

ARTICLE XV. SIGN REGULATIONS

15.1 Purpose

The purpose of Article XV is to regulate the use of signs defined below in order to preserve the character and heritage of Edgartown.

15.2 Definitions

- a. Sign. Any privately owned permanent or temporary device, placard, painting, drawing, poster, letter, word, banner, pennant, insignia, trade flag, merchandise, or representation used as or which is in the nature of an advertisement, announcement, or direction which is on a public way or on private property within public view or a public or private way, public park or reservation.
- b. Accessory Signs. Any sign that advertises, or indicates the person occupying the premises on which the sign is erected or maintained, or business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.
- c. Non-accessory Sign. Any sign not an accessory sign.
- d. Person shall include an individual, corporation, society, association, partnership, trust or other entity, public or private.
- e. Standing Sign. Any accessory sign that is not attached to a building.
- f. Sign, Area of,
 - 1) The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.
 - 2) The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols.
 - 3) The area of a sign consisting of a three dimensional object shall be considered to be the area of the largest vertical cross-section of that object.
 - 4) In computing the area of signs, both sides of V-shaped signs but only one side of back-to-back signs shall be counted.
- g. Temporary Sign. Any sign, including its supporting structure, to be maintained for a continuous period of not more than 30 days.

15.3 Administration and Enforcement

- a. Enforcement. The Building Inspector is hereby authorized to enforce this By-Law. He is authorized to order the repair or removal of any sign and its supporting structure which in their judgement is dangerous, or in disrepair or which is erected or maintained contrary to this By-Law.
- b. Administration. An Advisory Council appointed by the Board of Selectmen shall review all applications for signs in the Town of Edgartown and advise the Building Inspector in writing with regard to the appropriateness of the uses of such signs and their conformity to this By-Law. Its role will be advisory.

The Advisory Council shall consist of five year-round and full-time residents including at least at least two from the retail sector and one from the general business community. The Board of Selectmen shall appoint the members of the Advisory Council from qualified applicants after notice has been published for two consecutive weeks. The initial appointment shall be of one member serving a one-year term, two members serving two-year terms and two members serving three-year terms. Unexpired terms shall be filled by the above selection process.

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The Council shall meet weekly during the period March 1 through June 30th and monthly thereafter or as necessary to act on applications in a timely manner. All completed sign applications must be reviewed and submitted by the council to the Building Inspector within 10 days. A quorum shall consist of three members of the Advisory Council.

- c. Permits. Except as provided in Sections 15.4.e, 15.5, and 15.6 b 3, no sign, temporary or permanent, shall be erected, altered or enlarged until a permit has been issued by the Building Inspector following review by the Advisory Council. Such permit shall be issued only if the sign complies or will comply with all applicable provisions of this By-Law. The provisions of this section shall not apply to signs permitted in a residential area or temporary signs to be placed in a window.

15.4 General Requirements

- a. Character. All signs shall be professional in quality and shall not detract from the overall character of Edgartown; they should be constructed to provide pertinent information, but should not become visually, dominant elements in their intended surroundings. Accordingly, materials, designs and colors should be chosen to reflect and be harmonious with surrounding vistas and architecture. Day-glow and luminescent colors shall not be permitted.
- b. Movement. No sign shall contain any moving, flashing or animated lights, or visible moving or moveable parts.
- c. Illumination. Signs may be illuminated only by a white steady, external, stationary light of reasonable intensity, shielded and directed solely at the sign. Internally-illuminated accessory or non accessory signs shall not be permitted except that internally-illuminated ice and beverage dispensing machines may be permitted if shielded from public view in a manner appropriate to the particular locations (see section 15.4.f.) and only after a sign permit has been granted.
- d. Window Signs. The size of signs painted or placed on the inside of the glass of a window shall be that which is determined by the Building Inspector as appropriate for the business, but in no event shall it exceed 50%. The character of such signs shall meet the requirements of 15.4 a. above.
- e. Temporary Signs. Temporary signs which comply with this By-Law shall be permitted. Temporary signs which do not comply with this By-Law may be authorized by the Building Inspector for public or charitable purposes.
- f. Outdoor merchandise: In determining whether outdoor display of merchandise or representation shall be permitted, consideration shall be given to whether the item (s) is more appropriately displayed outdoors rather than indoors and to the relative amount and location of the outdoor space to be so utilized. For purposes of this by-law, clothing, dry goods and foods generally are not considered appropriate for outdoor display. Ice and beverage dispensing machines may be allowed outdoors if shielded from public view in a manner appropriate to the particular locations and only after a sign permit has been granted. Other food dispensing machines or other vending machines (e.g. snacks, sandwiches, candy, cigarettes, etc.) are not permitted outdoors. Businesses wishing to display allowable outdoor merchandise must submit a merchandising display plan as part of their application.
- g. That all proprietors displaying outdoor ice and beverage vending machines which are in place on this date shall be granted, upon application within thirty days, sign permits valid for the period ending April 1st, 1984. Such permits shall conform to 15.4.f thereafter.
- h. "No Trespassing Signs" and other similar signs which prohibit activities do not require a permit but must comply with Sections 15.4.a, b., and c. of the by-law. Such signs may be

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posted on property at such regular intervals as meet the requirements of posting property.

- i. Political Signs. A political sign is one that is designed or intended to influence the actions of voters for the election or defeat of candidate(s) or issue(s) at a national, state, county or local election. Such signs must be removed within 10 days following such election. Political signs are permitted whether or not they comply with other sections of this By-law.

15.5 Requirements for Non-Accessory Signs.

Non-accessory signs shall be allowed only on Special Permit from the Building Inspector, subject to the following:

- a. Such signs shall be allowed only in B-I or B-II districts.
- b. Permits shall be limited to one year, subject to annual review.
- c. Only signs giving directions to establishments not otherwise easily located or conveying information similarity useful to the general public shall be allowed.
- d. Sign area and location shall comply with requirements of Section 15.6 for Accessory Signs.
- e. Further limitations on size, location and illumination may be imposed at conditions of approval by the Building Inspector if determined by him to be necessary to protect the character of the existing neighborhood.

15.6 Requirements for Accessory Signs.

- a. Residence Districts. In residence districts there shall be no more than one sign per lot and that sign may only be used to identify the premises or to refer to products or services available there, or advertising the fact that the premises are for sale or rent. All signs shall be no more than four square feet in size.
- b. Business Districts. In an area zoned as a business, commercial or industrial district, signs permitted under 15.5a and the following are permitted:
 - 1) One sign for each exterior wall of an establishment if such wall faces a public way or contains a public entrance. Any such sign must be either flat against the wall or perpendicular to it. If attached flat against the wall, the sign shall not extend beyond the building lines and the area of the sign may not exceed the lesser of 10 percent of the wall area of such establishment or 12 square feet. If perpendicular to the building, it may not project more than 4 feet from the building nor exceed 5 square feet in area. Roof signs and V-shaped signs are not permitted.
 - 2) One directory of the establishments occupying a building at each public entrance to the building. Such directory shall not exceed an area determined on the basis of one square foot for each establishment occupying the building.
 - 3) Standing Signs shall be allowed only on Special Permit from the Building Inspector, subject to the following:
 - a) Sign area shall not exceed 12 square feet, sign height shall not exceed 10 feet in height above the ground. No part of such sign shall protrude over the property line.
 - b) Permission shall be granted only where such signs will not deviate from established neighborhood patterns or create hazard because of obstructed vision.
 - d) Advertising the fact that the premises are for sale or for rent, or other condition thereto, may be done only by the owner of the property, and may include only the owner's personal name, personal telephone number or personal address but not include a business affiliation.

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15.7 Non-Conformance of Accessory Signs

Accessory signs legally erected before the adoption of this By-Law may continue to be maintained without a permit, provided, however, that no such sign shall be permitted if, after the adoption of this By-Law, it is enlarged, reworded (other than in the case of a theatre or cinema signs), redesigned or altered in any substantial way, except to conform to the requirements of this By-Law; and provided further than any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five per cent of the replacement cost of the sign at the time of restoration, shall not be repaired or rebuilt or altered except to conform to the requirements of this By-Law. Any exemption provided in this Section 14.6 shall terminate with respect to any sign which:

- a. Shall have been abandoned;
- b. Advertises or calls attention to any products, businesses or activities which are no longer sold or carried on, whether generally or at the particular premises, or
- c. Shall not have been repaired or properly maintained within thirty days after notice to that effect has been given by the Building Inspector.

15.8 Requirements for Signs in Historic Districts

Historic Districts in the Town of Edgartown are defined as shown on the map entitled "Edgartown Historic District, Edgartown, MA", effective 14 April 1987, on file with the Edgartown Town Clerk, the Edgartown Historic District Commission, and the Dukes County Registry of Deeds. In case of conflict or contradiction with requirements for signs to be erected in other districts, the requirements set forth in this Section shall apply.

Additional requirements for signs to be erected in an Historic District are as follows:

- a. **Illumination:** While illumination of signs in an Historic District is permitted, the level of illumination shall be kept at a minimum. The intent of such illumination should be not to draw attention to the sign from a great distance, but instead to permit the sign to be read from a reasonable distance at night.
- b. **Character:** The general appearance of a sign erected in a Historic District should not clash with its surroundings. The use of attention-getting devices such as, but not limited to the following, will be discouraged:
 1. Superfluous, "busy" or otherwise unnecessary borders and or shapes.
 2. Non-conventional typefaces
 3. Bright colors, either in lettering, shapes, background or borders.
- c. **Wall Sign:** The top of a wall sign for a street-level establishment may not protrude above the top of a second-story window sill.
- d. **Number of Signs:** The minimum effective number of signs will be permitted at any one business location.
- e. **Architectural Features:** It is strongly recommended that no sign obscures an architectural feature or ornament.

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- f. **Guidelines for Review of Application:** In addition to technical review of the data presented on the Sign Permit Application, the Sign Advisory Council and the Building Inspector shall consider the following:
1. Although specific designs or signs to be erected in an Historic District are not prohibited by this Section, certain sign types may be deemed incompatible in some instances. For example, a hand-crafted sign for a franchised or otherwise affiliated business may be more appropriate than a mass-produced, "home-office-approved" type of sign.
 2. Complicated or cluttered design will be discouraged. This is not meant to exclude the use of a depiction of the product (s) or service (s) available, but rather to discourage the depiction of multiple products or services available.
 3. In the case of support structures for signs, the structure should complement and represent the same period of time as that represented by the sign it supports and the immediate surroundings. For example, a black, wrought-iron bracket would be deemed more appropriate to support a projecting sign on a Colonial structure than would, say, one made of tubular stainless steel.