

Town of Amherst—Inspection Services Application Supplement for Portable Sign Permit

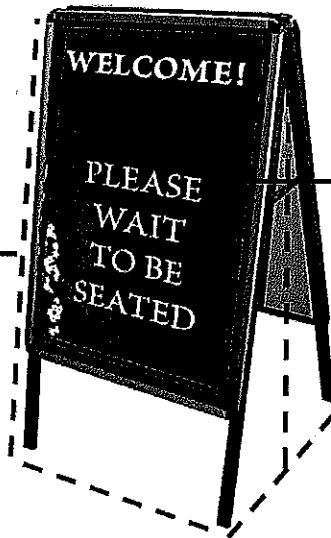
In addition to the Building Permit Application the following are required with a portable sign application:

1. Color photographs of the proposed location for the proposed portable sign and its surroundings
- 2a. An accurate scaled drawing the proposed sign face(s) in color or accompanied by accurate color chips.

OR

- 2b. A photograph of the portable sign with the dimensions of the sign face noted.
3. An accurate scaled drawing, fully labeled, of the structure of the proposed sign, showing dimensions, materials, fasteners, means of attachment, weighting, and other similar aspects of the sign structure
4. An accurate site plan (suggested scale 1"=40') showing the proposed sign location, all buildings, roads and driveways, sidewalks, and other applicable site features as well as all existing portable signs within 100 feet of the proposed site
5. The days and hours the business operates

The dotted blue lines represent each of the four dimensional measurements (#3 above)



The area outlined in red is the sign face (#2 above)

You may use amherstma.gov/maps to get a picture of your location (#4 above); however, check to ensure the image is accurate (aerial photos on the web site are updated periodically)





Town of Amherst, Massachusetts

PORTABLE SIGN REGULATIONS

1. Purpose & Authority.

1.0 Purpose. These regulations are promulgated to protect the health, safety and welfare of the citizens of Amherst, to preserve and protect the visual character of the public landscape, to promote the economic viability of Amherst's centers and other business districts, and to address the needs of Amherst businesses regarding signs within the public way. For the purpose of these regulations, a portable sign shall be defined as any portable, free-standing advertising device not permanently attached to a building, structure or the ground. These regulations shall apply only to portable signs in the public way.

1.1 Authority. These regulations are enabled under the Massachusetts General Laws, Chapter 85, Sections 8 and 9, as amended, and the General Bylaws of the Town of Amherst, Massachusetts, Article III, Regulation of Particular Activities and Devices, Regulation of Signs, (ATM, March 20, 1939 - Article 12), as amended. Section 13., f., of these regulations reference Article 8, Sign Regulations, of the Amherst Zoning Bylaw.

2. General Requirements.

2.0 Locating a portable sign in the public way shall require the following:

2.00 Portable Sign Permit. An annual or temporary portable sign permit authorized by the Select Board under the General Bylaws of the Town of Amherst and issued by the Building Commissioner or his/her designee. Any person aggrieved by a decision of the Commissioner regarding such a permit shall have recourse to appeal said decision to the Select Board.

2.01 Design Review. Design Review Board review of the design of proposed portable signs shall be required for all annual portable sign permit applications where the premises are located within the town center jurisdiction of the Design Review Board (DRB) and/or within a National Historic Register District. In conducting its review, the DRB shall apply the design review principles and standards in Section 3.204 of the Amherst Zoning Bylaw and the guidelines in Section 12. of these regulations. The DRB may recommend alterations to the proposed sign design or location.

3. Application & Review.

- 3.0 Application Requirements. Any applicant under these regulations shall submit a completed application form, including the following information and such other information as the Building Commissioner may require:
- 3.00 Color photographs of the proposed location for the proposed portable sign and its surroundings.
 - 3.01 An accurate scaled drawing of the proposed sign face(s). The drawing(s) shall either be in color or shall be accompanied by accurate color chips.
 - 3.02 An accurate scaled drawing, fully labeled, of the structure of the proposed sign, showing dimensions, materials, fasteners, means of attachment, weighting, and other similar aspects of the sign structure.
 - 3.03 An accurate site plan (suggested scale: 1" = 40') showing the proposed sign location, all buildings, roads and driveways, sidewalks and other applicable site features, as well as all existing portable signs within 100 feet of the proposed site.
 - 3.04 The days and hours of operation of the establishment.
- 3.1 Review.
- 3.10 Where no Design Review Board review is required, the Building Commissioner shall approve or deny an application for a portable sign permit within fifteen (15) working days of the date of application, unless the applicant grants a written extension of said period. Failure of the Commissioner to act within this period shall constitute a constructive granting of the permit.
 - 3.11 Where Design Review Board (DRB) review is required, the Building Commissioner shall approve or deny an application for a portable sign permit within thirty (30) working days of the date of application, unless the applicant grants a written extension of said period. Failure of the Commissioner to act within this period shall constitute a constructive granting of the permit.
 - 3.12 In making the determinations required under these regulations, the Building Commissioner may request the recommendations of the DRB and such other appropriate Town boards as he/she may deem necessary.
- 3.2 Conditions. At his/her discretion, the Building Commissioner may impose such reasonable conditions, including but not limited to the recommendations of the DRB or other Town boards, upon the approval and

issuance of any portable sign permit as he/she may deem necessary to fulfill the purposes and requirements of these regulations.

3.3 Appeal.

3.30 Any person aggrieved by a decision of the Building Commissioner under these regulations shall have recourse to appeal to the Select Board within thirty (30) working days of said decision. Any such appeal shall be submitted to the Select Board in writing, and shall fully describe the basis for the grievance and any requested remedy.

3.31 The Select Board shall hold a public hearing on said appeal within thirty (30) working days of its receipt, legal notice of which shall be published at least 48 hours in advance of said hearing in a newspaper of local circulation. After the hearing, the Select Board shall have fourteen (14) working days within which to file a written ruling overturning, amending or upholding the appealed decision of the Building Commissioner. Written notice of said ruling shall be transmitted to the appellant and the Building Commissioner.

3.4 Waiver. Any provision of these regulations may be waived or modified by the Select Board for compelling reasons of public safety, aesthetics and the public welfare, in keeping with the purposes of these regulations.

4. Permit Types & Fees.

Except as hereinafter noted, only businesses or organizations whose premises are without street-level or street frontage exposure for permanent signs on private property, and which are not readily visible from adjacent public ways, and which meet the following additional criteria, shall be eligible for the following types of portable sign permits at the following fees:

4.0 Annual Permits

4.00 Town Center. Annual portable sign permits may be issued to eligible applicants whose premises are located in the town center, at a fee of \$75.00. For the purposes of these regulations, any business or organization located in the following area shall be eligible for a town center portable sign permit: the General Business (B-G) and abutting Limited Business (B-L) zoning districts on Amity Street, Main Street, Pleasant Street(s), Kellogg Avenue, Cowles Lane, Hallock Street, Pray Street or Triangle Street.

4.01 Village Center. Annual portable sign permits may be issued to eligible applicants whose premises are located in a Village Center Business (B-VC) zoning district, at a fee of \$75.00.

4.02 Farmstand. Annual portable sign permits may be issued for any lawfully operating seasonal farmstand anywhere within the Town of Amherst, regardless of street level exposure, frontage or visibility, at a fee of \$25.00.

4.1 Temporary Permits

4.10 Interim. Sixty (60) day interim portable sign permits may be issued to eligible applicants in any General Business (B-G), Village Center Business (B-VC), Limited Business (B-L), or Commercial (COM) zoning district. Interim portable sign permits shall be issued only for the purpose of providing interim advertising for businesses or organizations while new or replacement permanent signs are being constructed and installed on private property. Interim portable sign permit fees shall be set at a rate of \$25.00. At the discretion of the Building Commissioner, such permits may be extended for up to two (2) additional 30 day periods at a fee of \$10.00 for each period.

4.11 Event. Businesses or organizations located in the B-G, B-VC, B-L, and COM zoning districts, regardless of street level exposure, frontage or visibility, may request the issuance of a temporary portable sign permit for a period not to exceed 21 consecutive days for the purpose of advertising promotions, grand openings, seasonal celebrations and other similar temporary business events. Event portable sign permit fees shall be set at a rate of \$1/day.

4.12 Emergency. Any business or organization lawfully operating within the Town of Amherst, regardless of street level exposure, frontage or visibility, may request the issuance of an emergency portable sign permit in response to forced relocations or the loss of permanent signage due to fire, flood, natural disaster, vandalism, theft, or similar emergency. Emergency portable sign permits shall be issued only for the purpose of providing temporary advertising for businesses or organizations in such emergency circumstances, while permanent signs are being designed, constructed and installed on private property. Emergency permits shall be for a period not to exceed sixty (60) days, at a fee of \$20.00. At the discretion of the Building Commissioner, such permits may be extended for up to two (2) additional 30 day periods at an additional fee of \$10.00 for each period.

g. Refunds. No refunds shall be given for portable sign permits not used for their full term.

5. Limitations.

5.0 Permits Issued & In Operation. Not more than one (1) annual portable sign permit shall be issued to and valid at any given time for any individual applicant

business or organization located at the same premises during any 12 month period. Not more than two (2) temporary portable sign permits shall be issued to and simultaneously valid for any individual applicant business or organization located at the same premises.

5.1 Accessory Uses. No portable sign permit shall be issued for periodic accessory business uses such as tag sales and flea markets.

6. Prohibited Signs.

6.0 No portable sign permit shall be issued for:

6.00. Any sign with moving or detachable parts, lighting, amplified sound or electrification for other purposes.

6.01 Any pre-fabricated trailer sign.

6.02. Any sign located on a parked vehicle, free-standing tent or canopy, portable sales stand or other temporary or mobile non-sign structure.

7. Maximum Dimensions.

7.0 Town Center. In the town center, portable signs shall stand no higher than 48" at any point, nor be more than 24" wide.

7.1 Village Centers & Outlying. In village centers and all other business districts identified in these regulations, portable signs shall stand no higher than 60" at any point, nor be more than 36" wide.

8. Hours of Display.

8.0 Hours of Operation. Portable signs shall only be displayed during an establishment's hours of operation. During off hours and overnight, portable signs shall be removed and stored in a suitable, secure interior location.

8.1 Winter Display. Portable signs shall be removed from public ways in a timely manner during declared snow emergencies, and shall be immediately removed at the request of any Town representative during Town snow removal operations. Applicants shall be responsible for keeping the approved display location for their portable sign usable, visible and cleared of snow. Accumulations of piled, plowed or drifted snow shall not be considered grounds for the relocation of a portable sign to a new display location.

9. Density.

9.0 No more than three (3) portable signs shall be allowed within any

continuous 100 feet of street frontage, or for any single multi-business building or location.

- 9.1. Outside the Town center and village centers, no more than a total of two (2) portable signs may be located within 30 feet on either side of any single driveway or pedestrian entrance.

10. Other Siting/Location Requirements.

- 10.0 Siting. Portable signs shall be sited so as to draw attention to the existence and location of the applicant's premises and/or its closest driveway or sidewalk access.
- 10.1 Prohibited Display Locations. No portable sign shall be displayed:
- 10.10 Within the paved portion of any public or private road, driveway, crosswalk, curbcut, handicapped access ramp or handicapped parking discharge aisle, nor shall any portable sign be sited so as to obstruct or otherwise create a hazard within said facilities.
- 10.11 Within the bounds of a sidewalk. An exception shall be the town center and village centers, where portable signs may be located within paved sidewalk areas. Such signs shall be sited so as to leave an unobstructed path a minimum of 5 feet wide, and so as not to obstruct the walkway or otherwise cause a hazard thereon.
- 10.12 So as to block sight lines for drivers, bicyclists or pedestrians.
- 10.13 Within 25 feet of any street intersection.
- 10.14 In the town center and village centers only, closer than 5 feet from any entrance to a pedestrian walkway or driveway, subject to the provisions of Section 10.12.
- 10.15 In outlying areas, closer than 15 feet from any driveway less than 18 feet in width or closer than 10 feet from any driveway less than 12 feet in width, subject to the provisions of Section 10.12.

11. Securing Signs.

- 11.0. General. Portable signs shall be constructed and weighted and/or secured to the satisfaction of the Building Commissioner or his/her designee, to ensure stability and protect the safety of pedestrians and vehicles in the vicinity in the event of high winds. All means of attaching and securing a proposed portable sign shall be fully and accurately described in the application.

- 11.1 Allowed Attachments. With the prior approval of the Town, portable signs may be secured to:
- 11.10 Selected Town-owned structures, such as sign posts and standard metal light poles. No portable signs may be secured to any 'period' historic light poles.
 - 11.11 Below-ground foundations serving as anchors for portable signs, installed in unpaved portions of the public way by the applicant at the applicant's cost. In such cases, the applicant shall post a security with the Town sufficient to cover the cost of future removal of said foundation.
- 11.2 Prohibited Attachments. Portable signs shall not be attached to street trees, fire hydrants, bicycle racks, benches, trash receptacles, handicapped access railings or to utility structures such as bus shelters, mail boxes, traffic signal poles or telephone poles.

12. Design.

- 12.0 Structure & Materials. The structural design and materials of a proposed portable sign shall be reviewed by the Design Review Board, where required under these regulations, and shall be approved by the Building Commissioner or his/her designee.
- 12.1 General Design Guidelines.
- 12.10 Compatibility. The structure, materials, color, size, character of symbolic representation, detailing and placement of portable signs shall be compatible with, and shall remain subordinate to, the scale and design character of the surrounding architecture and streetscape.
 - 12.11 Simplicity. It is recommended that portable sign designs emphasize simplicity and brevity. Wherever possible, pictorial symbols, shapes or colors should be used in place of words. The minimum of words, numerals and symbols needed for effective communication should be used.
- 12.2 Identification. It is recommended that portable sign designs: 1) simply and clearly identify the individual business or organization by name; 2) illustrate its services or goods and, if necessary, 3) provide directions to the establishment and/or its entrance.
- 12.3 Colors. It is recommended that no more than 2-3 principal colors be used on any portable sign, and that a clear dark/light contrast be established between the

color(s) of a sign's background and the color(s) of its letters, numerals and symbols.

- 12.4 Permanent Display. No portable sign shall be designed for or used as a surface or structure for the posting of handbills, posters, stickers or loose paper signs. Any and all features of a portable sign intended to advertise changeable aspects of a business – menu boards, daily specials, evening entertainment, seasonal sales and the like – shall be enclosed under glazing, placed on a permanent marker board or otherwise made a permanent part of the sign.
- 12.5 Consonance with Zoning & Existing Permits. Prior to issuing any permit under these regulations, the Building Commissioner shall determine that the design of a proposed portable sign:
- 12.50 Does not derogate from the intent, purpose or effect of the provisions of Article 8, Sign Regulations of the Amherst Zoning Bylaw, as those regulations apply to the subject premises and neighboring properties, and:
- 12.51 Is compatible with the design of any existing or approved permanent signs on and sign plans for the property of the applicant's establishment.
- 12.52 In making said determination, the Building Commissioner may request the review and recommendation of the Planning Board and the Design Review Board.

13. Upkeep & Maintenance.

- 13.0 Portable signs shall be kept in a state of good repair and shall be cleaned, repainted or resurfaced regularly and as needed to maintain their original appearance.
- 13.1 Posters and stickers applied to portable signs by others shall be promptly removed, along with any fastener residue.
- 13.2 Damage from vandalism or accident shall be repaired within a period of fifteen (15) working days after receipt of a notice from the Building Commissioner of the need for such repairs.
- 13.3 Failure to comply with the provisions of this section shall be considered a violation of these regulations.

14. Enforcement.

- 14.0 Authority. The Building Commissioner and his/her designee is hereby authorized to enforce the provisions of these regulations.
- 14.1 Non-Criminal Disposition. In enforcing the provisions of these regulations, the Building Commissioner and his/her designee may elect to use the non-criminal disposition provisions of the General Bylaws of the Town of Amherst, Massachusetts, including Article III - Regulations of Signs, and Article VI - Non-Criminal Disposition of Violations. Each day in which an offense continues shall be considered a separate offense.

16. Penalties.

The penalties for violations of these regulations shall be as follows:

- 16.0 First Violation. A fine not to exceed \$25.00. For a first time violation only, the Building Commissioner may elect to issue a written warning in lieu of a fine. The Building Commissioner may at any time, at his/her discretion, require the removal from the public way of any portable sign that he/she determines is in violation of this regulations.
- 16.1 Second Violation. A fine not to exceed \$50.00.
- 16.2 Third Violation. For a third, or any subsequent violation, a fine not to exceed \$100.00. The Building Commissioner may elect to temporarily suspend or revoke outright the applicable portable sign permit, and may require the removal of the sign for the remainder of the permit period.
- 16.3 Fourth Violation. For a fourth or subsequent violation, a fine not to exceed \$100.00. The Building Commissioner may, at his/her discretion, revoke the eligibility of the person, business or organization in violation to obtain a portable sign permit for a period not to exceed three (3) years from the date of the applicable violation.

**Language Revised 3/20/01