

TOWN OF HANOVER MASSACHUSETTS



SIGN BYLAW

1974 AS AMENDED TO THE ANNUAL TOWN MEETING OF MAY, 2016

As adopted and amended by Town Meeting and approved by the Massachusetts Attorney General's Office

ARTICLE 1. PURPOSES

This by-law is adopted for the regulation and restriction of billboards, signs and other advertising devices within this Town on public ways or on private property within public view of a public way, public park or reservation in order to protect and enhance the visual environment of this Town and the safety, convenience and welfare of its residents.

ARTICLE 2. AUTHORITY AND INTERPRETATION

This by-law is hereby declared to be remedial and protective and is to be so construed as to secure the beneficial interests and purposes thereof. This by-law is adopted pursuant to Chapters 93 and 43B of the General Laws of Massachusetts.

ARTICLE 3. DEFINITIONS

3.1. Accessory Sign:

Any sign or device of similar intent that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

3.2. Interested Person:

Any person residing in or owning or operating a business in this town who requests the Sign Officer in writing that his name be placed on a mailing list. In addition, such list shall include the Board of Selectmen and the Planning Board of the Town of Hanover.

3.3. Non-Accessory Sign:

Any sign not an accessory sign including, but not limited to, billboards.

3.4. Person:

Shall include an individual, corporation, society, association, partnership, trust or other entity, public or private.

3.5. Public Way

Shall include any private way that is open to public use.

3.6. Sign:

Any permanent or temporary structure, billboard, device, letter, word, illuminated fixture, electric bulb, tube or similar contrivance, medal, banner, pennant, insignia, flag, or any other representation used as, or which is in the nature of, an advertisement, announcement, attraction or direction which is on a public way, or on private property within public view of a public way, public park or reservation.

3.7. Standing Sign:

Any accessory sign that is not attached to a building.

3.8. Sign, Area of:

- (a) The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background upon which they are displayed, and any frame around the sign and any “cutouts” or extensions, but shall not include any supporting structure or bracing if such structure or bracing is incidental to the function of the sign.
- (b) 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 rectangle or triangle which encompasses all of said letters and symbols.
- (c) Only one side shall be counted in computing the area of a double-faced sign.

3.9. Temporary Sign:

Any sign, including political signs, not intended to be maintained permanently.

3.10 Digital Message Board:

Computerized programmable electronic visual communication devices used for the advertisement purposes for good and services, specially manufactured for the outside environment.

ARTICLE 4. ADMINISTRATION AND ENFORCEMENT

4.1. Enforcement:

The Building Inspector of the Town of Hanover is hereby charged with the enforcement of this by-law and is hereby designated as the Sign Officer.

- (a) The Sign officer and his duly authorized agents shall, at reasonable times and upon presentation of credentials, have the power to enter upon the premises on which any sign is erected or maintained in order to inspect such sign.
- (b) The Sign Officer is further authorized, upon notice as herein provided, to order the repair, removal or revocation of any sign which in his judgment is, or is likely to become, dangerous, unsafe or in disrepair, or which is erected or maintained contrary to this by-law or which exceeds the conditions of the permit. The Sign Officer shall serve a written or verbal notice and order upon the owner of record of the premises where the sign is located and any advertiser, tenant or other person known to him having control or a substantial interest in said sign, directing the repair or removal of the sign within a time not to exceed 24 hours after giving of such notice. If such notice and order is not obeyed within such period of time, the Sign Officer and his duly appointed agents shall, at reasonable times and upon presentation of credentials, have the power to enter upon the premises on which said sign is erected or maintained and repair or remove, or cause to be repaired or

removed, said sign whether temporary or permanent. All expenses incurred by the Sign Officer and his duly authorized agents in removing or repairing any sign shall be assessable against any person who failed to obey said notice and order and shall be recoverable with costs in any court of competent jurisdiction if not paid within thirty days after written notice of assessment is given by the Sign Officer to such person.

4.2. Permits:

- (a) No sign shall be erected, altered or enlarged until an application on the appropriate form furnished by the Sign Officer has been filed with the Sign Officer containing such information, including photographs, plans and scale drawings, as he may require, and a permit for such erection, alteration or enlargement has been issued by him. The Sign Officer shall act upon the application within fourteen (14) business days if the Sign Officer determines that the sign shall comply with all applicable provisions of this bylaw; or if not acted upon within fourteen (14) business days shall be deemed approved. A schedule of fees for sign permits shall be determined from time to time by the Board of Selectmen.

ARTICLE 5. MOVEMENT, ILLUMINATION AND COLOR

5.1. Movement:

No sign shall contain any moving, flashing or animated lights, or visible moving or moveable parts, except such portions of a sign that consist solely of indicators of time or temperature. Automatically or manually changing message signs may be permitted in the case of gas stations, movie or stage theaters or such other circumstances that the Sign Officer may permit upon finding that such sign does not derogate from the intent of this bylaw.

5.1.1 Digital Message Boards:

Notwithstanding the above provision and upon applying for and the granting of a Permit by the Planning Board acting as the as Permit Granting Authority, Digital Message Board signs are allowed in Commercial, Business, and Planned Shopping Center districts. Elements to be reviewed and regulated in allowing a Permit shall include, but not limited to the following:

- (a) Digital Message Boards can only display goods and services available at the petitioner's place of business.
- (b) There shall be only one (1) Digital Message Board allowed per property.
- (c) Digital Message Boards shall display static images only.
- (d) Digital Message Boards may change their static images no more than once every fifteen minutes (15) as a free standing, monument, or wall sign. In addressing this issue, the Planning Board may review sight distances and speed limits on surrounding roads.
- (e) Transitions from one static image to the next shall appear instantaneously without the appearance of flashing, animation or movement of any kind.

- (f) The background of any Digital Message Board shall remain a consistent color and intensity from one message to the next.
- (g) Such sign shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness based on ambient light conditions.
- (h) No electronic message center sign shall exceed a brightness level of 3.0 foot candles above ambient light as measured using a foot candle meter and a distance of 50 feet from the display.
- (i) Digital Message Boards shall meet the dimensional requirements outlined in Article 7.2.b. and Article 7.2.c of the Sign Bylaw.
- (j) During a public safety event, the petitioner shall make the Digital Message Board accessible to the Town of Hanover's public safety departments.

Landscaping: The area surrounding the base of all freestanding and monument Digital Message Boards shall be attractively landscaped. Landscaping shall include low shrubbery, flowers or other such plantings that will not exceed one and half (1 ½) feet in height. These plantings will serve to obscure the supporting structure of the sign, while adding to overall appearance of the property.

Site Plan Approval: All Digital Message Board signs shall be included as an element of all Site Plan Approval applications Section 10 of the Hanover Zoning Bylaws. The application shall include the location, size, and height of all signs existing and proposed on the property. Applicants may be required to document signs on adjacent property if the Planning Board determines the circumstances warrant such review to reach an informed decision.

(Approved May 3, 2016) (Approved by the Attorney General August 23, 2016)

5.2. Illumination:

Signs may be illuminated only by the following means:

- (a) By a white, steady stationary light of reasonable intensity, shielded and directed solely at the sign.
- (b) By a white interior light of reasonable intensity.
- (c) By a white, steady stationary light of reasonable intensity "back lighting" a Fully Attached Sign.
- (d) Neon tubes or similar devices are not permitted except a window sign which meets the provisions of Article 7, and may utilize such a tube if such sign contains no more than two colors, is not moving or flashing and is less than one and one half (1 ½) square feet in overall area.

5.3. Color:

No sign shall contain more than six colors excluding the background and frame. No sign shall contain colored lights, interior or exterior.

5.4. Holiday Decorations:

Holiday decorations shall not be subject to this by-law.

5.5. Interior Signs:

The provisions of the by-law shall apply not only to exterior signs but also to interior signs which are so placed as to be visible through windows, doors or other openings from the exterior.

5.6. Three Dimensional Signs:

No sign shall be permitted which is dependent upon a three dimensional effect as a design element. This specifically shall apply to (but shall not be limited to) reproductions of products, packages, emblems, trade marks and the like.

5.7. Flags:

Nothing in this by-law shall prevent the flying of one American Flag and/or one State Flag on the same pole or poles, or halyard on a lanyard and one flag not to exceed 12 square feet in area which incorporates a trade mark, logotype or similar device directly related to the business or residence located on the lot.

ARTICLE 6. NON-ACCESSORY SIGNS

Non-accessory signs including billboards shall not be permitted.

ARTICLE 7. ACCESSORY SIGNS**7.1. Residence Districts:**

In an area zoned as Residence, no accessory sign shall be erected or maintained except as follows:

- (a) One accessory sign displaying the street number and/or name of the occupant of the premises not exceeding six square feet in area. Such sign may include identification of an accessory professional office or other accessory uses permitted in a residential district.
- (b) One “for sale” or “for rent” sign not exceeding six square feet in area and advertising only the premises on which it is located. This type of sign is to be in conformity with Article 5 and shall be removed within 30 days of the sale of said premises or within three days of the rental of said premises.
- (c) One contractor’s sign, not exceeding six square feet in area, maintained on the premises while construction is in process and containing information relevant to the project. Such sign shall be removed immediately upon completion of the construction but in any case within 60 days from the erection thereof, unless a written extension has been issued by the Sign Officer specifying the date when the extension expires.
- (d) One identification sign not exceeding six square feet in area at any public entrance to a subdivision or multifamily development by special permit of the Sign Officer which shall specify limits on the size and the length of time such sign is to be maintained.

- (e) Signs, entrance markers, etc. for a church, synagogue, school or similar institution shall be permitted. The size and location shall be at the discretion of the Sign Officer, but in no case shall a sign exceed 18 square feet in size nor shall it exceed 15 feet in height from the ground. The provisions of Article 5 shall apply to these signs.
- (f) Where a legal, nonconforming business use is within a residential district, the Sign Officer may allow a sign exceeding the requirements above, provided said sign is in keeping with the general intent of this by-law and the appearance, placement and size will not harm the appearance and safety of the general area. In no case shall such signs exceed 50% of the area requirements in business zones. Before granting such a permit, the Selectmen shall hold a public hearing and give notice, at the petitioner's expense, to Interested Persons and abutters and shall reach a decision within ten days from the date of the hearing.

7.2. Business Districts:

In an area zoned as a business, commercial or limited industrial district, no accessory sign shall be erected or maintained except accessory signs which are permitted in residential areas, as provided in section 7.1. of this Article, or accessory signs which comply with the following requirements:

- (a) One sign displaying the street name and number of the building as assigned by the Assessors office. Such sign shall be placed on the building surface facing the main road on which the building is located.

- (b) **Attached Signs:**

- (1) **Location:**

- (i) The sign shall be firmly affixed to the building.
- (ii) The sign shall be affixed to the wall or facade of a building. Roof signs, so-called, shall be permitted if said signs do not project more than four feet above the roof line of a flat-roof building nor above the ridge of a pitched roof.
- (iii) All attached signs shall be mounted parallel or flush with the building wall. Excepting for raised, molded letters and framing, no part of the sign shall project more than six inches from the wall of the building. Signs mounted perpendicular or at any angle to a wall are not permitted.

- (2) **Size:**

The area of any sign shall not exceed the lesser of (1) 250 square feet or (2) 10 percent of the area of the wall or facade upon which the sign is located. If a sign is located partially or entirely above the wall, as specified in Section 7.2. (a)(1)(ii), the area requirement shall still be based on the wall area as specified herein.

- (3) **Number:**

There shall be not more than one exterior sign per side for each business building except

that if there be more than one public entrance to any such business, there may be one additional secondary sign for each such entrance; provided that the aggregate area of all such secondary signs shall not exceed 50% of the maximum permissible area authorized in section 7.2.(a)(2). In addition to the foregoing sign or signs, one directory of the business establishments occupying a building may be affixed to the exterior wall of the 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. In areas such as shopping centers where one-story buildings are occupied by more than one business, the frontage actually utilized by each separate business shall be used to calculate the wall area for sign purposes and each such business shall be treated as if in a detached business building.

(c) **Standing Signs:**

The Sign Officer may permit the erection of not more than one (1) standing sign per building lot if said sign complies with Article 5 hereof and with the general purpose and intent of this by-law. In granting such permission, the Sign Officer shall specify the size, type and location of the sign and impose such other terms and conditions as may be deemed to be in the public interest; provided, however, that no such sign shall exceed 66 square feet in area or 15 feet in height from the ground, and set back a minimum of ten (10) feet from any street, right of way, driveway, parking area and loading area. In cases of shopping malls and comparable multi-building commercial centers, more than one standing sign may be allowed at major street entrances provided such entrances are more than 250 feet apart.

7.3. Special Signs:

- (a) Signs painted or placed on the inside or outside of the glass of a window or otherwise located in an opening so as to be visible from the exterior shall be permitted in a business district, provided that the aggregate area of such sign shall not exceed 20 percent of the area of the window glass or of the opening. Signs and devices of this nature shall conform in all respects with Article 5.

(b) **Temporary Signs:**

Temporary signs, including political signs, which comply with these by-laws shall be permitted in all districts as specified herein. Before a temporary sign (other than a temporary sign placed in a window) shall be erected or displayed, there shall be a permit fee in the sum of \$75.00 for each commercial sign. A removal date shall be specified in the permit. The deposit shall be refunded upon the timely removal of the sign or signs. In the event of failure to remove the sign or signs within the period prescribed, the Sign Officer shall apply the deposit towards the cost of removing the sign or signs, and any balance of the deposit shall be forfeited.

- (1) Temporary signs may be authorized by the Sign Officer for public or charitable purposes.
- (2) Any temporary sign, including public and charitable signs, shall comply with Article 5 of this by-law.
- (3) Temporary signs shall be constructed in a manner deemed safe by the Sign Officer and in no case shall such signs be attached to or supported by a portable contrivance, wheeled or not wheeled. No vehicle, trailer, balloon, kite, boat, pennant, flag, banner, etc. shall be used as a

temporary or permanent means of exhibiting a sign which may circumvent or derogate from the intent of this by-law.

- (4) Parking Signs in business districts. The provisions of Section 7.2 shall not apply to any sign limited solely to directing traffic within or setting out restrictions on the use of parking areas and not exceeding two square feet in area. These signs are, however, subject to other sections including Article 5.
- (5) Temporary signs shall be free-standing (i.e.: not attached to a building, tree, post, pole, fence, rock, etc.). Construction shall be to the satisfaction of the Sign Officer as to material, colors and safety. The sign must be constructed to withstand strong winds. It must be placed at ground level only.
- (6) In a business, commercial or limited industrial district, the sign shall not exceed four feet in either width or height nor a total of 12 square feet. If a two-sided sign, the dimensions may apply to each side separately. In a residential area, the sign shall conform to all residential requirements and, in addition, in no case shall exceed six square feet.
- (7) No more than one temporary sign shall be permitted at one time on specific property. The sign shall be located within all property lines.
- (8) Temporary signs shall be allowed only for specific purposes not as semi-permanent displays. A "special sale" sign may be permitted (with a permit) for the actual duration of the sale or for two weeks, whichever is less, twice a year. Not more than two such sale signs shall be permitted in any one year for any one business. A new business may utilize a temporary sign (with a permit) for a period not to exceed two weeks prior to opening and three weeks after opening. These permits for temporary signs are not renewable, nor shall new permits be granted for essentially the same sign in a slightly different guise.
- (9) The purpose of a temporary sign, for purposes of this by-law is for a special application or need and not as a means of circumventing the intent of this by-law as to number of signs allowed on a property.
- (10) Signs on trash receptacles, benches, shelters and any other structures or similar units are not allowed.

7.4. Political Signs:

- (a) Political signs (not more than one per candidate per lot) are permitted in any district for a period of three weeks before election to three days after. They shall be subject to all provisions of this by-law unless such provision be specifically superseded by this Section. In any case, political signs are subject to the provisions of Article 5.
- (b) A permit must be obtained from the Sign Officer before any political sign can be erected or displayed. A permit fee of \$5.00 shall be paid plus a deposit made of \$25.00 as security for all signs erected by any one candidate. Removal shall be within three days after Election Day.

Signs not so removed at the end of that period shall be removed by the sign Officer and the \$25.00 security deposit shall be used for such purposes of removal and any excess amount of said deposit

shall be forfeited to the Town.

- (c) Each political sign shall be free-standing and secured to a post or stake driven into the ground. Such signs shall not be attached to buildings, trees, walls, fences, utility poles, rocks, etc.
- (d) The maximum size of a political sign shall not exceed six square feet in any district. In the case of two-sided signs, the dimensions may apply to each side separately.
- (e) One political sign may be attached to or painted upon each side of a registered motor vehicle provided the sign shall not extend beyond the normal profile of the vehicle. In addition, the absolute maximum size per side shall not exceed 32 square feet. One sign may be allowed on the roof of a registered motor vehicle provided it is properly secured and does not exceed three square feet. No such vehicle shall be parked on private or public property without permission. In case of such violation, the sign Officer shall have authority to tow said vehicles at the owner's expense.

7.5. Signs for a Village Planned Unit Development (VPUD)

- A. In addition to any other signs allowed by this bylaw, an additional sign for each nonresidential use shall be allowed, provided such sign is affixed perpendicular to the building, is no greater than 9 square feet in size, is no greater in height than the first floor elevation, is within 10 feet of the entrance of the establishment, and meets all other requirements of this Sign Bylaw.

ARTICLE 8. NONCONFORMING SIGNS

- 8.1.** Any sign legally erected prior to the adoption of this by-law, or any amendment thereof, and which does not conform to this by-law shall be deemed immediately nonconforming. As compensation to the owner or owners, such signs may continue to be maintained for a period not longer than five years after the date of adoption of this by-law. Such a sign shall not be enlarged, reworded, redesigned, moved or altered in any way unless it is brought into conformity with this by-law. Any such sign which has been destroyed or damaged to such an extent that the cost of restoration would exceed 35% of the replacement value of the sign at the time of the destruction or damage, shall not be repaired or rebuilt or altered in any form unless in conformity with this by-law.

In the case of signs erected by a specific Special Use Permit granted by the Hanover Board of Appeals during the period from June 14, 1965 through December 31, 1973, such signs shall not be deemed nonconforming for such length of time as said signs conform to the conditions of the Special Use Permit.

- 8.2.** The compensation and exemptions granted in Section 8.1 to nonconforming signs and signs conforming under a Special Use Permit shall immediately terminate with respect to any sign which (1) shall have been abandoned; (2) advertises or calls attention to any products, businesses or activities which are no longer carried on or sold, whether generally or at the particular premises; (3) shall not have been repaired or properly maintained within sixty days after notice to that effect has been given by the Sign Officer; or (4) is a nonconforming non-accessory sign.
- 8.3.** In any case, any nonconforming sign shall be made conforming within one year of the adoption of these by-laws insofar as the provisions of Article 5 are concerned, excepting existing, non-flashing neon tubes may continue in use for the full five year period.

- 8.4.** No sign shall be affixed upon or painted upon any rock, tree or utility pole excepting legal signs as specified

in Article 8.5.

8.5. Such signs as legal and public signs such as are required by law including “posting” signs, so-called, including “no hunting” and “no trespassing” signs; traffic signs; Historic markers; memorial signs; and similar signs are allowed in any district.

ARTICLE 9. APPEAL

Any person aggrieved by the refusal of a permit for a new sign by the Sign Officer may file a written appeal with the Board of Appeals of the Town of Hanover within 21 days after the refusal of the Sign Officer. Any person aggrieved by a decision of the Sign Officer pertaining to an existing sign may file a written appeal with the Board of Appeals of the Town of Hanover within 48 hours of such decision by the Sign Officer. In the case of a sign erected without a permit or in the case of a sign which the Sign Officer deems dangerous to the public, removal or repair as directed by the Sign Officer shall take precedence over the right of appeal. Appeal may be made within 21 days after removal or correction as above. Upon filing of an appeal, the Board of Appeals shall hold a public hearing thereon. Notice of such meeting shall be given by publication as specified by the law and mailing to all interested persons. The aggrieved party shall, at the time of filing the appeal, deposit the standard filing fee of the Board of appeals as it is effective on that date. The granting of an appeal or any variance from these by-laws shall be based on the applicant’s proof that such a grant or variance would meet all three of the following criteria:

- (1) The situation is unique and distinctive to the particular property in question;
- (2) Strict implementation of the by-law would cause an undue hardship in the specific instance; and
- (3) Granting of the appeal or a variance from this by-law would not derogate from the intent of this by-law and would be in the public interest.

ARTICLE 10. PENALTIES

Unless some other penalty is expressly provided by law, or some by-law of the Town, whoever violates any provision of this by-law or any lawful order of the Sign Officer shall be subject to a fine not exceeding \$50.00 dollars for each offense. Each day that such violation continues shall be construed as a separate offense.

ARTICLE 11. SEVERABILITY

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.

LEGAL NOTE

This copy of the Town of Hanover Sign Bylaw is provided solely for reference purposes and the convenience of the general public. The Town makes no warranty, express or implied, nor assumes any responsibility in the use of this document or its contents for its accuracy or completeness. The Official Sign Bylaw (as adopted and amended by Town Meeting) is on file with the Town Clerk of the Town of Hanover and shall be considered the definitive legal reference in the event of any dispute. All site-specific questions regarding allowable signage and bylaw provisions must be directed to the Town of Hanover Sign Officer (Building Commissioner).