

Article 6: To see if the Town will vote to amend the Newport Zoning Ordinance by the adoption of Zoning Amendment No.2, altering the sign regulations (Section 412.7). Copies of the complete text of Amendment No. 2 are available for review at the Town Office and will be available the day of the election. The following question will be printed on the official ballot:

“Are you in favor of the adoption of Amendment No. 2 as proposed by the planning board for the Town Zoning ordinance as follows? Amendment No 2 alters the sign regulations (Section 412.7) by eliminating provisions which are unlawfully based upon the message content of the sign, so as to comply with the requirements of the US Supreme Court decision, *Reed v. Town of Gilbert, Arizona*, 135 S.Ct. 2218 (2015). Please see complete text for details.”

Section 412.1

No sign as defined in these regulations shall be placed, erected, moved, replaced, or reconstructed without a permit. Said permit shall be issued by the Building Inspector. Application for a sign permit shall be made on forms provided by the Building Inspector and shall include a set of plans showing site location, sign size, design, size of lettering, method of illumination, and type of materials to be used in construction.

Section 412.2

Material and construction of any sign shall be in accordance with building code and other Town requirements. All signs shall be maintained in a safe condition and in good repair. Any sign, which is in disrepair, shall be removed upon order of the Building Inspector if not repaired after a 30 day notice.

Section 412.3

- A. All signs shall be prohibited within the rights of way of public highways except signs may project over public sidewalks provided no public hazard is created. The bottom of sign must be 10' above sidewalk.
- B. On corner lots no sign shall be erected in such a manner as to impair vision.
- C. Signs in all districts shall not be closer than 5' to lot lines unless affixed to a building.

Section 412.4

The following signs are prohibited:

Neon, tubular gas, animated, flashing, noise making, changeable electronic message board signs, or signs that have lights of changing degrees of intensity, brightness or color, or intermittently or intensely lit signs that could present a potential distraction or safety hazard to passing motorists or pedestrians, except as otherwise provided herein.

Temporary seasonal holiday decorations are not considered as part of this regulation.

Electronic signs that do not exceed the size of 12"x 24" that state "Open" or "Closed" shall be allowed and shall not require a permit.

Gas station signs that illustrate the price of gasoline so long as they have the ability to be adjusted to comply with the restrictions regarding public safety above.

Signs that move or create the illusion of movement except as otherwise provided in Section 412.7E.

Mobile and/or portable signs.

Signs on trees, rocks or other natural surfaces except those signs used in the posting of land.

Billboards

(This section amended on 5.12.2009)

Section 412.5

Signs shall be allowed by variances and special exceptions in accordance with the appropriate requirements for the type of use granted.

Section 412.6

Signs allowed by permit:

A. In a B1, B2, K, RC, or I district and excepting shopping centers and/or shopping malls, two (2) signs shall be permitted for any legally established business, one (1) free standing, the other affixed to the building. Total area of all signs shall not exceed one (1) square foot for each linear foot of building fronting on a public street for a maximum of 100 square feet in area. The height of a free standing sign shall not exceed 25 feet. Said signs if illuminated shall be shielded in such a manner to produce no glare, undue distraction, confusion, or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign. Signs shall not extend over the roof or parapet of the building. On lots in the B1, B2, I, RC, or K districts on which no building has been constructed, one (1) free standing sign not to exceed 50 square feet shall be permitted for the legally established business on that lot and the sign shall be in conformance with any other applicable provision of this ordinance.

B. In shopping centers and on shopping malls two (2) signs shall be permitted, one (1) sign affixed to the face of the building for each of the legally established businesses, and one (1) freestanding directory sign to be shared in common by each of the businesses. The directory sign shall not exceed 25 feet in height. Each advertising sign affixed to the directory shall not exceed 2 feet by 2 feet. Total area of each wall sign shall not exceed one (1) square foot for each linear foot of individual building frontage for a maximum of 100 square feet in area.

C. A sign or signs shall be permitted for any legally established subdivision development, farming or agricultural operation, golf course, airport development, outdoor park, manufactured home park, or recreational camping park subject to the following conditions:

1. One (1) freestanding sign not to exceed 50 square feet shall be permitted at only one (1) entrance;
2. One freestanding sign not to exceed 20 square feet shall be permitted at each additional entrance;
3. The total square footage of all freestanding signs at all entrances shall not exceed 100 square feet;
4. The height of each freestanding sign shall not exceed 10 feet;
5. If interior or exterior illumination is provided, it shall be properly focused in a manner that does not distract or blind oncoming traffic; and
6. All signs shall be in conformance with any other applicable provision of this ordinance.

D. Definition: **“SIGN, SANDWICH BOARD”**: A free standing, temporary A-frame, ground sign having a message on both sides”. Sandwich board signs shall be allowed in business districts only, and shall be subject to the following limitations:

1. The sign shall be of professional quality and shall not exceed 3.5’ in height or 7 square feet in area.
2. The sign shall not be located within a street or street right-of-way, except that where sidewalks exist such a sign may be located on a public sidewalk.
3. The sign shall not obstruct visibility of vehicles or pedestrians.
4. Only one (1) such sign shall be allowed in front of each business establishment.
5. The sign shall not obstruct pedestrian traffic. If located on a sidewalk, it shall be placed either adjacent to the curb or adjacent to the building so as to allow a 36” minimum walkway.
6. The sign will be removed during non-open business hours.
7. The sign shall be properly secured and/or weighted as to not intrude upon, infringe upon, or cause a hazard to passers-by and/or the traveling public.
8. The sign shall not be placed during snow events.
9. The sign shall not hinder or obstruct municipal maintenance operations.

(D. was added by amendment on 5.09.2006)

E. Traditional Barbershop Pole Signs

1. Movement and internal illumination are allowed provided that there is no glare.
2. The size shall not exceed 18” in diameter or 36” in height.

(E. added by amendment on 5.12.2009)

F. Banners: Temporary banners which are attached to or suspended from a building and which are constructed of cloth or other material shall be constructed in an approved manner and shall be securely supported. Banners shall be allowed in business districts only, and shall be subject to the following limitations:

1. The banner shall be of professional quality and shall not exceed 100 square feet in area.
2. Permits for a banner shall be limited to a period of ten days, with a maximum of 4 per year.
3. Banners shall be removed as soon as torn or damaged.
4. Banners shall comply with the provisions of Section 412.7 D, 3-5, 7-9.

G. A Copy of Certificate of Insurance naming the Town as an additional insured in the amount of \$1.0 million per occurrence shall be required for all signs that are on, adjacent or above a public way.

Section 412.7

Existing signs for which a permit was previously granted or which met the requirements of the zoning regulations in effect at the time of construction but which are not in conformance with the provisions of these regulations shall be deemed a non-conforming sign. Such non-conforming signs shall be subject to those provisions contained in Article VI, Section 602 of the Zoning Regulations.

Section 412.8

Window signs whether they are interior or exterior shall be considered as a wall sign affixed to the face of the building. There shall be no limitation on temporary signs on the interior of a window.

Section 412.9

- A. The measurement of the area of a sign shall be considered to include all lettering or elements of a sign together with the background on which they are displayed but not including the supporting framework and bracing.
- B. When the sign consists of letters or symbols affixed to a surface or building, the area shall be considered to be the smallest summation of rectangles which encompasses each individual letter and/or symbol.
- C. The area of one side of a double-faced sign shall be considered as the total area of the sign.

Section 412.10 - Farming & Agricultural Operations Seasonal Signs:

A. In furtherance of the goals enumerated in RSA 672:1, III-b, off-premise seasonal (O.P.S.) signs for farming or agricultural operations, as defined in RSA 21:34-a, shall be allowed on a temporary basis as a special exception in any zoning district provided that all of the following special criteria are also met:

1. Each legally established farming or agricultural operation situated in the Town of Newport may display no more than four (4) O.P.S. signs, which shall be located within a Town right-of-way notwithstanding Section 412.3A above. The maximum of four (4) O.P.S. signs may be listed on one (1) special exception application. No more than one (1) sign per owner shall be displayed at an individual location at the same time.
2. A plan illustrating the proposed location(s) of the O.P.S. sign(s) shall be submitted with the special exception application and reviewed by the Town Highway Superintendent prior to the Zoning Board's public hearing. The Highway Superintendent shall submit a written recommendation to the Zoning Board. The location of each O.P.S. sign shall be determined based on the applicant's need for reasonable directional information and shall be placed in a non-hazardous location that does not impair vision or endanger or inconvenience the public's right to travel over the Town right-of-way.
3. Each O.P.S. sign shall be in non-fluorescent colors shall be 6 square feet or less in area, shall be well secured in the ground and shall be displayed without illumination. The height of the post from ground level to the top of the post shall not exceed 6'. An individual post may be left adequately secured in the ground year round at the discretion of the Town Highway Superintendent. Each O.P.S. sign and post shall be maintained in good repair by the owner.
4. Each O.P.S. sign shall be displayed only during the permitted period, which shall begin on March 1st and end on December 31st of each year.
5. Each O.P.S. sign shall be installed by its owner under the supervision of the Town highway superintendent every year that the O.P.S. sign is put in use. Once installed, the highway superintendent may, if necessary, require an O.P.S. sign to be temporarily removed in order to facilitate roadway or right-of-way improvements. Each O.P.S. sign shall be removed by the

owner at the end of the permitted period. Any O.P.S. sign left standing outside of the permitted period may be removed and disposed of by the Highway Superintendent.

6. Each individual O.P.S. sign shall require a sign permit in accordance with Section 412.1 above and the display period for each shall be listed on the permit.

7. Each O.P.S. sign shall conform with any other applicable provision of this ordinance.

B. Permission for the placement of an O.P.S. sign in a state highway right-of-way shall be obtained from the New Hampshire Department of Transportation.