

6.2 SIGNS

6.2.1 Intent and Purpose. It is the intent and purpose of this Section to provide for the manner in which signs, billboards and other advertising devices shall be constructed, altered and displayed in the Town. Within the context of the above general intent and purpose, additional purposes of this Section are as follows:

1. To restrict private signs which overload the public's capacity to receive information, which violate privacy or which increase the probability of accidents by distracting attention or obstructing vision.
2. To encourage signing and other private communications which aid orientation, identify activities, express local history and character or serve other educational purposes.
3. To reduce conflict among private signs and between the private and public environmental information systems.

6.2.2 Definitions. See Section 11.0, "Signs" for those definitions applicable herein. 1. Exemptions. The following shall not be considered signs within the context of this Section:

1. Flags and insignia of any government, except when displayed in connection with commercial promotion.
2. Legal notices or informational devices erected or required by public agencies.
3. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or parts internally illuminated or decorated with gaseous tube or other lights.
4. On awnings or similar devices, lettering not exceeding three inches in height or symbols; together they cannot exceed four square feet in area.
5. Nonprofit religious organizations and schools and public uses shall not be subject to this Section but are requested to use it as a guide to their use of signs, in the public interest.
6. Interior signs. Except as specifically included under window signs, signs wholly within a building shall not be governed by this Section.
7. Gasoline pumps. A standard type of gasoline pump, bearing thereon in usual size and form the name of the type of gasoline and the price thereof, shall not be deemed to be a sign. Temporary or movable signs of any and every type are specifically prohibited, with the exception of signs designating state motor vehicle inspection locations.

6.2.3 Applicability; Nonconforming Signs; Exceptions.

1. General applicability. All new or reconstructed or renovated signs shall conform to the provisions of this Section, except as specifically exempted from Town bylaws by the General Laws, as amended. No person shall erect, display or maintain a billboard, sign or

other advertising device (nonaccessory sign) within the Town, except those specifically exempt under state law or as otherwise provided for hereinafter. The provisions of this Section 6.2 shall not apply in the Signage Overlay District, set forth at Section 9.5 of this Bylaw.

2. Nonconforming signs. A nonconforming sign is any sign which does not conform to the regulations of this Section. Any nonconforming sign legally erected prior to the adoption of this Section or any amendment hereto may be continued to be used and maintained but shall not be enlarged, reduced, redesigned or altered in any way unless it conforms to the provisions contained herein. Rewording of a sign is allowed except when there is a change of use. Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed 80% of the replacement value as of the date of destruction shall not be repaired, rebuilt, restored or changed unless in conformity with this Section. This provision shall not apply to any sign which has been abandoned (not used for six months or more) or which shall not have been repaired or properly maintained within 60 days after notice to that effect has been given by the Building Inspector.

3. Signs under construction. Any sign, the erection of which has been lawfully begun and carried on in good faith before this Section becomes operative, may be completed according to laws and regulations then in force but shall conform hereto as far as practicable without hardship. If such sign does not conform to the provisions of this Section it shall be classified as a nonconforming sign.

6.2.4 Removal of Certain Signs. The owner a sign of the kind specified herein, or the owner of the premises, shall remove the following types of signs, together with any separate supporting structure, within 60 days after written notification from the Building Inspector:

1. A sign accessory to a nonconforming use when the nonconforming use has been abandoned or the advertised use has been discontinued for 2 years.
2. A sign erected after adoption of this Section which, because of a change in the type of occupancy or because of nonuse of the premises for six successive months, ceases to refer to a business conducted or product sold on the premises, unless such a sign has been altered so as to again be accessory to the premises.
3. The Building Inspector may cause to be removed any sign that endangers public safety.

6.2.5 Allowed Accessory Signs; Residential Districts. No accessory sign shall be erected or maintained in any Residential District except as hereinafter expressly provided:

1. For each residential building housing not more than two families, there may be one such sign for each residence. Such sign shall not exceed one square foot.
2. For each residential building housing more than two families or, in the case of a group of such buildings forming a single housing establishment, with each such establishment

there may be one primary sign which shall not exceed three square feet and one secondary sign for each separate building in a group of such buildings which shall not exceed one square foot.

3. During construction there may be one temporary, unlighted sign on each lot advertising the sale or rental of the premises or the name and address of the contractor responsible for any construction, painting or repair, provided that such sign shall not exceed nine square feet in area and shall be removed within 14 days after such sale, rental or construction, painting or repair has been completed.
4. There may be one temporary unlighted sign on each lot advertising rental or sale of the premises, provided that such sign shall not exceed nine square feet in area and shall be removed within 30 days after the rental or sale of the premises.
5. There may be an accessory sign or signs on the premises of any building constructed, erected, altered, enlarged, extended or reconstructed which is used for the purpose of any permitted nonconforming or nonresidential use, the number and type in each case to be subject to the approval of the Board of Appeals. Window signs comprising posters, placards or signs painted on or otherwise displayed on windows and visible from the street shall not exceed 10% of the individual window area or 5% of the glass area of any exit door.
6. No nonaccessory signs shall be erected or maintained in a Residential District.
7. Churches, schools or public uses shall not be subject to the limitations of this Section.
8. A permitted home occupation shall be allowed a single identifying sign not exceeding two square feet in area.
9. Temporary signs shall be permitted as described in Subsection G*** below.

6.2.6 Allowed Accessory Signs; Business and Industrial Districts. No accessory sign shall be erected or maintained in any Business District except as hereinafter expressly provided:

1. Those signs may be erected or maintained which are permitted in Residential Districts.~~as provided above or which comply with the following provisions:~~
2. Accessory signs. Signs whose subject matter relates exclusively to the premises on which they are located or to products, accommodations or activities on those premises (accessory signs) shall be allowed.

6.2.7 Number and Type of Signs; Business and Industrial Districts.

1. Each building may have one building sign oriented to each street on which the premises have frontage identifying the building as a whole or its predominate use.
2. In addition, there may be one occupancy sign and one pedestrian sign oriented to each street or parking area on which the premises have frontage relating to each occupancy within the building.

3. Freestanding signs are allowed in Business and Industrial districts. Each lot may have one sign 30 square feet in area and no more than six feet in height and which must be set back no less than eight feet from the edge of the right-of-way. If the building on a lot is more than 100 feet or greater from the edge of the right-of-way line, then a freestanding sign of no more than 50 square feet in area or 10 feet in any linear dimension or 20 feet from the ground is allowed. The sign must be set back no less than eight feet from the edge of the right-of-way line. Freestanding signs shall be erected within a landscaped island designed to protect the signs from damage by vehicles.

6.2.7 Other Business and Industrial District Signs. The following are allowed in addition to signs as limited above:

1. Names of buildings, date of erection, monumental citations and commemorative tablets up to 10 square feet in area, when made a permanent and integral part of the building.
2. Building directories. In a Business or Industrial zone each lot is allowed one freestanding directory sign. The area shall be no greater than one square foot per occupant or tenant. Such sign may be white lighted indirectly. The height from the base on the ground to the highest part should not exceed six feet. No part of the sign structure shall be set back less than 100 feet from the edge of the right-of-way on which the industrial or business building is situated.
3. Traffic control and guidance signs in conformance with public traffic sign standards but located on private property and orientational signs up to two square feet in area displayed for purposes of direction or convenience, including signs identifying rest rooms, freight entrances and the like.

6.2.9 Location of Signs; Business and Industrial Districts.

1. No sign shall project over a public right-of-way or come within three feet of the curbline. A sign on a marquee or canopy providing shelter may project over a sidewalk but may not come within three feet of the curbline on a private right-of-way. A sign attached to a building, built flush with the front property line, may extend into the public right-of-way by an amount equal to the width of the sign but not more than 12 inches.
2. No sign shall extend more than three feet above the roofplate line of the wall to which it is attached nor above the third floor of a multistory building. No roof signs are allowed.
3. The top of pedestrian signs shall be no higher than 10 feet above the sidewalk.
4. Occupancy signs for other than first floor occupants, if any, shall be located between the second and third floors.
5. Any sign attached to a building shall meet the setback requirements for that building. Any other sign shall be set back from any lot line a distance equal to its height, but not less than eight feet.

6.2.10 Size of Signs; Business and Industrial Districts.

1. Individual sign sizes. The total sign area allowed, as calculated in accordance with the provisions of Subsection 6.2.9.2, below, may be distributed among the various signs on the premises. However, individual signs shall not exceed the following maximum sizes:
 - a. Building signs and occupancy signs shall not exceed 50 square feet in area, shall not be more than three feet overall in height and shall not extend more than three-fourths (3/4) of the width of the wall.
 - b. Pedestrian signs shall not exceed five square feet in area.
 - c. Freestanding signs shall not exceed 50 square feet in area or 10 feet in any linear dimension or 20 feet in height.
2. Total area of signage permitted per lot, not to exceed the maximum sizes stated in Subsection 6.2.9.1.a.
 - a. If a building on a lot is to be located 100 feet or less from the edge of the right-of-way, then the total area of all signs on the exterior of the building, including freestanding signs, shall not exceed one and one-half (1 1/2) square feet times the total street frontage on the rights-of-way.
 - b. If a building on a lot is more than 100 feet from the edge of the right-of-way, then the total area of all signs on the exterior of the building, including freestanding signs, shall not exceed two square feet times the total street frontage on the rights-of-way.
3. Permanent window signs. Permanent signs on the surface of or inside display windows shall cover no more than 10% of the display window area.

6.2.11 Illumination.

1. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign or internal to it, without causing glare for motorists, pedestrians or neighboring premises.
2. Illuminated signs, including neon signs, shall not produce more than one footcandle of illumination four feet from the sign.
3. Signs shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless related to an establishment operating between those hours.
4. All permanent outdoor lights, such as those used for area lighting or building floodlighting, shall be steady, stationary, shielded sources directed so as to avoid causing glare for motorists, pedestrians or neighboring premises. The marginal increase in light, as measured at any property line other than a street line, shall not exceed one footcandle.

6.2.12 Temporary Signs in All Districts. The following temporary signs are allowed without a permit:

1. Construction signs identifying parties involved in construction on the premises. These signs shall be set back a minimum of eight feet from any lot line and shall be removed after completion of construction.
 - a. Residential (one- and two-family homes): one unlighted sign of up to nine square feet.
 - b. Business and Multiple Residence Districts: one illuminated sign of up to 25 square feet.
 - c. Subdivision sign. One unlighted sign of up to 25 square feet identifying a residential or nonresidential subdivision may be erected and displayed for a period of up to two years or until all lots are sold, whichever comes first.
2. Real estate signs: one unlighted sign of up to nine square feet pertaining to the sale, rental or lease of the premises on which the sign is displayed, to be removed within 14 days after sale, rental or lease.
3. Display window signs: signs on the surface of or inside display windows, lighted only by building illumination and covering no more than 20% of the display area (business districts only).
4. Political signs: freestanding unlighted sign of six square feet or less. ~~Such sign shall be put up no earlier than 30 days prior to the election and shall be removed no later than 10 days after the election.~~ Political signs shall be set back a minimum of eight feet from any lot line and shall not be attached to trees or utility poles but shall have their own self-supporting frame and means of being affixed to the land.

6.2.13 Event Signs. Banners and posters (except posters intended for window display) covering social, seasonal, holiday and religious events, including garage sales, shall be referred to the Town Council for approval and issuance of a temporary permit. Temporary signs and banners must be firmly attached to a supporting device and present no undue hazard to the public. The time allowed this type of advertising shall not exceed 30 days.

6.2.14 Prohibited Devices.

1. No sign or light shall move, flash or make noise. This shall include commercial balloon devices and high-powered searchlights. (Indicators of time or temperature may move.)
2. Colored lights and illuminated signs employing colors in use in traffic signal lights are prohibited within view of any signalized intersection.
3. Any imitation of official traffic signs or signals and the use of such words as "stop," "look," "danger," "go slow," "caution" or "warning" are prohibited.

4. No red or green lights or any lighting effect utilizing such colors shall be used on any sign if, in the opinion of the Chief of Police, such light or lighting would create a hazard to the operation of motor vehicles.
5. Portable signs with or without replaceable letters which may be moved from one location to another shall be prohibited.
6. Signs on unregistered vehicles which are visible from nearby public rights-of-way (except for temporary "for sale" signs) shall be prohibited.

6.2.15 Construction and Maintenance.

1. Wall signs. No sign shall be painted or posted directly on the exterior surface of any wall. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface which shall be securely affixed to the wall of the building. The foregoing, however, shall not prevent the installation of a sign by individual letters or devices cut into, or securely affixed to, the exterior wall of a building. The material of the sign and intermediary surface and the manner in which they are affixed to their respective surfaces or walls shall be subject to the approval of the Building Inspector.
2. Maintenance. All signs, including temporary signs, shall be securely erected or affixed and shall be kept safe, neat and clean and in good and safe repair and operating condition, to the reasonable satisfaction of the Building Inspector.
3. Illuminated signs. Illuminated signs shall be constructed of noncombustible materials, except that facings, letters, figures, decorations and structural trim may be made of approved combustible plastics as defined in accordance with American Society for Testing and Materials standard methods.

6.2.16 Administration.

1. Required permits. A permit from the Building Inspector is required before sign erection, alteration or enlargement, except for ordinary maintenance, and if necessary a permit from the Electrical Inspector and/or approval of the Chief of Police is required before sign erection.
2. Signs not requiring permits. No permit shall be necessary for the following signs:
 - a. Those exempted under §6.2.16.
 - b. Residential signs as described in §6.2.4.
 - c. Temporary signs as described in §6.2.11.

6.2.17 Application for Permit. The owner or lessee of the premises on which a sign is to be erected shall file the following with the Building Inspector: An application in duplicate for a permit on appropriate forms furnished by the Building Inspector. The written consent of the owner of the premises concerned, or of his authorized agent, shall be required.

1. Full name, residence and business address of the owner of the property, of the lessee, if any, and of any authorized agent to whom notices may be sent.
2. Location, position and dimensions of sign.
3. Such plans, structural drawings and specifications as the Inspector may require for temporary examination and permanent record.
4. A surety company bond as required by the Building Code of the Town of Wakefield.

6.2.18 Powers of Building Inspector and Other Inspectors.

1. Issuance of permit. The Building Inspector shall, within 21 days, approve or reject any applications for a sign filed with him in accordance with all requirements of this Section and all other applicable laws, bylaws and regulations.
2. Electrical inspections. Electrical permits are required for any sign which is to be illuminated. The permit must be issued simultaneously with the building permit. The sign and the sign's power supply shall conform to the National Electrical Code.
3. Applicability of Building Code. Signs shall be deemed to be structures subject to all applicable provisions of the State Building Code and to all of the powers thereby granted to the Building Inspector.
4. Violations and penalties; noncriminal disposition. Any alleged violation of the provisions of this Section may, in the sole discretion of the Building Inspector or his designee, be made the subject matter of the proceedings initiated by the Building Inspector pursuant to the provisions of M.G.L. c. 40, § 21D, that is noncriminal disposition. If the Building Inspector so elects to proceed under M.G.L. c. 40, § 21D, all the terms and provisions of such chapter and section shall thereafter govern said action.

6.2.19 Appeals. Appeals from administrative decisions may be made to the Board of Appeals in accordance with the same procedures used by the Board of Appeals for zoning appeals and/or Building Code appeals, depending upon the type of appeal being made. All appeals or applications for a variance or special permit shall be accompanied by a fee of \$125. The petitioner will be billed directly for any advertising costs required.

1. The Board of Appeals, by vote of at least four members, after due notice and public hearing, upon a written petition addressed to the Board, may vary the application of this Section, without, however, making any change in its provisions or departing from its substantial intent or purpose, in specific cases wherein its strict enforcement would involve substantial hardship and shall vary it so far as necessary in any case to avoid constitutional guaranties but shall not otherwise vary it.

6.2.20. Fees. Applications for sign permits shall be accompanied by a fee of \$25.

6.2.21 Special Permit Relief. An owner of property, or a tenant thereof, may seek relief from any provisions of this Section 6.2, by application for a special permit from the Board of Appeals.

The Board of Appeals may grant such special permit when no substantial detriment shall result to the neighborhood or the Town.

~~§ 190-83. Severability. The invalidity of any part or provision of this Section or of the application thereof to any particular subject matter shall not invalidate any other part or provision hereof or affect the application hereof to any other subject matter.~~