

Feb 10, 2016 Public Hearing



Article 43 – Sign Bylaw Amendment

ARTICLE 43. Mr. Whelan moves: that the Town take affirmative action on Article 43 as printed in the warrant.



Article 43 – Sign Bylaw Amendment

This article revises the Town’s existing sign bylaw to update it in light of a recent Supreme Court decision (Reed v. Gilbert, AZ), which narrowed the permissible scope of permissible sign regulation. In particular, Reed limited the ability of towns to regulate non-commercial signs, including temporary signs, differently based on their content (e.g., religious v. charity event, political statement v. campaign sign etc.). Changes above are shown in strikeout and bold italics for the Warrant only.

Feb 10, 2016 Public Hearing

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The Concord Sign Bylaw

First Adopted in 1971

Amended by Town Meeting eight
times since adoption

Most Recent Amendment: Annual
Town Meeting 2010 (Art. 56)



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The Concord Sign Bylaw

Section 1. The purpose and intent of this bylaw shall be 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.

Feb 10, 2016 Public Hearing



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The Concord Sign Bylaw

There are 15 sections in the Bylaw, including “Permit Requirements”, “Administration and Penalties”, “Illumination” and “Prohibited Signs”

Enforcement:	By the Building Commissioner
Appeals:	Heard by the Board of Appeals
Penalties:	Non-criminal disposition/fines
Variances:	May be granted by Board of Appeals

Feb 10, 2016 Public Hearing



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U.S. Supreme Court Case *Reed v. Gilbert*, AZ
June 18, 2015 Decision

Narrowed the scope of permissible sign regulation

Limited ability of towns to regulate non-
commercial signs, including temporary
signs, based on the content of the sign

There is a strong mandate for “content neutral”
sign regulations



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Concord’s current Bylaw uses terms such as:

“Charitable, religious or educational event...”

“Religious and Educational Non-Profit Signs”

“Political, Ideological, Charitable Purposes”

These terms refer to the **CONTENT** or message of a sign should be replaced with the term **Content Neutral** descriptions.



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SECTION 5:

SIGNS ~~PERMITTED~~ ALLOWED IN ALL DISTRICTS

The following categories of signs are allowed in all districts under this bylaw in addition to any other sign allowed under this bylaw and, unless otherwise provided, such signs may be erected, altered or relocated without a permit issued by the Building Inspector pursuant to this bylaw:

- a. Non-Commercial Signs. Non-commercial signs, subject to the following conditions:*
 - 1. No such sign shall be affixed to a tree or utility pole or otherwise erected in a public way except pursuant to Section 5(a)(2) below;*
 - 2. Non-commercial signs may be erected in the Town's right of way adjacent to a private property by the 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;*
 - 3. 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;*

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