

Town of Ballston

Local Law No. 3 of the year 2016

A local law to establish the light emitting diode (LED) policy for the Town of Ballston for the LED bill board area.

Be it enacted by the town board of the Town of Ballston as follows:

Section I. Title: A local law to establish the (LED) light emitting diode policy for the Town of Ballston.

Section II. Authority: This local law is adopted pursuant to Municipal Home Rule Law, § 10[1][ii][a][1] that grants to local governments the authority to enact local laws.

Section III. Provisions: This local law shall add a new Paragraph M to Section 138-35 of the Town of Ballston Code. The Town Board of Ballston recognizes the need for regulations with respect to light emitting diodes (LED's) signs within the Town of Ballston. As the Town has limited areas where billboards are permitted by local law(Section 135-35 of the Town of Ballston Code). Those areas have been limited intentionally by the Town of Ballston. The overlay district established by Section 138-35 of the Town of Ballston Code has seen development of residential property with a corresponding increase of both traffic density and the speed at which said traffic travels. Those concerns have been observed by the members of the Town Board personally and such information has been relayed to the members of the board by concerned residents of the Town of Ballston. The NYS Legislature has taken steps to address the areas of distracted driving on a statewide basis. LED Billboards, by design are lighted, with the emission of lights out away from the billboard. The LED Billboards are able to change messages on the signs frequently. The Town board is concerned about the negative impact that LED signs would have upon traffic safety within the Town of Ballston. The Town Board is concerned that a changing LED billboard would be distracting and would have a negative impact upon traffic safety in the Town of Ballston.

Section IV. Provisions: The Town Code of the Town of Ballston Section 138-35 is hereby amended to add a new Sub Paragraph "M" to read as follows:

"M. No billboard shall have light emitting diodes (LED's)."

Section V. Inconsistency: All other local laws and ordinances of the Town of Ballston that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section VI. Savings Clause: 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 of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VII. Effective Date: This local law shall take effect immediately upon filing.