

Town of Milton  
Proposed Sign Bylaw, Draft 1  
*Last updated July 20, 2015*

## **Section 1. Definitions**

**Awning** – Any device, fixed or retractable, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway, or other area or space whether that area or space is intended for pedestrians, vehicles or other purposes. Also known as a “canopy.”

**Beacon** – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

**Business Establishment** – Any non-residential use, whether or not consisting of one (1) or more buildings. In a building with more than one (1) non-residential tenant, each tenant shall constitute a separate business establishment.

**Changeable Copy** – Any lights, lettering, or images that may be electronically or manually changed to form a sign message or messages.

**Commercial Message** – Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**Façade of the Business Establishment** – That portion of the building wall facing a street or containing a public entrance, which corresponds to the height and width of the interior space rented or owned by the tenant of the business establishment.

**Flag** – Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization.

**Normal Grade** – The lower of 1) existing grade prior to construction or 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

**Sign Permit** – A permit issued by the Building Commissioner allowing a sign to be installed on a piece of property.

**Sign** – Any object, device, display or structure, or part thereof, which is placed outdoors or which is visible from the outdoors, which is used to advertise, identify, display, direct or

attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "Sign" shall include, without limiting the generality of the foregoing, billboards, pennants, ribbons, streamers, moving devices, strings of lights, awnings, marquees, canopies, vending machines, and similar devices. "Sign" shall not include national or state flags, athletic scoreboards, official announcements or signs of U.S., Massachusetts or Town government (including any signs on Town property or the Town right-of-way) approved by the Board of Selectmen, or temporary holiday decorations customarily associated with any national, local or religious holiday.

Sign, Abandoned – Any sign associated with a use which has ceased operations for sixty (60) or more days and/or contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt.

Sign, Accessory – Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises, and directional or parking instructions, or the sale or letting of the premises or any part thereof.

Sign, Address – A sign indicating the numerical location, or numerical and street location, of a particular property.

Sign, Animated – Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene.

Sign Area, Are of a Sign, Signage – The entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a standing or pole sign is the entire area of one side of such sign such that two faces which are back to back are counted only once for the purposes of standing or pole sign area.

Sign, Audible – Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.

Sign, Awning – Any sign that is a part of, attached to, or displayed on an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

Sign, Banner – A sign placed above or across a public or private street or way with the prior written permission of the Board of Selectmen; the Board of Selectmen shall determine the terms and conditions for the use of such sign, including, but not limited to, dimensional and length of time of allowances. Neither flags nor awning signs are considered banners.

Sign, Bracket – A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.

Sign, Building – Any sign attached to any part of a building, as contrasted to a ground sign.

Sign, Directional – Any sign limited solely to directing both vehicular and pedestrian traffic within or setting out restrictions on the use of parking areas.

Sign, Directory – A sign which may be utilized by multiple business establishments occupying a single building with a shared public entrance.

Sign, Externally Illuminated – A sign illuminated by an external light source directed solely toward such sign.

Sign, Facing or Face – The surface of a sign board, background area, and structural trim upon, against, or through which a message is displayed or illustrated on the sign.

Sign, Flashing – A sign, the illumination of which is not kept constant in intensity at all times when in use or which exhibits marked changes in lighting effects.

Sign, Freestanding – A sign not a part of or attached to any building but generally located elsewhere on a lot.

Sign, Ghost – An advertisement that was installed prior to 1960. Such "ghost sign" shall be allowed by Special Permit from the Board of Selectmen to remain, to be stabilized or restored to the original condition when such sign is considered an important reflection of the everyday social and economic life of years past. Such signs shall not count toward the allowable square footage or allowable number of signs of a business or parcel of land.

Sign, Ground – Any sign, supported by structures or supports that are placed on or anchored in the ground, independent from any building or other structure.

Sign, Internally Illuminated – A sign illuminated by an internal light source, utilizing translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through. A "Reverse Lit" sign is not an internally illuminated sign.

Sign, Moving – Any and every sign any part of which moves, is designed to move, or to be moved, by any means.

Sign, Multi-faced – Any sign consisting of more than one (1) sign face.

Sign, Non-Accessory Sign – A billboard, sign, or other advertising device which does not come within the other definitions of sign in this Section.

Sign, Non-Conforming – Any sign legally erected prior to the adoption of this section, or any amendment thereof, which does not conform to the requirements of this section or such future amendments.

Sign, Open-Face – A type of sign and/or sign illumination utilizing an open or clear plastic sign face, allowing the light source to be visible.

Sign, Permanent – Any sign of a type and construction as not to be easily or readily removed, which, when installed, is intended for permanent use. Types of permanent signs include, but are not limited to, standing signs, wall signs, awning signs, and window signs.

Sign, Pennant – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. Also known and referred to as a streamer.

Sign, Portable – A free-standing sign not permanently affixed, anchored, or secured to the ground or structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle, unless the primary function of that vehicle is as a sign and not for the transport of goods or merchandise.

Sign, Projecting – A type of wall sign which is perpendicular to the wall to which it is attached and projects away from such wall.

Sign, Reverse-Lit – A type of sign and/or sign illumination using an opaque face and sides, generally constructed of aluminum, and a clear polycarbonate back or no back. Light does not pass through the face of the sign, but rather comes out of the back of the sign and is cast off the wall behind the sign, thereby creating a silhouette of the outline of the sign face. Also known and referred to as “Reverse Back Lit”, “Halo”, or “Halo Lit” sign or sign illumination.

Sign, Roof – Any sign erected and constructed above, or projecting above, the lowest point of the eave or the top of a parapet wall of any building, or which is painted or otherwise attached or affixed to a roof.

Sign, Standard Informational – A sign with no one side consisting of an area greater than six (6) square feet, with a sign face made for short term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than six (6) feet. Sandwich board signs shall be considered to be a type of standard informational sign.

Sign, Standing – A permanent sign erected on or affixed to the ground and not attached to a building. The sign shall not exceed fifteen (15) feet in height with eight (8) feet of clearance under the sign area and erected upon supporting devices or stands.

Sign, Temporary – Any and every sign which by its design and/or use is temporary in nature and/or is not permanently mounted. Neither flags nor awning signs are considered temporary signs.

Sign, Wall – A permanent building sign not considered to be a roof sign, window sign, temporary sign, temporary window sign, or directory, attached to or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building. Wall signs may be mounted parallel or perpendicular to a wall, subject to the requirements herein.

Sign, Primary Wall – A sign on the building face fronting on a street or parking lot frontage.

Sign, Secondary Wall – A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary wall signs shall not exceed fifty (50) percent of the maximum possible area of the primary wall sign.

Signs, Window – Any sign attached, painted or otherwise similarly affixed directly to the glass surface of a window or door, either inside or outside the building, and/or any illuminated sign installed inside the building within one (1) foot of the glass surface of a window or door, and designed to be visible from the exterior of the structure.

## **Section VI. New Subsection O.**

### **(1) Intent and Purpose**

#### *a. Intent*

- i. It is recognized that signs perform important functions in the community which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available, and providing orientation. It is further recognized that because of their potential

detrimental impact to the visual and perceptual environment, signs must be regulated in order to:

- Prevent hazards to vehicular and pedestrian traffic.
- Prevent conditions which have a blighting influence and contribute to declining property values.
- Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity.
- Preserve the amenities and visual quality of the town and curb the deterioration of the community environment.
- Support business vitality by avoiding burdensome procedures and restrictions.

ii. It is the intent of this article to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community, and encourage the appropriate use of land.

*b. Pertinence to Other Laws*

All signs shall be subject to any and all other applicable by-laws and regulations of the Town of Milton and the Commonwealth of Massachusetts. Nothing in this by-law is intended to limit the exercise of the right of free speech guaranteed under the Constitutions of the United States of the Commonwealth of Massachusetts.

*c. Interpretation and Conflict Clause*

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 restrictions different from those imposed by any other regulations, bylaw, or other provision of law, whichever provisions are more restrictive or impose higher standards shall apply.

*d. Severability Clause*

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.

**(2) Powers and Duties of Personnel**

The Building Commissioner is hereby authorized and directed to interpret, administer and enforce this Section.

### (3) Applicability

The standards and regulations of this Section shall apply to all signs, erected, maintained, or replaced in any district within the corporate limits of the Town of Milton. All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the Commonwealth of Massachusetts and other applicable bylaws of the Town of Milton.

### (4) Existing Signs

#### *a. Existing Signs*

Existing Signs are defined as those erected before October XX, 2015, and are classified into one of four separate categories. These are:

- i. Conforming signs which comply with all provisions of this bylaw in its most recently amended form.
- ii. Prohibited signs, as specified in Section XX.
- iii. Non-conforming signs, which do not comply with one or more provisions of this bylaw, in its form prior to the October 2015 Town Meeting, but which are not described as prohibited signs in *Subsection 8*.
- iv. Non-conforming protected signs, which fully complied with this bylaw prior to the amendments approved by the October 2015 Town Meeting.

#### *b. Removal of Existing Signs*

Non-conforming signs which are enlarged, reworded, redesigned, replaced, or altered in any way including repainting in a different color or relettering, shall comply immediately with all provisions of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement value of the sign at the time of replacement shall not be repaired or rebuilt except to conform to the requirements of this bylaw.

#### *c. Removal of Signs*

The Building Commissioner shall order the removal of any signs erected or maintained in violation of this bylaw. Fourteen (14) days notice in writing shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the bylaw.

#### *d. Abandonment of or Failure to Maintain Sign*

Any sign which shall have been abandoned or which shall not have been repaired or properly maintained within sixty (60) days after notice in writing to that effect has been given by the Building Commissioner must be brought into compliance with this bylaw.

## (5) Sign Permits

### *a. Sign Permit Required*

All persons desiring to erect, install, place, construct, alter, move or maintain a sign shall apply to the Building Commissioner for a permit. Exempt signs are excluded from this requirement.

### *b. Application Submittal and Content*

The applicant must submit to the Building Commissioner a completed sign permit application, furnished by the Department of Inspectional Services, together with all supporting materials. The submittal of the following information, material, and fees shall constitute a complete application:

- i. The type a purpose of the signs(s) as define din Section I. Definitions of the Town of Milton Zoning Bylaws (i.e. Wall Sign, Window Sign, etc.)
- ii. Dimensions and area of the sign(s), including letter height and aggregate sign area if more than one (1) sign and/or sign face.
- iii. Material(s) and colors of the sign(s).
- iv. Type of illumination.
- v. Number, type, and area of existing signs, if applicable)
- vi. Height of sign.
- vii. The zoning district in which the subject property is located.
- viii. The name, address, telephone number, email address, and signature of the business owner.
- ix. The name, address, telephone number, email address, and signature of the owner of the property upon which the sign is to be located. The owner's agent may sign if an authorization letter from the property owner is submitted.
- x. The name, address, telephone number, and email address of the contractor.

The following attachments, and necessary copies as required by the Building Commissioner, shall be submitted:

- i. For standing signs, a location plan or survey showing the property upon which the subject sign is to be located, the proposed location of the subject sign on the property the distance of the proposed sign from the subject property's boundaries,

and all existing structures or buildings on the subject property. Such plan shall be to a legible engineer's scale.

- ii. For all signs, dimensioned drawings of the sign including lettering, borders, proposed color scheme, height, and other design elements. Such drawings shall be to a legible architect's scale.
- iii. For wall, awning, and window signs, a dimensioned drawing or photograph of the façade indicating the placement of the signs, area of the façade of the business establishment, and height of the sign. Such drawings shall be to a legible architect's scale.
- iv. Color photographs of the property including all buildings and the proposed sign location.
- v. For all signs, a copy of a letter from the Chairman of the Sign Review Committee indicating the recommendation of the Sign Review Committee or, for signs requiring a Special Permit, a copy of a letter from the Board of Selectmen indicating the approval of the Special Permit.
- vi. Appropriate fees, as set from time to time by the Board of Selectmen, shall be paid.

*c. Processing Time; Permit Issuance*

The Town shall process and complete and accurate Sign Permit applications within thirty (30) days of the receipt of a complete and accurate application by the Building Commissioner, including remittance of the appropriate fee. No Sign Permit shall be issued by the Building Commissioner sooner than thirty (30) days unless the advisory review of the Sign Review Committee has been received. If the Advisory recommendation of the Sign Review Committee is not received within thirty (30) days, the Building Commissioner shall act on the Sign Permit.

*d. Application Rejection*

The Building Commissioner shall reject any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard within this Section within thirty (30) business days of receipt of said application.

*e. Resubmission*

A rejected application later resubmitted in conformity with this Section shall be deemed to have been submitted on the date of resubmission instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.

*f. Permit Revocation*

Should it be determined that a Sign Permit was issued in error and/or pursuant to an application containing a false material statement or omission, or for a sign not meeting the standards of this Section, the Building Commissioner shall revoke said permit and the subject sign shall be immediately removed.

*g. Expiration Date*

A Sign Permit shall become null and void if the sign for which the permit was issued has not be installed and completed within six (6) months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one (1) ninety (90) day extension may be granted by the Building Commissioner. No refunds shall be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

*h. Penalties*

Any sign owner or owner of property on which a sign is located who violates or permits a violation of this bylaw, shall be subject to fines as established in by the Board of Selectmen, said fine to be imposed after the later of (1) the state of issuance of any written notice given by the Building Commissioner or (2) the date of conclusion of any appeal therefrom. Each day the violation persists shall constitute a separate offence.

**(6) Design Review**

*a. Design Review Required*

All signs requiring a Sign Permit or Special Permit under the provisions of this Section shall require the review of the Sign Review Committee.

*b. Sign Review Committee*

The Sign Review Committee shall be appointed by the Board of Selectmen on an annual basis. The Committee will have four members, one of whom is the Director of Planning and Community Development and the others of whom are residents of or owners of businesses within the Town of Milton. At least one member shall be an architect, urban designer, or planner. The members shall choose a chairman annually. The Committee shall act as an advisory board according to the requirements of this Section.

*c. Process*

- i. Following the receipt by the Building Commissioner of a complete application, the Building Commissioner will forward the appropriate number of copies of the application and all supporting materials to the Sign Review Committee for review. The application will include all information and documents defined in *Section 5*, with the exception of the letters from the Sign Review Committee and/or the Board of Selectmen.
- ii. The application shall be scheduled for review by the Sign Review Committee at the next meeting of the Committee not less than seven days after the receipt of the application by the Chairman.
- iii. The Sign Review Committee shall render an advisory recommendation regarding the design of the sign within 30 (thirty) days of the Chairman's receipt of the complete application.
- iv. Failure of the Sign Review Committee to make a recommendation within thirty (30) days from the state of the submission of application materials to the Chairman shall be deemed to constitute a recommendation for approval.
- v. The Chairman shall forward such recommendation in writing to the applicant and the Building Commissioner, to be either hand-delivered or mailed.

*d. Criteria for Review*

The Sign Review Committee's review and advisory recommendation of proposed signs shall be based on the following:

- i. Those Criteria contained in this Section.
- ii. The Sign Guidelines Handbook to be updated from-time-to-time by the Board of Selectmen.
- iii. Consideration of how the proposed sign(s) relates to:
  - The context of the building façade.
  - Buildings in the immediate vicinity of the sign.
  - The basic pattern of the street front to which the sign is oriented.
  - The size, brightness, style, height and colors of other permanent structures and elements in the immediate vicinity.
  - Consideration of whether the proposed sign(s) is
    - Sized and located so as to avoid obscuring existing architectural features such as columns, sill lines, roof eaves, and cornices.
    - Comprised of materials and colors that reflect the character of the building to which it is attached or associated with.
    - Displaying graphics, symbols, logos, and/or letters which are legible and visible to both vehicle operators and pedestrians, are of a size that is

proportional to the sign and the building to which it is attached or associated with, does not create a sign with a cluttered appearance. Such graphics, symbols, logos, and/or letters on secondary signs should be proportionally smaller than those on a primary sign.

*e. Recommendation*

The Sign Review Committee's advisory recommendation shall take one of the following forms:

- i. Approval - The Sign Review Committee shall recommend the approval of proposed signs that meet the Criteria for Review and comply with all requirements of this bylaw.
- ii. Approval with Conditions - The Sign Review Committee shall recommend the approval with conditions of proposed signs that comply with the requirements of this Section, but do not meet the Criteria for Review. The Sign Review Committee may recommend conditions that require changes to the sign; conditions shall relate to the Criteria for Review with the intent being that the conditions require the sign to conform to the Criteria.
- iii. Denial - The sign Review Board shall recommend denial of all proposed signs that do not comply with the requirements of this Section; the Sign Review Committee may recommend denial of Sign Permits that do not meet the Criteria for Review if, in the opinion of the Committee, there are no possible conditions which will allow the sign to more closely meet the Criteria for Review.

(7) Appeal and Special Permits

*a. Right of Appeal*

- i. Any applicant for a Sign Permit, any person who has been ordered by the Building Commissioner to incur expense in connection with a sign, and any person dissatisfied with any refusal, order, or decision of the Building Inspector, may appeal to the Board of Selectmen within twenty (20) days from the date of such refusal, order, or decision.
- ii. After notice given to the public and abutting property owners and/or residents, the Board of Selectmen shall hold a public hearing. Applying the Standards in *Subsection 6d*, the Board shall affirm, annul, or modify such refusal, order, or decision. The action of the Building Commissioner may be annulled or modified only by a majority decision of the Board. If the action of the Commissioner is modified or

annulled, the Building Commissioner shall issue Sign Permit or order in accordance with the decision of the Board.

*b. Special Permit Granting Authority*

The Board of Selectmen shall serve as the Special Permit Granting Authority for all Special Permits for signs and shall consider request for Special Permits in accordance with this Section and *Section IX.C. Special Permits or Other Permits*, of the Zoning Bylaw.

*c. Circumstances in Which a Special Permit May Be Sought*

- i. Special Permits may be considered and issued for any request for relief from the requirements of this Section; however, Special Permits may not be issued to allow those signs indicated in *Section 8*.
- ii. Any Special Permit granted by the Board of Selectmen shall be by majority vote and shall specify the reasons for allowing the requested relief. Each decision shall be filed in the office of the Town Clerk within thirty (30) days after the hearing by the Building Commissioner 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 a decision within thirty (30) days after the hearing shall not be deemed to be approval of any relief sought.
- iii. The Board shall set forth appropriate conditions and safeguards whenever in its opinion they are desirable.

*d. Required Findings*

A Special Permit for a sign may be issued provided that the Board of Selectmen makes the following findings:

- i. The sign is otherwise in compliance with the provisions of this Section;
- ii. Sign scale is determined to be in reasonable relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures.
- iii. Sign size, shape, and placement serve to define or enhance architectural elements of the building such as columns, sill lies, cornices, and roof edges, and does not unreasonably interrupt, obscure or hide them.
- iv. Sign design is in reasonable continuity with the mounting location, height, proportions and materials of other signage on the same or adjacent structures.
- v. Sign materials, colors, lettering, style, illumination and form are reasonably compatible with building design, neighborhood context, and use.
- vi. Sign size, location, design, and illumination are not judged to present a safety hazard to vehicular or pedestrian traffic.

*e. Design Review*

Prior to the granting of a Special Permit by the Board of Selectmen, the Sign Review Committee shall submit an advisory recommendation on the Special Permit to the Board of Selectmen. Such recommendation shall address compliance of the sign with *Subsection 6e*. An unfavorable report of the Sign Review Committee shall indicate which of the findings were not met and shall state what modifications to the sign or signs could be made to render a favorable report. Failure of the Sign Review Committee to make such report within thirty (30) days from the date of the submission of the application materials to the Sign Review Committee shall be deemed by the Bard of Selectmen to constitute a favorable report.

**(8) Exempt Signs and Prohibited Signs**

*a. Exempt Signs*

The following signs shall be allowed by right without the necessity of a Sign Permit.

- i. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or statute.
- ii. Any sign inside a building not attached to a window or door.
- iii. Address signs, the letter and number height of which does not exceed eight (8) inches.
- iv. Names of buildings, date of erection, monumental citations, and commemorative tablets, when made a permanent and integral part of a building, not to exceed ten (10) square feet.
- v. Flags.
- vi. Works of art that do not include a commercial message.
- vii. Traffic control signs or private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message on any sort.
- viii. Signs located on property owned by the Town and approved by the Board of Selectmen.
- ix. Signs sanctioned by the Town of Milton Historical Commission, which display historical information about buildings, properties, people and the like, and not exceeding two (2) square feet in area. Such signs may be wall or ground mounted.
- x. Street Banners providing notice of a public entertainment or advertising a charitable, religious, or educational event, may be placed within the Town right-of-way if approved by the Board of Selectmen. Such banners may be displayed in location designated by the Board of Selectmen for a period of time not to exceed

eight (8) consecutive days, the first of which shall occur not more than seven (7) days prior to such entertainment or event. All said banners shall be removed within twenty-four (24) hours after such entertainment or event.

- xi. Holiday decorations and lights when in season.
- xii. Public Interest Signs - Signs containing cautionary messages, such as "Beware of Dog" or "No Trespassing" shall be exempt from the permit requirements of this bylaw, provided they do not exceed two (2) square feet in area.
- xiii. Paper or cardstock window signs advertising any campaign, drive, event or activity of a civic, philanthropic, educational or religious organization for noncommercial purposes, provided that they are to be removed within thirty days of initial display.
- xiv. Temporary display or charitable ideas or expression of political, religious, ideological ideas shall be exempt from the provisions of this bylaw, subject to the following conditions:
  - No such sign shall be affixed to a tree or utility pole or otherwise erected in a public way.
  - Signs may be erected in the Town's right-of-way by a homeowner in front of his or her own home provided, a) there is not protrusion into the public walkway or roadway; b) placement will not damage any plantings that are in the area; c) placement does not pose a hazard to passersby; d) posted signs include the contact information of the sign owner attached in a visible manner to the sign; and e) signs may not be posted for more than two weeks without approval in writing of the Board of Selectmen.
  - Signs may be erected on other Town property only with the approval of the Board of Selectmen.
  - Temporary signs erected on Town property or right-of-way or other disapproved locations not meeting all of the foregoing conditions may be removed and stored at a Town facility awaiting the owner's retrieval for a period not to exceed thirty (30) days, after which they may be discarded.

*b. Prohibited Signs*

The following signs are prohibited:

- i. Nonaccessory signs.
- ii. Any new or existing sign not erected pursuant to and in accordance with the requirements of this bylaw. See *Subsection XX* for guidance on nonconforming signs.

- iii. Signs which incorporate in any manner flashing, moving, or intermittent lighting, excluding public service signs showing time and temperature. These include promotional beacons, laser lights, or images.
- iv. Wind signs, including banners, pennants, spinners, streamers, and other wind-actuated components.
- v. Mechanically activated signs, other than rotating barber poles.
- vi. Any sign which advertises or calls attention to any products, businesses, or activities which are not longer sold or carried on at any particular premises. No such sign shall remain in place or on vacated premises for more than ninety (90) days from the date the vacancy commenced.
- vii. Portable signs, except for Sidewalk Signs as defined in Section XX of this bylaw, not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies.
- viii. Signs advertising businesses, services, or activities located at different premises from the premises on which the sign is located, except street banners permitted by the Board of Selectmen as defined in *Subsection 8a*.
- ix. Window signs which cover more than twenty-five (25) percent of the window or which obstruct the middle third of the window or door such that eye-level view through the window is blocked.
- x. Signs erected so as to obstruct any door, window, or fire escape on a building.
- xi. Signs constructed, erected, or maintained on the roof of a building or which extend above the roof plate line.
- xii. Signs in the right-of-way, other than those belonging to a government, public service agency, or railroad.
- xiii. Signs which are pasted, attached, mounted, or located on a tree, utility pole, fence or structures such as overpasses ad bridges or other similar structure. Signs pasted or attached to other signs are prohibited unless such subsidiary portions are an integral part of the total sign design.
- xiv. Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.

## (9) Measurement of Sign Area and Height

### *a. Measurement of Sign Area*

- i. Generally – Sign area shall be computed as the area within the smallest single rectangle or square enclosing the extreme limits of the sign face including any cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed.

For purposes of determining the maximum sign limitations, any intermediary removable surface to which a sign is attached shall be deemed part of the sign, and any sign composed of separate letters, numbers, or symbols cut into or attached to a wall or painted on or otherwise attached to an awning, canopy, or window shall be deemed to occupy the entire area within a single rectangle or square enclosing the extreme limits of the sign, including any structural elements.

- ii. Structure – The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those parts contained within the rectangle or square that delimits the sign face.

*b. Measurement of Sign Height*

- i. Ground Signs – The height of a standing sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest component of the sign. Where the normal grade is below the normal grade of a public street of the street before the height limitations are applied (surveyor's certificate required).
- ii. Building Signs – The height of a wall sign shall be determined to be the vertical distance measured from grade to the top of the highest attached component of the sign.

(10) Location, Construction and Design Standards

*a. Setback*

Unless a more restrictive setback is specified otherwise in this Section, all Ground Signs, whether permanent or temporary, shall be set back at least fifteen (15) feet from the nearest property line, whether or not said line abuts a public or private street or way; except Standard Informational Signs which may be located anywhere on the lot, but shall not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway and shall not overhang a public sidewalk.

*b. Corner Clearance*

All signs shall meet the corner clearance requirements contained within the Town Bylaws.

*c. Right-of-Way*

No sign or any part thereof, except authorized government, public service agencies, or railroad signs, shall be located in any right-of-way, except for signs which are allowed to

project over a public sidewalk subject to the conditions in *Section 12*. Any pre-existing sign which projects into, on or over a public street or way or pre-existing or new sign that projects over a public sidewalk shall be subject to bonding and/or insurance requirements as determined by the Board of Selectmen. All signs projecting over a public right-of-way shall be subject to the provisions of the State Building Code regulating such signs.

*d. Compliance with Building Code*

All signs permitted under this Section shall be constructed and installed in accordance with the applicable provisions of the State Building Code and with the reasonable requirements of the Building Commissioner.

*e. Maintenance*

All signs, together with the structural elements, shall be kept in good repair and in a proper state of preservation to the reasonable satisfaction of the Building Commissioner. The Building Commissioner may order the removal of any sign that is not maintained in accordance with the provisions of this Section, the State Building Code and/or the Zoning Bylaw.

*f. Installation*

No sign shall be painted or posted directly on the exterior surface of any wall. All signs must be painted, posted, or otherwise securely attached to a substantial intermediary removable surface which shall be securely attached to the building; however, the foregoing shall not prevent the installation of a sign consisting of individual letters or devices securely attached to the exterior wall of the building. Installed signs shall display the name of the installer and the permit number issued by the Building Commissioner in a legible manner but inconspicuous location.

*g. Illumination*

- i. Permitted – The following types of illumination shall be allowed:
  - Externally Illuminated Signs – Signs may be externally illuminated by white, steady, stationary light shielded and directed downward solely at the sign
  - Reverse Lit Signs – Signs may be reverse lit, illuminated by white light only.
- ii. Prohibited – The following types of illumination shall be prohibited, except as may be permitted by the issuance of a Special Permit:
  - Internally Illuminated Signs

- Open Face Channel Letters
- Signs fabricated with letters, numbers, designs, or images consisting of an exposed or visible light source emitted from the face of the sign, including, but not limited to, incandescent and fluorescent bulbs, LED price signs, LED and digital displays, and neon tubes.

iii. Time -Unless a business establishment is open to the public, no sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m.

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

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

## (11) Residential Districts

- i. A sign of not more than two (2) square feet in area, displaying the street number, the name of the occupant of the property and/or historical references, if any, without the need for a permit under this bylaw. LANG. RELATED TO HIST SOC REVIEW?
- ii. Sign pertaining to the lease or sale of a lot or building without the need for a permit under this bylaw, provided that such signs do not exceed a total area of nine (9) square feet nor more than 1-1/2 feet in any dimension, until such time as all lots, apartments, condominiums, or houses have been rented or sold.
- iii. One contractor's sign, not exceeding twelve (12) square feet in area (except as otherwise provided by law) maintained on the property while construction is in progress, and containing information relevant to the project. Such sign shall not require a permit under this bylaw and shall be removed within three days after completion of construction.
- iv. One sign identifying each public entrance to a subdivision or multi-family development such as apartments, condominiums, or town houses, of not more than nine (9) square feet in area, nor more than 3-1/2 feet in any dimension, In addition, each family unit may carry a single sign of not more than one square foot, without time limit.
- v. **WILL NEED SOMETHING FOR NONCONFORMING BUSINESSES**

## (12) Business Districts

- i. Total Sign Area – Unless otherwise hereinafter provided, the total area of all signs erected on a lot shall not exceed one and one-half (1.) square feet in area for each horizontal linear foot of the building face(s) parallel to, or substantially parallel to, a street line. However, if the primary facade is on a parking area, then said facade shall be used to determine the amount of allowable signage.
- ii. Principal Signs – No more than two principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign.
  - The total area of all flat wall signs shall not exceed fifty (50) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. Subject to the approval of the Building Inspector, a flat wall sign may be located anywhere on any wall of a building, provided that it does not conceal any part of a window, and that its length does not exceed seven-eighths (7/8) of the facade of the business establishment.
  - A projecting sign shall not extend beyond the curb line or more than 50 inches, exclusive of any supporting structure from the building. A projecting sign shall not be less than 10 feet from the ground level at the base of the building, over a vehicular way, 10 feet over a sidewalk, or a lesser distance so long as public safety is not endangered nor more than 20 feet from the ground level to the top of the sign. Allowable area of a projecting sign will be computed as one-half (.) square foot for each horizontal linear foot of the facade of the establishment on which it hangs. Such sign shall not extend above the building, nor be more than twelve (12) square feet in area.
  - A freestanding sign shall not exceed fifty (50) square feet of area when the establishment fronts on Route 2, or more than twenty-five (25) square feet of area when the establishment fronts on a street other than Route 2. No more than one freestanding sign shall be permitted on a lot. A freestanding sign shall not extend over a public way.
- iii. Secondary Signs – If a business establishment consists of more than one building, or if a 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 limited to 50% of the area allowed for the Primary Sign.

- iv. 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 (1.) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.
- v. 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.
- vi. 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. Such signs must be registered with the Building Commissioner prior to their installation. Each business establishment shall be limited to display such signs for a period not exceeding thirty (30) days with no more than three (3) such thirty (30) day periods permitted per calendar year. Thirty (30) day periods may be utilized consecutively.
- vii. Signs Painted on Windows – In a business district, script describing a product or theme 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, provided that no lettering or symbol is greater than six (6) inches in height.
- viii. Sidewalk Signs – One “A” frame Sandwich Board sign per business premises shall be permitted (including within the public right-of-way (sidewalk only)), in addition to the other signs permitted under this Section 8, such signs shall not require a permit under this bylaw, subject to the following conditions:
  - The sign shall only be displayed in front of the place of business, adjacent to the buildings only, and not along the curb.
  - The sign shall be displayed only during the months of May–October.
  - The sign shall not exceed 24" in width and 48" in height.
  - The sign shall not be made entirely of plastic, nor shall it be primarily devoted to a single product.
  - The sign shall advertise the business and the good and services available on the premises.
  - 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.

- The sign shall be free of sharp corners, protrusions and devices which could inadvertently cause injury.
- In response to specific safety concerns, the Police Department may prohibit sidewalk displays in designated areas during holiday parades or other specified times or days when sidewalk congestion is excessive.
- The sign may be displayed only during business hours and must be removed from the sidewalk thereafter.
- The Building Commissioner shall issue a sticker permit on an annual basis which shall be attached to the interior of the Sidewalk Sign. Sidewalk Signs without the correct annual permit shall be removed by the order of the Building Commissioner.
- Liability insurance coverage shall be carried, and evidence of same may be requested by the Building Commissioner. Said insurance must cover personal injuries or property damage which may occur in such areas. Such liability insurance coverage shall be extended to include the Town of Milton as an additional insured on the liability insurance policy in the amount of one million dollars (\$1,000,000) per claim and two million dollars (\$2,000,000) per occurrence for any and all claims which may arise, for any reason, as a result of the placement of such sign. The business shall also require the insurer to give at least thirty (30) days written notice of termination, reduction or cancellation of the policies to the Town.

### (13) Special Provisions

#### *a. Religious and Educational Non-profit Institutions*

One sign, including bulletin or announcement board, identification sign or entrance marker is allowed for the principal entrance to the premises of a church, synagogue or other religious institution or school, museum, library, or other not-for-profit organization, not exceeding twelve (12) square feet in area. One additional sign, not exceeding twelve (12) square feet in area is also allowed if the establishment has frontage on a second public way. Up to nine (9) additional square feet of signage is also allowed to provide information to users on the site, provided that no single sign exceeds three (3) square feet.

#### *b. Restaurants*

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.

*c. Bed and Breakfasts*

A bed and breakfast in any zoning district may not have more than one permanent sign. The sign must be unlighted and is not to exceed four (4) square feet in area. If a ground sign, it must be set back not less than half the depth of the front yard.

*d. Gasoline Service Stations,*

One identification sign not to exceed twelve (12) square feet in area. Product identification signs for gasoline services stations may be maintained, provided the total of said signs does not exceed nine (9) square feet in area with no single sign to exceed three (3) square feet in area.

*e. Directional and Traffic Safety Signs*

Signs indicating "entrance," "exit," "parking," or similar traffic directional information, shall not exceed three (3) square feet in area per sign. Provided these signs are erected on the lot pursuant to a town or state regulation, they shall not be counted in the maximum sign number and sign area requirements for the lot. Signs indicating parking for a specific business shall be limited to one sign per five spaces.