

# PROPOSED REHOBOTH SIGN BYLAW

**DRAFT**

## 6.5 SIGNS

### 6.5.1 PURPOSE

It is the purpose of this SIGN by-law, i.e., Section 6.5 entitled “SIGNS”, to establish regulations under which each SIGN (as hereinafter defined) may be permitted under certain conditions within the Town of Rehoboth so as to protect and enhance the visual environment of the Town and the public’s safety, convenience, welfare and property values, while encouraging commerce in the Town and helping consumers locate local businesses easily and safely.

### 6.5.2 SCOPE

**6.5.2.1** This SIGN by-law applies to all SIGNS (as hereinafter defined) in the Town of Rehoboth, unless specifically exempted herein. The following are exempted from this SIGN by-law, except for Sections 6.5.3.1, 6.5.3.2, 6.5.3.3 and 6.5.3.4::

- (a) building design;
- (b) the message of a SIGN;
- (c) a SIGN not visible from any public way;
- (d) a street number SIGN which does not contain advertising Copy;
- (e) Traffic SIGN as defined below;
- (f) a SIGN which is accessory to an agricultural use and which is protected by the provisions of G.L. c. 40A, §3, subject to reasonable regulations as may be permitted.
- (g) non-commercial name SIGN;
- (h) historic marker;
- (i) cemetery marker and cemetery headstone;
- (j) home security SIGN maintained for the security of the home where it is located;
- (k) beware-of-the-dog SIGN;
- (l) no-trespassing SIGN;
- (m) no-hunting SIGN;
- (n) danger SIGN;
- (o) “private way” or “private driveway” SIGN;
- (p) non-commercial statue and art;
- (q) political or public issue SIGN placed on private property by the owner or tenant of such property or with said owner’s or tenant’s permission;
- (r) flags, which are not used for advertising purposes, of the United States or of a State thereof, or of a municipality of a State, or of a political entity.

**6.5.2.2** The Highway Business District is hereby established as an overlay district which shall consist of those portions of the Business District which have Frontage on Route 44 or Route 6.

### **6.5.3 GENERAL PROVISIONS**

It shall be unlawful for any Person to erect, place or maintain a SIGN in the Town of Rehoboth which does not comply with the provisions of this SIGN bylaw.

#### **6.5.3.1 SIGNS PROHIBITED**

The following types of SIGNS are prohibited in all zoning districts of the Town:

- (a) Abandoned SIGNS;
- (b) any SIGN which by reason of its location, shape, size or color, will, in the opinion of the Zoning Enforcement Officer, interfere with traffic signs, signals, markings or orderly flow of traffic;
- (c) SIGNS, not authorized by the Town, which imitate official traffic or government signs or signals;
- (d) Animated SIGNS.

#### **6.5.3.2 MAINTENANCE**

All SIGNS shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective parts shall be replaced. The Town Zoning Enforcement Officer shall have the right to order the repair or removal of any SIGN which is defective, damaged or substantially deteriorated. A legal, pre-existing non-conforming SIGN is subject to safety, maintenance and repair requirements of this SIGN by-law and the Massachusetts State Building Code.

#### **6.5.3.3 LIGHTING**

Unless otherwise specified by this SIGN by-law, all SIGNS may be illuminated. The following illumination standards shall apply:

- (a) no Illuminated SIGN shall flash, rotate, have motorized moving parts, or utilize a revolving beacon of light;

- (b) no SIGN shall be directly or indirectly illuminated at any time between the hours of 11:00 p.m. and 6:00 a.m. unless a business to which the Sign pertains is then open for business on the Premises on which such SIGN is located; provided however that SIGNS within the Highway Business District may be illuminated up to 24 hours per day; and provided further that all SIGNS which are illuminated at any time between the hours of 11:00 p.m. and 6:00 a.m. shall be placed and/or shielded so as to not shine excessively on neighboring residential properties.
- (c) any SIGN that, as determined by the Zoning Enforcement Officer, constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination shall be rectified forthwith ;
- (d) Externally Illuminated SIGNS shall be illuminated only with steady, stationary, shielded light sources which are directed solely onto the SIGN without causing glare and which do not shine onto residential properties and public ways;
- (e) Internally Illuminated SIGNS are permitted only in the Town's Highway Business District and in the Town's Industrial District; however, such SIGNS shall be placed and/or shielded so as to not shine excessively on neighboring residential properties.

#### **6.5.3.4 ELECTRONIC MESSAGE CENTER SIGN ("EMC")**

Each EMC shall be subject to all of the following standards;

- (a) each EMC shall display messages using only letters, numbers, symbols (as punctuation marks and mathematical symbols) and images;
- (b) each message (including each image) on the EMC shall be displayed statically, i.e., without moving, for a minimum of three (3) seconds; the change of the message or image may be accomplished by dissolve, fade, scrolling or travel of the message or image, which change shall last no more than three (3) seconds;
- (c) no more than one EMC shall be allowed per Lot;
- (d) the maximum size for an EMC shall not exceed in Area the greater of (i) sixteen (16) square feet or (ii) fifty percent of the Area of the single SIGN of which the EMC is a part;
- (e) each EMC shall have a default mechanism that freezes the SIGN in one position if a malfunction occurs;
- (f) each EMC shall have a light detector which automatically adjusts the brightness according to ambient light conditions. Each EMC shall contain a brightness regulator which does not allow the EMC to register more than 0.3 foot candles over ambient light levels and shall be accompanied by a manufacturer's certification of such compliance.
- (g) EMC illumination measurement criteria: the illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimal

places. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the following formula: Measurement Distance in feet equals the square root of (the area of the EMC in square feet x 100). For example, if the area of an EMC is 25 square feet, first multiply 25 x 100, which equals 2500, then find the square root of 2500, which is 50, which is the Measurement Distance in feet.

### **6.5.3.5 CHANGEABLE COPY**

Unless otherwise prohibited or regulated by this SIGN by-law, any SIGN herein allowed may use non-electronic changeable Copy.

## **6.5.4 REGULATION OF ON-PREMISES SIGNS BY ZONING DISTRICT**

### **6.5.4.1 SIGNS PERMITTED IN THE RESIDENCE/AGRICULTURAL DISTRICT**

The following SIGNS are allowed in the Residence/Agricultural District, but must be in compliance with all other requirements of this SIGN by-law and the Town's Zoning By-laws:

- (a) one Freestanding SIGN per Lot not to exceed twelve (12) square feet of SIGN Area, which SIGN must be directly associated with a business, occupation, profession, product, goods, service, or activity which is engaged in or provided on the Lot.
- (b) one Construction SIGN for each street Frontage of a construction project, not to exceed twelve (12) square feet in SIGN Area in the Residential/Agricultural District or twenty-four (24) square feet in SIGN Area in all other zones. Such SIGNS may be erected fifteen (15) days prior to beginning construction and shall be removed no later than thirty (30) days following completion of the construction.
- (c) two non-illuminated Real Estate SIGNS per Lot or Premises, not to exceed twelve (12) square feet in total SIGN Area; such SIGNS must be removed no later than thirty (30) days following sale, rental or lease of such Lot or Premises.
- (d) no more than two SIGNS per subdivision, containing only the name of the subdivision and located at an entrance(s) to the subdivision, not to exceed twelve (12) square feet each in SIGN Area.
- (e) Temporary SIGNS, banners, and decorations (not including Portable Signs) placed on private property by the owner or tenant of such property, or with said owner's or tenant's

permission, for special events or holidays; such SIGNS, banners or decorations shall be erected no earlier than thirty (30) days prior to the special event or holiday and shall be removed within seven (7) days following the special event or holiday.

#### **6.5.4.2 SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL DISTRICTS**

SIGNS are permitted as follows in the Business District and the Industrial District:

- (a) all SIGNS permitted in Section 6.5.4.1;
- (b) on each Lot, Wall SIGNS without limitation on the number except that the total Area of such SIGNS shall not exceed 20% of the wall area where attached, and provided further that in no case shall such a Wall SIGN project above the wall to which it is attached; and, with respect to such Lot, One Freestanding SIGN not to exceed in Area forty (40) square feet for each one-hundred (100) feet of Frontage of such Lot;
- (c) only one exterior SIGN with an area not exceeding nine (9) square feet shall be erected on any non-conforming building or use;
- (d) temporary SIGNS, banners, and decorations (not including Portable Signs) placed on private property by the owner or tenant of such property, or with said owner's or tenant's permission, for a grand opening, provided that such SIGNS, banners, and decorations must be erected and used for no more than thirty (30) days..

#### **6.5.4.3 SIGNS PERMITTED IN THE HIGHWAY BUSINESS DISTRICT**

SIGNS are permitted as follows in the Highway Business District:

- (a) all SIGNS permitted in Sections 6.5.4.1 and 6.5.4.2;
- (b) one (1) Freestanding SIGN per street frontage, not to exceed twelve (12) feet in Height of SIGN and forty-eight (48) square feet in SIGN Area is allowed per one hundred twenty (120) feet of Frontage or fraction thereof; provided, however, that if a building or Premises has more than one Occupancy, the SIGN Area of such Freestanding SIGN shall be increased by twenty-four (24) square feet for each additional Occupancy; for example, if a building had three tenants, the maximum Sign Area of said Freestanding SIGN would be ninety-six (96) square feet. A second Freestanding SIGN of the same height and area is allowed if the Lot exceeds two hundred forty (240) feet of Frontage. No more than two (2) Freestanding SIGNS are allowed per Lot.
- (c) one (1) Wall SIGN and one (1) Projecting SIGN and one (1) Roof SIGN per Occupancy, not to exceed, in total SIGN Area, two (2) square feet in SIGN Area for each linear foot of the Occupancy's building frontage up to a maximum of seventy two (72) square feet or twenty (20) percent of the wall facing the Lot Frontage, whichever is smaller.

- (d) one (1) Awning SIGN per Occupancy, not to exceed thirty (30) percent of the surface area of the awning
- (e) incidental SIGNS, not to exceed twenty (20) square feet in aggregate SIGN Area per Occupancy;
- (f) one (1) Portable SIGN per Lot, no larger than twenty (20) square feet in SIGN Area. Portable SIGNS may be displayed only during the hours that the business relating to such Portable Sign is open, and when such business is not open, such Portable Sign must be stored in a location where it is not visible from a public way. Portable SIGNS shall have a setback of at least ten (10) feet from any vehicular public right-of-way;
- (g) Freestanding and Awning SIGNS shall have a setback of at least ten (10) feet from any vehicular public right-of-way and a minimum clearance of nine (9) feet over any pedestrian use area.

### **6.5.5 REGULATION OF OFF-PREMISES SIGNS**

**6.5.5.1** Off-Premises SIGNS are not permitted, except that an Off-Premises Directional/Information SIGN designating the route to an establishment not on the street on which the SIGN is located may be erected and maintained on public or private property, if granted permission by the Board of Selectmen upon terms set by said Board and a determination by said Board that such sign will promote the public interest, will not endanger the public safety and will be of such size, location and design as will not be detrimental to the neighborhood. Said Board may impose such conditions as it deems reasonable to ensure that the Off-Premise Directional/Information SIGN is constructed and maintained in accordance with the Board's approval. Such Off-Premises SIGNS which are solely directional shall be unlighted and each shall not be over four (4) square feet in Area. Off-Premises Directional/Information SIGNS which are Internally Illuminated SIGNS shall not be permitted except in the Highway Business District, and neither the Board of Selectmen nor the Zoning Board of Appeals shall have authority to grant a Special Permit or Variance for Internally Illuminated SIGNS in zoning Districts other than the Highway Business District.

### **6.5.6 CONSTRUCTION SPECIFICATIONS**

#### **6.5.6.1 COMPLIANCE WITH BUILDING AND ELECTRICAL CODES**

All SIGNS shall be constructed in accordance with all requirements of the Massachusetts State Building Code and the National Electrical Code.

### 6.5.6.2 ANCHORING

All Freestanding SIGNS of a permanent nature shall have self-supporting structures erected on or permanently attached to concrete foundations;

### 6.5.7 DEFINITIONS

Certain terms are defined for the purpose of this SIGN by-law as follows:

**Abandoned SIGN** – A SIGN whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of at least 60 days, or a SIGN which is non-commercial in nature and the content of the SIGN pertains to a time, event or purpose which has elapsed or expired more than 60 days ago, or a SIGN which has not been maintained or repaired in reasonable working order.

**Animated SIGN** – A SIGN which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, or oscillate; provided however that Electronic Message Centers which are otherwise regulated under this SIGN by-law shall not be considered to be Animated SIGNS.

**Awning SIGN** – A SIGN painted on, printed on, or attached flat against the surface of an awning.

**Construction SIGN** – A SIGN identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the SIGN is located.

**Copy** – A wording or logo on a SIGN surface in either permanent, changeable, temporary or removable form.

**Directional/Information SIGN** – An On-Premises SIGN giving directions, instructions or facility information and which contains the names and/or logos of businesses located on such Premises but no advertising Copy, e.g., directional, parking and exit and entrance signs.

**Electronic Message Center SIGN (“EMC”)** – A SIGN capable of displaying and changing words, symbols, figures, images and Copy utilizing computer or other electronic means, including without limitation those using incandescent lamps, LEDs, LCDs, or a combination thereof.

**Freestanding SIGN** – A SIGN supported upon the ground by poles or braces and not attached to any building.

**Frontage** – The length of the property line of any one Lot along a public way on which it borders.

**Height (of a SIGN)** – The vertical distance measured from the highest point of the SIGN, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the SIGN, whichever is less.

**Identification SIGN** – A SIGN whose Copy is limited to the name and address of a building or a Person and/or to the activity or occupation being identified on the Lot where the SIGN is located.

**Illegal SIGN** – A SIGN which does not meet the requirements of this SIGN by-law and which is not entitled to pre-existing non-conforming status.

**Illuminated SIGN** – A SIGN with an artificial light source incorporated internally (an “**Internally Illuminated SIGN**”) or externally (an “**Externally Illuminated SIGN**”) for the purpose of illuminating the SIGN.

**Incidental SIGN** – A SIGN no more than two square feet in Area, informing the public of goods, facilities or services available on the premises, e.g., a credit card SIGN or a SIGN indicating hours of business.

**Lot** - As defined in Section 2.0, Definitions, of Town of Rehoboth Zoning By-laws.

**Occupancy** – The portion of a building or Premises owned, leased, rented or otherwise occupied for a given use.

**Off-Premises SIGN** – An outside SIGN whose message directs attention to a business, establishment, merchandise, service, entertainment, activity or event, commercial or non-commercial, which is not sold, produced, conducted, furnished or taking place at the property on which said SIGN is located, including without limitation, “billboards” or “outdoor advertising”.

**On-Premises SIGN** – A SIGN which pertains to the use of the Premises on which it is located.

**Owner** – A person who owns and/or controls a SIGN on a specific property.

**Person** – For the purpose of this bylaw, any individual, corporation, limited liability company, proprietor, association, firm, partnership, trust or similarly defined interest.

**Portable SIGN** – Any SIGN designed to be moved and not permanently affixed to the ground or to a Structure or building.

**Premises** - As defined in Section 2.0, Definitions, of Town of Rehoboth Zoning By-laws.

**Projecting Sign** - A SIGN, other than a flat wall SIGN, which is attached to and projects from a building or wall or other Structure not specifically designed to support the SIGN, or which is suspended from a roof-like structure

**Real Estate SIGN** – A SIGN advertising the real estate upon which the SIGN is located as being for rent, lease or sale.

**Roof SIGN** – A SIGN erected on a roof, parapet, or roof-mounted equipment structure of a building.

**Roofline** – The top edge of a roof, excluding any cupolas, pylons, chimneys or minor projections.



**Rotating SIGN** – A SIGN in which the SIGN itself or any portion of the SIGN moves in a revolving or similar manner. Such motion does not refer to methods of changing Copy.

**SIGN** – Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed and used for the purpose of communicating a message or attracting attention.

**SIGN, Area of** –

(1) **Roof SIGNS, Projecting SIGNS and Freestanding SIGNS:** The Area of a Roof SIGN, Projecting SIGN or Freestanding SIGN shall have only one face (the largest one) of any double-faced or multi-faced SIGN counted in calculating its Area.

(a) The Area of such SIGN shall be measured as follows if composed of one or two individual cabinets or modules: the Area within the enclosing perimeter of each cabinet or module shall be determined and then totaled to determine the total Area. The perimeter of measurable Area shall not include embellishments such as pole covers, framing, decorative roofing, etc. provided that there is not advertising Copy on such embellishments.

(b) If such SIGN is composed of more than two SIGN cabinets or modules, the Area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the Area of the SIGN. Pole Covers and other embellishments shall not be included in the Area of measurement if they do not bear advertising Copy.

(2) **Wall SIGNS and Awning SIGNS:** The Area of a Wall SIGN or Awning SIGN shall be the Area within a single, continuous enclosing perimeter consisting of the fewest straight lines comprising a geometric figure which encloses the extreme limits of the advertising Copy.

**Structure** – As defined in Article 2.0, Definitions, of Town of Rehoboth Zoning By-laws.

**Town** – Unless the context clearly discloses a contrary intent, the word “Town” shall mean the Town of Rehoboth.

**Traffic SIGN** – a SIGN used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, bikeway, or private road open to public travel by authority of a public agency or official having jurisdiction, or, in the case of a private road, by authority of the private owner or private official having jurisdiction.

**Use** – The purpose for which a building, Lot, SIGN or Structure is designed, occupied or maintained.

**Wall SIGN** – A SIGN attached parallel to and extending not more than eighteen (18) inches from the wall of a Building. This definition includes painted, individual letter, and cabinet SIGNS.

### **6.5.8 SAVINGS CLAUSE**

**6.5.8.1** In the event any provision of this SIGN by-law is found to be unconstitutional or otherwise invalid, such finding shall not affect the validity of the other provisions hereof.

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