

## Chapter 46

### SIGNS\*

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\*Cross references—Planning, § 2-86 et seq.; code enforcement, § 2-131 et seq.; zoning supplementary district regulations, § 58-311 et seq.

**ARTICLE I. IN GENERAL****Sec. 46-1. Intent of chapter.**

It is the intent of this chapter to promote and protect the public health, safety, general welfare, and aesthetics of the town by regulating and limiting the existing and proposed posting, display, erection, use and maintenance of signs, billboards, posters, bulletins and other advertising structures within the town. It is further intended to protect property values, create a more attractive, economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of the town and provide a more enjoyable and pleasing community. Also, it is intended hereby to improve vehicular and pedestrian safety, provide more open space, curb the deterioration of natural beauty, community environment, and reduce visual pollution.

(Ord. No. 208, § 1(1), 10-9-86)

**Sec. 46-2. Definitions.**

The definitions set forth in this section shall be construed to be the same as incorporated in the zoning chapter (ch. 58) of this Code, provided, specific definitions, spelled out in this chapter, if different than that found in the zoning chapter, shall prevail.

*Abandoned sign* means if a business advertised on that sign is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business on that location, and such fact has existed for three consecutive months.

*Add-on sign* means any additional sign area added to a previously permitted and/or conforming sign.

*Advertising structure* means any structure installed for advertising purposes, with or without any advertisement display thereon, situated upon or attached to real property upon which any poster, bill printing, painting, device or other advertisement of any kind whatsoever may be placed, posted, painted, tacked, nailed, or otherwise fastened, affixed, or displayed; provided, however, that such term shall not include buildings.

*A-frame sign* means a movable sign not secured or attached to the ground as required by this chapter.

*Animated sign* means a sign with action or motion using mechanical or electrical energy, electronic or manufacture sources of supply, or wind actuated elements, including rotating, revolving, or flashing signs.

*Background area of sign* means the entire background area of a sign upon which copy could be placed. In computing the area of a sign background, only faces which can be seen from any one direction at one time shall be counted.

*Banner* means any sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, balloons, or fabric of any kind with only such material for foundation.

*Flashing sign* means any sign, used for identification, directional, advertising, or promotional purposes, that includes approved lighting fixtures which flash, blink, cut on and off intermittently, and are used as exterior signs or interior signs visible from the public right-of-way.

*Flat or wall sign* means any sign erected parallel to the facade or on the outside wall of any building and supported throughout its length by the wall of the building.

*Freestanding sign* means pole and ground signs. It shall mean a sign which is supported by one or more columns, uprights, or braces in or upon the ground.

*Frontage street facade* means that portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building wall elevation which fronts on a street, unless the parapet wall or eaves shall be over 30 feet high, in which case only the first 30 feet shall be considered the frontage street facade for purposes of this chapter. Only one street facade shall be designated as frontage street facade.

*Ground sign.* See freestanding sign.

*Home nameplate* means a nameplate not more than one square foot in area indicating only the name of the occupant.

*Identification sign* means one sign per business location not more than three square feet in area painted on the wall used to identify the name of the business located thereon and/or its principals and address. The top of such sign shall be no more than eight feet above ground level.

*Illuminated sign* means a sign in which a source of light is used in order to make the message readable and shall include internally and externally lighted signs.

*Install* means to erect or apply any kind of sign or advertising device.

*Instructional sign* means a sign conveying instructions with respect to the premises on which it is maintained, such as, but not limited to, "exit," "entrance," "parking," etc.

*Marquee sign* means any sign attached to the side or front or hung under a marquee which does not extend above the top of a marquee or is mounted upon the top of a marquee. Such marquee also means a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building line or property line.

*Multiple-faced sign* means a sign with more than two faces.

*Nonconforming sign* means any sign which does not comply with the regulations of this chapter, or subsequent amendments.

*Off-premises sign.* See billboard.

*On-premises sign.* See point of purchase sign.

or ornamentations are stated or applied (except buildings to which the same may be attached): used for identification, directional purposes, advertising or promotional purposes; provided, however, that the word "sign" shall not be construed so as to include self-contained fixtures approved by the National Board of Fire Underwriters for nonelectrical display, wholly contained within a building and not visible from any public right-of-way.

*Snipe sign* means any sign of any size, made of any material, including paper, cardboard, wood, and metal, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which such sign is located.

*Swinging sign* means any sign that swings freely from or on supports regardless of the guy wires used in connection therewith.

*Time and temperature sign* means a display containing illuminated numerals flashing alternately to show the time and/or temperature.

*Vee-shaped sign* means any sign that is attached to a building, other than a flat or wall sign, and which has two faces which are not parallel.

*Vehicular sign* means a sign affixed to or painted on a transportation vehicle or trailer for the purpose of business advertising; however, not to include signs affixed to vehicles or trailers for identification purposes as required by licensing ordinances of the city.

*Window sign* means any sign installed or maintained in the window of any building, visible from any public right-of-way.

(Ord. No. 208, § 1(2), 10-9-86)

**Cross reference**—Definitions generally, § 1-2.

### **Sec. 46-3. Violations.**

In case any sign shall be installed, erected, or constructed in violation of any town ordinance, the building official shall order, by certified mail or written notice served personally, the owner or lessee thereof to alter such sign so as to comply with such regulations of the town and to secure the necessary permit therefor, or to remove the sign within ten days of the date of the order or else the building official shall order the removal of such sign at the expense of the owner or lessee thereof, unless an appeal has been filed with the town clerk, in writing, within ten days after the date of the order of compliance. Nothing in this chapter shall prevent the town from taking any other lawful action consistent with the ordinances of the town as well as the state statutes necessary to prevent or remedy any violation.

(Ord. No. 208, § 1(12), 10-9-86)

### **Sec. 46-4. Penalty for violation of chapter.**

Any person who shall violate any of the terms, provisions or conditions of this chapter shall, upon conviction, be punished by a fine not to exceed the sum of \$500.00 or by imprisonment not exceeding 60 days, or by both such fine and imprisonment, in the discretion of the court of proper jurisdiction.

(Ord. No. 208, § 1(14), 10-9-86)

- (3) The proposed location of the sign, advertising structure or high voltage tube lighting upon the property identified in subsection (b)(2) of this section shown on a scale drawing of the property.
- (4) The name of the person, firm, corporation or association installing the structure.
- (5) The estimated value of sign.
- (6) The name and address of the owner or other person in control or possession of the real property upon which the sign or advertising structure is to be constructed, installed, operated, used, maintained, posted or displayed.
- (7) Whether or not such person identified in subsection (b)(4) of this section has consented to the construction, installation, operation, use, maintenance, posting or displaying of such sign.
- (8) Three copies of detailed drawings, drawn to scale containing complete plans and specifications to show methods of construction and anchoring to building or ground. These drawings must show the height and width of the sign, advertising structure or high voltage tube lighting and the area in square feet.

(c) *Issuance.* Provided the provisions of this chapter have been complied with, and the sign or advertising structure will not violate any of the terms, conditions, or provisions of this chapter, or of any other law or ordinance, the building official shall issue a permit for each sign or advertising structure, retaining a copy thereof and a copy of plans of the advertising structure for his records. Such copy of plans or records shall be retained by the building official for at least five years. Permits shall be numbered in the order of their issuance and shall disclose:

- (1) Kind and size in square feet, and the height and width of the sign, advertising structure or high voltage tube lighting authorized by the permit.
- (2) The street address of the property on which the sign, advertising structure or high voltage tube lighting are permitted to be located and the name of the owner or lessee of the property.
- (3) The location upon the property where the sign, advertising structure or high voltage tube lighting is permitted.
- (4) The name of the person, firm, corporation or association installing structure.
- (5) The estimated value of the sign.
- (6) The amount of the fee paid for such permit.
- (7) The date of issuance.

(d) *Revocations.* The building official may revoke a permit or approval, issued under the provisions of this chapter, if it is found that there has been any false statement, concealment or misrepresentation as to any material fact, whether by mistake or intent, in the application or plans on which the permit or approval was based.

appeal to the zoning board of adjustment. The appeal shall be an application for a variance and shall be granted only if the zoning board of adjustment determines that the variance is not contrary to the intent of this chapter and that literal enforcement of the provisions of this chapter would be impracticable and would result in an unreasonable and unnecessary hardship.

(Ord. No. 208, § 1(13), 10-9-86)

**Secs. 46-32—46-50. Reserved.**

## ARTICLE III. STANDARDS AND REGULATIONS

### DIVISION 1. GENERALLY

#### **Sec. 46-51. Signs to be designed by engineers enumerated.**

The following signs shall be designed by an engineer, who shall submit to the building official complete plans and calculations so as to determine whether the sign complies with the town's Code:

- (1) Projecting signs over 24 square feet in area;
- (2) Freestanding signs (pole or ground signs) over 40 square feet in area; and
- (3) All signs with unusual structural features.

(Ord. No. 208, § 1(5)C., 10-9-86)

#### **Sec. 46-52. Temporary signs.**

(a) *Real estate signs.* Real estate signs shall be permitted only for the purpose of advertising the land or building for rent or for sale and shall relate only to the premises upon which the sign is located. Only one sign, double-faced or single-faced, visible from one streetfront, shall be permitted on each parcel of land located within any district. Such sign shall not exceed 12 square feet of sign area on one side or 24 square feet of area on a multifaced sign.

(b) *Political signs.* The placing of political signs anywhere on public property is prohibited. Signs located on public property shall be deemed to be public property and shall be summarily removed by the town. Political signs may be placed anywhere on private property, subject to the following restrictions:

- (1) The total aggregate sign area for a parcel of real property is 20 square feet.
- (2) Signs must be removed within 48 hours of the day of the election to which they apply.

The owner of the parcel of real property on which a political sign is located shall be deemed responsible for compliance with the provisions of this subsection. Signs in violation shall be removed by the town after notice is made to the property owner. The notice shall be posted on or near the noncomplying sign, shall advise as to the manner of compliance, shall allow five days for compliance, and shall be in substantially the following form:

**Sec. 46-53. Prohibitions and exceptions.**

From and after the effective date of the ordinance from which this chapter is derived, it shall be unlawful for any person to erect or use within the town:

- (1) Any swinging sign.
  - (2) Any snipe sign.
  - (3) Any banner.
  - (4) Any sign erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
  - (5) Any sign attached to a standpipe or fire escape.
  - (6) Any sign or other advertising structure which by reason of its position, shape, or color interferes, obstructs or may be confused with any authorized traffic control device or emergency vehicle signal.
  - (7) No sign or advertising structure, portable or fixed, other than directional signs erected by authorized town, county or state officials, shall be placed or erected on or over any part of the public right-of-way, sidewalk, street, or curb or building setback line, except as provided in this section for projection clearance for wall signs.
  - (8) Any other type or kind of sign which does not comply with the terms, conditions and provisions contained in this chapter and ordinances amendatory and supplemental to this chapter.
  - (9) Unauthorized signs on town property.
  - (10) Any sidewalk, A-frame or sandwich sign.
  - (11) Any animated sign, except time and temperature signs with a complete time and/or temperature sequence span of four to eight seconds.
  - (12) Any add-on signs unless they shall have been issued a permit in conformance with this chapter.
  - (13) Any billboard (off-premises sign).
  - (14) Any roof sign.
  - (15) Any pylon sign.
- (Ord. No. 208, § 1(15), 10-9-86)

**Sec. 46-54. Height of projecting structures; generally.**

Any sign projecting over private property and located where motor trucks may be required to pass beneath them, shall be erected and maintained at a height not to be less than 14 feet.  
(Ord. No. 208, § 1(8), 10-9-86)

filing and recite the names of all persons notified and interested persons. Such municipal lien shall bear interest from such date at the rate of ten percent per annum for individuals and 15 percent for corporate owners and shall be enforceable if unsatisfied after the expiration of two years after the date of filing notice of such lien, as other liens may be enforced by the town. (Ord. No. 208, § 1(9), 10-9-86)

**Sec. 46-56. Ballfield signs.**

Signs, banners and advertising structures shall be permitted at the town ballfield upon approval by the town council. Any person interested in placing a sign at the ballfield shall file an application with the clerk detailing the type and size of sign, how it will be erected or attached, the sponsorship or rental revenue to be received, and the sign's proposed duration. The town council shall review the application and shall either approve the permit, deny the permit, or approve the permit with conditions. All permits issued for any signs must be renewed annually by the town council except for signs erected or attached by, or at the direction of, the Town of Haverhill.

(Ord. No. 331, § 1, 9-12-02)

**Secs. 46-57—46-65. Reserved.**

**DIVISION 2. CONSTRUCTION**

**Sec. 46-66. Standards and requirements; generally.**

(a) *Erection and construction.* All signs shall be constructed and erected in accordance with the standards and requirements of this chapter.

(b) *Wind pressure.* Every sign shall be designed and constructed to withstand a wind pressure of not less than 50 pounds per square foot. The increase in stresses for shortterm loading shall not be applied to cantilevered projections, or where vibration or fluttering action can be anticipated.

(c) *Plastic material.* Letter, decorations and facings of signs constructed of noncombustible materials may be made of plastic approved by Fire Underwriters for the proposed use. Plastic used in signs shall be designed in accordance with the Plexiglas Handbook for Sign Shops, Bulletin #PL-669, published by Rohm and Haas Co. of Philadelphia, Pa., dated March, 1965, together with all current revisions, amendments and supplements. The design load on plastic face shall be 50 pounds per square foot.

(Ord. No. 208, § 1(7)A., 10-9-86)

**Sec. 46-67. Requirements for signs.**

(a) *Residential.* In districts zoned R-1, R-2, and R-3 no signs other than home nameplate shall be allowed, except that churches, temples, schools and hospitals shall be permitted signs totaling not more than 50 square feet in area per street front, which shall not be placed or maintained nearer the street than five feet from the building setback.

common property line, but shall be at least five feet from any common property line. However, an instructional sign shall not be more than 3½ feet in height nor total more than five square feet in area.

(b) *Signs attached to buildings.* Signs attached to buildings shall meet the following requirements:

- (1) Signs attached to building facades shall include wall, flat, painted, vee-shaped and marquee signs.
- (2) There shall be an allowable amount of sign area for signs attached to the frontage street facade of a building not in excess of that percentage shown on the street facade sign area graph, such graph to be found in table 1 of the sign code and shall be on file in the town hall.
- (3) There shall be an allowable amount of sign area for signs attached to facades other than the frontage street facade not in excess of 50 percent of that percentage of the street facade sign area graph. Such graph is found in table 1 of the sign code and shall be on file in the town hall. However, when the facade faces residentially zoned property, the allowable amount of sign area shall not exceed 25 percent of the area allowed as shown on the street facade sign area graph or table.

(Ord. No. 208, § 1(7)C., 10-9-86)

**Sec. 46-69. Detailed provisions applicable to specific types of signs.**

(a) *Freestanding signs (pole or ground signs).* Freestanding signs shall meet the following specifications:

- (1) No freestanding sign shall project over the public right-of-way, street, sidewalk, or building setback line.
- (2) Every freestanding sign in excess of 50 square feet in area shall be built of noncombustible material, except ornamental moulding, battens and decorative trim.
- (3) No freestanding sign shall be erected to a height exceeding 20 feet above the ground or street level.
- (4) Any person occupying any vacant lot or premises by means of a freestanding sign shall be subject to the same duties and responsibilities as the owner of the lot or premises, with respect to keeping the same clean, sanitary, inoffensive, free and clear of all obnoxious substances and unsightly conditions on the ground in the vicinity of such freestanding sign or the premises for which they may be responsible.

(b) *Flat or wall signs.* Flat or wall signs shall meet the following specifications:

- (1) No flat, wall or vee-shaped signs shall be erected at a distance of more than 18 inches beyond the face of any building, marquees being considered as a part of a building. The outside edge of wall signs on marquees shall not be closer than 24 inches from the curbline.

bolts or by machine screws in iron supports, but no such supports shall be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated or fastened on the inside in a secure manner.

- (7) No projecting sign which is entirely dependent upon a wall for support shall be erected on the wall of any building so as to project above the roof or parapet wall or above the roof level where there is no parapet wall. However, a sign designed by an engineer and erected at a right angle to the building, the horizontal width of which sign, perpendicular to such wall, does not exceed 18 inches, may be erected to a height not exceeding two feet above the roof or parapet wall or above the roof level where there is no parapet wall. A sign attached to a corner of a building and parallel to the vertical line of such corner shall be deemed to be erected at a right angle to the building wall.

(d) *Marquee signs.* Marquee signs over public property shall be noncombustible and shall be constructed entirely of metal, approved plastic or other materials approved by the building official and may be attached to the sides or front of a marquee, or hung under a marquee. Such sign, when hung under a marquee, shall be at least nine feet at its lowest level above the sidewalk or ground level. No such sign shall extend nearer than 24 inches to the curblin. No marquee sign shall extend above, or be mounted upon, the top of the marquee.

(e) *Pylon signs.* Pylon signs are not permitted.

(f) *Nonconforming signs.* Nonconforming signs shall meet the following specifications:

- (1) *Continuance.* Any sign, billboard, or advertising structure which lawfully existed and was maintained at the same time the ordinance from which this chapter was derived became effective, may be continued, although such structures do not conform to all the provisions of this chapter, provided that no structural alterations are made thereto.
- (2) *Termination.* Termination of nonconforming signs shall be as follows:
- a. *By abandonment.* Abandonment of a nonconforming sign shall require the owner to immediately remove such sign.
  - b. *By violations.* Any further violation of this chapter, other than the existing nonconforming status on October 9, 1986, shall require the owner immediately to remove such sign.
  - c. *By destruction, damage, or obsolescence.* The use of any nonconforming sign shall terminate whenever the sign is damaged or destroyed beyond 50 percent, from any cause whatever, or becomes obsolete or substandard under any applicable town ordinance to the extent the sign becomes a hazard or danger and, upon termination, shall be removed.

(Ord. No. 208, § 1(7)D., 10-9-86)

Chapters 47—49

**RESERVED**