Notwithstanding the above, neon, LCD and LED signs may be permitted.

(2) Placement. No sign shall be located so as to obscure any signs displayed by public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.

(3) Setback. Unless otherwise specified, all signs shall be located within the setback lines of the lot or on the building.

(4) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

(5)(1) Animation. No sign shall be mechanically animated, such as moving, rotating or revolving.

H. Temporary signs in the public right-of-way and on public property.

(1) Permit required. In all districts, no temporary signs shall be erected in the public right-of-way or on public property without a permit, unless specifically exempted below.

(2) Exceptions. The following signs shall not be subject to the issuance of a permit:

(a) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

(b) Temporary emergency warning signs erected by a governmental body, public utility company or contractor doing authorized or permitted work within the public right-of-way, provided that such signs shall be located outside of the public vehicular and pedestrian travel ways and

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~~shall be placed so as not to create any nuisance or threat to public safety.~~

~~(c) Bus stops erected by a public transit company.~~

~~(d) Informational signs of a public utility regarding its poles, lines, pipes or facilities.~~

~~(3) Permit standards. The Building Inspector or his duly authorized designee shall issue a permit within a reasonable period of time following receipt of a complete permit application for the placement of a temporary sign in the right-of-way or on public property, provided the following conditions are satisfied:~~

~~(a) Submission of a permit application on a form issued by the Building Department and payment of the application fee as set forth in the City of Beacon Fee Schedule.~~

~~(b) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act, as may be amended from time to time.~~

~~(c) All signs must comply with the provisions of Subsection **F**, above.~~

~~(d) No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow or means of egress.~~

~~(e) The necessity of surety bonds and/or insurance shall be determined by the Building Inspector or his duly authorized designee. If it is determined that such surety bond and/or insurance is necessary, the amount of such surety bond and/or insurance shall be determined by the Building Inspector or his duly authorized designee, in his/her sole discretion, as may be necessary to defray any expense of liability from the City. Surety bonds and/or insurance policies shall be approved as to form by the City Attorney.~~

~~(f) Permits for sidewalk signs shall be valid for one year from the date of issuance and shall not be transferrable.~~

L. Nonconforming signs.

(1) All nonconforming signs for residential uses shall be removed or brought into compliance within three years of the adoption date of this section.

(2) All nonconforming temporary signs shall be removed or brought into compliance within 90 days of the adoption date of this section.

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(3) Any nonconforming sign for a residential use that is removed from its position or siting and not replaced in-kind within 30 days shall be presumed to be abandoned and discontinued and may not be restored or re-erected except in compliance with this section.

(4) No nonconforming sign may be altered in any way that would increase its nonconformity with the regulations of this section, including but not limited to area, height, setback and illumination.

~~(1)~~(5) Nothing herein shall be deemed to prevent maintaining a nonconforming sign in good repair and safe condition.

~~I.~~M. Violations.

(1) Noncompliance with any of the foregoing provisions shall constitute an offense, punishable as provided for in § **1-3**, General penalty. When a person has received written notice from the Building Inspector or has been served with a summons and complaint in an action to enjoin continuance of any violation, each day in excess of 10 days thereafter that he shall continue to be guilty of such violation shall constitute an additional, separate and distinct offense.

(2) Any temporary sign installed or placed, except in conformance with the requirements of this section, shall be subject to removal. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such signs in accordance with the administrative fee set forth in the City of Beacon Schedule of Fees. The fee shall be paid by the individual or entity retrieving the signs from the City. The City shall dispose of the sign(s) after five calendar days from the removal of the sign(s) by the City.

(3) The display of any sign at a location containing the name or address of a person or entity and a commercial message relating to such person or address shall be presumptive evidence that such person installed, created, erected and maintained the sign at the location where it was displayed. This presumption shall be subject to rebuttal by competent evidence.

Section 4. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 of the City of Beacon Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or

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inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition 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 if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

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