

IN THE YEAR TWO THOUSAND SIX AN ORDINANCE
REGULATING SIGNS IN THE CENTRAL BUSINESS DISTRICT
OF THE CITY OF LYNN

Be it Ordained by the City Council of the City of Lynn and by the authority of the same as follows, to wit:

SECTION 1:00 APPLICABILITY

All signs located in the Central Business District shall comply with the regulations for the erection and construction of signs contained in the Building Code of the Commonwealth of Massachusetts, 780 CMR and other applicable city ordinances. No signs shall be hereinafter constructed, maintained, or permitted except in accordance with the following regulations:

SECTION 2:00 SIGNAGE

All new signs, and all changes in the appearance of existing signs displayed so as to be visible from streets, sidewalks or alleys, require a Permit from the Department of Inspectorial Services. This includes changes in messages or colors on pre-existing signs.

SECTION 3:00 CONFLICTS

If there is a conflict between this Ordinance and the requirements of any other municipal ordinance or Massachusetts statutes or regulations, the stricter standard shall apply.

SECTION 4:00 LOCATION AND SIZE. OF SIGNS

(a) Signs must not dominate building facades or obscure their architectural features (arches, transom panels, sills, moldings, cornices, windows, etc.). A sign shall not be placed such that it covers the view of architectural elements such as cornices, columns, arches, details, or other such building features or ornamentation. Signs may not extend above the building's roofline and/or the wall upon which the sign is located, and may not exceed maximum sign height. A business' wall sign may only be placed on that wall behind which the business exists.

(b) The size of the signs and individual letters shall be an appropriate scale for pedestrians and slow-moving traffic. Projecting signs shall not exceed nine square feet, on the first floor. Projecting signs are reserved for ground floor tenants with the exception of identifying a building's lobby or dedicated street-level entrance of an upper floor business.

(c) Signs on adjacent storefronts should be coordinated in height and proposition. The use of continuous sign-band extending over adjacent businesses within the same building is expected as a unifying element. Traditionally sign-bands were the primary location for an existing sign. Therefore, when an applicant desires signage they must ensure that their first permanent sign exists within the sign-band utilizing applied lettering or a flat sign. If no sign-band exists, other locations for signage will be permitted.

(d) Portable signs located on sidewalks, driveways or in parking lots shall be subject to all requirements set forth in this Ordinance.

(e) Wall signs shall generally be located no higher than the window sill line of the second story.

(f) Signs displayed during business hours only, such as those which are removed every evening and displayed again the following morning, constitute an on-going advertisement format and shall be construed as being permanent signs rather than temporary signs, if such display continues for more than thirty calendar days. The date when such sign was first displayed shall be affixed to the sign so as to be readily seen.

(g) Signs for different businesses within the same building, or for a collection of buildings that form a retail or commercial center, shall be of similar style and design.

SECTION 5:00 MESSAGES AND LETTERING SIGNS

(a) Messages should be simple and brief as possible.

A sign should identify primary information such as name, function and/or address of business. Given a sign's primary purpose is identification, a sign's message should clearly and simply identify a business. A sign may include lettering and symbols to indicate the name and kind of business, service or facility conducted on the premises, the year the business was established, a slogan, hours of operation and time and temperature, provided that the sign meets all requirements. The information for upper story businesses or entities shall be only included within window graphics.

(b) Secondary advertising information such as business hours, open/closed, phone numbers, and Internet addresses are prohibited on primary signs such as lintel, wall projecting, and new window signs. They may however be located on entrance door glass, sidelights, or return glass and shall be as unobtrusive as possible, not dominating the glass where located and be limited to a maximum of 20% of each glass sheet.

(c) The use of pictorial symbols or logos is encouraged. However, trademarked logos that are registered for a specific commodity are not allowed on signs, unless it is the specific logo of the business operating at the locale in Lynn. Such signs may be posted on an interior wall that is at a right angle to the storefront but cannot be affixed, hung, or be placed in the windows in any manner.

(d) Lettering should be of engravers or times new roman font which is easy to read and not incompatible with the style of the building. No more than two different lettering styles should be used on the same sign.

(e) Letters shall be carefully formed and properly spaced, to be neat and uncluttered. No more than 60% of the total sign area shall be occupied by lettering.

(f) Lettering shall be flat or raised. Incised lettering will be allowed only in concrete or stone in new construction.

SECTION 6:00 COLOR

(a) Light colored letters on a dark colored background are generally required, preferably black backgrounds with gold lettering since

traditionally that was the predominate color scheme. Dark colored letters on a warm colored background are only allowed under certain circumstances, such as:

- (i) It has been determined that the architectural color scheme for the entire building should include a warm colored sign lintel and the lettering is the name of the building; and
- (ii) The ration of existing signs is 6:1 including those on the same building and/or adjacent buildings. One sign with a warm colored background to every six signs with a dark colored background.

(b) Colors should be chosen to complement, and not clash, with the facade of the building. Lettering, shape and color employed in a sign shall be compatible with the form, color and materials of the building that the sign identifies.

SECTION 7:00 MATERIALS AND ILLUMINATION

(a) The use of durable and traditional materials is strongly encouraged (metal and wood). All new signs shall be prepared in a professional manner. Paper signs for advertising or identification purposes shall be allowed for not more than 30 days, as temporary signage, and shall not be attached directly to the glass. The date on which a paper sign was first displayed shall be written on the sign.

- (i) Banners and flags advertising products, function, open/closed are not allowed. Banners announcing the rehabilitation of a building, and subsequent availability of units, shall be allowed for six months, post initial construction. The applicant may apply for an extension of the permit, upon Inspectorial Services review, for up to an additional six months. The design and placement of a banner shall meet all signage requirements within the standards. The size of the banner shall be no more than 100 sq. feet and be determined by the scale of the building.

(b) External illumination is preferred. Any illumination used shall be non-flashing, glareless and non-moving.

(c) Internal illumination is only allowed for contemporary buildings under certain circumstances, such as

- (i) individual black-lit letters which are silhouetted against a softly illuminated wall;**
- (ii) individual letters with a translucent faces, containing soft lighting elements inside each letter and**
- (iii) metal-faced box signs with dark opaque backgrounds, cut-out letters, and soft-glow fluorescent tubes.**

(d) Neon-type signs may be permitted in exceptional cases where they are custom-designed to be compatible with the building's historic and architectural character and only when other traditional options have been utilized. Information contained shall be consistent with Section 5:00.

- (i) Mass-produced neon-type and internally illuminated signs that include trademark, logo, promotional and other advertising secondary information are not permitted. Such signs may be posted on an interior wall that is at a right angle to the storefront and cannot be affixed, hung or be placed in a window in any manner.**

(e) Colored lighting, open flame or bare bulbs shall not be used. All lighted signs shall be lighted by continuous light and contain a factory-applied label supplied to the manufacturer and controlled by an approved testing agency.

SECTION 8:00 OTHER STYLISTIC POINTS

(a) The shape of a projecting sign shall not be incompatible with the period of the building to which it is affixed, and shall harmonize with the lettering and symbols chosen for it.

(b) Supporting brackets for projecting signs shall compliment the sign design, and shall not overwhelm or clash with it. They must be adequately engineered to support the general load, and should conform to a 2:3 vertical-horizontal proportion. Screw holes shall be drilled at points where the fastener will enter masonry joints, to avoid damaging bricks, etc.

(c) Signs that project from the building are to be designed in such a way that are compatible with the historic nature of downtown Lynn (e.g., wooden "antique-style" signs).

SECTION 9:00 PROHIBITED SIGNS

(a) Any sign of which all or any part is in motion by any means, including fluttering, rotating or other moving signs set in motion by movement of the atmosphere.

(b) Any signs displaying flashing or intermittent lights, or lights of changing degrees of intensity. An exception would be a sign indicating time and temperature, which changes alternating on not less than a five-second cycle, when such time or temperature sign does not constitute a public safety or traffic hazard, in the judgment of the Director of the Department of Inspectional Services. All signs indicating time and temperature shall be maintained in working order.

(c) Any lightening either by exposed tubing or string of lights either outlining a part or all of a building or affixed to any ornamental feature thereof. An exception would be those items temporarily affixed to a building or other portions of the premises, which promote a particular season of the year or universally celebrated holiday.

(d) Any sign that obscures a sign displayed by a public authority for the purpose of giving traffic instructions or directions or other public information.

(e) Any sign that uses the words "stop" or "danger" to imply the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by a public authority.

(f) A sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress, or egress for any building, as required by law.

(g) Any sign or illumination that causes any overt and direct glare into or upon any residential building other than the building to which the sign may be related.

(h) Any sign that violates any provision of any law of the Commonwealth of Massachusetts relative to outdoor advertising.

(i) Signs constructed, erected, or maintained upon or extending over a roof of any building.

(j) Any off-premises sign which indicates a use or product not specifically available on the property or building or portion thereof where the sign is located.

(k) Any sign which advertises or calls attention to any products, businesses or other activities, which are no longer sold or carried on at that particular premise.

(l) Any sign, which due to its placement obscures the visibility of motor vehicles thus creating a traffic hazard.

(m) Window signs, both permanent and temporary, may not cover more than thirty (30) percent of a window.

(n) Any sign for a business that is no longer carried on that particular location.

SECTION 10:00 NON-CONFORMANCE OF SIGNS

Signs or other advertising devices legally erected before the adoption of the ordinance may continue to be maintained, provided, however, that no such sign or other advertising devices shall be permitted if it is, after the adoption of this ordinance, enlarged, extended, redesigned, or replaced, except to conform to the requirements of this ordinance, and provided further that any such sign or other advertising device which has deteriorated to such an extent that the cost of restoration would exceed

fifty (50) percent or the replacement cost of the sign or other advertising device at the time of the restoration shall not be repaired or rebuilt or altered except to conform to the requirements of this ordinance. Upon the transfer, removal or closing of any business or industrial operation or establishment, the non-conforming sign existing on the premises of said operation or establishment shall be eliminated and new signs erected by a succeeding operation or establishment shall be conforming.

SECTION 11:00 APPLICABILITY

A sign may be erected, placed, established, painted, created or maintained » in the Central Business District of the City of Lynn only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance. The effect of this Ordinance as more specifically set forth herein, is:

- (a) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which the signs are located;**
- (b) To prohibit all signs not expressly permitted by this Ordinance; and**
- (c) To provide for the enforcement of the provisions of this Ordinance.**

SECTION 12:00 PERMIT APPLICATIONS

Each application for a permit required by this Ordinance submitted to the Department of Inspectional Services shall be accompanied by:

- (a) Drawings to scale indicating the dimensions of the sign, mounting fixtures, lettering, graphics and separate areas or ornamentation on the sign or fixtures;**
- (b) Representative colors of the sign and all fixtures;**
- (c) If applicable, a table indicating the difference between the proposed sign and any former sign and the current regulations;**

- (d) A list of contractors and/or suppliers for the sign;
- (e) A site plan for a freestanding sign;
- (f) If illuminated or electrical, include all listing and manufacturer information;

SECTION 13:00 PERMIT FEES: TERM: RENEWAL

- (a) There shall be assessed a fee of one hundred dollars (\$100.00) for each permit granted under this Ordinance.

SECTION 14:00 ENFORCEMENT AUTHORITY

The Department of Inspectional Services shall be the enforcing authority of this ordinance.

SECTION 15:00 VIOLATIONS

Any person violating the provisions of this ordinance shall be fined One Hundred (100.00) Dollars each day such violation continues shall constitute a separate offense.

SECTION 16:00

All ordinances or parts or ordinances inconsistent herewith are hereby repealed.

SECTION 17:00

This ordinance shall take effect thirty-one (31) days after its final approval as adopted and advertised.