

ADVERTISING AND SIGNS

CHAPTER 3.

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Article I. In General

Sec. 3-1. Posting of bills, etc., on trees, poles, etc.

No person shall place upon or attach to any tree or upon or to any telegraph, telephone or electric light pole in any street or highway within the town any handbill, advertisement or written, printed or partly written or printed notice of any kind, except such notices as are required by law to be posted. (1932 Revision, tit. 4, ch. 1, § 1.)

Sec. 3-2. Distribution, etc., of circulars, pamphlets, etc.

No person shall deposit, strew about or place in any street or public place, areaway or yard or upon the steps or porch of any building or cause to be so deposited, strewed about

¹ For state law authorizing town to license and regulate signs, see R. S. § 40:52-1. As to sales and advertising in parks, see § 16-3 of this Code. As to advertising for “fire sales,” “going out of business sales,” see § 23-13.

or placed any papers, circulars, cards or pamphlets, except such papers or other matter as may be ordered or subscribed for by the occupant of the premises.
(1932 Revision, tit. 4, ch. 1, § 2.)

Article II. Signs²

Sec. 3-3. “Free standing sign” defined.

A “free standing sign” shall mean any sign not affixed to a building but standing apart therefrom, whether fixed or movable. (G.O. No. 875, § 17.)

Sec. 3-4. Signs in Residence Zones and Garden Apartment Zones.

No signs shall be erected, used, located or maintained in the Residence “A” Zone, the Residence “B” Zone or the Garden Apartment “G” Zone, except the following:

(a) Signs authorized by the Zoning Ordinance³ of the town in such zones which include and are limited to the following:

(1) In Residence “A” Zones, a small announcement sign not to exceed two square feet in area for each professional use in such zone.

(2) In Residence “B” Zones, an announcement sign not exceeding two square feet in area for each professional person practicing in such zone.

(3) In Residence “B” Zones, a small announcement sign not to exceed two square feet in area for the operation of a home occupation, as defined in General Ordinance No. 824.

(b) Signs erected upon the premises of and for churches, charitable and civic organizations, which signs shall not be in excess of twenty square feet in area.

(c) Temporary signs identifying architects, builders, realtors and contractors on premises on which a building is being constructed, altered or repaired; provided, that no such sign shall be displayed on any one premise for a period exceeding the time required for such construction, alteration or repair or for one year, whichever is less; provided further, that no artificial illumination shall be used, that such signs shall not exceed sixteen square feet in area, and that unless affixed to the building, it shall be set back from the street line a distance of not less than ten feet.

(d) One temporary ground sign not exceeding twenty-four square feet in area on a subdivision which has been approved by the town planning board; provided, that it shall set back at least twenty feet from the street line, that no artificial illumination shall be used, and that it shall be removed after residences have been constructed on ninety-five percent of the lots in the subdivision or after ninety-five percent of the lots have been sold by the developer to individual owners. In no case shall any such subdivision sign be permitted after two years have elapsed from the time when the first sign was so erected.

(e) Temporary signs announcing that the premises on which they are located are available for sale or rental; provided that only one sign shall be permitted for the premises and that unless affixed to the principal building, it shall be set back at least ten feet from the street line, and that no artificial illumination shall be used, and that no such

² As to obstruction of street signs, see § 24-6 of this Code.

³ See Appendix B of this volume.

sign shall exceed four square feet in area, and shall be displayed only for so long as such premises are in fact available for sale or rental.

(f) Official signs of the federal government and the state or any of their agencies, the county and the town.

(g) Temporary signs or banners authorized by the town council.
(G.O. No. 875, § 1.)

Sec. 3-5. Signs in Business Zone.

(a) No signs shall be erected, used, located or maintained in the Business Zone, except those permitted in the Residence Zones and signs to direct attention exclusively to a permitted business conducted on the premises on which such sign is located, or to a product or commodity sold by such business and deemed to be an integral part of such business.

(b) Signs to direct attention to a business, or product or commodity sold by such business, may be painted or erected on any entrance wall or other wall abutting a street or parking area; provided, that there shall not be more than one sign at each such street or parking area for each separate occupant of the premises; except, that small signs with the name of the firm or department designations are permitted near doors or near corners of the building with letters not to exceed three inches in height. No background for a sign shall have a width in excess of the width of the business space occupied by such business, and in no event shall such background have a width in excess of fifty feet or a height in excess of fifteen percent of the width or of five feet, whichever shall be the larger. Every painted or erected sign shall be approximately parallel to the face of the wall on which it is erected and shall not extend more than thirty-six inches therefrom. A building wall shall not be deemed the background of a sign as hereinbefore referred to and the area covered by the lettering shall not exceed the maximum area as above limited. No letters, symbols or illustrations shall be greater in height than seventy percent the height of the background or over four feet, whichever is the larger.

(c) Free standing signs may be erected, provided they meet the following requirements:

(1) Shall not be larger than sixteen square feet in area with its maximum dimension not exceeding six feet.

(2) The top of such sign shall not be more than fifteen feet above the ground.

(3) No sign shall project beyond the property line.

(d) Window lettering shall not be deemed a sign, but the space containing such lettering or any background on which such lettering or advertising appears shall not cover more than thirty percent of the window area.

(e) Nonelectrical signs used on the exterior or interior of windows to give notice of sales or special functions shall be permitted for thirty days, subject to the following restrictions:

(1) No more than fifty percent of the total street frontage window area shall be covered.

(2) Such signs advertising special sales or functions shall not be displayed more than three times in any one calendar year. (G.O. No. 875, § 2.)

Sec. 3-6. Signs in Commercial and Industrial Zones.

(a) No signs shall be erected, used, located or maintained in the Commercial and Industrial Zones except those permitted in the Residence and Business Zones and those advertising signs or billboards which direct attention to a business, commodity, service or entertainment conducted, provided or sold on the premises on which such sign is located. No free standing advertising signs or billboards shall have an area which exceeds one square foot for each foot of street frontage of the premises on which the sign is erected; provided, that the area of such sign need not be less than thirty square feet and shall not be greater than one hundred square feet.

(b) No free standing sign shall have less than three feet clear space between it and the ground nor at any point be higher than ten feet above the ground level. No such sign shall be set back less than fifteen feet from the side lot line on the premises.

(c) No free standing sign shall be erected nearer than fifteen feet to any street property line or erected within two hundred feet of a highway or street intersection, except as otherwise provided herein. (G.O. No. 875, § 3.)

Sec. 3-7. Certain signs prohibited.

Signs of the following types, or types closely related to them, are specifically prohibited:

- (a) Signs projecting more than thirty-six inches from the building wall.
- (b) Pylon signs supported by pyramidal tower supports.
- (c) Roof signs, except as permitted in section 3-13.
- (d) Marquee signs, except as specified in section 3-17.
- (e) Banners, streamers, advertising flags and twirlers, except as specified in sections 3-4 and 3-17.
- (f) Fence signs.
- (g) Signs posted on poles, posts, trees, sidewalks, curbs or on town property in any fashion.
- (h) Exterior flashing illuminated signs and interior flashing illuminated signs having more than one hundred-watt illumination in the aggregate.
- (i) Signs producing glare to the extent that they interfere with pedestrian or motor vehicle traffic, or which shall detrimentally affect the general health or welfare of persons in their places of abode.
- (j) Signs standing, painted or installed on sidewalks.
- (k) Exterior moving signs of every nature.
- (l) Outdoor neon signs in which the neon tube is directly exposed to view.

(G.O. No. 875, § 4.)

Sec. 3-8. Permits – Required.

Except for signs permitted under section 3-4, no signs shall hereafter be erected or attached to, suspended from, painted on or supported upon a building or structure, nor shall any such sign be altered, rebuilt, enlarged or relocated, nor shall any free standing

sign be permitted or allowed until a permit for the same has been granted by the building official. (G.O. NO. 875, § 5.)

Sec. 3-9. Same – Application; plans.

Plans and detailed information including lighting, if any, shall be submitted in triplicate with each application for a sign permit, and the application shall be accompanied by the written consent of both the owner and lessee of the property. (G.O. NO. 875, § 6.)

Sec. 3-10. Same - Fees⁴

No permit shall be issued for a sign requiring a permit under the terms of this article until a fee of five dollars shall have been paid; provided, that no fee shall be required to be paid by churches or non-profit organizations. (G.O. No. 875, § 7.)

Sec. 3-11. Materials and design.

(a) All signs shall be designated according to the best accepted engineering practice. If attached to a building, the loads shall be distributed to the structure so that no members thereof shall be overstressed.

(b) All supports and brackets for signs suspended from or supported upon a building shall be constructed of metal not less than one-fourth inch thick if not galvanized, and not less than three-sixteenths of an inch thick if all members including bolts and rivets are galvanized.

(c) All such signs shall be securely attached to the building by means of metal anchors, bolts or expansion screws; provided, that signs exceeding fifty pounds in weight shall be secured at both top and bottom with metal shelf anchors.

(d) No signs, illustrations or symbols shall be placed so as to interfere with the opening of an exit door of any building, to obstruct any window opening of a room in a dwelling, to interfere with the use of any fire escape or to create a hazard to pedestrians.

(e) All signs must be so installed and of materials to withstand a wind resistance of not less than thirty pounds per square foot. (G.O. No. 875, § 8.)

Sec. 3-12. Illumination.

(a) No illuminated advertisement shall be of such a color or located in such a fashion as to diminish or detract in any way from the effectiveness of any traffic signal or similar official safety or warning device.

(b) No lighted signs shall be of the flash type.

(c) No flashing lights, free standing signs or other sign structures will be permitted on any building. (G.O. No. 875, § 9.)

⁴ For state law authorizing town to fix permit fees, see R. S., § 40:52.2.

Sec. 3-13. Roof signs.

No signs, except such directional devices as may be required by federal authorities, shall be placed, inscribed or supported upon the roof of any building or upon any structure which extends above the roof of a building, other than an extension of a building wall of such building. (G.O. No. 875, § 10.)

Sec. 3-14. Signs on taxicabs.

No sign shall be erected, painted, affixed, located or maintained on any taxicab, except to designate the name, address, telephone number, the word "taxi" and a serial number of such taxicab. (G.O. No. 875, § 11.)

Sec. 3-15. Termination of use.

At the termination of any professional, business, commercial or industrial use of any premises, the permission to display signs associated with such use of the premises shall forthwith terminate, and all such signs shall be removed or obliterated from the premises within ninety days from the date of termination of such use. (G.O. No. 875, § 12.)

Sec. 3-16. Inspection and maintenance.

(a) It shall be the duty of the building official to inspect each sign for which a permit is required upon the completion of its installation, and to make such other inspections from time to time as may be required to determine whether such signs are in a safe condition and comply with this article.

(b) In the event that any sign is found to be in a dangerous structural condition on account of loose bolts, loose tie rods, rust or similar defects, the building official shall notify the owner thereof in writing and advise in what manner the owner shall make the same safe and secure. In case the owner does not comply with the requirements of the building official within seventy-two hours from receipt of such notice, the sign may be removed by the town, in which case the owner of the sign and the owner of the building shall be jointly and severally liable to the town for the cost of removal, and the owner shall be liable to a penalty, as provided in this Code.

(c) In the event any sign is found to be in nonconformance with this article, the building official shall notify the owner of such violation in writing, and the owner shall, within thirty days, correct such nonconformance. In case the owner thereof does not comply with the order of the building official within such thirty days, such sign may be removed by the town, in which case the owner of the sign and the owner of the building on which it is erected shall be jointly and severally liable to the town for the cost of removal, and the owner shall be liable to a penalty as provided in this article.

(G.O. No. 875, § 13.)

Sec. 3-17. Applicability of article to certain signs.

Nothing in this article shall be deemed to prevent the erection of:

(a) Marquee signs or any other signs, banners or devices for which special permission may be granted by resolution of the town council in each instance.

(b) In addition to all other signs authorized by this article, on premises used primarily for the retail sale of gasoline, there is authorized a single free standing, nonflashing, nonmoving sign on each such premises; provided, that the same identifies only the trade name of such gasoline, extends no higher than twenty-five feet above the ground level, consists of no more than forty square feet in area and projects over no sidewalk (or if there be a sidewalk installed, a normal path for such sidewalk on such premises as determined by the town engineer) or any area between the sidewalk (or such normal path thereof) and the most nearly adjacent street.

(c) Banners, streamers and advertising flags to advertise openings and sales days; provided, that such devices shall not be displayed on any one property for more than thirty days in any calendar year. (G.O. No. 875, § 14.)

Sec. 3-18. Nonconforming signs existing on date of adoption of article.

All existing signs, on the date of the passage of this article, not conforming to the requirements of this article, may be continued on the premises on which they are then located; provided, that they are not altered, replaced or enlarged; and provided further, that the same may not be relocated except with permission of the town council. And such sign may be maintained in its present or good condition, and in the event that such sign is partially destroyed by the elements or other causes beyond the control of the owner, the same may be repaired or restored to its original condition. (G.O. No. 875, § 15.)