

CITY OF SALEM

In the year two thousand and ten

An Ordinance relative to portable signs

Be it ordained by the City Council of the City of Salem, as follows

Section 1.

City Ordinance Chapter 4, Article II Signs and Billboards is hereby amended by:

(1) deleting Section 4-58 (e) in its entirety and replacing it with the following:

“(e) Except as provided in Section 4-60 of this Article, movable or portable and so-called trailer signs are prohibited, with the exception of signs and other advertising devices on rolling stock;” and

(2) adding a new section as follows:

“Sec. 4-60. Portable Signs.

(a) Purpose and intent. The purpose and intent of this section is to allow portable signs to improve the visibility of businesses while maintaining a professional, attractive and safe business area.

(b) Portable sign definition. An on-site, non-illuminated, movable sign that is not attached to a structure or the ground used to advertise the location, goods or services offered on the premises. A portable sign may be located on private property or a public sidewalk provided the minimum clearance area established by this Ordinance, state law or regulations are met.

(c) Applicability. Portable signs that meet the requirements set forth in this section shall be allowed for businesses with individual first floor storefronts in the Business Neighborhood (B1), **Business Highway (B2)**, **Business Wholesale and Automotive (B4)** and Central Development (B5) districts.

(1) Portable signs shall be allowed for businesses that share first floor storefronts or are located above the first floor provided that the businesses using the same first floor entrance share one portable sign.

(2) Failure of businesses to demonstrate good faith collaboration on a shared portable sign at any time shall result in the revocation of any existing portable sign permit for any of the businesses.

(d) Review and approval. The review and approval procedures set forth in Chapter 4, Article II of this ordinance shall apply to portable signs.

(e) Number of portable signs. No business shall be allowed to have more than one (1) portable sign for each entrance from a public right of way. If a business has more than one (1) location, one (1) sign may be permitted for each location.

(f) Term.

- (1) The sign may be placed outside only during the hours of the establishment's operation.
- (2) No sign shall be placed within the public right of way for the duration of a declared snow emergency.
- (3) No sign shall be placed within the public right of way on October 31.

(g) Placement.

- (1) Portable signs shall be appropriately placed to minimize the appearance of clutter.
- (2) No portable sign shall be located in front of handicap walkways, or block building entrances, exits, and fire escapes.
- (3) No portable sign shall interfere with the sight distance of traffic passing the site. When this is in question, determination of sight distance shall be made by the City Engineer.
- (4) Placement of the sign must comply with the regulations of the State Architectural Access Board C.M.R 521 (handicap regulations) enforced by the City Building Commissioner. The Sign Review Committee cannot issue a waiver from these regulations.
- (5) The sign shall be located directly in front of the establishment it advertises and within ten (10) feet of the main entrance. The Sign Review Committee may grant an exception to the ten (10) foot maximum distance if warranted by the physical characteristics of the site. Placement of the sign shall allow a minimum of five (5) feet of unobstructed sidewalk clearance between it and any building or other obstruction. The width of unobstructed sidewalk clearance may be reduced by the Sign Review Committee **with approval of a representative of the Salem Commission on Disabilities** in cases where the placement of the proposed sign would not interfere with the use of the sidewalk, but in no event shall the width of a sidewalk be reduced to a width passable by pedestrians of less than **forty-two (42) inches**.

(h) Design, Construction and Maintenance.

- (1) The design (color, fixed lettering style, symbols and material) of a portable sign's permanent elements shall complement and be compatible with the design of the establishment's primary sign(s), abutting properties, and the general streetscape in the immediate vicinity of the establishment.

- (2) No trademarks other than the establishment's own trademark shall be included on the portable sign.
- (3) The portable sign must be made of durable, rigid material such as, but not limited to, wood, plastic or metal, in an A-frame style.
- (4) The sign must be free-standing and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
- (5) The sign must be internally weighted so that it is stable and windproof.
- (6) Additions such as flyers, ribbons, balloons, illumination, electrical components, speakers and the like shall not be added to any portable signs.
- (7) Signs with changeable letters, animation, movement, or sound shall not be permitted.
- (8) Prices, telephone numbers, and Internet addresses shall not be greater than four (4) inches tall.
- (9) Portable signs must be kept in good condition.
- (10) The issued license number shall be displayed on the board at the lower left hand corner in 2" Arabic numbers.

(i) Size. No portable sign shall exceed six (6) square feet per side and shall not exceed two (2) feet in width.

(j) Calculations. Portable signs shall not be included in calculations for other types of signage permitted by this ordinance.

(k) Sec. 4-85 Liability insurance. Proof of adequate liability insurance with a minimum limit of \$1,000,000.00 for each occurrence must be provided to the City Clerk and remain in effect for as long as the portable sign is used. The portable sign must be indicated as being included in the liability coverage. The City, and in the Urban Renewal Areas, the Salem Redevelopment Authority, must be listed as additional insured(s).

(l) Removal for failing to obtain a permit. Portable signs existing on June 1, 2010 must be permitted by November 30, 2010. Portable signs that have not been permitted by this date or erected without a permit thereafter must be removed. Any sign that is not permitted may be removed by the City Building Inspector (State Building Code 780 C.M.R Section 116).

Section 2. This Ordinance shall take effect as provided by City Charter

In City Council April 8, 2010

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole

In City Council May 13, 2010

Referred to the Committee on Ordinances, Licenses and Legal Affairs

In City Council May 27, 2010

Adopted as amended for first passage

In City Council June 10, 2010

Adopted for second and final passage

A motion for immediate reconsideration in the hopes it does not prevail was denied.

Approved by the Mayor on June 16, 2010

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK