

## **SIGN BYLAW**

Approved by Town Meeting June 27, 2020

### ARTICLE

To see if the Town will vote to strike section 8.4 of the Town of Shutesbury Zoning Bylaw and replace it with the following new section 8.4 or take any other action related thereto.

### **SECTION 8.4 SIGN REGULATIONS**

#### **8.4-1 Purpose**

The purpose of sign regulations is to provide for the reasonable control of signs and advertising devices to preserve and enhance the historic appearance, rural character, and scenic amenities of the Town without unduly restricting the conduct of lawful enterprises. These regulations are intended to protect public safety, facilitate effective communication, and promote civic and community vitality without distracting motorists or obstructing visibility and/or clearance.

#### **8.4-2 General Guidelines**

##### **A. General Standards**

Signs shall fit within the character of the Town of Shutesbury and the abutting properties and uses. Signs shall be appropriate in scale and placement for both the specific site and immediate surrounding area.

##### **B. Sign Dimensions**

The area of a sign shall be determined to be the size of the smallest rectangle which will include the entire physical area of the sign. The dimensions of a sign shall be the length multiplied by the width of such a rectangle. The area of the supporting framework shall not be included in the area if such framework is incidental to the display.

The height of a sign shall be measured to the highest point of the sign including any structural or ornamental projections above the sign proper, from the average ground level above which the sign is located.

A two-sided sign that has messages on both sides will be deemed to be one sign. A sign with more than two sides shall be deemed to be multiple signs, one sign for each direction faced.

#### **8.4-3 Permitted Signs**

##### **A. Signs Permitted By Right:**

The following types of signs are permitted by right:

1. Resident Identification. One sign for each family residing on the premises, indicating the name of the premises and the name of the owner or occupant provided such sign does not exceed two (2) square feet in area.

2. Accessory Use Identification: One sign, not exceeding eight (8) square feet in area, for a permitted accessory use or home occupation located on the premises.
3. Property or Home Construction, Lease or Sale Signs: Signs pertaining to the construction, lease or sale of the premises provided such signs do not exceed twelve (12) square feet in total combined area
4. Personal Property Sale/For Free Signs: Signs indicating the sale or availability of personal property, including those items being offered by a business, charitable or religious organization, provided that such signs do not exceed eight (8) square feet in total combined area.
5. Directional or identification signs: Directional or identification signs where such signs will serve the public and provided that such signs do not exceed eight (8) square feet in total combined area.
6. Community, charitable and religious signs: Signs or bulletin boards not exceeding twenty-four (24) square feet in total combined area in connection with community, charitable or religious uses.
7. Opinion, advocacy, and political signs: Non-commercial signs promoting an idea, position, political candidate, or other form of non-commercial expression protected by the United States and Massachusetts Constitutions, provided that such signs do not exceed twenty-four (24) square feet in total combined area.
8. Agricultural signs: Signs indicating the sale of agricultural or horticultural products, providing that the signs do not exceed twenty-four (24) square feet in total combined area.
9. Commercial signs: Signs for freestanding commercial uses that are not located upon the same lot as a residential use provided that they do not exceed twenty-four (24) square feet in total combined area.
10. Municipal signs: Sign erected by the Town of Shutesbury provided that such signs do not exceed twenty-four (24) square feet in total combined area.

Signs shall be erected on the same lot as the premises, person or activity they are intended to advertise, call attention to or identify; in order to be erected in a location other than the same lot as the premises, person or activity, such signs shall require permission of the other property owner. Signs may also be erected between the lot line of privately owned premises and five (5) feet of the travelled lanes of a public roadway (defined herein as the white line of a paved road, edge of pavement of a paved road without striping, or the outside of the obvious track of the outer tires on an unpaved road).

**B. Signs Requiring a Special Permit**

Any sign, allowed by right in 8.4-3, Section A that exceeds the specified allowable size or which seeks placement other than specified in this bylaw, shall require a Special Permit from the Zoning Board of Appeals.

**8.4-4 Nonconforming Signs**

Legally pre-existing signs may continue in use per MGL Chapter 40A, Section 6. However, if it is replaced, enlarged, redesigned, or materially altered, it shall be brought into conformity with this bylaw.

#### **8.4-5 Sign Restrictions**

1. Illuminated signs: Signs or other advertising devices may be illuminated, but such illumination shall be external to the sign and shall be either indirect or shielded by translucent material so as to prevent direct glare onto any public street or onto any adjacent property. No exterior sign or interior sign visible from the exterior of the structure shall be illuminated during hours the business is not open, provided, however, that no sign on a residential premise shall be illuminated after 8:00 p.m.

2. Signs on Town Property:

Only municipal signs, except permitted signs located between the lot line of privately owned premises and five (5) feet of the travelled lanes of a public roadway, may be placed upon town-owned property including the Town Common, frontage bordering town buildings, parks, recreation, conservation, or watershed area. Municipal signs shall require approval from the Select Board or its designee.

#### **8.4-6 Prohibited Signs or Installation**

A. Moving, animated or digital signs: Moving signs, digital signs, swinging signs, changeable message signs, flashing signs, revolving signs, signs consisting of pennants, ribbons, streamers, spinners, strings of light bulbs, revolving beacons, search lights, or animated signs to create the illusion of motions.

B. Inflatable signs: Free-standing inflatable signs whether animated or stationary.

C. Billboards: Billboards and roof-mounted signs.

D. Vehicle signs: Display of advertising painted on or attached to a vehicle, when the primary use of the vehicle is for display rather than transportation, and where the vehicle is usually parked within sight of a public way.

E. Prohibited Installations

1. Signs erected or displayed so as to endanger public safety. Signs erected that shall in any way create a traffic hazard or in any way obscure, confuse or impair pedestrian or automobile traffic flow or sight. Signs constituting a nuisance or hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

2. Signs extending to within five (5) feet of the travelled lanes of a public roadway.

3. Signs higher than ten (10) feet above the natural grade.

4. Signs larger than twenty-four (24) square feet in total area.

5. Signs posted or attached to utility poles.

## **8.4-7 Enforcement**

### Signs on Non-Town Property:

Any sign owner or owner of property on which a sign is located who violates, or permits a violation of this Bylaw, except in the situation when a sign is deemed unsafe, shall be subject to the enforcement provisions of the Town of Shutesbury Zoning Bylaws, Section 10.2

If a sign, including those signs located within five (5) feet of the travelled lanes of any public roadway is deemed to be unsafe by the Police Chief or the Highway Department Superintendent in a written statement to the Select Board, the Select Board or its designee may remove the sign upon 24-hour written or verbal notice to the sign owner or owner of the property on which the sign is located. Subsequent actions shall be consistent with aforesaid Section 10.2 regarding enforcement.

### Signs on Town Property:

Signs erected on Town property not in compliance with 8.4-5(C)2 may be removed without notice by the Select Board or its designee. If known, the owner of the sign shall be contacted within 48 hours. The sign shall be stored for a period of two weeks to allow the owner to retrieve the sign, at which time the Select Board or its designee may dispose of the sign.