

12A SIGNS and BILLBOARD

Section 12A-30 PURPOSE OF ORDINANCE.

The purpose of this ordinance is to regulate all exterior signs and all interior signs placed for exterior observance from public ways and places, but not located on city property

Section 12A-31 DEFINITIONS

- (a) "Sign" any structure, device light, letter, word, model, banner, pennant, insignia, trade flag, or representation which is designed to be seen from outside a building which advertises a use conducted, or goods, products, services or facilities available, including electric signs in windows or doors, but excluding window displays of merchandise and signs incidental to the display of merchandise.
- (b) " Sign area of":
 - (1) For a sign, either free standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
 - (2) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording, and accompanying designs or symbols together with any background of a different color than the natural color of the building.
 - (3) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, canopy, awning, wall or window, the area shall be considered that of the smallest rectangle or other geometric shape that encompasses all of the letters or symbols.
 - (4) Only one side of a projecting sign shall be counted in computing the total square feet of signs on a sign frontage.
- (c) "Sign, types of"
 - (1) "Sign, awning", a sign on or attached to a temporary retractable shelter which is supported entirely from the exterior wall of a building.
 - (2) "Sign, canopy", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is supported only partially by said building.
 - (3) "Sign, design, comprehensive," a plan submitted to the Community Development Office for review for signs and related architectural features on a sign frontage, a building front or a group of buildings.
 - (4) "Sign frontage," the length along a ground floor building front, facing a street or a private way accessible from a street, which is occupied by a separate and distinct use, as defined by Article 8: the length along a ground floor building side, facing a street, which is occupied by a separate and distinct use or by the same use which occupies the front of said building.
 - (5) "Signs, marquee," a display sign attached to or hung from a marquee canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
 - (6) "Sign, off-premises," a sign which advertises or announces a use conducted or goods available elsewhere than on the lot on which the sign is located.

- (7) "Sign, on-premises", a sign which advertises or announces a use conducted or goods available on the lot on which the sign is located.

Section 12A-32 ERECTION, ALTERATION, PERMIT REQUIRED.

No sign located on private property shall be erected, altered or relocated without a permit issued by the Building Inspector.

Section 12A-33 SIGNS IN HISTORIC DISTRICTS.

A certificate of appropriateness must accompany each application with respect to a sign within a Historic District from the Historic Districts Commission, unless such sign is exempt from requirement of such a certificate under Ch. 40C of the General Laws of the Commonwealth of Massachusetts.

Section 12A-34 APPLICATION FOR PERMIT.

- (a) Application for permit shall be submitted to the Building Inspector and must provide the name and address of the sign owner, the proposed location, a scale, drawing, and a sketch, including an indication of colors to be used, showing the design, dimensions and position of the sign, and such other pertinent information as the building inspector may require to insure compliance with this ordinance and any other applicable law.
- (b) A permit shall be issued only if a sign conforms to the provisions of this ordinance, and all other applicable laws, and may be issued as hereinafter provided, pursuant to a possible decision of the Board of Appeals.

Section 12A-35 FEES.

Fees for sign permits shall be paid in accordance with the schedule of fees for permits set forth in the Building Code.

Section 12A-36 NULLIFICATION.

A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months from the date of the permit, provided, however that the Building Inspector may, in his discretion, issue extensions covering a period not to exceed one year from the date of issue of the original permit.

Section 12A-37 INSPECTION

Signs for which a permit is required may be inspected periodically by the Building Inspector for compliance with this ordinance and other requirements of law.

Section 12A-38 REMOVAL OF SIGNS

The Building Inspector shall order the removal of any sign erected or maintained in violation of this Ordinance. Ninety 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 this Ordinance.

Section 12A-39 ENFORCEMENT

The Building Inspector is hereby authorized and directed to enforce all of the provisions of this Ordinance.

Section 12A-40 FAILURE TO ACT ON PERMITS.

If no sign permit has been issued within 30 days after application therefore has been made, it shall be deemed to be denied.

Section 12A-41 DESIGN REVIEW

The total area of signs on a sign frontage may exceed the amount allowed by schedules hereinafter set forth provided that a comprehensive sign design for said sign frontage is certified by the Office of Community Development to be a complementary and harmonious synthesis of signs and architectural features.

Section 12A-42 RIGHT OF APPEAL

- (a) Any applicant for a permit, any person who has been ordered by the inspector 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 Appeals within 30 days from the date of such refusal, order or decision.
- (b) After notice given to such parties as the Board shall order the Board of Appeals shall hold a public hearing. Applying the standards described in 12A-43, where applicable, the Board shall affirm, annul or modify such refusal, order or decision.
- (c) The action of the Building Inspector may be annulled or modified only by a decision of a super majority of the Board.
 - (1) If the action of the Inspector is modified or annulled, the Building Inspector shall issue a permit or order in accordance with the decision of the Board.

Section 12A-43 VARIANCES IN SPECIFIC CASES.

- (a) The Board of Appeals may vary the provision of this Ordinance in specific cases which appear to them not to have been contemplated by this Ordinance, and in cases wherein its enforcement would involve practical difficulties or unnecessary hardship, if in each instance, desirable relief may be granted without substantially derogating from the intent and purpose of this Ordinance but not otherwise.
- (b) Any decision to vary the provision of this Ordinance shall be unanimous and shall specify any variance allowed and the reasons therefor. Each decision of the Board of Appeals shall be filed in the office of the City Clerk within thirty days after the hearing and a copy of the decision shall be sent by mail or delivered to the appellant and any other person appearing at the hearing and so requesting in writing. Failure to file such a decision within thirty days after the hearing shall be deemed approval of any variance sought.

Section 12A-44 CONDITIONS AND SAFEGUARDS.

The Board of Appeal in granting variances shall set forth appropriate conditions and safeguards whenever, in its opinion, they are desirable.

Section 12A-45 PENALTIES.

Any sign owner or owner of property on which a sign is located who violates, or permits a violation of this ordinance, shall be subject to a fine of not more than \$20.00 a day if the violation continues more than 90 days after (a) the date of the notice referred to in 12A-38 hereof is given, or (b) continues more than 15 days after the date of conclusion of any appeal therefrom.

Section 12A-46 SIGNS OR STRUCTURES OVER PUBLIC WAYS.

Signs or structures over public ways shall, when erected, be at least ten (10) feet over the sidewalk. Signs or advertising devices over a public way shall be at least twenty (20) feet over such public way.

Section 12A-47 SAME - SURETY BOND.

No permit required for a sign over a public way or sidewalk shall be effective until a surety company bond in the sum of one thousand dollars (\$1,000.00) conditioned to save harmless the city from any claims for or by reason of the maintenance of such sign, and shall be on file with the city clerk.

Section 12A-48 SAME - TERM OF BOND

- (a) All bonds required by 12A-47 shall be for a term of one (1) from the date of permit issuance. A renewal thereof shall be filed annually with the city clerk.
- (b) Any failure to renew such bond shall be sufficient reason for the revocation of the permit for the sign to which it applies.

Section 12A-49 SAME - CERTIFICATION BY BUILDING INSPECTOR

No permit required by 12A-47 shall be effective until the superintendent of streets, and the city electrician, in the case of illuminated signs, are securely fastened so as not to endanger persons upon the sidewalk or street.

Section 12A-50 SAME - DURATION OF PERMIT.

Permits required for signs or structures over a public sidewalk or public way shall be effective only until revoked by the Building Inspector, or until the sign for which the permit was required has been removed.

Section 12A-51 GENERAL PROVISIONS.

No billboards, signs or other advertising devices shall be erected or maintained on or over the public ways of the city, or on private property with public view of a public way or public park or reservation, except as may be permitted by statute, the rules and regulations of the Outdoor Advertising Board legally established thereunder, the provisions of this code and the ordinances of the city consistent therewith.

Section 12A-52 SAME -REPAIR. AND MAINTENANCE

- (a) All billboards, signs or other advertising devices erected or maintained within the city shall be kept in repair, painted and in good condition.
- (b) The Building Inspector may order the removal of any billboards, sign or other advertising device in any location where the maintenance thereof constitutes a fire

hazard, is dangerous or a menace to public health or safety, when the use thereof has been abandoned, or the permit for its use has been revoked by the Building Inspector.

Section 12A-53 SIGNS IN RESIDENTIAL DISTRICTS.

In any residential district as defined in the Everett Zoning Ordinance, there shall not be any sign except as follows:

- (a) One sign, not exceeding two square feet in total area, attached to the building or on a rod or post not more than four feet high and at least three feet in from the street line, and stating only the street number and name of the occupant or occupants of the lot.
- (b) One bulletin or announcement board, name-sign or entrance marker for each church or institution not exceeding twenty square feet in area, except that if the street frontage of such church or institution exceeds one hundred feet, one such sign for each hundred feet computed to the nearest hundred but in no event more than three such signs for each church or institution.
- (c) One "For Sale" or "For Rent" sign, not exceeding eight square feet in area, advertising the property on which such sign is located.
- (d) One building contractor's or developer's sign, not exceeding thirty-two square feet in total area, on a lot where a building is actually under construction.
- (e) One sign not exceeding twenty square feet per entrance to a tract of land divided into building lots.
- (f) One sign, accessory to a non-conforming use, which conforms to 15-53, provided however that the area of said sign does not exceed one-half of the area allowed in non-residential districts under said Section.

Section 12A-54 ON-PREMISE SIGNS IN NON-RESIDENTIAL DISTRICTS.

- (a) All signs allowed in residential districts.
- (b) A wall sign attached parallel to a building which projects no more than fifteen inches from the building surface, provided that the top of such sign is no higher than whichever of the following is lowest:
 - (1) twenty-five feet above grade;
 - (2) the top of the sills of the first level of windows above the first story;or
 - (3) the height of the building at the building line.
- (c) A permanent non-illuminated sign on the inside of the glass of a window, provided that the total area of the sign does not exceed thirty percent of the total glass area of windows appurtenant to the use to which the sign is accessory, and provided that signs on ground floor windows be included in calculating the total area of signs on a sign frontage.
- (d) A sign attached at right angles to a building, provided that such sign has no more than two faces and
 - (1) There is no more than one such sign for each entrance door to a business establishment;
 - (2) It projects no more than five feet from the building;
 - (3) The sign advertises a use which occupies at least 18 feet of sign frontage;

- (4) The bottom of the sign is at least ten feet from grade and its top is no higher than whichever of the following is lowest: twenty-five feet above grade; the top of the sills of the first level of windows above the first story or the height of the building at the building line;
 - (5) The area of sign shall not exceed twenty-four square feet on either side. Excepting that an additional ten square feet on each face is allowed for a sign which incorporates a public service message device such as a time and temperature sign; and
 - (6) There are no exposed guy wires or turnbuckles.
- (e) A free standing sign, provided that such sign has no more than two faces and
 - (1) if there are one or two uses, on the lot, the area of each face does not exceed sixty-five square feet and the top of such sign is no higher than twenty-five feet above grade; or
 - (2) if there are three or more such uses on the lot, the area of each face does not exceed one hundred twenty-five square feet and the top of such sign does not exceed thirty feet above grade. A lot with a front lot line of two hundred or more feet may have two freestanding signs.
 - (f) Temporary signs pertaining to special sales or events lasting no more than fifteen days may be affixed to windows provided that their total area does not exceed thirty percent of the window.
 - (1) No permit is required for such temporary sign or signs.
 - (g) Directional signs necessary for public safety and convenience that do not exceed twelve square feet per face and which bear no advertising.
 - (1) Such signs are not counted in computing total sign area allowed by this Section.
 - (h) A sign painted on or attached to the face of but not extending above, a marquee, or a sign attached to the under side of a canopy or marquee.
 - (i) A sign painted on or attached to an awning.
 - (j) A sign may bear lettering to indicate the street number, the name and kind of business, service or facility conducted on the premises, the year the business was established, a slogan, hours of operation, time and temperature, and lettering which is part of a trademark.
 - (k) The registered trademark of a specific commodity may occupy no more than twenty-five percent of the area of a sign, except that if the sale of said commodity is the major business conducted on the premises, there shall be no such restriction.
 - (l) Signs shall be lighted only by any continuous light, except that a warning sign or a sign illuminated to show time and temperature may have intermittent illumination. Signs shall remain stationary.
 - (m) No support for a sign shall extend above the cornice line of a building to which it is attached.
 - (n) The total area (1) in square feet of all permanent signs on a sign frontage, except for signs on windows above the first floor, free standing signs, and directional signs shall not exceed:

Average Distance of Sign from Center Line of Abutting Street Sign Frontage (1)

Multiplied by

0-99	2
100-399	2.5
400 and over	3

Excepting that a use with less than twenty-five feet of sign frontage may have a maximum of fifty square feet of permanent signs. (1) See section 12A-31 (A and B)

- (o) The distance of a sign on or under a canopy, marquee or awning from the center line of an abutting street shall be constructed to be the same as if such sign were attached to the building to which the said canopy, marquee or awning is attached.
- (p) If the first floor of a building is substantially above street grade and the basement is only partially below street grade, separate occupants of each level may each have one-half the square feet of signage to which a use would be if it were a single ground floor use.
- (q) If a building fronts on two or more streets, the sign area for each street frontage shall be computed separately.

Section 12A-55 SIGNS IN LICENSED PARKING LOTS AND PARKING GARAGES

In the interest of public safety and convenience there shall not be any sign in a parking lot, in any district, except:

- (a) one sign per parking lot entrance which shall bear thereon in fifty percent or more of its total sign area a blue rectangle with white letter "P" being not less than fifty percent of the area of that blue rectangle,
- (b) a sign bearing only that information and that location required by the Off-Street Parking Commission and
- (c) directional signs.

Section 12A-56 SAME - SIGN AREA.

The area of the sign containing the "P" shall not exceed twenty-four square feet on each face it may have only two faces and shall not exceed a height of 25 feet above grade; it may be free standing or attached to a building.

Section 12A-57 SIGNS ON PARKING GARAGES.

In the interest of public safety and convenience, there shall not be any sign on a parking garage, in any district, except:

- (a) at each vehicular entrance, one sign attached at right angles to the building which shall bear thereon in fifty percent or more of its total sign area a blue rectangle with a white letter "P" being in sans serif gothic type face, the letter "P" being not less than fifty percent of the area of that blue rectangle
- (b) at each vehicular entrance, one optional sign directly above , and the exact width of , that entrance, and not to exceed two feet in height, and
- (c) a sign bearing only that information and at that location as may be required by the Parking Commission.

Section 12A-58 SAME-SIGN AREA

The area of the sign containing the "P" shall not exceed twenty-four square feet on each face: it may have only two faces and shall not exceed a height of twenty-five feet above grade.

Section 12A-59 ALTERATION, REPAIR AND REPLACEMENT OF ON-PREMISE SIGNS.

- (a) Except for copy changes on signs with changeable letter panels, no sign shall be reconstructed, extended, changed structurally or in content with this ordinance.
- (b) A sign which does not conform with this Ordinance may be repaired provided that the cost does not exceed thirty-five percent of the replacement cost of the entire sign, except that an electric time and temperature sign which is an integral part of a non-conforming sign may be repaired or replaced with no restriction on the cost of the repair or replacement.
 - (1) A non-conforming sign which is deemed unsafe by the building inspector shall be removed by its owner.

Section 12A-60 SIGNS IN URBAN RENEWAL PROJECT AREAS.

In an urban renewal project area, there shall not be any sign which does not comply with this article and with the urban renewal plan for such project area.

Section 12A-61 POLITICAL SIGNS

All signs associated with a political campaign shall be exempted from the provisions of this ordinance provided that they are of a temporary nature and shall be removed within thirty days after the date of the election to which they refer.

Section 12A-62 SAME- PENALTY FOR NON-REMOVAL.

- (a) The candidates involved shall be held responsible for the removal of signs and placards necessary to fulfill the provisions of this section of the Ordinance.
- (b) Failure to do so within the allotted time shall result in penalties of not more than \$5.00 per day per sign with a maximum penalty of not more than \$50.00 per sign.

Section 12A-63 ILLUMINATION

- (a) Flashing lights or simulations of traffic signals or emergency vehicle lights shall not be used. In addition, red and green colored lights shall not be used when so placed that they could obscure or hazard the clear vision of traffic control signals viewed from any point on an approaching public way or if in the opinion of the Building Inspector, such light would constitute a hazard.
- (b) Spotlights or floodlights shall not be aimed so that any portion of the main beam can be seen from a public way.

Section 12A-64 PROHIBITED SIGNS.

- (a) On premise signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located are prohibited. In the event that the on premise activity changes, the proprietor will have ninety (90) days to alter the sign in order to reflect the new activity.

- (1) If after 90 days, no such alteration occurs, or the premises are vacant of an activity for a ninety (90) day period, then the sign becomes an off premise sign and must meet the requirements set forth in Section 12A-65.
- (b) Signs which contain or consist of pennants, ribbons, streamers, spinners, other moving devices or other devices are prohibited.
- (c) Signs which have blinking, flashing or fluttering lights or other illuminated devices which have a changing light intensity, brightness, or color, are prohibited.
- (d) Signs which are pasted or attached to utility poles, trees, fences, other signs, or structures which are on or over public or private ways are prohibited.
- (e) Movable or portable and so called "trailer signs" are prohibited, with the exception of signs and other advertising devices on rolling stock.

Section 12A-65 BILLBOARD AND OTHER OFF-PREMISE SIGNS.

No persons, firm, association, or corporation shall erect, display, or maintain, within the limits of the city, a billboard or off-premise sign unless it meets the following requirements or unless it was approved by the Massachusetts Outdoor Advertising Board under Section 30 and 32 of Chapter 93 of the General Laws, or by any amendments or additions thereto, in which case any such off-premise sign or billboard shall comply with the requirements of this Section and all other sections of this Ordinance by January 1, 1975.

- (a) Within fifty (50) feet of any public way;
- (b) Within three hundred (300) feet of any public park, playground or other public grounds, if within view of any of the same;
- (c) Nearer than fifty (50) feet to any other such billboard, off premise sign or other advertising device, unless said billboards or off-premise signs are placed back to back;
- (d) On any location at the corner of any public ways and with a radius of one hundred fifty (150) feet from the point where the centerlines of such ways intersect;
- (e) Nearer than one hundred (100) feet to any public way, if within view of any portion of the same, if such billboard or off-premise sign shall exceed a length of eight (8) feet or a height of four (4) feet.
- (f) Nearer than three hundred (300) feet to any public way, if within view of any portion of the same, if such billboard or off-premise sign shall exceed a length of twenty-five (25) feet or a height of twelve (12) feet;
- (g) In any event if such billboard or off-premise sign shall exceed a length of fifty (50) feet or a height of twelve (12) feet; except that the Building Inspector may permit the erection of billboards, off-premise signs or other outdoor advertising devices which do not exceed forty (40) feet in length and fifteen (15) feet in height if not nearer than three hundred (300) feet to the boundary line of any public way.
- (h) No billboard or off-premise sign shall be erected, displayed or maintained in any residence district or in any block in which one-half or more of the buildings on both sides of the street are used partially or wholly for residential purposes.
- (i) No billboard or off-premise sign shall be erected, displayed or maintained until a permit has been issued by the Outdoor Advertising Board of the Commonwealth of Massachusetts in accordance with their rules and regulations. Section 12A-65 shall

not apply to signs or other devices erected and maintained on conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter.

Section 12A-66 SAME - PENALTIES.

- (a) Whoever violates any of the provision of Section 12A-65 of this Ordinance shall be punished by a fine of not more than fifty dollars (\$50.00), and
- (b) whoever, after conviction for such violation unlawfully maintains such billboards or off-premise sign for twenty (20) days thereafter shall be punished by a fine of not more than twenty dollars (\$20.00) per day.

Section 12A-67 CONSTITUTIONALITY OF ORDINANCE

If any provision of this Ordinance is declared unconstitutional or illegal by final judgment or order of decree of the Supreme Judicial Court of the Commonwealth, the validity of the remaining provision of this Ordinance shall not be affected thereby.

(Ord. of 10-10-2000) (A0126-10)