

**TOWN OF WESTMINSTER  
SIGN ORDINANCE**

**ARTICLE I - PURPOSE**

The purpose of this Ordinance is to help preserve and improve the existing attractive aspects of the Westminster environment, to promote the health, safety, and welfare of the public, to conserve the value of property, to encourage a style and scale of outdoor advertising that is compatible with a small Vermont town, and to reduce sign distractions and obstructions which may contribute to traffic accidents. In addition, those signs which are expressly prohibited in this Ordinance are declared to be a public nuisance because of their contribution to traffic accidents and other injuries to persons, to environmental degradation, or to interference with public property.

**ARTICLE II – AUTHORITY**

This Ordinance is adopted under the authority granted to the Westminster Selectboard under 24 VSA 1971 and 24 VSA 2291(7).

**ARTICLE III - DEFINITIONS**

**Agricultural Sign:** a commercial sign identifying agricultural uses or products including, but not limited to, dairy or vegetable farms, tree farms, orchards, and maple syrup operations.

**Commercial Sign:** Any sign that directly or indirectly names, advertises, or calls attention to a business, product, service or other commercial activity.

**Freestanding Sign:** A sign having its own supporting structure independent of any building.

**Off-Premises Sign:** a sign for a permitted non-residential use which is not located on the same parcel upon which the use and/or activity advertised is located.

**Portable Sign:** A sign mounted on wheels or trailers or a sign mounted on a vehicle if that vehicle is located primarily for display.

**Roof Sign:** A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

**Sign:** Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is visible from a public or private right of way and is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

**Sign Area:** The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the finish material of the building. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

**Temporary Sign:** A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature which is in place for more than 2 months in any 12 month period.

**ARTICLE IV - GENERAL**

**A. Applicability.** It shall be unlawful for any person to erect, alter or relocate within the town of Westminster any sign as defined in this Ordinance without first obtaining a sign permit from the Sign Officer. Any sign not expressly permitted by, or exempted from, the provisions of this ordinance is prohibited.

**B. Signs Which Do Not Require a Permit.** Signs identified in 1 through 10 below are authorized in all districts and do not require a sign permit when located on the parcel upon which the use advertised is located, or when located on another parcel with permission of the owner:

1. Signs erected, maintained or administered by the Town or the State of Vermont under Title 10 V.S.A., Chapter 21.
2. Unlighted signs not exceeding one (1) square foot in area or smaller including those bearing property numbers, post box numbers, or names of occupants of premises.
3. Legal Notices and identification, informational, warning or directional signs displayed in response to government regulations or requirements or informational signs on government buildings that identify the building.
4. Temporary signs advertising the sale of property on which the sign is located, not exceeding six (6) square feet in area.
5. Small signs without advertising displayed for the direction, instruction or convenience of the public, including signs which identify restrooms, posted areas, parking lots, or the like, with an area not exceeding two square feet, provided such signs are on the premises of the activity served by the sign.
6. One "Open" or "Welcome" banner or flag per lot, provided that such sign has no other wording or logos, is less than 15 square feet in area, and is used in conjunction with a permitted non-residential use.
7. Signs to be maintained for not more than two (2) weeks erected by fairs or expositions or signs announcing a garage sale, yard sale or auction, or an event of a civic, political or philanthropic service, or religious organization, not exceeding ten (10) square feet in area. These signs may be located off-premise with the permission of the landowner. All such signs may be displayed 48 hours prior to the event and are to be removed by the owner within 24 hours following the event.
8. Temporary signs, advertising the sale of seasonal produce or agricultural products, not exceeding ten (10) square feet in area.
9. Signs on registered and inspected motor vehicles, except when such vehicles are being used primarily for advertising.
10. Signs lawfully existing on the effective date of this ordinance, provided that such signs are not enlarged or relocated. Nothing in this ordinance is intended to prohibit the normal maintenance and repair of such signs.

#### **ARTICLE V - PROCEDURE**

**A. Application for a Sign Permit** Applications for sign permits shall be made upon forms provided by the Sign Officer, and shall include the following information pertaining to the proposed sign, as the Sign Officer may reasonably require:

1. Name, address and telephone number of the applicant
2. Location of the building or structure to which, and parcel upon which, the sign is to be attached.
3. Position of the sign in relation to nearby buildings, structures and roads.
4. Plans, drawn to scale, and specifications for the sign, including: size, colors, material of which the sign is to be constructed, lighting, and method of attachment to the building or ground.
5. A statement as to the method and intensity of lighting.
6. Name, address and telephone number of person erecting the sign, if different than the applicant.
7. Written consent of the owner of the building and land upon which the sign will be located, if such owner is not the applicant.

**B. Fees.** Every applicant, before being granted a sign permit, shall pay to the Town a permit fee as established by the Westminster Selectboard.

**C. Review by the Sign Officer.** The Sign Officer shall approve or disapprove the application and send written notice of such decision within 30 days after receipt of a completed application. Such notice shall include a statement of reasons supporting the decision. In rendering a decision the Sign Officer shall determine whether or not the proposed sign is consistent with the conditions of this Ordinance. If the Sign Officer determines that the proposed sign is not in compliance with the provisions of this Ordinance, he or she shall deny the application.

**D. Appeal of Sign Officer Decision.** Any Person may appeal the decision of the Sign Officer regarding the Sign Permit to the Westminster Selectboard. The appeal request shall be in writing and shall be filed with the Selectboard within 15 days after the decision of the Sign Officer has been issued. A hearing on the appeal shall be held by the Selectboard within 30 days after the receipt of the appeal notice. Upon such appeal, the Selectboard shall act to affirm, reverse, or modify in any regard the determination of the Sign Officer. The Selectboard shall issue a written decision within fifteen days after the close of the appeal hearing. This administrative process must be exhausted before appeal to Superior Court. Any person aggrieved by a decision of the Selectboard may appeal that decision to Superior Court.

In deciding appeals, the Westminster Selectboard may not grant variances, exemptions, extra-ordinary relief or otherwise alter, amend, enlarge, or modify the provisions of the Ordinance, it being the intent of this subsection to merely provide for appeals from the decisions of the Sign Officer and not to provide for variances or exceptions hereto.

**E. Revocation of Permits** Any Sign Permit may be revoked, without refund of a Sign Permit application fee, by the Sign Officer if the Sign Officer determines that the information contained in the Sign Permit application was false or incomplete in any material detail. The Sign Officer shall provide the Person possessing the Sign Permit with written notification informing him/her of the reasons for the revocation.

Any Person whose Sign Permit has been revoked shall have the right to appeal the decision of the Sign Officer to the Westminster Selectboard. The appeal request shall be in writing and shall be filed with the Selectboard within 15 days after the decision of the Sign Officer has been issued. A hearing on the appeal shall be held by the Selectboard within 30 days after the receipt of the appeal notice. Upon such appeal, the Selectboard shall act to reverse, affirm or modify in any regard the determination of the Sign Officer. The Selectboard shall issue a written decision to the Person aggrieved within fifteen days after the close of the appeal hearing. This administrative process must be exhausted before appeal to Superior Court. Any person aggrieved by a decision of the Selectboard may appeal that decision to Superior Court.

**F. Expiration.** If a permitted permanent sign has not been erected within 12 months from the date of issue of the permit then the permit shall expire, unless there is a reasonable amount of objective evidence of intent to pursue furtherance of the sign for which the permit was issued.

## ARTICLE VI - STANDARDS

**A. Safety** All signs must be maintained in a safe condition.

**B. Industrial Districts, Commercial Districts, Parcels on US Rt. 5, Rt. 123 and the I-91 Access Road** Except as provided in Article IV B above, the following signs are permitted upon issuance of a sign permit:

Up to two (2) signs identifying a permitted non-residential use, not to exceed sixty four (64) square feet in total combined area. If there is more than one non-residential use or business establishment located on a parcel, then each separate use or establishment is entitled to display two (2) signs. Roof signs are permitted but may not exceed ten (10) square feet in total allowed area and may not be placed on roofs in such a manner that the highest point of the sign is higher than one-half way between the eaves and the ridgeline of the roof.

**C. Signs in Village Zoning Districts, Kissell Hill Development, Westminster Terrace and Oak Hill Terrace.** Except as provided for in Article IV B above, The following signs are permitted upon issuance of a sign permit:

For residential parcels upon which a permit for a home occupation, home business or cottage industry has been granted and for non-residential uses: One commercial sign per home occupation, home business, cottage industry, commercial, industrial or other non-residential use, not exceeding six (6) square feet in total area.

**D. Signs on Class 2 town highways.** Except as provided for in Article IV B and Article VI C above, The following signs are permitted upon issuance of a sign permit:

Up to two (2) signs identifying a permitted non-residential use, not to exceed ten (10) square feet in total combined area. If there is more than one non-residential use or business establishment located on a parcel, then each separate use or establishment is entitled to display two (2) signs.

**E. Signs on Class 3 and Class 4 town highways and private rights of way.** Except as provided for in Article IV B and Article VI C above, The following signs are permitted upon issuance of a sign permit:

1. For residential parcels upon which a permit for a home occupation, home business or cottage industry has been granted: One commercial sign per home occupation, home business or cottage industry, not exceeding six (6) square feet in total area.
2. For non-residential parcels: One (1) sign identifying a permitted non-residential use, not to exceed ten (10) square feet in area. If there is more than one non-residential use or business establishment located on a lot, then each use or establishment is entitled to display one (1) signs.

**F. Signs Not Permitted.** The following signs are prohibited:

1. More than two off-premises signs per permitted non-residential use.
2. Off-premises signs which have been placed on a parcel without the owner's permission.
3. Any sign in excess of 64 square feet in area
4. Flashing, oscillating or revolving signs. Signs that have any animated, fluttering, revolving or moving parts or lights.
5. Signs which make a noise audible on an adjacent property or right of way.
6. Freestanding signs in excess of twenty (20) feet in height.
7. Signs which imitate or resemble any official traffic, directional or route sign, signal or device.
8. Signs, which, due to their size, placement, illumination, or other factor impair public safety.
9. Signs which prevent a clear and unobstructed view of official signs or otherwise impede adequate sight distances.
10. Illuminated signs which direct light or glare into the sky, onto a public or private right of way or onto adjoining properties.
11. Neon and similar types of illumination.
12. Portable signs (signs mounted on wheels, trailers, or motor vehicles if those vehicles or wheeled signs are regularly located for fixed display)
13. Signs located within the limits of a public highway right-of-way (this limitation shall not apply to signs referred to in Article III B above).
14. Signs attached to buildings and located at a height of more than twenty-five (25) feet above the ground, except as identified in Article II B above. Height shall be computed as the distance from the normal grade at the base of the sign to the top of the highest attached component of the sign.

## **ARTICLE VII - ENFORCEMENT AND PENALTIES**

**A. Enforcement.** The Sign Officer, or his designee, is responsible for enforcing this ordinance, and shall be authorized to act as Issuing Municipal Official to issue and pursue a municipal complaint before the Judicial Bureau for any violations. The Sign Officer, or his designee, shall issue a written warning for a violation of this ordinance before issuing a municipal complaint for a first offense of this ordinance.

In addition to the enforcement procedures available before the Judicial Ordinance Bureau, the Sign Officer is authorized to commence a civil action to obtain injunctive and appropriate relief, or to pursue any other remedy authorized by law.

**B. Penalties** Any person who violates any provision of this ordinance shall be subject to a civil penalty of up to \$200 per day for each day the violation continues.

**1. Waiver Fee:** An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pay the Waiver Fee:

First offense in any calendar year:	\$ 25.00
Second offense in any calendar year:	\$ 50.00
Third offense in any calendar year:	\$ 75.00
Fourth or more offenses in any calendar year:	\$100.00

**2. Civil Penalties.** An Issuing Municipal Official is authorized to recover civil penalties in the following amount for each violation:

First offense in any calendar year:	\$ 75.00
Second offense in any calendar year:	\$100.00
Third offense in any calendar year:	\$150.00
Fourth or more offenses in any calendar year:	\$200.00

Each day in which any violation continues or occurs shall be deemed a separate offense.

### **ARTICLE VIII - ADMINISTRATION**

**A. Liability for Loss by the Town Due to Violation.** Any Person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town, including reasonable legal expenses, by reason of such offense.

**B. Severability** The invalidity of any provision of this Ordinance shall not invalidate any other part thereof.

**C. Date of Enactment** Duly enacted and ordained by the Selectboard of the Town of Westminster, Windham County, State of Vermont, on this 8<sup>th</sup> day of August, 2006, at a duly warned and duly held meeting of said Selectboard.

**D. Effective Date** This Ordinance shall become effective sixty (60) days from the date hereof, that is, on October 8, 2006.