

ARTICLE 9: SIGN BYLAW

9.1 Purpose

This Bylaw is adopted for the regulation of signs within the Town of Douglas. Created to protect and enhance the visual environment, diminish visual confusion, enhance the character of the town, and stimulate responsible business activity without unduly restricting lawful enterprise.

It is in the Town's best interest to provide the townspeople and traveling public with information and guidance concerning public accommodations, facilities, commercial services and points of scenic, cultural, historic, educational, recreational, agricultural and religious interest in an effort to better serve the public and enhance the natural rural charm of our community.

9.2 Applicability

The provisions of this section shall apply to the construction, erection, alteration, use, illumination, location and maintenance of all signs located out-of-doors, including signs affixed on any part of a building, free-standing signs, and signs visible through windows from outside a building. The provisions of Article 9 will not apply to any sign that is reviewed and approved by the Planning Board under a site plan review process.

9.3 Definitions

When used in this article, and in this article only, the following words shall have the meaning set forth below.

Business Center: Any aggregation of two (2) or more stores or industrial uses, which share a parking area in common.

Business Center Identifier Sign: A sign, which contains the place and name of a business center.

Business Premises: That space put to any use permitted in a business district.

Business Use: Any property with primary use being commercial or industrial use.

Changeable, Message/Movable Sign: Any sign intended to announce a changing product, sale or other temporary condition within a premises and capable of being moved without dismantling.

A sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a federal, state, county or local election.

Decorative Sign: Any sign that is displayed as a decoration, is not used to advertise a product that is sold on the premises on which the sign is displayed and for which the owner or occupant of the property receives no consideration.

Directional or Informational Sign: Any sign erected near a street or driveway area necessary for the safety and direction of vehicle or pedestrian traffic.

Directory Sign: Any sign listing the name and location of the occupants of a site or building.

Electric Sign: Any sign illuminated by incandescent or florescent lamps or luminous tubes or similar illumination device.

Entrance Sign: Any sign erected at the entrance to the property of a Business where the business(es) cannot be seen from the road.

Erected: Attached, constructed, reconstructed, altered, enlarged or moved. Erected shall not mean repainted, cleaned, repaired or maintained except where a structural change is made. Altered includes changes in the lettering or symbols on the sign.

Freestanding Sign: Any sign that is not attached to, erected on or supported by a building.

Holiday Decorations: Any embellishment or ornament normally associated with the celebration of a holiday.

Individual Letter Sign: Any sign made up of separate self-contained letters.

Industrial Use: Any use permitted in an industrial district.

Multifamily Dwelling: A residential dwelling complex containing three or more units on one or more properties.

Parking Area: A public or private area used for parking motor vehicles.

Projecting Sign: Any sign other than a wall sign suspended from or supported by a structure and projecting out therefrom.

Projection: The distance a sign extends beyond the structure to which it is attached.

Residential Use: Any property with primary use being residential including but not limited to one or two-family residential use.

Roof Sign: Any sign attached to or erected on the roof of a structure.

Sign: Any symbol, message, design or device designed to be visible from the exterior and used to advertise, identify or inform about any product, premises, person or activity.

Sign Structure: The supports, uprights, braces and framework of the sign.

Street: Any public way or private ways open to the public.

Temporary Sign: Any sign not intended by virtue of its construction or content to be maintained indefinitely.

Trees:

(a) "Trees" shall include a tree whose trunk has a diameter of one and one-half (1 1/2) inches or more as measured one (1) foot above ground.

(b) "Public shade trees" shall mean all trees within any public way or on the boundaries thereof.

Wall Sign: Any sign attached to or erected against the wall of a structure with the display surface of the sign in a plane parallels to the plane of the wall, which does not project more than twelve (12) inches from the face of the structure.

Window Sign: Any sign displayed through, or on a window of a building.

9.3 Requirements

9.3.1 Signs Allowed by Right

The following signs are allowed by right in all districts.

9.3.1.1 Political, Ideological, Religious or Charitable Message Signs

Display or expressions of political, ideological or charitable ideas shall be exempt from the provisions of this bylaw, provided that no such sign shall be affixed to a tree or utility pole in a public way, or on town property.

9.3.1.2 Pre-existing, non-conforming Signs

Pre-existing, non-conforming signs may be maintained but not re-located. Changing the content of a sign as long as it remains under the same ownership, and maintains its size and lighting does not constitute a replacement.

9.3.1.3 Temporary construction Signs

One temporary sign, not exceeding 10 square feet, except as required under federal and state agency regulations, denoting the architect, engineer, owner and contractor performing construction, repair, renovation or development currently in progress on the premises where the sign is located is permitted, however a separate subdivision sign may be placed at each street entrance to the subdivision, and further provided that the sign or signs shall be promptly removed within 48 hours upon completion of construction, repair or renovation.

9.3.1.4 Special event Signs

Provided that such a temporary promotional sign:

- a. Shall be firmly anchored;
- b. Shall be removed within 48 hours after the event to which it relates has taken place;
- c. Shall not be attached to a fence, utility pole, tree or similar structure on public property;
- d. Shall not exceed 10 square feet; and
- e. May be erected on town property with the consent of the Board of Selectmen or their designee and the Building Commissioner.
- f. Hand-held signs shall be exempted from Subsection 9.3.1.3 4 a. above.

9.3.1.5 Real estate Signs

One real estate sign having an area of not more than 10 square feet and advertising the sale, rental or lease of the premises on which it is maintained is permitted. In a Residential District, one For Sale, Rent or Lease sign shall be allowed per lot, and one such sign shall be permitted for each business or establishment in any other Zoning District. Such a sign shall not be illuminated, may be a movable sign and shall be removed immediately following the closing of a sale, lease or rental agreement.

9.3.1.6 Agricultural Signs

A sign associated with an agricultural use as referred to in Section 3 of M.G.L., Ch. 40A, offering for sale produce and other farm products. The maximum display area of such sign may be up to 12 square feet. Such sign may be movable.

9.3.1.7 Fuel Pump Signs

Fuel pump signs located on service station fuel pumps identifying the name or type of fuel and price thereof.

9.3.1.8 Governmental Signs

Signs, including movable signs, erected and maintained by the Town of Douglas, any other municipal corporation, the Commonwealth of Massachusetts, or the Federal Government on any land, building or structure in use by such governmental entity. Any other signs erected by such governmental entity at any location required for public or environmental health, safety or notification purposes, or announcing the date, time and place of elections or town meetings.

9.3.1.9 Identification Signs

For single and two family residential uses in any zoning district, one sign on a lot identifying the occupants of the dwelling, an authorized home occupation and/or any other use which is conducted on the lot and is permitted in a residential district. In a residential district, one sign on a lot identifying a non-conforming use. All such signs shall not exceed two square feet of display area and shall not be illuminated, except when coincidental to the illumination of a building, driveway or similar feature.

Any residential dwelling or its accessory uses may have a single sign of not more than four square feet for each dwelling unit for non-commercial messages. Such sign may also pertain to a permitted accessory use such as a home based business.

9.3.1.10 Landmark Signs

Any sign determined by the Board of Selectmen to be of particular artistic or historic merit that is unique or extraordinarily significant to the town. Such a sign may be new or old, it may or may not comply with this Bylaw, it may be a picture, mural, statue, sculpture or other form of artistic expression, it may warrant preservation in its original form or may be in need of restoration, or it may be a marker to identify or commemorate a particular significant location, a historic event or person, or a natural feature.

9.3.1.11 Menu Signs

One menu sign per restaurant, affixed to the exterior wall of a restaurant with a maximum display area of 2 square feet.

9.3.1.12 Multifamily Dwelling Signs

A sign identifying the name of a multifamily residential dwelling, not exceeding 6 square feet in display area. If freestanding, its height shall not exceed 4 feet above ground level and if mounted to the exterior wall of a building no portion thereof shall be higher than 6 feet from the ground.

9.3.1.13 Sandwich Boards Movable Signs

Sandwich Boards Movable signs such as sandwich boards or menu boards for restaurants intended to be used on a regular basis are allowed one per premise only provided that such signs stand on legs and do not exceed four feet in height.

9.3.1.14 Traffic Signs

Standard traffic signs and control devices. Sign limitations do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, of any business, industry or residence. Such signs shall not carry the name of any business or project.

9.3.1.15 Neon Window Signs

Neon window signs provided that the display area shall not exceed ten square feet or cover more than 20 percent of the window in which they are erected, whichever is less. There shall be not more than one such sign allowed per principal use. As with any other sign, a neon window sign shall not be illuminated longer than 30 minutes before opening of after closing of the store or business.

9.3.1.16 Tag sale and similar event Signs

One sign, which may be a movable sign, on the lot where the sale occurs, displaying the event title together with the date, time and location of the event. Such sign shall not exceed 6 square feet in display area and shall not be illuminated. Such sign shall not be erected sooner than 7 days before the sale and it shall be removed not later than 1 day after the sale. These signs are prohibited, as defined in Section 9.3.3, from placement on public shade trees, memorial squares and town commons.

9.3.1.17 Small Signs

Any sign with a surface area of three square feet or smaller is exempt from the requirements of this bylaw.

9.3.1.18 Window Signs

Signs installed or erected over or behind windows shall be exempt from this bylaw with the exception of those referenced in Section 9.3.1.15 above.

9.3.1.19 Decorative Signs

Any sign that is displayed as a decoration, is not used to advertise a product that is sold on the premises on which the sign is displayed and for which the owner or occupant of the property receives no consideration.

9.3.2 Signs Allowed by Permit

9.3.2.1 Dimensional Limitations

No new sign exceeding three square feet, unless specifically permitted in Section 9.3.1 of this Bylaw, shall hereafter be erected, constructed or altered without the approval of the owner, and until after a permit has been issued by the Building Commissioner. Table 9.1 below lists the maximum limitations on signage by district and by use when permitted by the Building Commissioner. Signs exceeding the requirements in the table below are prohibited unless the sign is allowed by appeal to the Board of Selectmen or a Site Plan Review Permit is issued by the Planning Board. Animated or electronic flashing signs also requires a permit from the Planning Board.

Table 9.1: Maximum dimensional standards for signs, by zoning district and use, that exceed the “by right” area identified in 9.3.2.1, that require a permit issued by the Building Commissioner.

Zone	USE								
	AGRICULTURAL			RESIDENTIAL			COMMERICAL		
	Max. No. of Signs	Max. Total Area (sf)	Max Height (ft.)	Max. No. of Signs	Max. Total Area (sf)	Max Height (ft.)	Max. No. of Signs	Max. Total Area (sf)	Max Height (ft.)
RA	2	18	6	1	6	6	1	6	6
VR	1	9	6	1	6	6	1	6	6
RC-1	1	9	6	1	6	6	1	8	6
RC-2	1	9	6	1	6	6	1	8	6
VB	1	9	6	1	6	6	1	8	6
Comm	2	18	6	2	12	6	2	32	10
Ind	2	18	6	2	12	6	2	32	10
SFOS	2	18	6	2	18	6	2	18	6

9.3.2.2 Application

All applications for signs requiring a Sign Permit shall be made to the Building Commissioner using the Town of Douglas’ approved application form. The application must be signed by the owner of the sign and the owner of the property where the sign is to be erected and submitted with appropriate plans. The Building Commissioner shall have the authority to reject any Sign Permit application which is not complete when submitted. Additionally, the Building Commissioner may require structural design calculations supporting the design of a sign, on a case by case basis.

9.3.2.3 Time Limitations

The Building Commissioner shall approve or disapprove any application for a Sign Permit within 30 days of receipt of the complete application. If the Building Commissioner should fail to approve or disapprove an application for a Sign Permit within such 30 day period, the application shall be deemed to be approved.

9.3.2.4 Fees.

The Board of Selectmen shall establish, and from time to time review a Sign Permit application fee which shall be published as part of a Sign Permit application form and be paid to the Building Commissioner upon application for each sign permit issued under this Bylaw.

9.3.3 Prohibited Signs

All signs not conforming to the provisions of this section (Article 9) are specifically prohibited and include, but are not limited to the following sign types.

1. No sign shall be placed on town property or within the right-of-way of the town without prior approval from the Board of Selectmen. However, at no time shall any signage be allowed on memorial squares, cemeteries, telephone/utility poles, or shade trees unless it is specifically associated with the normal operation of that site/purpose.

2. No signs, graphics, pictures, publications, videotapes, movies, covers, merchandise or other implements, items or advertising, depicting, describing or relating to sexual conduct or sexual excitement as defined in Massachusetts General Law Chapter 272, Section 31 shall be displayed in the windows of, or on the building of, any establishment, or be visible to the public from the pedestrian sidewalks or walkways or from other areas outside such establishments.
3. Any sign that is illuminated in a manner that may cause a nuisance.
4. Any sign that is erected in a manner that it poses a risk to public health and safety by its construction methodology or location, as determined by the Building Commissioner.

9.4 Violations / Enforcement / Appeals

9.4.1 Violations

The Building Commissioner shall have the authority to inspect signs in order to determine whether any sign poses a risk to the health and safety of the public, or further to determine if they meet the requirements of this Section of the Bylaw. In the event that the Building Commissioner determines that a sign does not meet the requirements of this Bylaw or is otherwise deemed unsafe, a violation notice will be issued to either the property owner where the sign is located, the sign owner, or both as may be appropriate.

9.4.1.1 Abandoned Signs

Except as otherwise provided in this article, any sign that is located on property which becomes vacant and is unoccupied for a period of three months or more, or any sign which pertains to a time, event or purpose which no longer applies shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned, unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

9.4.1.2 Dangerous Signs

No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in an unsafe condition so as to pose a threat to public safety. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.

9.4.1.3 Removal of Signs by the Building Commissioner

(a) The Building Commissioner shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued.

(b) The Building Commissioner shall prepare a notice which shall describe the sign and specify the violation involved and which 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 provision of this section.

(c) All such notices shall either be hand-delivered or sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail or date of hand delivery. For all other signs, 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. If known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.

9.4.2 Appeals

Any person having an interest in the sign or the property may request an appeal to the Building Commissioner's determination/action under this section (Article 9) by filing a written notice with the Town Clerk within thirty (30) days from the date of the determination. The appeal shall clearly state the specifics for the appeal and any justification as to why the appeal should be granted. The Board of Selectmen shall hear the petition for appeal within 30 days of it being received by the Town Clerk and will have 30 days after hearing the appeal to issue its determination.

9.4.3 Penalties

A violation of any provision of this sign bylaw shall be subject to a fine of \$100 per offense. Each day of violation constitute a separate offense. This bylaw may be enforced by non-criminal disposition by the Building Commissioner.

9.5 Severability

If any section or provision of this bylaw is found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of any other section or provision of this Bylaw. (*Adopted at a Special Town Meeting under Article 9 held on November 18, 2013 and approved by the Attorney General on January 30, 2014.)