

To see if Town Meeting will vote to delete the existing sign bylaw and replace with the following section

on file with the Town Clerk

or to take any other action relative thereto.

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## ARTICLE 11:

### SIGNS

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#### 1110 PURPOSE

The purpose of this article is to promote the safety, comfort and wellbeing of the users of the streets, roads and highways in the Town of Wareham by:

- 1110.1 Reducing the potential distractions and obstructions of signs that would adversely affect traffic safety and alleviating hazards caused by signs projecting over or encroaching upon public ways.
- 1110.2 Discouraging excessive visual competition in signage and ensuring that signs aid orientation.
- 1110.3 Preserving and enhancing the character of the Town by requiring new and replacement signage that is:
  - 1. Creative and distinctive,
  - 2. Compatible to the surrounding area and surrounding architecture,
  - 3. Appropriate to the type of activity to which it pertains,
  - 4. Expressive of the identity of individual proprietors or of the community as a whole,
  - 5. Appropriately sized in its context, so as to be easily read.

#### 1120 PERMIT REQUIREMENTS

- 1121 General. Except as otherwise provided herein, no sign shall be erected, altered or relocated without a permit issued by the Director of Inspectional Services.
- 1122 Where multiple signs are to be attached to a building, the exact location of the signs on the building shall be subject to approval by the Director of Inspectional Services at the time the permit is issued, unless the sign is located in the Historic Districts or unless the sign permit is being issued pursuant to a decision of the Zoning Board of Appeals.
- 1122 Signs in Historic Districts. Each application with respect to a sign within an Historic District must be accompanied by a certificate of appropriateness from the Historic District Commission, unless such sign is exempt from the requirement of such certificate.
- 1123 Applications. The applicant must submit to the Director of Inspectional Services a completed sign permit application, together with all supporting materials specifying building and sign dimensions, materials of which the sign is composed, colors, attachment methods, and the

Director of Inspectional Services shall issue a permit or order in accordance with the decision of the Board.

1133.2 Variances. The Zoning Board of Appeals may vary the provisions of this bylaw in specific cases where

1. variance is necessary to comply with other applicable laws,
- 2, the Zoning Board of Appeals determines that the circumstances involved with a particular sign were not contemplated by the bylaw; or
3. unnecessary hardship will result to the owner of the sign, provided that the requested relief may be granted without substantially derogating from the intent and purpose of this bylaw.

Any decision to vary the provisions of this bylaw shall be by majority and shall specify any variance allowed and the reasons therefor. Each decision of the Zoning Board of Appeals shall be filed in the office of the Town Clerk within thirty days after the hearing and a copy of the decision shall be sent by mail or delivered to the appellant and any other person appearing at the hearing and so requesting in writing. Failure to file such a decision within thirty days after the hearing shall not be deemed to be approval of any variance sought.

1133.3 Conditions and Safeguards. The Board may include appropriate conditions in furtherance of this bylaw in a permit issued under this bylaw.

1134 Penalties. Any sign owner or owner of property on which a sign is located who violates or permits a violation of this bylaw, may be subject to fines as established under the Non-Criminal Disposition Bylaw, said fine to begin after the later of:

1. the date of issuance of any written notice given by the Director of Inspectional Services or
2. the date of conclusion of any appeal therefrom. Each day the violation persists shall constitute a separate offense.

## **1140 ILLUMINATION**

1141. Exterior illumination of signs shall be so shaded, shielded or directed that they shall not reflect or shine on or into neighboring premises or into any public street.

1142 The intensity of such light shall be deemed acceptable if it does not exceed a factor of three (3) above the ambient light intensity at any point on the ground when measured with an incident light meter and the following procedure:

1. The intensity of the sign illumination, in foot candles, is measured with all normal background and ambient illumination on.
2. With the sign turned off, the same measurement is repeated.
3. The ratio of the measurement in (1) to that in (2) shall not exceed 3.

1143 No sign shall be illuminated between the hours of 11:00 P.M. and 7:00 A.M. unless authorized by the Zoning Board of Appeals.

## **1150 SIGNS ALLOWED IN ALL DISTRICTS**

The following categories of signs are allowed in all districts under this bylaw in addition to any other sign allowed under this bylaw and, unless otherwise provided, such signs may be

additional information to users on the site, provided that no single sign exceeds three (3) square feet.

1158. Restaurant Menus. In addition to other signs permitted by this bylaw, restaurants and other food service establishments may post an actual menu on the building where the premises are located near the main entrance door of the establishment without obtaining a permit under this bylaw.

1159 Gasoline Service Station Signs. Gasoline service stations may maintain product identification signs, provided the total area of said signs does not exceed nine (9) square feet with no single sign to exceed three (3) square feet.

## **1160 PROHIBITED SIGNS**

1161 Signs, other than historic markers or historic signs, which advertise a commercial activity, business, product or service not produced or conducted, or no longer produced or conducted, on the premises upon which the sign is located are prohibited. No such sign shall remain in place or on vacated premises for more than ninety days from the date the vacancy commenced, unless otherwise permitted by this bylaw.

1162. Signs which contain or consist of pennants, ribbons, streamers, spinners, other moving devices, strings of light bulbs or other similar devices are prohibited.

1163 Signs which have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, are prohibited.

1164 Signs illuminated by other than a stationary white or off-white steady light are prohibited.

1165 Signs which are pasted or attached to utility poles, trees, fences, or structures such as overpasses and bridges are prohibited. Signs pasted or attached to other signs are prohibited unless such subsidiary portions are an integral part of the total sign design.

1166. Mechanically activated signs, other than rotating barber poles, are prohibited.

1167. No free standing sign or part thereof shall be more than twenty (20) feet above ground level. No projecting or wall sign or part thereof may be higher than the wall to which it is attached. Roof mounted signs are prohibited, except that signs may be placed upon a Mansard roof or the roof of a porch provided the twenty (20) foot height limit is complied with.

1168. Signs which are not permanently affixed to a building, structure, or the ground including, but not limited to those used in conjunction with gasoline service station and automobile dealerships, 'sandwich board' or A-frame signs (except when permitted under 8(h)), and signs mounted on a truck or trailer chassis with or without wheels whose primary function is as a sign and not for the transport of goods or merchandise, are prohibited.

1169 Signs on a marquee or canopy are prohibited.

## **1170. SIGNS ALLOWED IN ZONING DISTRICTS.**

In the zoning districts, only the following signs are permitted in addition to those allowed under section 1150:

3. A freestanding sign shall not exceed fifty (50) square feet of area when the establishment fronts on Route 28, or more than twenty-five (25) square feet of area when the establishment fronts on a street other than Route 28. No more than one freestanding sign shall be permitted on a lot. A freestanding sign shall not extend over a public way.

1172.3 Secondary Signs. If a business establishment consists of more than one building has secondary frontage on a street or parking area, a secondary sign may be affixed to one wall of each building or to the second side. Secondary signs shall not exceed one square foot for each horizontal linear foot of secondary frontage on a street or parking lot, and said area shall be in addition to the allowed total sign area for each building under Section 8A, but the size of the sign shall not exceed the maximum size allowed under Section B.

1172.4 Directories. Where there are three (3) or more businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1½) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.

1172.5 Awnings. Retractable, fabric awnings projecting from the wall of a building for the purpose of shielding the doorway or windows from the elements may include signage on the valance. Such signage shall not be included in the calculation of the total permitted sign area for the lot, provided that no lettering or symbol is greater than six (6) inches in height. No awning may extend within two (2) feet of a curbline.

1172.6 Temporary Sale Signs. In a business district, temporary signs, advertising special promotions or sale of merchandise, may be attached to or located only within the interior of a window or door, and shall not require a permit under this bylaw or be considered in calculating the total permitted sign area for the lot.

1172.7 Signs Painted on Windows. In a business district, painted script describing a commercial product and not including the name of the business. Such signage shall not require a permit under this bylaw or be included in the calculation of the total permitted sign area for the lot.

1172.8 Sandwich Boards. One "A" frame Sandwich Board sign per building shall be permitted (including within the public right-of-way, sidewalk only, except in conditions of snow or ice), in addition to the other signs permitted under this bylaw, such signs shall not require a permit under this bylaw, subject to the following conditions:

1. The sign shall only be displayed in front of the place of business, adjacent to the buildings only, and not along the curb.
2. The sign shall not exceed 24" in width and 48" in height.
3. The sign shall not protrude on the sidewalk in such a way as to obstruct pedestrian traffic or reduce the open sidewalk width to less than four feet.
4. The sign shall be free of sharp corners, protrusions and devices which could inadvertently cause injury.

1. National or state flags,
2. Athletic scoreboards,
3. Official announcements or signs of U.S., Massachusetts or Town government approved by the Board of Selectmen, or
4. Temporary holiday decorations.

1182 "Area of Sign" means the area of a freestanding or attached sign and shall include all lettering and accompanying symbols or designs, together with the background, whether open or enclosed, on which they are displayed. The area shall not include basic supporting framework and bracing. The area of a sign painted directly upon a building shall include all lettering and accompanying designs or symbols, together with any background of a different color than the finished material of the building face on which the sign is painted. The area of a sign consisting of individual letters or symbols attached to, or painted directly on, a building, wall, or window shall be the area of the smallest rectangle which encompasses all of the letters or symbols. A double-faced sign shall be deemed to be one sign having an area equal to the area of one side.

1183 "Business Establishment" means as independent economic unit, in a single physical location, where a business is conducted.

1184 "Temporary Signs" means signs erected for a period not to exceed sixty (60) consecutive days.

1186 Other terms, including the names of districts, shall, where applicable, have the meanings given to them in the Wareham Zoning By-Law.

#### **1190. INTERPRETATION AND CONFLICT**

1191 These regulations are not intended to interfere with, abrogate or annul any other bylaw, regulation, statute, or other provision of law. Where any provision of these regulations imposes permissible restrictions different from those imposed by any other regulation, bylaw, or other provision of law, whichever provisions are more restrictive or impose higher standards shall apply.

#### **1192 SEVERABILITY**

The invalidity of any section or provision of this bylaw, or its application to any sign, shall not invalidate any other section or provision, or application of this bylaw.