

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Canandaigua

Local Law No. 11 of the year 2021

A local law Amending Chapter 220 (Zoning), Creating Section 220-79(E) Digital Signs  
(Insert Title)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Canandaigua as follows:

See Attachment 1

(If additional space is needed, attach pages the same size as this sheet, and number each.)

# Local Law 11 of 2021

## Attachment 1

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SECTION ONE. Canandaigua Town Code § 220-79(E) is hereby created to read as follows:

### E. Digital Signs

- (1) **Digital Signs.** An off-site sign or billboard that utilizes digital or light-emitting diodes (LEDs) or similar electronic methods to create a changeable image display area.
- (2) **Electronically Changing Message Signs.** A sign or portion thereof designed to accommodate and display electronic messages and that can be changed or rearranged electronically without any physical alteration of the face or surface of the sign
- (3) **Digital or Electronic Signs.** Digital Signs and Electronic Changing Message Signs shall collectively be identified and defined under the Code as “Digital or Electronic Signs.”
- (4) **Digital or Electronic Signs shall be permitted under the following conditions:** Digital or Electronic Signs are authorized as off-site signs under the Code. Any proposed new Digital or Electronic Signs may only be sited and erected as replacements for preexisting off-site signs that are not Digital or Electronic Signs. Any off-site sign to be replaced by a Digital or Electronic Sign must have previously been lawfully erected but is no longer authorized due to the enactment of Section 220-87D of the Code (and such off-site sign must have first been made nonconforming by Local Law No. 4 of 1989). In addition, any proposed Digital or Electronic Signs shall be subject to the following requirements (and be referred to for purposes of this Section 4 a-j as a ‘sign’):
  - (a) **Maximum brightness.** Maximum brightness shall not exceed 5,000 cd/m<sup>2</sup> in daylight and 280 cd/m<sup>2</sup> at night (one hour after sunset to one hour before sunrise).
  - (b) **Automatic dimmer.** The sign shall be equipped with both a dimmer control and a photocell, which will automatically adjust the display intensity according to natural ambient light conditions and not exceed maximum brightness.
  - (c) **Dwell time.** The message/image change interval shall be a minimum of (8) eight seconds.
  - (d) **Static image.** The displayed image shall remain static during the (8) eight second interval.
  - (e) **No moving images.** There shall be no visual special effects of any kind during a message or during the transition between successive messages.

- (f) Transitions. The sign shall transition from one message to the next, with no perceptible dimming or blanking of the display, and with no visible effects such as fade, dissolve, animation, flashing or moving lights.
  - (g) Transition Time. The time interval used to change from one complete message, image or display to the next complete message, image or display shall be as close to instantaneous as possible and must take a maximum of one (1) second.
  - (h) No sequenced messages. Sequencing of messages, such as using two or more successive screens to convey a message on a single sign that will not fit on one screen shall not be used.
  - (i) Default display. The signs shall contain a default mechanism that will freeze the sign in one position, or the off position, if a malfunction occurs.
  - (j) Not interactive. The signs shall not be interactive and shall not feature or support personalized communications with a driver in real-time, nor emit sound, odor, or visible matter, other than light.
- (5) No effect of conversion. The conversion of a preexisting nonconforming off-site sign to a Digital or Electronic Sign, including relocation and structural improvements related thereto, shall not be considered as a removal, replacement, change, expansion or restoration of a nonconformity and as such, the following provisions shall apply:
- (a) Modifications to a preexisting nonconforming off-site sign needed to convert it to a Digital or Electronic Sign, including structural alterations, shall be allowed.
  - (b) Conversion ratio. There is an exchange or conversion ratio required for any proposed new Digital or Electronic Sign as follows: for every one (1) square foot of Digital or Electronic Sign area proposed at least one (1) square foot of preexisting sign area shall be removed or taken out of service.
- (6) No other Digital or Electronic Signs. No off-site Digital or Electronic Sign that is otherwise prohibited by Section 220-87D, shall be permitted unless it is a replacement for a sign that qualifies as a preexisting nonconforming sign according to Subsection (C)(2)(a) and that meets the requirements of Section (4) above.

SECTION TWO. Severability. If any portion of this Local Law shall be deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Local Law shall remain in full force and effect.

SECTION THREE. Effective Date. This Local Law shall be effective immediately upon its filing with the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 11 of 2021 of the ~~(County)~~(City)~~(Town)~~(Village) of Canandaigua was duly passed by the Town Board on October 18 2021, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

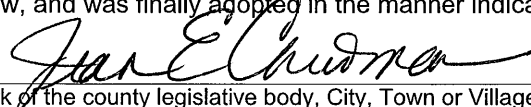
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.



\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11/8/2021

(Seal)