

## **SECTION XVIII – TOWN OF EASTHAM – SIGN CODE**

### **SECTION I -- PURPOSE**

This By-law is adopted for the regulation of signs, displays, and other advertising devices within the Town of Eastham and is specifically intended to ensure public safety relative to the setback, size and manner of display of any sign or advertising, to serve the interest of the general public by preserving or enhancing the natural setting and architectural expression which characterizes the community, and to serve the overall economy.

In Eastham, all signs and displays, except otherwise noted in zoning tables, posted, displayed, hung, suspended or otherwise put up for public view must have a permit issued by the issuing authority as defined in Section III including any changes of ownership. Details for complying with sign-display codes are under Section IV.

### **SECTION II -- DEFINITIONS**

As used in this document, the following terms shall have the meanings indicated.

**BANNER** -- A temporary flexible one- or two-sided sign generally made of plastic or fabric and designed to be hung on a building, vehicle or between two posts.

**BUILDING SIGN** -- A permanent sign attached to a building or roof.

**BUSINESS** -- An organization chartered or authorized by the Secretary of the Commonwealth to operate in Massachusetts and all other commercial enterprises.

**BUSINESS UNIT** -- A separately owned and operated business establishment, storefront or building.

**CONTRACTOR BUSINESS** -- Including but not limited to trade, professional or service provider.

**DEVELOPER'S SUBDIVISION SIGN** -- A sign depicting the lot plan of a subdivision.

**EVENT(S)** -- Any planned gathering.

**FEES** -- Monies charged in accordance with the fee schedule as determined by the Board of Selectmen.

**FLAG, ADVERTISING** -- A flexible one or two-sided sign intended to be suspended from a pole which indicates a business or service.

**FREE STANDING SIGN** -- A permanent sign that stands on its own that is not attached to a building.

HOME OCCUPATION SIGN -- A permanent sign indicating an approved and registered business operated from a residence.

ILLUMINATED SIGNS:

EXTERNALLY ILLUMINATED -- A sign illuminated by a separate light source(s).

INTERNALLY ILLUMINATED -- A sign illuminated by a light source, either incandescent, fluorescent, neon or other light that is enclosed by sign panels or within the sign.

INFORMATIONAL SIGN -- Signs including but not limited to those offering safety, instructional and public awareness, but not for promotional or advertising purposes. Examples include but are not limited to Open, Closed, Hours of Operation, Right Turn Only, No Parking, Employee Entrance, One-Way.

LADDER SIGNS -- Signs attached in a ladder style supported by a backboard, frame or post.

MAINTAINING SIGNS -- The cleaning, painting or repair of a sign.

MOBILE SIGN -- Temporary signs on a motor vehicle and trailer.

NAME SIGNS -- Identifies the resident occupant of a dwelling or the name of the dwelling or the name of a private way.

OUTDOOR DISPLAYS -- Devices or objects that are for sale, rent or for the promotion of the business.

PERMANENT SIGN -- All signs other than temporary.

PERMIT -- Issued by the Inspector of Buildings as required for the use of any sign as defined in Section II.

REAL ESTATE SIGNS -- Temporary signs indicating sale, year-round rental, permitted seasonal rental, open house, sold or leased erected by a property owner or licensed Real Estate Broker.

SANDWICH BOARD SIGN -- Temporary, two-sided free-standing sign including A or V shaped, swing type or stationary.

SIGN -- All advertising devices or insignia, whether lighted or not, free standing or attached to a structure, designed to identify items for sale, or to advertise a principal use or activity for the property.

SUBDIVISION NAME SIGNS -- Contains only the name of the approved subdivision or development.

TEMPORARY EVENT SIGN -- A sign meant to be used for a limited period of time including but not limited to yard, estate, garage sales, and open house.

WINDOW SIGNS -- Signs visible from a public way located in, on and immediately behind windows, including, but not limited to, product advertising signs.

### **SECTION III -- ADMINISTRATION**

- A. **REGISTRATION OF SIGNS AND DISPLAYS** -- All signs including lighting and outdoor displays, which require a permit under this section of the Zoning By-laws, must be registered in accordance with Section III with the Building Department prior to December 1, 2012.
- B. **NON-CONFORMING SIGNS AND DISPLAYS** -- If a sign does not conform to the requirements of this By-law, the property owner may request a finding from the Building Inspector that the sign has pre-existing non-conforming status. In order to obtain such status the property owner must produce clear and convincing evidence that the sign was in existence prior to May 11, 1966 or that the sign conformed to the then existing By-law at the time it was erected.

An outdoor display, whether or not visible from a public way, will be considered in violation of this By-law unless the property has been granted a Special Permit from the Zoning Board of Appeals or a Special Permit pursuant to Section XIII of these By-laws from the Planning Board which specifically allowed the outdoor display.

- C. **APPLICATION PROCESS** -- Application for a permit for a display or sign shall be on the form approved by the Building Inspector, and accompanied by a sketch and/or photograph showing the material, design and size, type of lettering, colors and illumination, along with a current plot plan showing all roads, ways, driveways, parking areas and buildings in the area where the sign shall be erected. The exact location of the sign or display shall be indicated on the plot plan. The Applicant must have written permission of the landowner if the applicant is not the landowner. The application shall be submitted to the building department. The fee for this permit shall be in accordance with the Fee Schedule established by the Board of Selectmen.
- D. **APPROVAL OF PERMIT** -- Upon receipt of an application, the Building Inspector shall review the application and then may issue or deny a permit in accordance with this By-law. Applications shall be acted upon within fourteen (14) days of their receipt.

- E. APPEAL – Any person shall have the right to appeal the decision of the Building Inspector, in issuing or refusing to issue a permit, to the Special Permit Granting Authority (the Zoning Board of Appeals (ZBA)).
  
- F. RECORD KEEPING -- All permits and records of existing signs and displays shall be maintained by the Building Department and shall be available for public inspection during normal business hours.
  - 1. Enforcement -- This Sign Code By-law shall be enforced by the Building Inspector. The Selectmen shall appoint an individual to enforce the Sign Code By-law when the Building Inspector is not available.
  
  - 2. Complaints of alleged violations of the Code shall be addressed to the Building Inspector in writing during normal business hours, or to the Selectmen if the Building Inspector is not available. Written complaints will be investigated, and a written response provided to the complainant in accordance with law within 14 days.
  
  - 3. Appeal -- A complainant shall have the right of appeal to the Special Permit Granting Authority, (the Zoning Board of Appeals (ZBA)) the action or the inaction of the Building Inspector or the Board of Selectmen. The alleged violator of the Sign Code may appeal the subsequent action of the Building Inspector or Board of Selectmen to the Special Permit Granting Authority.

G. PENALTIES

- 1. Any sign erected without the proper permit shall constitute a violation of this Code. The penalty for such violation shall be issuance of a non-criminal ticket to the owner of the property on which the unauthorized sign has been placed. Each sign shall be considered a separate violation.
  
- 2. Notice of violation and procedure shall be in accordance with M.G.L. Chapter 40, Section 21D (Non-Criminal Disposition).
  
- 3. The penalties for non compliance of these By-laws shall be:
  - a. First offense – Written Warning
  
  - b. Second offense – \$50.00
  
  - c. Third and all subsequent offenses – \$100
  
  - d. Each day of a violation shall constitute a separate offense, punishable by fine as aforesaid.

- e. If a sign or banner is deemed a hazard to public safety, the Enforcement Officer may order it removed immediately.

#### **SECTION IV -- REGULATIONS**

- A. **MAINTENANCE AND CONFORMANCE OF SIGNS** -- Any sign properly permitted must be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition and not constitute a distraction or obstruction that may contribute to traffic accidents.
- B. **GENERAL SAFETY AND LOCATION STANDARDS FOR SIGNS** -- No sign, whether new or existing, shall be permitted that in the opinion of the Enforcement Agent, causes a sight, traffic, health or welfare hazard or results in a nuisance due to illumination, placement, display, or manner of construction. All signs must be located a minimum of two feet setback from any property line.
- C. **OUTDOOR DISPLAYS**
  - 1. If a business leaves devices or objects for sale or for the promotion of the business outdoors after daily business hours, the property owner must obtain a Special Permit from the Planning Board pursuant to Section XIII. Minor modifications to the details of the Site Plan may be approved by the Building Inspector.
  - 2. If a business returns all outdoor displays and any supporting racks or structures (displays) to within the building confines at the end of each business day, a Special Permit is not necessary and the following requirements (a. through e.) shall apply.
    - a. Items must be at a minimum 15 feet from all property lines.
    - b. Items must be no taller than 6 feet above the ground.
    - c. Items must not obstruct safe entry, egress or sight lines to the property.
    - d. Items must not obstruct flow of vehicular or pedestrian traffic within or adjacent to the property.
    - e. Items must not reduce the effective required number of parking places or required landscaping.
- D. **PERMANENT SIGN** -- Signs must be supported by a frame or post erected for that purpose, and such support structures shall be included in the overall size of the sign. Informational signs shall not exceed two square feet or as required by

- law, and shall not count against the total square footage calculations for a permanent sign.
- E. WINDOW SIGNS -- Window signs will be considered signage and count against the total square footage permitted within a given district.
  - F. STREET SIGNS -- Street name signs shall be placed in a position that is clearly visible from the intersecting street and in a position that will not interfere with traffic. A similar sign to identify such ways as private may accompany a street name sign.
  - G. LADDER SIGNS -- Regardless of the number of names on the sign, the sign shall be considered as one sign for purposes of fees. Ladder signs shall comply with the size regulations for the zoning district in which the sign is erected.
  - H. TEMPORARY SIGNS AND BANNERS -- Temporary signs and banners advertising upcoming public events of a civic, philanthropic, educational, charitable or religious nature, or events of a profit making nature are allowed in all districts with the following provisions:
    - 1. The organization or individual must be registered with the Building Department.
    - 2. The organization or individual must have written permission of the owner of the land on which the sign or banner is to be placed. If it is Town-owned land, permission must be obtained from the Board of Selectmen.
    - 3. Signs and banners are restricted to six (6) square feet each side excluding the supporting frame for ground-mounted signs with overall height not to exceed five (5) feet, and three (3) feet by twenty (20) feet for hanging banners.
    - 4. Signs and banners shall not be displayed earlier than ten (10) days prior to the event and shall be removed twenty-four (24) hours after the event has occurred, except this time period for removal may be extended to forty-eight (48) hours if the day following an event is Sunday or a holiday.
    - 5. No more than two (2) such signs and/or banners advertising the identical specific public event shall be allowed throughout the Town.
    - 6. No more than two (2) temporary signs and/or banners shall be allowed per site.
    - 7. No more than six (6) permits per year are allowed per organization unless permitted by the Board of Selectmen.

- I. REAL ESTATE, PROPERTY RENTAL AND CONTRACTOR SIGNS -- The following conditions shall apply:
1. Properties for rent must have a valid rental certificate.
  2. Dimensional requirements: eight (8) SF maximum
  3. Sign must only be displayed on the actual individual lot for sale or rent.
  4. Not more than one (1) real estate sign per house or lot which is for sale.
  5. Only free-standing signs shall be permitted.
  6. "Open house" signs may be placed at major intersections and on the property for sale and shall be removed at the end of each day.
  7. All real estate signs, including "Sold" signs, shall be removed within seven (7) days after conveyance.
  8. Contractor signs shall be removed within seven (7) days of completion of work or Certificate of Occupancy.
  9. No fees are required.
- J. SIGN LIGHTING -- All light fixtures, regardless of their intended use or mounting configuration, shall be fully shielded and directed downward. Signs may be up-lit to a limited extent, provided that the applicant demonstrates that glare and light trespass are minimized to the extent reasonably possible and no light crosses the property line.
- K. SIGN REGULATIONS, SEASHORE DISTRICT F -- The display of not more than one single-faced sign shall be allowed on property of a residential occupant which shall pertain to the occupancy, sale, or rental of such property as herein authorized. Such signs shall not exceed two (2) square feet in area and shall not apply to facilities deemed by the Secretary of the Interior to be necessary on federally-owned property for administration and public use and enjoyment of the Cape Cod Seashore of the Town of Eastham on Town-owned land.

## **SECTION V -- PROHIBITIONS**

- A. Any sign affixed to a utility pole, tree or other natural feature.
- B. Illuminated signs having a glare distracting to drivers or adjacent property owners or any exposed neon or gas-filled signs or illumination that will distract or conflict with the ability to see traffic lights or cause hazardous conditions.

- C. Flashing, rotating, oscillating or digital lighting, whether primary or supplementary.
- D. Promotional streamers, posters, pennants and similar devices.
- E. Signs and banners placed upon sidewalks or in a position to obscure the visibility of vehicular or pedestrian traffic.
- F. Human signs or people carrying or wearing signs unless permitted by the Board of Selectman.
- G. Any other sign or display not expressly permitted is prohibited under this By-law.
- H. Advertising flags are prohibited in all districts.
- I. Mobile signs are prohibited in all districts.

**SECTION VI -- VALIDITY**

- A. The invalidity of any sentence, provision or section of this Sign Code shall not be construed to invalidate any other part thereof.
- B. Amendments: This By-law may be altered, repealed, or amended in accordance with the law.

The right of the Town, State and Federal Government to erect signs on public property for traffic control, identification signs for facilities, signs for grant funded and special projects, posting of regulations and similar notices and/or signs shall not be affected by this code.

**SECTION VII -- TABLE OF ALLOWED SIGNS BY DISTRICT**

	<u>Type of Sign</u>	<u>Size (Maximum)</u>	<u>Duration</u>	<u>Comments</u>
<b>District A Residential One and Two Family Dwellings</b>				
A-1	Ladder Sign	3' W x 8' H per side	Permanent	At each street corner listing residents
A-2	Home Occupation	2 SF per side	Permanent	Must be erected on owners property
A-3	Developer's Subdivision Sign	24 SF total	Temporary	Until developer's lots are sold; not more than 2 years
A-4	Subdivision Name Sign	24 SF per side	Permanent	Maximum 5' tall
A-5	Residential Name Sign	4 SF total	Permanent	Does not require a permit; 1 or 2 sided
A-6	Temporary Event Sign	2' H x 3' W per side	Temporary	Event must have permit from Town Clerk; allowed to be put up 3 days before and removed 1 day after event
A-7	ANY OTHER TYPE OF SIGN NEEDS A SPECIAL PERMIT BY THE ZBA			

	<u>Type of Sign</u>	<u>Size (Maximum)</u>	<u>Duration</u>	<u>Comments</u>
<b>District B Marina Related</b>				
B-1	Ladder Sign	3' W x 8' H per side	Permanent	For multiple businesses at same location; may be 2-sided; property identification not larger than 6' x 2'; each business no more than 5 SF maximum per side; 2 signs allowed if driveways are greater than 250' apart or property is on a corner
B-2	Sandwich Board Sign	2' H x 3' W per side	Temporary May 15 to October 15	Not more than 10 feet from building; may not block sidewalk; issued by Building Department
B-3	Free Standing Sign (if single business on a property)	30 SF per side	Permanent	Two signs allowed if driveways are greater than 250' apart or property is on a corner
B-4	Building Sign	24 SF 1-sided	Permanent	Each Business Unit is allowed 1 sign on building or roof
B-5	ANY OTHER TYPE OF SIGN NEEDS A SPECIAL PERMIT BY THE ZBA			

	<u>Type of Sign</u>	<u>Size (Maximum)</u>	<u>Duration</u>	<u>Comments</u>
<b>District C Industrial District</b>				
C-1	Ladder Sign	6' W x10' H per side	Permanent	One at each street corner listing businesses
C-2	Developer's Subdivision Sign	24 SF total	Temporary	Until developer's lots are sold; not more than 2 years
C-3	Sandwich Board Sign	3' W x 5' H per side	Temporary May 15 to October 15	Not more than 10 feet from building; may not block sidewalk; issued by Building Department
C-4	Free Standing Signs (if single business on a property)	50 SF per side, having a vertical dimension no higher than 10 feet	Permanent	Two signs allowed if driveways are greater than 250' apart or property is on a corner
C-5	Building Sign	24 SF per business	Permanent	Each Business Unit is allowed 1 sign on building or roof
C-6	ANY OTHER TYPE OF SIGN NEEDS A SPECIAL PERMIT BY THE ZBA			

	<u>Type of Sign</u>	<u>Size (Maximum)</u>	<u>Duration</u>	<u>Comments</u>
<b>District D Retail Sales and Service</b>				
D-1	Ladder Sign	6' W x10' H per side	Permanent	For multiple businesses at same location; may be 2-sided; property identification not larger than 6' x 2'; each business no more than 5 SF maximum per side; 2 signs allowed if driveways are greater than 250' apart or property is on a corner
D-2	Home Occupation	2 SF per side	Permanent	Must be erected on owners property
D-3	Developer's Subdivision Sign	24 SF total	Temporary	Until developer's lots are sold; not more than 2 years
D-4	Residential Name Signs	2 SF	Permanent	Does not require a permit, 1 or 2 sided
D-5	Sandwich Board Sign	3' W x 5' H per side	Temporary May 15 to October 15	Not more than 10 feet from building; may not block sidewalk; issued by Building Department
D-6	Sandwich Board Sign	3' W x 5' H per side	Temporary October 16 to May 14	One sign allowed per month for 2 weeks surrounding the event
D-7	Free Standing Signs (if single business on a property)	60 SF per side	Permanent	Two signs allowed if driveways are greater than 250' apart or property is on a corner
D-8	Building Sign	36 SF per business	Permanent	Each Business Unit is allowed 1 sign on building or roof
D-9	ANY OTHER TYPE OF SIGN NEEDS A SPECIAL PERMIT BY THE ZBA			

	<u>Type of Sign</u>	<u>Size (Maximum)</u>	<u>Duration</u>	<u>Comments</u>
<b>District E Limited Business with Residential Areas</b>				
E-1	Ladder Sign	4' W x 10' H per side	Permanent	For multiple businesses at same location; may be 2-sided; property identification not larger than 4' x 2'; each business no more than 4 SF maximum per side; 2 signs allowed if driveways are greater than 250' apart or property is on a corner
E-2	Home Occupation	2 SF per side	Permanent	Must be erected on owners property
E-3	Subdivision Name Sign	24 SF total	Permanent	Maximum 5' tall
E-4	Developer's Subdivision Sign	12 SF total	Temporary	Until developer's lots are sold; not more than 2 years
E-5	Residential Name Signs	4 SF	Permanent	Does not require a permit, 1 or 2 sided
E-6	Sandwich Board Sign	3' W x 5' H per side	Temporary May 15 to October 15	Not more than 10 feet from building; may not block sidewalk, issued by Building Department
E-7	Free Standing Signs (if single business on a property)	50 SF per side, having a vertical dimension no higher than 10 feet	Permanent	Two signs allowed if driveways are greater than 250' apart or property is on a corner
E-8	Building Sign	24 SF per business	Permanent	Each Business Unit is allowed 1 sign on building or roof
E-9	ANY OTHER TYPE OF SIGN NEEDS A SPECIAL PERMIT BY THE ZBA			

	<u>Type of Sign</u>	<u>Size (Maximum)</u>	<u>Duration</u>	<u>Comments</u>
<b>District F Seashore District</b>				
F-1	Ladder Sign	3' W x 8' H per side	Permanent	At each street corner listing residents
F-2	Home Occupation	2 SF per side	Permanent	Must be erected on owners property
F-3	Residential Name Signs	4 SF total	Permanent	Does not require a permit; 1 or 2 sided
F-4	Temporary Event Sign	2' W x 3' H per side	Temporary	Event must have permit from Town Clerk; allowed to be put up 3 days before and removed 1 day after event
F-5	ANY OTHER TYPE OF SIGN NEEDS A SPECIAL PERMIT BY THE ZBA			

	<u>Type of Sign</u>	<u>Size (Maximum)</u>	<u>Duration</u>	<u>Comments</u>
<b>District G Water Resource Protection</b>				
G-1	Ladder Sign	3' W x 8' H per side	Permanent	At each street corner listing residents
G-2	Home Occupation	2 SF per side	Permanent	Must be erected on owners property
G-3	Subdivision Name Sign	24 SF per side	Permanent	Maximum 5' tall
G-4	Residential Name Signs	4 SF total	Permanent	Does not require a permit; 1 or 2 sided
G-5	Temporary Event Sign	2' H x 3' W per side	Temporary	Event must have permit from Town Clerk; allowed to be put up 3 days before and removed 1 day after event
G-6	ANY OTHER TYPE OF SIGN NEEDS A SPECIAL PERMIT BY THE ZBA			

	<u>Type of Sign</u>	<u>Size (Maximum)</u>	<u>Duration</u>	<u>Comments</u>
<b>District H Well Head District</b>				
H-1	Ladder Sign	3' W x 8' H per side	Permanent	At each street corner listing residents
H-2	Home Occupation	2 SF per side	Permanent	Must be erected on owners property
H-3	Subdivision Name Sign	24 SF per side	Permanent	Maximum 5' tall
H-4	Residential Name Signs	4 SF total	Permanent	Does not require a permit; 1 or 2 sided
H-5	Temporary Event Sign	2' H x 3' W per side	Temporary	Event must have permit from Town Clerk; allowed to be put up 3 days before and removed 1 day after event
H-6	ANY OTHER TYPE OF SIGN NEEDS A SPECIAL PERMIT BY THE ZBA			