

Town of Concord

APP #48

Regulations Governing Private Signs on Public Property

General Purpose

At the Town Meeting in 2016, Concord approved amendments to the Sign Bylaw, which was originally adopted at Town Meeting in 1971. The Purpose and Intent of the Bylaw is: "to regulate, restrict and place such limitations on the size, location, type and illumination of all signs as will assure that they will (a) be appropriate to the land, building or use to which they are appurtenant (b) be protective of property values and the safety of the public; and (c) not unnecessarily detract from the historic qualities and characteristics of the Town of Concord." The details of the bylaw provide for permit requirements, the bylaw's administration and penalties for non-compliance, the determination of the signs allowed in various districts and the determination of prohibited signs.

Within the bylaw, *Section 5, Signs Allowed in All Districts*, paragraph a3 addresses the issue of non-commercial signs being erected on Town property other than right of ways. That section of the bylaw states, "Non-commercial signs may be erected on other Town property only pursuant to such other administrative policy governing the placement of signs on Town property duly enacted by the Select Board or the Town Manager." The regulations below are adopted by the Select Board to govern the placement of such private signs on public property.

These regulations are intended to be "content neutral," distinguishing only between "commercial signs" and "non-commercial signs", in keeping with judicial decisions permitting the regulation of "advertising."

Private Signs on Private Property

The Town's Sign Bylaw governs the location, size and other aspects of commercial signs on private property; and, such signage must comply with the requirements of the Bylaw. Non-commercial signs on private property are not regulated by the bylaw and are permitted without limitation on private property with the permission of the property owner. These regulations are not intended to restrict the location of signs on private property.

Private Signs on Public Property other than within the Public Right of Way

Commercial signs, including real estate for sale signs, contractor signs, and private event notices are prohibited on all public property. This prohibition does not apply to the small, movable commercial signs allowed under the Bylaw in business districts that must be removed at the end of the day and are not permitted on public property overnight.

Non-commercial signs are permitted on town-owned land for not more than fourteen (14) days in a given calendar year, and only at these two locations:

1. Along the fence at Harvey Wheeler Community Center (intersection of Main and Church Streets)
2. Along the fence at Emerson Field (intersection of Thoreau and Everett Streets)

The installation of private, non-commercial signs on public property shall be with the prior approval of the Town Manager or a designee. Approval is required to establish the start and end times for locating such signs, to identify the person or group sponsoring the sign, the party responsible for removal of the sign and to assist in limiting the number of signs at that location.

The location of private non-commercial signs is expressly prohibited at cemeteries, war memorials, fire stations, the Town House, police and fire stations, public works sites, and other community properties.

The proposed sign shall comply with the applicable residential or nonresidential sign standards, including location, size, height and setback as contained in the Bylaw.

Signs within the Public Right-of-Way

Commercial Signs

Commercial signs are prohibited within the public right-of-way and must be located on private property in conformance with the Sign Bylaw.

Non-commercial Signs Adjacent to Private Property

The Sign Bylaw states in Section 5, part 2a, "Non-commercial signs may be erected in the Town's right of way adjacent to a private property by the private property owner only if (a) there is no protrusion of the sign into the public walkway or roadway; (b) placement of the sign will not damage any plantings that are in the area; and (c) placement does not pose a hazard to passersby."

No permit is necessary for this type of sign; however:

1. The sign may be installed for a period of not more than fourteen (14) days in any calendar year;
2. The proposed non-commercial sign, or signs, must comply with the applicable residential or nonresidential sign standards in the Bylaw including the number of signs, location, height and setback.
3. Signs posted in the public right of way that interfere with scheduled public improvements will be removed. The Town is not obligated to replace the signs at the completion of an improvement; and
4. Any sign shall be promptly removed from the public right-of-way at the end of fourteen (14) days and non-compliance with any requirement of these regulations shall be grounds for denial of permission for future sign installations.

Non-commercial Signs in the Public Right of Way not adjacent to Private Property

Non-commercial signs within the public right of way not adjacent to private property are prohibited except as noted in Section 12a of the Concord Sign Bylaw which reads, "Sign" shall not include (1) national or state flags, (2) athletic scoreboards, (3) official announcements or signs of U. S., Massachusetts or Town government approved by the Select Board, or (4) temporary holiday decorations.

Distribution: Department Heads; Committee and Board Chairs