

SIGN ORDINANCE
NOTICE

On October 18, 1973 the Selectmen of the Town of Arlington adopted the Arlington Sign Ordinance, which Ordinance is hereafter set forth in full. TAKE NOTICE that this Ordinance shall become effective sixty (60) days after the date of its adoption unless a Petition is filed in accordance with 24 V.S.A. 1973.

Selectmen, Town of Arlington
October 18, 1973

Robert Lindsey, Chairman

Harry Pickering, Sr.

Donald Keough

ARLINGTON SIGN ORDINANCE

Section I. TITLE

This ordinance shall be know and cited as the Arlington Sign Ordinance.

Section II. PURPOSE

The purpose of this ordinance is to control and to reduce the proliferation of signs in the Town of Arlington in order to protect the economic and scenic values of the Town and in order to prevent hazards to users of the roads in the Town.

Section III. INTERPRETATION AND ADMINISTRATION

This ordinance shall be interpreted, administered and enforced in conformity with the provisions of Title 24 V.S.A. Chapter 91, as the same now exists or may hereafter be amended.

Section IV. DISTRICTS

The Town of Arlington, bounded as said Town is bounded, shall constitute one district.

Section V. DEFINITIONS

Common Carrier: A person undertaking to transport for compensation persons, goods or messages.

Person: "Person" means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

Premises: A Piece of land or real estate including the buildings thereon.

Property Line: The line dividing two pieces of property, not including the line dividing a piece of property and a public road.

Public Road: For the purpose of this ordinance, a public road is a thoroughfare, road, driveway servicing more than two dwellings, highway or public way, whether or not maintained or owned by the State, Town or other municipal corporation. "Roads" shall mean the entire width of the right-of-way. Where no width is defined, right-of-way shall be considered to be twenty-five (25) feet from the centerline on each side.

Shall: The word "shall" is mandatory, no directory.

Sidewalk: Sidewalk means a walk or path for pedestrians at the side of and within the right-of-way of a public road, which road is owned or maintained by the State of Vermont or the Town of Arlington. Where the width of the sidewalk is not clearly established by paving or curbing, it shall be deemed to be two (2) feet on each side of the apparent centerline of the walk.

Sign. Sign means any structure, display, device or representation which is designed or used to advertise or call attention or directs a person to any

business, association, profession, commodity, product, institution, service, entertainment, person, place, thing, or activity of any kind whatsoever, and is intended to be visible from a public road. Whenever dimensions or areas of signs are specified, they shall include panels, frames and supporting structures excluding the building to which a sign may be attached. In computing the area of a sign no including the supporting structure, the area shall be the area of the smallest rectangle with a level base line which can contain the sign including panel and frame, if any.

Structure. An assembly of materials for occupancy or use including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm.

Section VI. REGULATIONS AND RESTRICTIONS

No signs shall be permitted in the Town of Arlington except as hereinafter provided:

A. All signs must be well constructed and maintained in good repair and stable condition.

B.

1. No premises shall contain more that two signs except as provided in Section VI C. However, any such sign may designate more than one business or activity on the premises.

2. No premises shall contain more than sixty four (64) square feet of signs. When more than one side of a sign is used, the areas of all sides shall be included in the total allowable area.

3. No sign shall contain more than thirty-two (32) square feet of area on one side. The horizontal or vertical measurement of the sign area, shall not exceed eight (8) feet.

4. No premises used primarily as a residence shall contain more than four (4) square feet not including the supporting structure. When more that one side of a sign is used, the area of all sides shall be included in the total allowable area.

C. The following additional signs shall be permitted:

1. One additional sign shall be permitted which indicates special sales, special rates, special entertainment or similar information provided that:

a) Such a sign is no larger that twelve (12) square feet in total area.

b) No premises shall have displayed more than the signs allowed in Section VI B for more than ten (10) consecutive days, nor for more than fifteen (15) days in any calendar month nor for more

than forty-five (45) days in any calendar year without a permit.

- c) Such permit may be granted by the Administrative Officer for a period not to exceed three (3) months.
2. One “real estate for sale” sign may be posted for each twelve hundred (1200) feet of frontage, or part thereof, on a public road provided that such signs do not exceed an area of six (6) square feet each. Both sides of such designs may be used and may list the name of an agent. This permission does not include so-called “sold-by” signs.

D. All signs shall be subject to the following restrictions:

1. No sign shall be permitted within twenty (20) feet of a property line or within the right of way of a public road.
2. No sign shall be permitted which appears to direct the movement of traffic or which interferes with, imitates or resembles any official traffic, directional or route sign, signal or device.
3. No sign shall be permitted which prevents a clear and unobstructed view of official signs and approaching or merging traffic.
4. No lighting of signs shall be permitted unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a public road unless such lighting is of such low intensity or brilliance as to cause no hazard.
5. No sign or display shall contain any moving parts, nor contain, include, or be illuminated internally or by a neon, flashing, moving or intermittent light.
6. No sign shall be erected, attached or maintained upon trees, or drawn or painted on rocks or other natural features, or upon utility poles.
7. No sign shall be allowed which is not on the premises of the activity served by the sign.
8. No advertising material may be attached or placed upon any property, including but not limited to cars, fences, walls and buildings, by anyone other than the owner or tenant of such property or his authorized agent.
9. No outdoor vending machines, kiosks or other accessory sales structures on which signs are applied or which are advertised by sign shall be allowed except by permit or the Administrative Officer.

10. No free standing sign may be more than twenty (20) feet high.
11. No sign which is attached to a building may extend above the eaves of that part and side of the building to which the sign is attached.
12. No sign shall contain any florescent paint.

Section VII EXEMPTIONS

The following shall be exempt from the requirements of this ordinance:

- A. Signs erected, maintained or administered by the Town of Arlington or the State of Vermont, whether maintained at private or public expense.
- B. Signs contained within a design control district established by ordinance or by-law by the Town of Arlington if such ordinance or by-law provides sign controls.
- C. Small signs without advertising displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas or the like with an area not exceeding town (2) square feet in area, provided such signs are on the premises of the activity served by the sign.
- D. Signs to be maintained for not more than two (2) weeks erected by fairs or expositions – or signs announcing and auction, or campaign, drive or event of a civic, political philanthropic service, or religious organization, not exceeding four (4) square feet in area.
- E. Signs in or on the rolling stock of common carrier while in use as such and signs painted on or attached to registered and inspected vehicles so as not to change the exterior dimensions of such vehicle provided that any such vehicle is in use as a vehicle. This exemption does not extend to rolling stock of vehicles when one of the principal uses has become that of advertising by having painted or posted thereon advertising matters.
- F. Signs identifying stops or fare zone limits of common carriers provided they do not exceed two hundred sixty (260) square inches in area.

Section VIII ADMINISTRATION AND ENFORCEMENT

A. Administrative Officer

The provisions of this ordinance shall be enforced and administered by an Administrative Officer appointed by the Arlington Board of Selectmen. The Administrative Officer shall administer the provisions of this ordinance literally, and shall not have the power to permit any sign which is not in conformity with such provisions.

B. Board of Adjustment

The Board of Selectmen shall appoint a Board of Adjustment as provided by law. This Board may be composed of the same persons,

serving the same terms, as the Board of Adjustments for the Arlington Zoning By-Law. The Board of Adjustment shall have the duties and powers prescribed by the law including but not limited to the following:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Administrative Officer in the enforcement of this ordinance.
2. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where owing to special considerations of literal enforcement of the provisions of this ordinance will result in unnecessary hardship, or where the Board determines that variance from the provisions of the ordinance will result in furthering the public interest.
3. Before decision on appeals, the Board shall take into consideration such factors as the effect on public highway safety, the convenience of the traveling public, custom of trade, the preservation of scenic beauty and the expressed attitudes of interested persons. Scenic beauty shall be deemed to include but not be limited to location of signs, colors of signs and other structures, shape of signs, colors of signs and other items related to the effect created.
4. In rendering a decision in favor of an appellant under this section, the Board of Adjustment may attach such conditions to such variance as it may consider necessary and appropriate under the circumstances to implement the purposes of the ordinance including but not limited to time limits on variances.
5. The Board of Adjustment shall have the right at any time, upon thirty (30) days notice, to terminate a variance previously granted where the Board determines that the conditions of the variance have been violated or that the provisions of this ordinance have been violated on the premises.
6. The Board of Adjustment shall have the right at any time five (5) years after the granting of a variance, upon at least sixty (60) days notice, to terminate a variance previously granted. The reasons for the termination of a variance shall be given in writing to the user of the sign by the clerk of the Board of Adjustment. A variance so terminated may be renewed on appeal.

Section IX APPLICABILITY

This ordinance shall apply to signs hereafter erected in the Town of Arlington and to all substantial alterations of heretofore existing signs, and shall only apply to heretofore existing signs to the extent allowed by the statutes of the State of Vermont as now written or hereinafter amended.

Section X AMENDMENTS

This ordinance and the boundaries of the districts established hereunder may from time to time be amended in the manner provided by law.

Section XI APPEALS

Appeals shall be taken in the manner provided in Title 24 Vermont Statutes Annotated Chapter 91.

Section XII VIOLATIONS

Violators of this ordinance shall be subject to the provisions and penalties set forth in Title 24, Vermont Statutes Annotated, Chapter 91 and particularly under subchapter 7 thereof, as the same now exists or may hereafter be amended.

Section XIII VALIDITY

The articles, sections, paragraph, subdivisions, clauses and provisions of this ordinance are declared to be separable. If any part of this ordinance is adjudged to be unconstitutional or other-wise invalid, such decision shall no affect the validity of the ordinance as a whole or any part thereof other than the part so adjudicated.

If any provision of this Ordinance is held invalid or void said provision is hereby declared to be separate and entirely severable from this Ordinance and all remaining provisions shall remain in full force and effect.

Any prior Ordinances of the Town of Arlington which are inconsistent with the provisions of this ordinance are hereby repealed, effective as of December 18, 1973.

Dated at Arlington, Vermont this 18th day of October, 1973.

Robert Lindsey Chairman
Harry Pickering, Sr. Clerk
Donald Keough
Selectmen , Town of Arlington