

## **ARTICLE XIII**

### **SIGN REGULATIONS**

#### **13.1 Purpose**

This Article has been adopted by the Town of Topsfield to accomplish the following purposes:

- e. To preserve and enhance the natural, scenic, historical, cultural, and aesthetic qualities of the Town of Topsfield.
- f. To support economic development and business vitality through efficient communication.
- g. To encourage the posting of signs that, by their location and design, complement the buildings and sites they occupy.
- h. To ensure the safety and general welfare of motorists and pedestrians.
- i. To protect property values by maintaining an attractive and harmonious community.

#### **13.2 Definitions**

A. Sign - Any letter, word, symbol, drawing, picture, design, device, article or object that conveys any message regardless of the nature of the material and manner of composition or construction. The following devices shall not be considered "signs" within the context of this Article:

- 1. Plaques and markers approved by the Historic District Commission.
- 2. Flags and insignia of governmental jurisdictions except when displayed for commercial purposes.
- 3. On premise devices guiding and directing traffic and parking which bear no advertising.
- 4. Legal notices or informational devices required by public agencies.
- 5. Standard gasoline pumps bearing thereon in usual size and form, the name, type and price of gasoline.

B. Temporary Sign – A commercial or non-commercial sign relating to any event, activity or business operation which is not of a continuing or regularly recurring nature. Examples include, but are not limited to, sales, special events, political campaigns, seasonal businesses or changes in the nature of an operation. Banners, flags, pennants and portable "A" frame and similar signs shall be considered temporary signs.

C. Sign Area - the area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, exclusive of structural members not bearing advertising matter.

#### **13.3 Special Permit Granting Authority**

A. For purposes of this Article, the Topsfield Board of Selectmen shall be the Special Permit Granting Authority.

- 1. The Special Permit Granting Authority shall have the authority to:
  - a. Hear and decide appeals.
  - b. Review and render decisions on applications for special permits for a sign.
- 2. The Special Permit Granting Authority shall adopt rules and regulations including, but not limited to, fees, procedures, methods, appeals, and removal of delinquent signs and shall make them available at the Town Clerk's Office.

#### **13.4 General Regulations**

A. Permits. No sign shall be erected, enlarged, or structurally altered without a sign permit issued by the Inspector of Buildings, unless specifically exempted from this requirement by specific sections of this

Article. Permits shall be issued only for signs conforming to this Article. Permit applications shall be accompanied by two prints of scale drawings of the sign, supporting structure, source of illumination, and location. Each application with respect to a sign within an Historic District must be accompanied by a certificate of appropriateness from the Historic Districts Commission. A copy of any relevant Special Permit shall also accompany the application.

The Inspector of Buildings shall issue a permit for the erection and maintenance of a sign or signs or deny the issuance thereof within thirty (30) days of the date on which the application for a permit was received. In the event that said permit has been denied, the Inspector of Buildings shall state the reason for said denial. If the Inspector of Buildings fails to take the appropriate action within the above stated period the permit shall be deemed to have been issued, and the Town Clerk shall issue a certificate of constructive approval of the application

B. Materials and Maintenance. Permanent signs shall be constructed of durable materials and shall, together with their structural elements, be maintained in a safe and neat condition to the satisfaction of the Inspector of Buildings.

C. Illumination. No internally lighted sign or sign using luminous letters and/or symbols shall be permitted. No sign shall be lighted, except by a white, continuous, stationary light, shielded and directed solely at the sign. Lights must be of sufficiently low intensity and brightness so as not to affect the safe vision of operators of vehicles moving within the premises or on adjacent public or private ways. No sign shall be illuminated in any residential district between the hours of 11:00 p.m. and 7:00 a.m. unless an establishment is open to the public during these hours. Temporary signs shall not be illuminated. The provisions of this Section shall apply not only to exterior signs, but also to interior signs that are designed or placed to show through windows of buildings. The only exception to this section is internally illuminated "Open" signs not exceeding 4 square feet that may be illuminated in the window of an establishment during business hours. The illumination on such signs must be steady and not blinking or animated.

D. Legally Existing Prior Nonconforming Signs.

1. Such signs may continue to be used and maintained hereafter and may be repaired from time to time unless abandoned.
2. Such signs shall not be enlarged, redesigned or altered in any way unless brought into conformity.
3. No such sign may be removed and replaced by a new nonconforming sign without a special permit.

Any such sign which has been destroyed or damaged to such an extent that the cost of restoration would exceed one third of the replacement value of the sign at the time of the destruction or damage, shall not be repaired, rebuilt or altered unless in conformity with this Article. If a damaged nonconforming sign shall not have been repaired or properly maintained within 60 days after notice to that effect has been given by the Inspector of Buildings, it shall be considered to be abandoned.

5. Any such sign on an abandoned establishment and any sign that advertises or calls attention to any products, businesses or activities which are no longer carried on or sold on the premises will be considered abandoned.

E. Prohibitions.

- f. No sign shall project above the roofline of a building.
2. No sign other than traffic control and route signs authorized by public agencies shall be placed within a public right of way.
3. Billboards, animated or revolving signs, and mobile signs (signs attached to motor vehicles, trailers, or other movable objects regularly or recurrently located for fixed display) are not allowed. No sign shall be affixed to any fence, tree, utility pole or traffic sign within the public right of way or to light posts, flag poles, columns, utility poles or other sign posts on their premises.
4. No sign either permanent or temporary shall be erected such as to impair the visibility of vehicles on the road or traffic control signs.
5. No sign shall project over any public right-of-way or other public property.

F. Off-Premises Signs. Signs advertising a business, service or product at another location shall not be erected except upon the issuance of a special permit by the Special Permit Granting Authority in accordance with these General Regulations. Said signs must serve a reasonable public purpose and be of such size, location and design so as to be consistent with the purpose cited in Section 13.1.

G. Temporary Signs. Temporary signs shall be allowed provided that they comply with the following requirements:

1. Unless otherwise specified in this Article, temporary signs shall comply with all applicable requirements for permanent signs, including issuance of a sign permit.

2. Temporary signs that do not require a permit.

- a. Temporary real estate and contractors' signs as described below in Section 13.5, A, 1, b and c.

- b. Banners, flags, pennants associated with a commercial event such as grand openings, sales or closings may be displayed in front of a business establishment during regular business hours without a permit for no more than fourteen (14) days at a time and no more than thirty (30) days in the aggregate in any calendar year. Signs shall not obstruct sidewalks or pedestrian and/or vehicular traffic.

- c. Temporary signs for the purpose of non-commercial sales, promotions, drives, campaigns or other events of a civic, philanthropic, or educational nature, or any other temporary signs of a non-commercial nature relating to an event, do not require a permit. Such signs shall not exceed 6 square feet. They shall not be posted for more than sixty (60) days prior to the date of event being advertised, promoted, or opposed, and shall be removed promptly when the information they contain is no longer relevant and no later than sixty (60) days after the conclusion of said event.

H. Service stations may display one (1) attached sign no larger than 6 sq. ft and one (1) free standing sign no larger than 9 sq. ft. offering inspectional services.

I. Abandoned signs shall be removed within thirty days after being so ordered by the Inspector of Buildings.

(Art. 36, 5/1/18)

### 13.5 Permitted Sign

A. Residential Districts. No part of any sign shall be more than eight (8) feet above ground level or, unless attached to a building, within ten (10) feet of any street line.

1. The following signs shall not require a permit:

- a. One (1) sign per house, either attached or free standing, indicating only the name of the owner or occupant, street number and permitted uses or occupations engaged in thereon. Such sign shall not exceed two (2) square feet.

- b. One (1) temporary real estate sign advertising the sale, rental or lease of the premises on which the sign is located. Such sign shall not exceed (6) square feet in area.

- c. One (1) temporary sign not larger than fifteen (15) square feet indicating the name and address of the parties involved in the construction on the premises, to be removed within thirty days of issuance of certificate of occupancy.

- d. Private Sales of automobiles or other personal items. Only one (1) sign is permitted and shall not exceed two (2) square feet. Such signs may be displayed for thirty (30) days. Signs which advertise yard sales or similar events are permitted for a period of three days. Signs for private sales may not be affixed to utility poles or public property.

- e. Decorative banners and governmental flags.

2. Signs in residential areas which require a permit. Any sign other than the signs listed in

Section 13.5.A.1, above, shall require a Special Permit from the Special Permit Granting Authority.

B. Business Districts: Business Park District (BP), Business Highway District (BH), Business District Highway North (BHN), and Business Village District (BV).

1. The following signs shall not require a permit:
  - a. Signs permitted without permits in Residential Districts except that temporary real estate signs may be as large as nine (9) square feet.
  - b. Window signs that cover no more than 20% of the available window space and are not illuminated by other than standard fixtures on the building except in the Business Park District.
2. The following regulations shall apply to signs in Business Districts requiring permits.
  - a. Any business complex comprising three or more buildings on a single lot may erect one freestanding sign for each street on which the development fronts containing the name or other identification of the complex.
  - c. Buildings having four (4) or more occupants may erect a single sign, either attached or freestanding, identifying either the premises or those occupants. Additionally, each occupant may erect one attached sign.
  - d. In buildings having fewer than four (4) occupants each occupant may have two (2) signs provided that one (1) of these signs is free standing.
  - e. All permitted signs in the Business Districts shall comply with the Table of Dimensional Regulations below:
3. The following signs shall require Special Permits from the Special Permit Granting Authority:
  - a. All signs other than those listed above .

#### **Town of Topsfield**

**Table of Dimensional Regulations  
Maximum Dimensions**

<b>District</b>	<b>Free-standing Sign Per Complex of 3 or More Buildings</b>	<b>Attached or Free-Standing Sign Per Building with 4 or More Occupants</b>	<b>Attached Sign Per Occupant</b>	<b>Free-standing Sign Per Occupant</b>
<b>Business Village</b>	25 sq. ft. in area 8 ft. in height	10% of front elevation up to a maximum of 15 sq. ft.	10% of front elevation of occupant's premises up to a maximum of 25 sq. ft.	10% of front elevation of occupant's premises up to a maximum of 15 sq. ft 8 ft. in height
<b>Business Highway Business Highway North</b>	25 sq. ft. in area 15 ft. in height 15ft. setback from property line or right of way.	10% of front elevation up to a maximum of 25 sq. ft. 15ft. setback from property line or right of way.	10% of front elevation of occupant's premises up to a maximum of 50 sq. ft.	10% of front elevation of occupant's premises up to a maximum of 25 sq. ft 8 ft. in height
<b>Business Park</b>	25sq. ft. in area 8 ft. in height	Special Permit	3 sq. ft.	Maximum of 8 sq. ft. Special Permit Required

#### **13.6 Non-Conforming Sign**

The Special Permit Granting Authority may grant a special permit for a sign not in compliance with the provisions of this Article, provided that a determination has been made that the sign is or will be in harmony with the interests cited in section 1. To be granted a special permit, the applicant shall establish that hardship exists, a reasonable public benefit is derived from the erection, replacement or maintenance of the sign and that the general purposes of this Article are not defeated. In granting such permits, the Special Permit Granting Authority shall specify the size and location of the sign and impose such other terms, restrictions, and conditions as it may deem to be in the public interest.

### 13.7 Severability

If any section of this Article is found to be in conflict with any statutes of the Commonwealth, such finding shall not affect the validity of the remainder of the Article nor the lawful administration thereof.

(Art. 23, 5/6/86; Art. 45, 5/2/95; Art. 34, 5/6/03; Art. 28, 5/5/04)

#### **Editor's Note:**

Sign By-Law Rules and Regulations and Sign Special Permit Application were adopted by the Board of Selectmen on December 13, 2004. Said Application, Rules & Regulations are available at the Office of the Board of Selectmen and can be found in Chapter 7 of the Topsfield Town Code Rules & Regulations.