

SIGN APPLICATION

SIGN LOCATION: _____

SIGN OWNER:

Name _____

Address _____

REQUIRED INFORMATION:

1) Furnish picture or drawings on separate 8 1/2 by 11 paper showing position of sign in relation to nearby buildings; also, size, weight, material, details of construction and fastenings, data showing design calculations for dead load and wind pressure. Permits will not be issued until this procedure is followed.

2) ERECTOR:

Name: _____

Address: _____

Telephone No. _____

Workers Compensation Information (attach copy)

Insurance Company _____

Workers Compensation No. _____ Expiration Date _____

Value: _____

PROPERTY OWNER:

Name _____

Address _____

Telephone No. _____

I hereby consent to the erection of sign on my premises as set forth in this application:

Applicants Signature

Property Owners Signature

NOTE: Approval does not constitute an erection permit. A permit to erect must be obtained from the Code Compliance Supervisor.

REQUIRED ELECTRIC PERMIT ISSUED: _____

SIGNATURE OF ISSUING AGENT _____

FOR OFFICE USE ONLY

DESIGN EXAMINED: Date: _____ Approved _____ Not Approved _____

**CITY OF NEWBURGH
BUILDING INSPECTOR'S OFFICE**

123 Grand Street
Newburgh, New York 12550

Phone: 569-7400
Fax: 569-0096

PLEASE BE ADVISED, THE FOLLOWING INFORMATION IS REQUIRED UPON SUBMITTING A PERMIT TO THE BUILDING INSPECTOR' OFFICE: BUILDING PERMIT APPLICATIONS WILL NOT BE ACCEPTED IF THE ITEMS LISTED BELOW ARE NOT SUBMITTED

1. All questions to be filled out
2. Drawings and or plans to be submitted
3. For any type of structures, additions, or fences, a copy of survey is also required.
4. **Workman's Compensation Insurance Certificate to be submitted along with Disability Insurance for the contractor. (Please read letter regarding Workman's Compensation Insurance included in package)**
5. Certificate Holder is City of Newburgh
6. Application fee is as follows:
 - New Residential: \$200.00 plus \$.20 sq. ft. of floor area
 - Renovation of Residential: \$10.00 per thousand dollars of approx. cost of project.
 - New Commercial: \$300.00 plus \$.20 sq. ft. of floor area
 - Renovation of Commercial: \$10.00 per thousand dollars of approx. cost of project.
 - Fence: \$25.00
 - Sidewalk: \$50.00
 - Curbcuts / permits: \$75.00
 - Swimming Pool: \$25.00
 - Scaffold: \$25.00
 - Reinspection for building permit of the same site for the same purpose (residential) \$40.00
 - Reinspection for building permit of the same site for the same purpose (commercial) \$75.00
 - Failure to obtain a permit prior to commencement of work is FIFTY (50%) PERCENT OF THE APPLICATION FEE FOR A RESIDENTIAL STRUCTURE OR \$200.00 FOR A COMMERCIAL STRUCTURE

** Exception: Fee for building permit denial is \$25.00

Time frame for the issuance of permit is approximately 2 weeks, unless additional information is needed.

**CITY OF NEWBURGH
BUILDING INSPECTOR'S OFFICE**

123 Grand Street
Newburgh, NY 12550

Phone: 845-569-7400
Fax: 845-569-0096

TO ALL GENERAL CONTRACTORS WITH WORKERS COMPENSATION INSURANCE

For businesses listed as the general contractors on building permits, proof that they are in compliance with Section 57 of the Workers Compensation Law is on one of the following forms that indicate that they are:

- Insured (CE-200)
- Disability (DB120.1)
- Accord Insurance Form is no longer accepted
- Self Insured (S1-12)

Under the mandatory coverage provisions of the WCL, any residence that is not a 1,2,3 or 4 family, owner occupied residence is considered a business (income or potential income property) and must prove compliance by filling out one of the above forms.

AS OF DECEMBER 1ST, 2008, PROCEDURES FOR EXEMPTION FROM WORKMANS COMPENSATION WILL BE AS FOLLOWS:

- **NEW FORM (CE-200)**

This form will **ONLY** be available online. The applicant is to fill out the CE-200 online and upon completion, print out a copy so that you can submit to the municipality with the building application. Applicants without access to a computer may obtain a paper application by writing or visiting any Workers Compensation Board district office. (www.wcb.state.ny.us under the heading "Forms")

If you have any further questions, please contact:

Workers Compensation Office
41 North Division Street
Peekskill, New York 10566
(914) 788-5775

Form CE-200 (12/08)

Effective December 1, 2008, please use the following revised Form CE-200 as part of the enforcement of Section 57 and Section 220 of the New York State Workers' Compensation Law and Section 125 of the General Municipal Law (Form CE-200 replaces the old forms WC/DB-100, WC-DB-101 and C-105.21.):

Form CE-200, Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage

This certificate can **ONLY** be used to attest to a government entity that the applicant requesting a permit, license or contract from that government entity is not required to carry New York State specific workers' compensation and/or disability benefits insurance.

IMPORTANT: *These certificates cannot be used to waive the workers' compensation rights or obligations of any party.* The applicant may **NOT** use this certificate to show either another business or that business's insurance carrier that such insurance is not required.

If appropriate, the applicant requesting a permit, license or contract from a government entity must complete Form CE-200, print a copy of it and give it to the **government entity** issuing the permit, license or contract.

The Board may investigate entities using this certificate to claim exemption from the coverage requirements of the Law. Any false statement, misrepresentation or concealment will subject business owners to **felony** criminal prosecution, including jail and civil liability in accordance with the Workers' Compensation Law and all other New York State laws.

Form CE-200 reflects a totally new process for granting exemptions from workers' compensation and disability benefits insurance coverage requirements. Historically, the WC/DB-100 exemption forms were: 1) valid for multiple permits, licenses or contracts for which the applicant applied, 2) had to be notarized, and 3) had to be stamped by the New York State Workers' Compensation Board.

Effective December 1, 2008, this process radically changes. **Exemptions** will no longer be valid for multiple permits, licenses or contracts for which the applicant applied. Further, exemptions no longer have to be notarized; nor do they have to be stamped by the NYS Workers' Compensation Board. (Please note that **government agencies may continue to use insurance and Self-Insurance certificates** for multiple permits, licenses or contracts issued to a specific legal entity during the coverage period listed on insurance/self-insurance related certificates).

Starting December 1, 2008, ONLY applicants eligible for **exemptions** must file a **new CE-200** for **each** and **every** new or renewed permit, license or contract issued by a government agency. Each CE-200 will specifically list the issuing government agency and the specific type of permit, license or contract requested by the applicant. Applicants for building permits will also need to supply additional information including identifying the specific job location and the estimated cost of the project.

Please ensure that the legal entity name on Form CE-200 exactly matches the legal entity name applying for the permit, license or contract that you are issuing. Please also ensure that Form CE-200 is signed and dated by the applicant.

Each CE-200 will have a certificate number printed on it. You can verify if the CE-200 provided to you by the applicant was actually issued by the Workers' Compensation Board by checking on the Board's website at www.wcb.state.ny.us.

The applicant is attesting under penalty of perjury that the information contained in the CE-200 is accurate – the Board does not initially verify this information. However, Board staff may investigate applicants filing Form CE-200.

Accordingly, please also verify that the business is eligible for the workers' compensation and/or disability benefits exemption reason described on the CE-200 and notify the Board's investigative staff if there are discrepancies (Board Enforcement Unit phone numbers are listed on page 11 of the instruction manual). For example, if you are licensing a 150 seat restaurant and the applicant indicates on the CE-200 exemption form that he/she is a sole proprietor with no employees, this may indicate a problem.

To make this process as easy and as efficient as possible for business owners, the vast majority of these forms will be processed electronically on-line. Applicants having access to the internet will be able to fill out the CE-200 on the internet and **immediately** upon completion, **be able to print out a hard copy of the CE-200** that they will then submit to the government agency issuing the permit, license or contract. Computers with internet access will also be available for CE-200 electronic application processing at Customer Service Centers located in Workers' Compensation Board District Offices.

Filling out the electronic Form CE-200 on the internet is very similar to filling out a hotel reservation request on the internet for frequent travelers. Applicants will be issued a pin number and a password so that they can easily access their information. Once an applicant enters his/her basic information on the Board's website, it can be retrieved by that applicant in the future by using that pin number and password when the applicant is applying for another permit, license or contract.

Applicants without access to a computer may obtain a paper application for the CE-200 by writing or visiting the Customer Service Center at any District Office of the Workers' Compensation Board. Applicants using the manual process may wait up to four weeks before receiving a CE-200. Once the applicant receives the CE-200, the applicant can then submit that CE-200 to the government agency from which he/she is getting the permit, license or contract. This delay results from Workers' Compensation Board staff having to manually enter information from the applicant's paper application into the web based application. Accordingly, to avoid delays, all applicants for exemptions are strongly encouraged to use the on-line Form CE-200 on the Board's website, www.wcb.state.ny.us, under the heading "Forms."



**Certificate of Attestation of Exemption
From New York State Workers' Compensation
and/or Disability Benefits Insurance Coverage**

This form cannot be used to waive the workers' compensation rights or obligations of any party.

The applicant may use this Certificate of Attestation of Exemption **ONLY** to show a government entity that New York State specific workers' compensation and/or disability benefits insurance is not required. The applicant may **NOT** use this form to show another business or that business's insurance carrier that such insurance is not required.

Please provide this form to the government entity from which you are requesting a permit, license or contract. This Certificate will not be accepted by government officials one year after the date printed on the form.

<p align="center">In the Application of (Legal Entity Name and Address):</p> <p>JOHN SMITH 123 MAIN STREET ALBANY, NY 12207 111-111-1111 Federal ID Number: XXXXX6789</p>	<p align="center">Business Applying For: BUILDING PERMIT</p> <p align="center">From: CITY OF ALBANY, DEPT OF BUILDING AND CODES</p> <p>The location of where work will be performed is 123 ACME AVENUE, ALBANY, NY 12203.</p> <p>Estimated dates necessary to complete work associated with the building permit are from October 14, 2008 to March 31, 2009.</p> <p>The estimated dollar amount of project is \$25,001 - \$50,000</p>
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Workers' Compensation Exemption Statement:

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE SPECIFIC WORKERS' COMPENSATION INSURANCE COVERAGE** for the following reason:

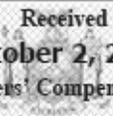
The business is owned by one individual and is not a corporation. Other than the owner, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors.

Disability Benefits Exemption Statement:

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE STATUTORY DISABILITY BENEFITS INSURANCE COVERAGE** for the following reason:

The business is owned by one individual or is a partnership (LLC, LLP, PLLP or a RLLP) under the laws of New York State and is not a corporation; or is a one or two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation (in a two person owned corporation, each individual must be an officer and own at least one share of stock) or is a business with no NYS location. In addition, the business does not require disability benefits coverage at this time since it has not employed one or more individuals on at least 30 days in any calendar year in New York State. (Independent contractors are not considered to be employees under the Disability Benefits Law.)

I, JOHN SMITH, am the Sole Proprietor with the above-named legal entity. I affirm that due to my position with the above-named business I have the knowledge, information and authority to make this Certificate of Attestation of Exemption. I hereby affirm that the statements made herein are true, that I have not made any materially false statements and I make this Certificate of Attestation of Exemption under the penalties of perjury. I further affirm that I understand that any false statement, representation or concealment will subject me to felony criminal prosecution, including jail and civil liability in accordance with the Workers' Compensation Law and all other New York State laws. By submitting this Certificate of Attestation of Exemption to the government entity listed above I also hereby affirm that if circumstances change so that workers' compensation insurance and/or disability benefits coverage is required, the above-named legal entity will immediately acquire appropriate New York State specific workers' compensation insurance and/or disability benefits coverage and also immediately furnish proof of that coverage on forms approved by the Chair of the Workers' Compensation Board to the government entity listed above.

SIGN HERE	Signature:	Date:
<p>Exemption Certificate Number 2008-00197</p> 		<p>Received October 2, 2008 NYS Workers' Compensation Board</p> 

Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

****This form cannot be used to waive the workers' compensation rights or obligations of any party.****

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- I am performing all the work for which the building permit was issued.
- I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- I have a homeowner's insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ◆ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a WC/DB-100 exemption form; OR
- ◆ have the general contractor, performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

(Signature of Homeowner)

(Date Signed)

(Homeowner's Name Printed)

Home Telephone Number _____

Property Address that requires the building permit:

<p><i>Sworn to before me this _____ day of</i></p> <p>_____, _____.</p> <p>_____ <i>(County Clerk or Notary Public)</i></p>

Once notarized, this Form BP-1 serves as an exemption for both workers' compensation and disability benefits insurance coverage.

LAWS OF NEW YORK, 1998
CHAPTER 439

The **general municipal law is amended by adding a new section 125** to read as follows:

125. ISSUANCE OF BUILDING PERMITS. NO CITY, TOWN OR VILLAGE SHALL ISSUE A BUILDING PERMIT WITHOUT OBTAINING FROM THE PERMIT APPLICANT EITHER:

1. PROOF DULY SUBSCRIBED THAT WORKERS' COMPENSATION INSURANCE AND DISABILITY BENEFITS COVERAGE ISSUED BY AN INSURANCE CARRIER IN A FORM SATISFACTORY TO THE CHAIR OF THE WORKERS' COMPENSATION BOARD AS PROVIDED FOR IN SECTION FIFTY-SEVEN OF THE WORKERS' COMPENSATION LAW IS EFFECTIVE; OR

2. AN AFFIDAVIT THAT SUCH PERMIT APPLICANT HAS NOT ENGAGED AN EMPLOYER OR ANY EMPLOYEES AS THOSE TERMS ARE DEFINED IN SECTION TWO OF THE WORKERS' COMPENSATION LAW TO PERFORM WORK RELATING TO SUCH BUILDING PERMIT.

Implementing Section 125 of the General Municipal Law

1. General Contractors -- Business Owners and Certain Homeowners

For **businesses and certain homeowners listed as the general contractors on building permits**, proof that they are in compliance with Section 57 of the Workers' Compensation Law (WCL) is **ONE** of the following forms that indicate that they are:

- ◆ insured (C-105.2 or U-26.3),
- ◆ a Board-approved self-insured employer (SI-12), or
- ◆ are exempt (WC/DB-100),

under the mandatory coverage provisions of the WCL. Any residence that is not a **1, 2, 3 or 4 Family, Owner-occupied Residence** is considered a business (income or potential income property) and must prove compliance by filing one of the above forms.

2. Owner-occupied Residences

For homeowners of a **1, 2, 3 or 4 Family, Owner-occupied Residence**, proof of their exemption from the mandatory coverage provisions of the Workers' Compensation Law when applying for a building permit is to file Form BP-1.

- ◆ Form BP-1 shall be filed if the homeowner of a **1, 2, 3 or 4 Family, Owner-occupied Residence** is listed as the general contractor on the building permit, and the homeowner:
 - ◇ is performing all the work for which the building permit was issued him/herself,
 - ◇ is not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping the homeowner perform such work, or
 - ◇ has a homeowner's insurance policy that is currently in effect and covers the property for which the building permit was issued AND the homeowner is hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued.
- ◆ If the homeowner of a **1, 2, 3 or 4 Family, Owner-occupied Residence** is hiring or paying individuals a total of **40 hours or MORE** in any week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued, then the homeowner may not file the "Affidavit of Exemption" Form BP-1, but shall either:
 - ◇ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit (Form C-105.2 or Form U-26.3), OR
 - ◇ have the general contractor, performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit, provide appropriate proof of workers' compensation coverage, or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS

Chapter 250, SIGNS

[HISTORY: Adopted by the City Council of the City of Newburgh 11-13-1967 as Art. V of Ch. 5 of the Code of Ordinances of the City of Newburgh. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 122.

Electrical standards -- See Ch. 155.

Fees -- See Ch. 163.

Zoning -- See Ch. 300.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-1. Title.

§ 250-1. Title.

This chapter shall hereafter be known and cited as the "Sign Regulations."

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-2. Definitions.

§ 250-2. Definitions.

As used in this chapter, unless the context otherwise indicates, the following terms shall have the meanings indicated:

ERECT -- To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

FACING OR SURFACE -- The surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

ILLUMINATED SIGN -- Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

INCOMBUSTIBLE MATERIAL -- Any material which will not ignite at or below a temperature of 1,200° F and will not continue to burn or glow at that temperature.

OTHER ADVERTISING STRUCTURE -- Any marquee or canopy as further defined herein.

SIGN -- Includes every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee and canopy and shall include any announcement, declaration, demonstration, display illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

STRUCTURAL TRIM -- The molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-3. Applicability of electrical standards.

§ 250-3. Applicability of electrical standards.

All illuminated signs shall be subject to the provisions of the Electrical Code and the permit fees required thereunder.^{EN(1)}

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-4. Erection permit required.

§ 250-4. Erection permit required.

It shall be unlawful for any person to erect, repair, alter, relocate or maintain within the city any sign or other advertising structure as defined in this chapter without first obtaining an erection permit from the Code Compliance Supervisor and making payment of the fee required by § 250-8 hereof.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-5. Application information.

§ 250-5. Application information.

Application for erection permits shall be made upon blanks provided by the Code Compliance Supervisor and shall contain or have attached thereto the following information:

- A. The name, address and telephone number of the applicant.
- B. The location of the building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- C. The position of the sign or other advertising structure in relation to nearby buildings or structures.
- D. Two blueprints or ink drawings of the plans and specifications and method of construction and attachment to the building or in the ground.
- E. A copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the city.
- F. The name of the person erecting the structure.
- G. The written consent of the owner of the building, structure or land to which or on which the structure is to be erected.
- H. Any electrical permit required and issued for said sign.
- I. A bond and insurance as required by § 250-17.^{EN(2)}
- J. Such other information as the Code Compliance Supervisor shall require to show full compliance with this and all other laws and ordinances of the city.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-6. Prior approval of Electrical Inspector required.

§ 250-6. Prior approval of Electrical Inspector required.

The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the Electrical Code of the city, and he shall approve said permit if said plans and specifications comply with said code or disapprove the application if noncompliance with said code is found. This action of the Electrical Inspector shall be taken prior to submission of the application to the Code Compliance Supervisor for final approval or disapproval of the erection permit.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-7. Issuance of erection permit.

§ 250-7. Issuance of erection permit.

It shall be the duty of the Code Compliance Supervisor, upon the filing of an application for an erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this chapter and all other laws and ordinances of the city, he shall then issue the erection permit.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-8. Fees. EN

§ 250-8. Fees. EN⁽³⁾

Every applicant, before being granted a permit hereunder, shall pay to the Code Compliance Supervisor, City Treasurer or other official the permit fee as set forth in Chapter 163, Fees, of this Code for each such sign or other advertising structure regulated by this chapter.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-9. Duration of erection permit.

§ 250-9. Duration of erection permit.

If the work authorized under an erection permit has not been completed within six months after the date of issuance, said permit shall become null and void.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-10. Revocability of erection permit.

§ 250-10. Revocability of erection permit.

All rights and privileges acquired under the provisions of this chapter are mere licenses revocable at any time by the City Council, and all erection permits issued hereunder shall contain

this provision.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-11. Revocation by Code Compliance Supervisor.

§ 250-11. Revocation by Code Compliance Supervisor.

The Code Compliance Supervisor is hereby authorized and empowered to revoke any permit issued by him upon failure of the holder thereof to comply with any provisions of this chapter.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-12. Unsafe and unlawful signs. [Amended 12-14-1981]

§ 250-12. Unsafe and unlawful signs. [Amended 12-14-1981]

If the Code Compliance Supervisor shall find that any sign or other advertising structure regulated herein is unsafe or insecure, is a menace to the public, has been abandoned, has been constructed or erected or is being maintained in violation of the provisions of this chapter or is being maintained without the required insurance or bonds, he shall instruct the building inspector to proceed to compel the repair or removal of said structure pursuant to Chapter 129, Article IV, of this Code. If any person responsible for the cost or expenses incurred pursuant to Chapter 129, Article IV, shall refuse or fail to pay said costs, the Code Compliance Supervisor shall refuse to issue a permit under this chapter to said person. The Code Compliance Supervisor may cause any sign or other advertising structure constituting an immediate peril to persons or property to be removed summarily and without notice.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-13. Periodic painting required.

§ 250-13. Periodic painting required.

The owner of any sign as defined and regulated by this chapter shall be required to have properly painted at least once every two years all parts and supports of said sign, unless the same are galvanized or otherwise treated to prevent rust.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-14. Wind-pressure and dead-load requirements.

§ 250-14. Wind-pressure and dead-load requirements.

All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than 40 pounds per square foot of area and shall be constructed to receive dead loads as required in the Building Code^{EN(4)} or other ordinances of the city.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-15. Removal of certain signs.

§ 250-15. Removal of certain signs.

Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within 10 days after written notification from the Code Compliance Supervisor, and upon failure to comply with such notice within the time specified in such order, the Code Compliance Supervisor is hereby authorized to cause removal of such sign, any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-16. Exemptions.

§ 250-16. Exemptions.

The provisions and regulations of this chapter shall not apply to the following signs; provided, however, that said signs shall be subject to the provisions of § 250-12:

- A. Real estate wall signs not exceeding eight square feet in area and ground signs not exceeding 25 square feet in area, which advertise the sale, rental or lease of the premises upon which said signs are located only.
- B. Professional nameplates not exceeding one square foot in area.
- C. Signs painted on the exterior surface of a building or structure located in a C-1, C-2, I-1 or

I-2 District, provided, however, that if said signs have raised borders, letters, characters, decorations or lighting appliances, they shall be subject to the provisions of § 250-26 and all other applicable provisions of this chapter.

- D. Bulletin boards not over eight square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions.
- E. Signs denoting the architect, engineer or contractor when placed upon work under construction and not exceeding 16 square feet in area.
- F. Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling house and not exceeding two square feet in area.
- G. Memorials signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- H. Traffic or other municipal signs, legal notices, rail-road-crossing signs, danger and such temporary,^{EN(5)} emergency or nonadvertising signs as may be approved by the City Council.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-17. Political signs. EN [Added 3-11-2002 by Ord. No. 4-2002]

§ 250-17. Political signs.^{EN(6)} [Added 3-11-2002 by Ord. No. 4-2002]

- A. Signs communicating a nonobscene political message shall be exempt from the provisions and regulations of this chapter, except the following safety provisions and regulations shall remain in full force and effect:
 - (1) Section 250-18.
 - (2) Section 250-20.
 - (3) Section 250-22.
 - (4) Section 250-23.
 - (5) Section 250-6, but only to the extent of requiring the submittal of an application and plans to the Electrical Inspector, who shall be responsible for approval of such application and plans to ensure compliance with the Electrical Code.
- B. In addition, the Code Compliance Supervisor may cause any political sign constituting an

immediate peril to persons or property to be removed summarily and without notice.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-18. Obstruction of ingress and egress prohibited; signs on standpipes and fire escapes prohibited.

§ 250-18. Obstruction of ingress and egress prohibited; signs on standpipes and fire escapes prohibited.

No sign or other structure regulated herein shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-19. Signs in public rights-of-way restricted. [Amended 6-13-1988 by L.L. No. 4-1988]

§ 250-19. Signs in public rights-of-way restricted. [Amended 6-13-1988 by L.L. No. 4-1988]

No ground sign, pole sign or temporary sign shall be erected or placed on the public street, sidewalk or within any public right-of-way, except as provided in § 250-29C.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-20. Signs constituting traffic hazard prohibited.

§ 250-20. Signs constituting traffic hazard prohibited.

No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or which makes use of the words STOP, LOOK, DRIVE-IN, DANGER or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-21. Smooth sign surface

required.

§ 250-21. Smooth sign surface required.

All signs or other advertising structures which are constructed on street lines or within five feet thereof shall have a smooth surface, and no nails, tacks or wires shall be permitted to protrude therefrom, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-22. Gooseneck reflectors and lights.

§ 250-22. Gooseneck reflectors and lights.

Gooseneck reflectors and lights shall be permitted on ground signs, roof signs and wall signs; provided, however, that the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-23. Floodlights, spotlights and flashing signs. [Amended 4-12-1971; 2-14-1973]

§ 250-23. Floodlights, spotlights and flashing signs. [Amended 4-12-1971; 2-14-1973]

It shall be unlawful for any person to maintain any sign or other advertising structure extending over public property which is wholly or partially illuminated by lights or spotlights or to maintain any sign or device on which artificial lights do not remain constant in intensity and color at all times when in use and which cast illumination upon any public area.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-24. Obscene matter prohibited.

§ 250-24. Obscene matter prohibited.

It shall be unlawful for any person to display upon any sign or other advertising structure any

obscene, indecent or immoral matter.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-25. Ground signs.

§ 250-25. Ground signs.

A. Definition. A "ground sign" as regulated by this chapter shall include any sign supported by uprights or braces placed upon the ground and not attached to any building. Special permission of the Planning Board shall be obtained for the erection thereof. No ground sign shall be erected in any residential district as defined in the Zoning Ordinances^{EN(7)} of the city. [Amended 1-25-1988 by Ord. No. 5-88^{EN(8)}]

B. Construction.

- (1) Materials required. All ground signs for which a permit is required under this chapter shall have a surface or facing of incombustible material; provided, however, that combustible structural trim may be used thereon.
- (2) Letters and figures to be secured. All letters, figures, characters or representations in cutout or irregular forms, maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure and shall comply with all requirements in § 250-28B(3).

C. Location. [Amended 1-25-1988 by Ord. No. 5-88]

- (1) Height limitation. It shall be unlawful to erect any ground sign whose total height is greater than the permitted height of structures specified for the zone in which the sign is to be erected.
- (2) Space between sign and ground and other signs and structures. Ground signs shall have an open space not less than 2 1/2 feet between the base line of said sign and the ground level. This open space may be filled in with a platform or decorative latticework which does not close off more than 1/2 of any square foot of such open space. No ground sign shall be nearer than two feet to any other sign, building or structure.
- (3) Ground signs not to mislead, interfere with or confuse traffic. All ground signs shall conform to the provisions of § 250-20.

D. Erection.

- (1) Bracing, anchorage and supports. All ground signs shall be securely built, constructed and erected upon posts and standards sunk at least three feet below the natural surface of

the ground and shall be supported and braced by timbers or metal rods in the rear thereof, extending from the top thereof to a point in the ground at least a distance equal to 1/2 the height of such sign, measured along the ground, from the posts or standards upon which the same is erected.

- (2) Wood supports to be creosoted. All posts, anchors and bracing of wood shall be treated to protect them from moisture by creosoting or other approved methods when they rest upon or enter into the ground.
 - (3) Wind-pressure and dead-load requirements. All ground signs shall conform to the requirements of § 250-140.
- E. Premises to be kept free of weeds. All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition and free and clear of all obnoxious substances, rubbish and weeds.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-26. Wall signs.

§ 250-26. Wall signs.

- A. Definition. A "wall sign" as regulated by this chapter shall include all flat signs of solid-face construction which are placed against a building or other structure and attached to the exterior front, rear or side of any building or other structure.
- B. Construction materials. All wall signs over 40 square feet in area for which a permit is required under this chapter shall have a surface or facing of incombustible material; provided, however, that combustible structural trim may be used thereon.
- C. Location.
 - (1) Limitation on placement and area. No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached, and any one sign shall not exceed an area of 500 square feet.
 - (2) Projection above sidewalk and setback line. No wall sign shall be permitted to extend more than 15 inches beyond the building line and shall not be attached to a wall at a height of less than 10 feet above the sidewalk or ground.
 - (3) Obstruction to doors, windows or fire escapes. No wall sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.

D. Erection.

- (1) Supports and attachments. All wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts or expansion screws of not less than three-eighths-inch in diameter embedded in said wall at least five inches; provided, however, that such signs may rest in or be bolted to string, heavy metal brackets or saddles set not over six feet apart, each of which shall be securely fixed to the wall as hereinbefore provided. In no case shall any wall sign be secured with wire, strips of wood or nails.
- (2) Wind-pressure and dead-load requirements. All wall signs shall conform to the requirements of § 250-14.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-27. Roof signs.

§ 250-27. Roof signs.

- A. Definition. A "roof sign" as regulated by this chapter shall mean any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof surface. Special permission of the Planning Board shall be obtained for the erection thereof. No roof sign shall be erected in any residential district as defined in the Zoning Ordinance of the city. [Amended 2-14-1973^{EN(9)}]
- B. Construction materials. Every roof sign, including the upright supports and braces thereof, shall be constructed entirely of incombustible materials; provided, however, that combustible structural trim may be used thereon.
- C. Location.
 - (1) Height and area limitations. No roof sign shall have a surface or facing exceeding 300 square feet nor have its highest point extended more than 20 feet above the roof level.
 - (2) Setback from roof edge. No roof sign shall be erected or maintained with the face thereof nearer than five feet to the outside wall toward which the sign faces.
 - (3) Space between sign and roof. All roof signs shall have a space at least five feet in height between the base of the sign and the roof level and have at least five feet clearance between the vertical supports thereof.
 - (4) Prohibited obstructions. No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage from one part of said roof to any other part thereof or interfere with openings in said roof, and all such signs shall comply

with § 250-18 hereof.

D. Erection.

- (1) Bracing, anchorage and supports. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. When erected upon buildings which are not constructed entirely of fireproof material, the bearing plates of said sign shall bear directly upon masonry walls and intermediate steel columns in the building. No roof sign shall be supported or anchored to the wooden framework of a building.
- (2) Wind-pressure and dead-load requirements. All roof signs shall conform to the requirements of § 250-14 of this chapter.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-28. Projecting signs.

§ 250-28. Projecting signs.

A. Definitions.

- (1) A "projecting sign" as regulated by this chapter shall include any sign which is attached to a building or other structure and extends beyond the line of said building or structure or beyond the surface of that portion of the building or structure to which it is attached.
- (2) A "horizontal projecting sign" means any sign which is greater in width than in height.
- (3) A "vertical projecting sign" means any sign which is greater in height than in width.

B. Construction.

- (1) Generally. Every projecting sign, including the frames, braces and supports thereof, shall be properly designed and shall be approved by the Code Compliance Supervisor as in compliance with the Building Code of the city and by the Electrical Inspector as in compliance with the Electrical Code of the city,^{EN(10)} shall be constructed of incombustible materials and shall be two-faced.
- (2) Illumination. The reflectors shall be provided with the proper glass lenses concentrating the illumination upon the area of the sign and preventing glare upon the street or adjacent property, and no floodlight or spotlight nor reflectors of the gooseneck type shall be permitted on projecting signs.
- (3) Limitation of glass. The lettering or advertising designs to be illuminated may be

composed of glass or other transparent or semitransparent incombustible material. Any glass forming a part of any sign shall be safety glass or plate glass at least 1/4 inch thick, and in case any single piece or pane of glass has an area exceeding three square feet, it shall be wired glass. One section, not exceeding three square feet in area, constructed of wire glass or safety glass, shall be permitted on each side of a sign.

- (4) Movable parts to be secured. Any movable part of a projecting sign such as the cover of a service opening shall be securely fastened on chains or hinges.
- (5) Area limitations. Except by special permission of the City Council, projecting signs shall be limited in area as follows:
 - (a) Horizontal projecting signs: 50 square feet each side.
 - (b) Vertical projecting sign: 100 square feet each side.
- (6) Thickness limitation. The distance measured between the principal faces of any projecting sign shall not exceed 18 inches.

C. Location.

- (1) Projection over public property. Every projecting sign shall be placed at least 10 feet above the public sidewalk over which it is erected and a distance not greater than two feet from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto, nor shall any sign or part thereof extend nearer the curblines than two feet. Every projecting sign erected over public driveways, alleys and thoroughfares shall be placed not less than 15 feet above the level of same.
- (2) Obstructions and traffic hazards. Every projecting sign shall be erected in full compliance with §§ 250-18 and § 250-20 of this chapter.
- (3) No projecting sign in excess of nine square feet in area, measured on one side thereof, shall be erected in any residential district as defined in the Zoning Ordinance of the city.^{EN(11)}

D. Erection.

- (1) Bracing, anchorage and supports. Projecting signs exceeding 10 square feet in area or 50 pounds in weight shall not be attached to nor supported by frame buildings nor the wooden framework of a building. Said signs shall be attached to masonry walls with galvanized expansion bolts of size and length sufficient to properly support such sign.
- (2) Anchorage restrictions. No projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting sign be hung or secured to any other sign.

- E. V-shaped signs prohibited. V-shaped signs, consisting of two single-faced signs erected without a roof or ceiling, shall not be permitted.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-29. Temporary signs.

§ 250-29. Temporary signs.

- A. Definitions. A "temporary sign" as regulated by this chapter shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a short period of time only.
- B. Construction.
 - (1) Materials and area limitations. No temporary sign of combustible material shall exceed four feet in one of its dimensions or 100 square feet in area, such signs in excess of 60 square feet shall be made of rigid materials, that is, of wallboard or other light materials with frames.
 - (2) Weight limitation. Every temporary sign weighing in excess of 50 pounds must be approved by the Code Compliance Supervisor as conforming to the safety requirements of the Building Code of the city.
- C. Location. [Amended 10-11-1983; 6-8-1987 by Ord. No. 11-87]
 - (1) Projection from wall and over public property. No temporary sign shall extend over or onto any street, alley, sidewalk or other public thoroughfare a distance greater than four inches from the wall upon which it is erected and shall not be placed or project over any wall opening, except that the City Manager may, in his discretion, permit the erection of a temporary sign or banner constructed of cloth, canvas, light fabric or other similar light materials across a public street by a bona fide civic, charitable or religious organization to publicize a civic, charitable or religious event, subject to complying with all other provisions of this chapter, and further that no hazard to traffic or to the public is created thereby.
 - (2) Obstruction to doors, windows and fire escapes. No temporary sign shall be erected so as to prevent free ingress to or egress from any door, window or fire escape, nor shall such sign be attached to any standpipe or fire escape.
- D. Erection. Anchorage and support. Every temporary sign shall be attached to the wall with wire or steel cables, and no strings, ropes or wood slate for anchorage or support purposes

shall be permitted.

- E. Duration of permits. Permits for temporary signs shall authorize the erection of said signs and their maintenance for a period not exceeding 30 days.
- F. Advertising permitted. The advertisement contained on any temporary sign shall pertain only to the business, industry or pursuit conducted on or within the premises on which such sign is erected or maintained. This provision shall not apply to signs of a civic, political or religious nature.
- G. (Reserved)EN(12)

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-29.1. Movable signs. [Added 9-11-1995 by Ord. No. 6-95]

§ 250-29.1. Movable signs. [Added 9-11-1995 by Ord. No. 6-95]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

MOVABLE SIGN -- As regulated by this chapter shall include any signs or advertising display constructed of light materials or constructed on wheels so as to enable it to be moved or displayed in different locations or which is so designed so as to enable it to be dismantled or taken down on a daily basis, whether or not it is actually so moved, dismantled or taken down. The term "movable sign" shall include sandwich-board-type signs.

B. Construction.

- (1) All movable signs shall be so designed so as to withstand a wind pressure of not less than 40 pounds per square foot, without being moved or displaced.
- (2) No movable sign of combustible material shall exceed the dimensions of four feet high and four feet wide.
- (3) An electrified movable sign must be served by a permanent electrical connection. Use of extension cords is not permitted and the installation must conform to the Electrical Code.

C. Location.

- (1) No movable sign shall be so placed so as to block the public sidewalk or obstruct the traffic, obstruct the view of a motorist or interfere with the available sight distance of traffic passing on or into any public highway, alley, private or public driveway, private

or public parking lot or other vehicular access point.

- (2) No electrified movable sign shall be placed in the street, the public sidewalk or within a public right-of-way.
 - (3) Movable signs, without electrification, that are no larger than four feet high or four feet wide, may be placed within the line of the public right-of-way or on the public sidewalk as long as they do not violate the limitations contained in Subsection C(1).
- D. Historic District. No movable sign shall be erected within any Historic District or Architectural Design District and no permit shall be issued therefor unless the Architectural Review Commission issues a certificate of approval as provided in § 300-45 of this Code.
- E. Permit. Upon the filing of an application and examination of the same, the City Manager shall determine if a proposed sign is in compliance with the requirements of this chapter and all other ordinances of the city and, upon such finding, shall issue a permit.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-30. Marquees.

§ 250-30. Marquees.

- A. Definition. A "marquee" as regulated by this chapter shall include any hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare.
- B. Construction.
- (1) Materials required. All marquees, including the anchors, bolts, supports, rods and braces thereof, shall be constructed of incombustible materials, shall be designed by a structural engineer and approved by the Code Compliance Supervisor as in compliance with the Building Code of the city and by the Electrical Inspector as in compliance with the Electrical Code of the city and shall be illuminated.
 - (2) Drainage. The roofs of all marquees shall be properly guttered and connected by downspouts to a sewer so that the water therefrom will not drip or flow onto public property.
 - (3) Roofs. The roofs of all marquees shall be used for no other purpose than to form and constitute a roof, and at least 25% of the area of the roof of every marquee shall be of glass or other incombustible transparent substance.
- C. Location.

- (1) Height above sidewalk. No portion of a marquee shall be less than 10 feet above the level of the sidewalk or other public thoroughfare.
- (2) Setback from curblineline. No marquee shall be permitted to extend beyond a point one foot inside the curblineline.
- (3) Width. No marquee shall be wider than the entrance or entrances of the building plus five feet on each side thereof; provided, however that where the entrances to a building are not more than 20 feet apart, a marquee may be made a continuous single structure between said entrances.

D. Erection.

- (1) Bracing, anchorage and supports. Marquees shall be supported solely by the building to which they are attached, and no columns or posts shall be permitted as support therefor.
- (2) Roof live-load requirement. The roof of any marquee, except glass area required, shall be designed and constructed to support a live load of not less than 100 pounds per square foot. The wind-pressure requirements shall be those stated in § 250-14.
- (3) Anchorage to wood structure prohibited. No marquee shall be erected on any building of wood frame construction unless attached to the masonry, concrete or steel supports of the building.

E. Signs attached to marquee. Signs attached to or hung from a marquee shall be completely within the borderline of the marquee outer edge and shall in no instance be lower than 10 feet above the sidewalk or public thoroughfare. No sign or advertising material shall exceed five feet in height, exclusive of the name of the establishment exhibiting such marquee. No advertising materials shall be placed upon the roof of any marquee.

F. Illumination required. Every marquee projecting over public property shall be illuminated by at least 16 candlepower of illumination for each 50 square feet or fraction thereof of area from sunset to 11:00 p.m., every night, Monday through Saturday of each week.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-31. Canopies.

§ 250-31. Canopies.

A. Definitions. A "canopy" as regulated by this chapter shall include any structure, other than an awning, made of cloth or metal with metal frames attached to a building, projecting over a thoroughfare and carried by a frame supported by the ground or sidewalk.

- B. Construction materials. Canopies may be constructed of cloth or metal hood; provided, however, that all frames and supports shall be of metal.
- C. Location.
 - (1) Height above sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall be not less than nine feet above the level of the sidewalk or public thoroughfare.
 - (2) Setback from the curblineline. No canopies shall be permitted to extend beyond a point 12 inches inside the curblineline.
 - (3) Width. No canopy shall be permitted to exceed eight feet in width.
- D. Framework. The framework of all canopies shall be designed by a structural engineer and approved by the Code Compliance Supervisor as in compliance with the Building Code of the city. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in § 250-14 of this chapter.
- E. Advertising. No advertising shall be placed on any canopy, except that the name of the owner and the business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed in a space not exceeding eight inches in height on the front and side portions thereof.
- F. Permits. Permits for canopies shall be required as provided in § 250-4.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-32. Planning Board approval. [Amended 2-14-1973]

§ 250-32. Planning Board approval. [Amended 2-14-1973]

- A. When required. No person shall erect a roof sign or a ground sign more than six feet high or any structure to be used for such roof or ground sign without approval of the Planning Board.
- B. Application for approval. No application for the permission required by Subsection A shall be received or entertained by the Planning Board unless such application shall be accompanied by an affidavit or affidavits proving to the satisfaction of that body that two weeks' notice in writing, served personally or by mail, has been given all owners, occupants or agents of land within a radius of 300 feet from where such structure is to be erected of the time and place at which such application will be made, or in lieu of such notice, there shall be filed with such application the written consents of all owners, occupants or agents to the

erection of such structure.

- C. Exception. A ground sign in the form of a pylon sign or pole sign with a display area not in excess of 25 square feet, surface (area of one face) secured at top of one or two metal poles the overall height not in excess of 15 feet shall not require approval of the Planning Board.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-33. Nonconforming signs. [Amended 4-12-1971]

§ 250-33. Nonconforming signs. [Amended 4-12-1971]

Every sign or other advertising structure which violates or does not conform to the provisions of this chapter shall be removed, altered or replaced to conform to the provisions of this chapter within six months of the date of receipt of notice of violation of this chapter. The requirements of § 250-17 shall be complied with in all cases.

CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 250, SIGNS / § 250-34. Penalties for offenses. [Amended 6-13-1988 by L.L. No. 4-1988; 9-28-1998 by Ord. No. 12-98]

§ 250-34. Penalties for offenses. [Amended 6-13-1988 by L.L. No. 4-1988; 9-28-1998 by Ord. No. 12-98]

- A. Any person who shall violate any of the provisions of this chapter or fail to comply therewith or who shall violate or fail to comply with any order made thereunder shall be punished as provided in § 1-12 for violation of this chapter of the Code of Ordinances of the City of Newburgh.
- B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects. Each day that prohibited conditions exist shall constitute a separate offense.
- C. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Endnotes

1 (Popup - Popup)

Editor's Note: See Ch. 155, Electrical Standards.

2 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4 (Popup - Popup)

Editor's Note: See Ch. 122, Building Construction.

5 (Popup - Popup)

Editor's Note: See Ch. 181, Garage Sales.

6 (Popup - Popup)

Editor's Note: Former § 250-17, Insurance requirements, as amended, was repealed 11-13-1989 by Ord. No. 36-89.

7 (Popup - Popup)

Editor's Note: See Ch. 300, Zoning.

8 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

9 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

10 (Popup - Popup)

Editor's Note: See Ch. 122, Building Construction, and Ch. 155, Electrical Standards.

11 (Popup - Popup)

Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

12 (Popup - Popup)

Editor's Note: Former Subsection G, Insurance requirements, as amended, was repealed
11-13-1989 by Ord. No. 36-89.