

**LOCAL LAW #6 OF 2018
A LOCAL AMENDING
CHAPTER 185 ENTITLED “ZONING”
OF THE CODE OF THE TOWN OF NEWBURGH
TO PROHIBIT SIGNS ON LAMPPOSTS,
TRAFFIC SIGNAL POLES AND UTILITY POLES**

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 to Prohibit Signs on Lampposts, Traffic Signal Poles and Utility Poles.”

SECTION 2 - INTENT

The intent of this local law is to implement changes in the Town of Newburgh Zoning Code to prohibit signs on lampposts, traffic signal poles and utility poles. The Town Board hereby finds that signs on trees, lampposts, traffic signal poles and utility poles create unreasonable distractions to operators of motor vehicles, create confusion with regard to traffic lights, signs and signals, impair visibility of pedestrians and motor vehicles, create safety hazards to the public and, in particular, pedestrians, distract from identification of surrounding businesses and home-house numbering and detract from the aesthetic character of buildings, sites, districts and the Town as a whole. In addition, the Town Board finds that the undue proliferation of signs on lampposts, traffic signal poles and utility poles detracts from the established character of adjoining properties and of the neighborhood in which they are located and depreciates the values of said properties and neighborhoods. It is hereby found that removal of said signs, posters, stickers or advertising devices will promote the health, safety, morals and general welfare of the community in which they are located.

SECTION 3 - AMENDMENT TO CHAPTER 185.

- A. Subsection 185-14E entitled “Prohibited signs” of Section 185-14 entitled “Sign regulations” is hereby amended to add number 11 to the list of prohibited signs to read as follows:

“(11) With the exception of any sign erected by the Town, county, state or other governmental authority or public utility, all signs 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 and warning, entry prohibition and safety signs, signs located upon lampposts, traffic light poles or upon utility poles without the express

written permission of the utility company. It shall be presumed that any person, business or entity identified on any sign, poster, sticker or advertising device regulated by this Section, or the owner, agent, registrant, manager, business, entity or person in charge of any telephone number, web site, entity, business or address identified on any sign, poster, sticker or advertising device regulated under this chapter is responsible for the placement of that sign, poster, sticker or advertising device. This presumption shall be rebuttable. The Building and Code Enforcement Officer shall prepare a notice which shall describe the sign and specify the violation involved and shall state that if the sign is not removed or the violation is not corrected within 20 days, the sign shall be removed in accordance with the provisions of this section, provided however, that in the event the sign is clearly of a temporary and insubstantial value, including but not limited to paper, cloth, flags or cardboard signs, the Building and Code Enforcement Officer may direct the immediate removal of such signs upon 48 hours notice. All notices mailed by the Building and Code Enforcement Officer shall be sent by certified mail, return receipt requested. Any time periods provided in this subsection shall be deemed to commence on the date of the mailing of the certified mail. The notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. Any person having an interest in the property on which the sign is located may appeal the determination of the Building and Code Enforcement Officer ordering removal or compliance by filing a written notice of appeal with the Zoning Board of Appeals within 10 days after receipt of the notice. ”

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.