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## City of Rutland Sign Ordinance

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## Purpose and Intent

As stated in the City of Rutland's Master Plan, "The City of Rutland recognizes its historical role as the economic, cultural, and social leader of the region, and as the region's growth center." Furthermore, the Plan sets forth the creation of Design Control Districts (incorporated into the City's Zoning Ordinance) with the intention of protecting the historic integrity and aesthetic value of the highly visible historic and gateway areas in and outside of the downtown. Signs are a significant part of the visual landscape in these areas.

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this ordinance is to regulate all signs that can be viewed from the exterior of a building within Rutland City, unless specifically exempted in this ordinance. This ordinance is intended to do the following:

- a) Set standards and provide uniform controls that improve the visual appearance of the city while providing for effective means of communication consistent with constitutional guarantees as well as the City's goals related to the character of the city.
- b) Prohibit the erection of signs in such numbers, sizes, designs, illumination, and locations that may create a hazard to pedestrians and all modes of transportation.
- c) Avoid excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- d) Establish a process for the review and approval of sign permit applications.
- e) Ensure sign design, especially in the historic areas, builds on the traditional town image and desired visual environment.

## Authority

Per the City of Rutland Charter §3-1 (47) the City has the power to regulate signs within the municipality. This ordinance sets forth the specific regulations and procedures by which the power is enacted.

## Applicability

This ordinance and the regulations it contains shall apply to any sign erected, installed, altered, repaired, or maintained after the effective date of this ordinance. This ordinance contains a definitions section. These definitions are provided in order to clarify terms as they are intended to be used within this ordinance.

If something is not clearly defined by this ordinance, the Building Inspector shall use his/her best judgement, in consultation with commonly accepted industry publications, to further clarify the intention and applicability of these regulations.

**Permit Required**

Any person, firm, or corporation wishing to erect, alter, install, repair or maintain any sign within Rutland City may do so only after obtaining a Sign Permit or obtaining a written determination from the Building Inspector that no such permit is required.

**No Permit Required**

No permit is required for signs that are specifically exempt from the permit requirements as outlined in the section on Exempt Signs. In addition, the repair or repainting of a damaged or worn legally permitted sign in order to restore the original appearance shall not require a permit unless otherwise required within this ordinance.

**After the Fact Permits**

At the discretion of the Building Inspector, a Sign Permit may be issued after the fact if the sign is in conformance with all provisions of this ordinance. Permits issued in this manner shall carry a surcharge no-less-than double the normal permit fee or in a higher amount established by the Board of Aldermen.

**Conformance with State Regulations**

This ordinance is meant to augment the provisions of 10 V.S.A. Chapter 21. Those statewide regulations remain in force wherever they apply.

**Administration and Interpretation****Sign Permits**

The Building Inspector for the City of Rutland has the duty and authority to administer and enforce this ordinance. The Building Inspector may authorize other City Officials to enforce this ordinance on his/her behalf. Signs in conformance with these regulations, including applicable standards for the relevant district, may be permitted via the issuance of a sign permit.

Applications for all sign permits shall be made on a form available at City Hall - Building and Zoning Department, including all required exhibits as outlined in permit materials and payment of a permit fee in an amount set by the Board of Aldermen.

**Signs in the Rutland Downtown Business District**

Signs within the Rutland Downtown Business District (see Map 1) are subject to the Special Provisions outlined elsewhere in this ordinance. In most circumstances, sign permit applications will be referred to the Architectural Review Committee for review and comment before a permit decision is issued by the Building Inspector. The Building Inspector may act on an application for a minor modification to an already approved sign within the Rutland Downtown Business District without consultation with the Architectural Review Committee. A minor modification shall include only a change in business name or logo on the sign retaining the same size, materials and color.

**Additional Districts Established**

In addition to regulating signs throughout the city, this ordinance sets forth district boundaries for the purpose of defining standards for similar sign types that vary by area of the city. See Map 2 for District Boundaries and Table A for a summary of applicable standards within each district.

**Administrative Review**

Signs located outside of the Rutland Downtown Business District do not require review by the Architectural Review Committee. The Building Inspector shall approve or deny the sign permit in an expedited manner no more than 30 days from the receipt of the complete application, including applicable fee. If the permit is denied, a written notice will be sent via US Mail within 10 days of the decision. If an applicant feels a decision by the Building Inspector is not in keeping with this ordinance, that decision may be appealed within 30 days of the decision to the Development Review Board for further review.

**Required Notice**

After obtaining the necessary approvals from the Building Inspector, the person erecting, altering or relocating a sign shall notify the Building Inspector upon start of construction and on completion of the work for which permits are required, provide a picture of the completed sign to the Building Inspector, and a sworn statement that the sign conforms to the requirements of the permit that was issued. Failure to comply with this requirement shall constitute a violation of this ordinance and be subject to the penalties set forth in § \_\_\_\_.

**Inspection**

All signs regulated by this ordinance are subject to inspection by the City Building Inspector.

**Severability Clause**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this ordinance are declared to be severable.

**Grandfather Clause****Nonconforming Signs**

- 1) Signs legally in existence at the time of the adoption of this ordinance, which do not conform to the requirements of this ordinance, shall be considered legal but nonconforming signs.
- 2) All nonconforming signs and sign structures shall be brought into conformance with this sign ordinance when and if the following occurs:
  - a. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign, changes to the sign copy/message/logo.
  - b. If more than 20% of the sign area or structure is damaged, it shall be repaired to conform to this ordinance within 90 days of when the damage occurs. This may be

extended by the Building Inspector for an additional 90 days if the Inspector deems such extension of time to be reasonable and appropriate.

- c. A change in the mechanical facilities of the sign.
  - d. A change or substitution of construction material of the sign, sign face or any part of the supporting structure.
  - e. The property on which the nonconforming sign is located receives a subdivision or land development approval from the Development Review Board.
- 3) Upkeep of the sign and sign structure, which does not in any way increase the extent of the sign's non-conformity nor does it meet any of the criteria in #2 above, is allowable without changing the legal nonconforming status of the sign.
  - 4) Nonconforming signs shall be exempt from the provisions in this section under the following conditions:
    - a. The nonconforming sign possesses documented historic value, as determined by the City's Architectural Review Committee or the State's Division of Historic Preservation.
    - b. When a nonconforming sign is required to be moved because of public right-of-way improvements.
  - 5) All temporary signs, portable signs, banners and other non-permanent signs which are nonconforming must be removed within 90 days of the effective date of this ordinance, unless specific approval is granted as provided for herein. Failure to comply with this requirement shall constitute a violation of this ordinance and be subject to the penalties set forth in §           .

## Violations

### Abandoned Signs

The Building Inspector may deem a sign to be abandoned if the one or more of the following applies:

- 1) A sign which has not identified or advertised an active business, service, owner, product or activity at the property upon which the sign is located for a period of at least 180 calendar days shall be deemed abandoned.
- 2) A sign which has not served another useful purpose of communication at the property upon which the sign is located for a period of at least 180 calendar days shall be deemed abandoned.
- 3) A sign remaining after demolition of a principal structure for which there is no approved Building Permit for reconstruction shall be deemed to be abandoned immediately or upon expiration of said Building Permit.

**Unsafe Signs**

The Building Inspector may deem a sign to be unsafe if the one or more of the following applies:

- 1) The sign is in danger of falling.
- 2) The sign becomes so deteriorated that it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.
- 3) A sign is creating an obstruction of sight for pedestrians or vehicles of any type, including bicycles and other non-motorized vehicles.

**Unlawful Signs**

A sign is considered unlawful if one or more of the following applies to it:

- 1) The sign does not meet the criteria for nonconforming signs (contained elsewhere in this ordinance) and does not have an approved sign permit.
- 2) The legal nonconforming status of a sign was lost and action has not been taken to bring it into compliance with this ordinance.
- 3) The sign was erected without a required permit.
- 4) The sign was erected in a manner that does not match the approval contained within an approved sign permit.

**Enforcement****Penalties**

1. When a sign is in violation of this Ordinance, including any of the provisions above, written notice by the Building Inspector, or another authorized City Official, will be made to the owner, person or firm maintaining the sign which is in violation. This notice will provide the actions that shall be taken to remedy the violation and a time frame by which those actions must be taken.
2. Failure to take the required actions within the timeframe presented shall result in a civil penalty of an amount for the first offense not to exceed Fifty Dollars (\$50.00). A second offense of this ordinance will result in a minimum civil penalty of One Hundred Fifty Dollars (\$150.00) and a third offense will result in a minimum civil penalty of Five Hundred Dollars (\$500.00). Each and every day of noncompliance will be another day of violation and can result in an additional civil penalty.
3. Failure to take the required actions within forty-five (45) calendar days of the compliance date of the notice may result in the City of Rutland removing or causing to be removed the sign at the expense of the owner and/or lessee.
4. Where the owner of the property fails to take the actions required related to any of the above, City of Rutland may file a lien upon the property for the purpose of recovering all



reasonable costs associated with the violation and/or removal of the sign in accordance with the provisions of 24 V.S.A. §3115 and 24 V.S.A. §4303(27).

#### **Additional Process for Consideration**

Should an existing sign pose a concern related to the health and safety of the traveling public, the City of Rutland's Traffic Committee will have authority to review and decide upon a solution that may vary from the standards set forth by this ordinance.

### **Sign Districts**

The sign districts depicted in Map 2 have varying character and development types. At the time of the adoption of this ordinance, the districts are intentionally different than the Zoning districts. The size and other characteristics of allowable signs have been designated accordingly in Table 1. The districts can generally be understood as follows:

**DISTRICT A (RED) - City Downtown Core:** This area is the historic commercial core of the city. Predominantly multi-story structures with minimal to no setback from front property lines.

**DISTRICT B (GREEN) - Historic corridor along Route 7:** This area contains many large older and historic buildings. Many conversions to office and other commercial, non-retail uses.

**DISTRICT C (ORANGE) – Corridors and Hospital District:** Areas whose predominant development pattern is a mixture of small scale retail along with traffic-generating office and commercial buildings.

**DISTRICT D (BLUE) – Outlying Corridors and Industrial Parks:** Areas with large-scale retail and commercial development, including industrial areas.

**DISTRICT E (YELLOW) – Residential:** Areas that are principally residential, with limited retail and commercial development.

### **Permanent Sign Types – General – Permits Required**

The following types of signs are permitted in all sign districts subject to any specific requirement or prohibition provided herein for any particular sign district. Pole Signs

- Monument Signs
- Wall Signs
- Projecting Signs

See Table 1 and the sections below for details.

## **POLE SIGNS**

### **General**

One pole sign is allowed per lot in all districts except District A. On a lot with a monument sign, no pole sign is allowed.

### **Dimensions and Location**

Pole signs shall only have two sides, which are parallel to each other, and no more than six inches apart. The size shall be determined by the extreme limits of the writing, representation, emblems, or physical structure of the sign, whichever is largest. The calculated area of a pole sign does not include its posts and cornices.

The bottom of a pole sign shall not restrict the visibility of vehicles entering or leaving any intersection or driveway, town or state highway, or private road. Maximum allowable height is measured from grade level to the top of the sign or any part of its structure.

Pole signs and their associated support structures shall be set back at least three feet from the inner edge of sidewalks; where sidewalks do not exist, the setback shall be at least seven feet from the traveled way or edge of pavement of the street or highway.

## **MONUMENT SIGNS**

### **General**

One monument sign is allowed per lot in all districts except District A. On a lot with a Pole Sign, no monument sign is allowed.

### **Dimensions and Location**

Monument signs shall only have two sides, which are parallel to each other, and no more than six inches apart. The size shall be determined by the extreme limits of the writing, representation, emblems, or physical structure of the sign, whichever is largest.

The monument sign shall be placed so as to not restrict the visibility of vehicles entering or leaving any intersection or driveway, town or state highway, or private road. Maximum allowable height is measured from grade level to the top of the sign or any part of its structure.

## **WALL SIGNS**

### **General**

Table A sets forth the standards for wall signs in each sign district. In addition, one three square foot wall sign may be permitted at each rear building entrance on a lot, provided that:

- (1) this rear building entrance is a direct access from a rear parking lot associated with the building;
- (2) this rear building entrance is in addition to a front or side entrance; and

(3) the sign is mounted directly above, on, or beside the rear door to the establishment which it advertises.

### **Dimensions and Location**

The size shall be determined by the criteria in Table A as measured by the extreme limits of the writing, representation, emblems, or physical structure of the sign, whichever is largest. Where mounted on a wall, these signs shall protrude no more than six inches from the wall.

## **PROJECTING SIGNS**

### **General**

Projecting signs may be substituted for allowable wall signs on a one-for-one basis. These signs shall not extend further than three feet away from the building. For safety reasons, the lowest part of the sign or its support structures shall be at least eight feet above the sidewalk or grade directly beneath the sign. Signs of this type that overhang any City of Rutland right-of-way shall require liability insurances with the City of Rutland as an additional named insured or as prime insured protecting the City of Rutland's interest **in an amount as determined by the Building Inspector.**

### **Dimensions and Location**

As defined in Table A and elsewhere in this ordinance pertaining to Downtown.

## **Special Categories of Signs – All Districts – Permits Required**

In addition to the permanent signs described above, these additional special types of signs are allowable in every sign district.

### **Home-based Business Signs**

For home occupations which have an approved Zoning Permit, one sign is allowed per dwelling unit. These signs shall not exceed 4 square feet in any district. If freestanding, these signs shall be a maximum of 5 feet tall.

### **Drive Thru Restaurants**

In addition to the allotted pole, monument, wall, projecting and window signs, a drive-thru restaurant may install additional signage with a total sign area of 32 square feet along the approved drive through lane. The message face of these additional signs shall be fully screened from view from any public right-of-way. These signs may be externally illuminated if it is demonstrated that the illuminated features do not cause glare onto adjoining properties or rights-of-way.

### **Restaurant Displays**

In addition to the allotted pole, monument, wall, projecting, or window signs on premises, a restaurant may install a display with a maximum of 2 square feet at or near the main entrance to the restaurant. The display may be externally illuminated but shall not be internally illuminated. Any external illumination shall not cause glare onto adjoining properties or rights-of-way.

### **Flags**

One flag indicating a business is open shall be permitted. This flag shall measure no more than six square feet, be displayed only on the building in which the business is located or attached to an approved sign, be displayed only during hours of business operation. Additional provisions of 25 R.O.R. §4453(a) apply.

### **“OPEN” Signs**

A business may display two rigid “OPEN” signs without a permit. Each such rigid “OPEN” sign shall measure no more than two square feet in area, be displayed on the building in which the business is located, in a window, or attached to an approved sign, be displayed only during hours of business operation. If exposed to the weather, be made of weather-resistant material. These signs may be internally illuminated, with neon or LED letters, but lights must be static versus flashing, moving or otherwise changing appearance.

### **Signs – Business Park Entrance**

Business Parks that contain uses which rely upon visibility to the passing public are allowed one pole or monument sign at the entrance of the shared drive with a maximum size of 32 square feet in any district. This sign size may be increased up to 64 square feet for parks which have more than 12 tenant spaces within the complex.

### **Signs – Gas Stations**

In recognition of the fact that gas stations provide a critical service to the traveling public, the following special standards apply to these businesses:

- One pole or monument sign is allowed with a maximum height of 10 feet and a maximum area of 32 square feet.
- Wall signs are allowed with a maximum area (combined for building and canopy signs) of 1 square foot per linear foot of building frontage.
- Signs are not allowed on or above the roof.
- Exterior illumination of signs only
- No electronic message boards allowed except for gas prices which may be digitally displayed

### **Signs – Off-Premises**

No off-premises signs are allowed.

### **Signs -- Residential Development Entrance Signs**

Residential subdivisions or housing projects are permitted one monument sign per access point to the subdivision, not exceeding twelve square feet each.

#### **Signs -- Shared Right of Way (ROW)**

One pole or monument sign shared by all land uses which share a single access road or right-of-way off of a major public road is permitted.

This sign shall be subject to all other provisions of the ordinance and shall be no larger than the largest sign otherwise allowed in that particular location in town. To maximize the effectiveness of this sign, consideration should be given to a single place name rather than simply a list of land uses.

This provision is limited to those lots which do not have frontage on a public road; *i.e.*, a business park or those uses on rear lots where the otherwise allowed sign would not be visible to the traveling public. This provision shall not be interpreted to interfere with the rights of the underlying landowners (over whose land the right-of-way traverses) to have their own separate sign under this ordinance.

#### **Signs -- Shopping Plazas**

Shopping Plazas have a unique visual impact. Shopping Plazas, can have one pole or monument sign for the entire complex (limited by the sizes in Table A). In addition, one wall or projecting sign is allowed over the door of each tenant business.

#### **Signs -- Window**

Window signs may be displayed, and may cover up to 25% of the total window area per business establishment on the side of the building where such signs are located. Window signs, including permanent stenciling or lettering, are allowed as a part of an establishment's total window coverage. Window signs composed of stenciling or lettering shall be measured by drawing an imaginary polygon around the outside edge of all letters or emblems as if they were a single sign, and measuring the area of that polygon. Window signs shall not be internally illuminated or require power. Incidental window signs displaying pertinent business information, such as the business' hours of operation and credit cards accepted, shall be excluded from the area calculations for window signs provided the total area of these types of signs does not exceed 5% of the total window area.

#### **Temporary Signs**

One freestanding, two-sided, portable sign made of weather-resistant material, measuring up to six square feet in size with a maximum of four feet in height, may be displayed during normal business hours on the premises of the business on the day of the special or sale. Such signs are subject to the insurance requirements denoted elsewhere in this Ordinance if the sign is placed within the City's right-of-way.

#### **Temporary Signs -- in lieu of Permanent Signs**

One temporary sign may be permitted by the Building Inspector, and may be displayed until a permit for a permanent sign is issued, under the following circumstances:

- (1) a permit has been issued for the land use or business establishment requesting the sign;
- (2) a certificate of occupancy has been issued for that land use or business;
- (3) a complete sign application has been submitted for a permanent sign for that land use or business; and
- (4) the Building Inspector finds that the temporary sign conforms to this ordinance and any adopted design guidelines.

A temporary sign in lieu of a permanent sign shall not take the place of a permanent sign for more than 120 days past the issuance of a permit for a permanent sign.

### **Lighting**

Lighting is restricted to the standards assigned to districts as shown in Table A. No sign may be internally illuminated (i.e. lit from within or behind the face of the sign), except in District A or displays of gasoline prices at gas stations in any district.

External illumination (i.e. lit by a source apart from and aimed at the face of the sign) is allowed per the standards outlined in Table A. Lighting on any sign shall be directed and shielded so that the light shines only on the subject sign, and to prevent glare offsite, into the sky, or onto adjoining properties or roads and highways. All bulbs shall be shielded or hooded. All ground-mounted fixtures shall be screened by bushes or other appropriate means. All fixtures mounted on the sign itself shall blend in with its background color or its surroundings, as deemed appropriate for the site.

The Building Inspector may require the adjustment or relocation of any sign lighting in order to prevent glare and to ensure vehicular and pedestrian safety.

### **Exempt Signs – No Permit Required**

The following signs are generally exempt and do not require permits. If a provision in Prohibited Signs is applicable, that section will rule and the sign will not be allowable. This provision shall not be construed to authorize the posting of signs upon trees, utility poles, traffic control signs, lights or devices, or in any place or manner prohibited by any other Federal, State or local regulation.

1. Signs on registered and inspected motor vehicles or other rolling stock except those which are determined by the Building Inspector to be circumventing the intent of this ordinance.
2. Signs with an area not more than 260 square inches, identifying stops or fare zone limits of common carriers by public transportation.

3. Posters as defined in this ordinance. Maximum 2 square feet posted on private property only. Any person erecting a poster is responsible for its removal immediately upon the conclusion of the advertised event, or after four days, whichever is sooner.
4. Signs intended to provide information or promotion of an item that will appear on an election ballot are allowed provided they are erected no more than three weeks before an election and are removed the day after the election. Such signs shall be no more than 6 square feet. Any person erecting a sign of this nature is responsible for its removal.
5. Signs erected by the City of Rutland or its school district.
6. Signs erected by the US Government, State of Vermont or any of its boards, agencies or departments.
7. Signs directing people to emergency services (e.g. Emergency Room entrance of the hospital).
8. Small on-premises signs, no more than two square feet in size, which are necessary for and displayed for the direction, instruction, or convenience of the public, including signs which identify rest rooms, freight entrances, designated accessible parking spaces, posted areas, or the like. These signs shall not be illuminated. Where freestanding, these signs shall not be more than three feet high, and shall not obstruct pedestrian or vehicular safety or circulation. Where building-mounted, these signs shall be placed in appropriate locations related to safety issues and architectural design.
9. Signs up to 16 square feet in size, on lands which have been conserved by easement or other permanent, protective measures.
10. Signs on Private Residences. A residential sign identifying the address and name or owner of a parcel not to exceed one and one-half square feet.
11. Temporary signs intended to facilitate the sale or lease of a property are allowed during the time period that a property is actively marketed for sale as may be evidenced by the property's listing in a multiple listing service. The physical structure of such sign shall not exceed 6 square feet, not including support posts, the sign is constructed of rigid material, the sign is removed immediately upon sale or lease of the advertised real estate.

### Prohibited Signs

1. Electronic Message Board Signs, except for civic organizations, gasoline prices and non-commercial messages.
2. Inflatable signs.
3. Roof signs.

4. No signs, other than those that serve a public purpose and are duly authorized by the City or State, may be placed within the Public right-of-way.
5. Internally illuminated (i.e. lit from within or behind the face of the sign), except in District A or otherwise specifically noted.

In addition, no sign of any type may be installed or maintained along and visible from a street or highway which:

1. Interferes with, imitates, or resembles any official traffic control sign, signal or device, or attempts or appears to attempt to direct the movement of traffic.
2. Prevents the driver of a motorized or non-motorized vehicle from having clear and unobstructed view of official traffic control signs and approaching or merging traffic.
3. Contains, includes or is illuminated by any flashing, intermittent or moving lights. Strings of white lights are specifically excluded from this restriction.
4. Has any lighting that is not shielded to prevent light from being directed off-site, or at any portion of the traveled highway or street, or is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motorized or non-motorized vehicle, or otherwise to interfere with the operation thereof.
5. Is fraudulent or misleading, or is in violation of, or at variance with any federal law, state statute or local regulation, including one containing or providing for conditions to or affecting the allocation of federal highway or other funds to the benefit of the state or any subdivision thereof.
6. Advertises or promotes activities which are illegal under state or federal law.
7. Is not clean and in good repair as determined by the Building Inspector.
8. Is not securely affixed to a substantial structure.
9. Is an off-premises sign, except as allowed for permitted temporary event signs or posters as defined in this ordinance.
10. Is affixed to a utility pole, tree, rock or other natural feature.
11. Any other sign that is not otherwise permitted or allowed under this ordinance.
12. Encroaches on a public right-of-way, path of pedestrian or vehicular travel, parking space, building entry or exit, or causes an unsafe condition.

### **Rutland Downtown Business District – Special Provisions**

The requirements for signage for businesses within the Rutland Downtown Business District are different than those within the remainder of the City of Rutland. In addition to any appropriate provisions of this ordinance that would be applied to signs elsewhere in the city, the following shall apply to signs within the Rutland Downtown Business District:



(a) Signs shall comply with the architectural guidelines set forth in the City of Rutland Zoning Ordinance.

(b) The Building Inspector shall have the authority to review proposed designs of signs to determine if they comply with the architectural guidelines.

(c) Temporary signs will be allowed within the Rutland Downtown Business District subject to the following terms and conditions:

1. temporary signs may be placed in front of a commercial establishment as long as said sign does not unreasonably obstruct pedestrian traffic or the views of vehicular traffic.
2. if said sign is placed upon the City right-of-way, said sign must comply with the requirements for insurance noted elsewhere in this Ordinance.
3. One freestanding, two-sided, portable sign made of weather-resistant material, measuring up to six square feet in size with a maximum of four feet in height, for the purpose of advertising a restaurant menu special or retail sale, may be displayed during normal business hours on the premises of the business on the day of the special or sale.
4. temporary signs may only be displayed during hours when the sign owner is open for regular business. At all times when the business is closed, the sign must be removed from its location within the public right-of-way.
5. before any temporary sign is allowed, the business must have on file with the Building Inspector a completed registration form and the business must pay a fee established by the Board of Aldermen.

(d) Decorative banners may only be placed on street light poles or utility poles in conjunction with adopted streetscape plans of the Downtown Business District.

(e) Signs that overhang any City of Rutland right-of-way shall require liability insurances with the City of Rutland as an additional named insured or as prime insured protecting the City of Rutland's interest in an amount as determined by the Building Inspector.

(f) The Rutland Redevelopment Authority or its designee shall coordinate the location, raising and scheduling of temporary banners extending over the public right-of-way in the Rutland Downtown Business District. All requests for the placement of such banners shall be reviewed and processed the Rutland Redevelopment Authority or its designee. The placement of banners shall be subject to the following criteria:

- (1) They shall be no larger than four feet high and a length appropriate to fit the width of the street.
- (2) They shall be made either of mesh material or have sufficient wind cuts;
- (3) They shall be attached to anchor devices adequate to properly support them;
- (4) They shall be subject to insurance requirements noted elsewhere in this Ordinance;

- (5) They will only be allowed at existing anchoring points on Center Street, Merchants Row and Washington Street;
- (6) They shall remain in place for no longer than two weeks;
- (7) They shall only be erected after applicant has remitted a fee as set by the Board of Aldermen;
- (8) They may not be placed to advertise a for-profit business;
- (9) They may not contain pornographic or obscene material;
- (10) They may not be placed for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election.

If a request for placement of a temporary banner is denied by the Rutland Redevelopment Authority or its designee, the applicant may appeal such decision to the Rutland City Building Inspector. Such appeal shall be brought within ten days of the denial being issued.

## Definitions

**Awning:** A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use. The lowest edge of all awnings shall be at least 8 feet above the finished grade.

**Awning Sign:** Any sign painted on, or applied to, an awning.

**Building Frontage:** The maximum linear width of a building measured in a single straight parallel, or essentially parallel, with the abutting public street or parking lot. A corner building would have two building frontages.

**Business Park:** A development (under coordinated management or single ownership) that contains two or more buildings which house businesses, offices, and other commercial/industrial uses. Most buildings are not visible from any main arterial but rather are located off of a shared right-of-way (public or private) designed to primarily serve that development.

**Gas Station Canopy:** A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

**Gas Station Canopy Sign:** Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

**Home Occupation:** See City of Rutland Development Bylaws for definition and further details.

**Illumination, External:** Lit by a source apart from and aimed at the face of a sign

**Illumination, Internal:** Lit from within or behind the face of a sign.

**Inflatable Sign:** A gas or air-filled object, of any shape or size made of flexible fabric that is tethered to a fixed location, and which contains an advertisement message on its surface or attached to the object in any manner or which is meant to call attention to the property.

**Lot:** A contiguous parcel of land in identical ownership throughout, bounded by other lots or streets, and used as the site of one or more buildings or other definite purpose.

**Off-Premises Sign:** A sign which directs attention to an establishment, service, product, or activity *not conducted* on the same lot. These signs are prohibited.

**Rutland Downtown Business District:** The area designated by the City for special consideration and treatment due to its important role in the historic character and identity of the city (see Map 2).

**Shopping Plaza:** (also called a **strip mall**, **shopping center**, or **mini-mall**) is an open-air commercial development (typically under common management) where the business fronts are arranged in a row, visible from the public right of way, and have separate entrances to each business (usually off of a common parking lot).

**Sign Districts:** The areas defined by the sign districts shown on the map incorporated as part of this ordinance

**Sign:** Any structure or material that is used to advertise, announce, identify, direct attention to, or communicate a message, and which is visible from any adjacent property, public right-of-way, or public parking lot. The word "sign" includes, but is not limited to, any letter, writing, graphic, pictorial representation, logo, trademark, symbol, or any other figure. The word "sign" includes, but is not limited to, a banner, building sign, canopy sign, awning sign, pole sign, monument sign, and window sign. A mural, sculpture, or seasonal decoration that does not promote or advertise a commercial event, service for hire, or product for sale is not a "sign" for purposes of this ordinance.

**Sign, Area:** The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure. Where attached directly to a building wall or surface, sign area is the space within the outline enclosing all the characters of the words, numbers or design.

**Sign, Awning:** Sign on a roof-type structure made of canvas or plastic or similar material over a door or window that may contain the logo, name of business or type of business.

**Sign, Contractor/Special Projects:** A sign displayed during the construction phase of a project. These signs are allowed and exempt from regulation.

**Sign, Electronic Message Board:** Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments or projected images.

**Sign, Face:** The entire display surface area of a sign upon, against or through which copy is placed.

**Sign, Height:** The vertical distance of the average elevation of the ground immediately adjoining the sign to the level of the highest point of the sign.

**Sign, Freestanding:** A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of **freestanding signs**:

**Monument Sign:** A sign permanently affixed to the ground at its base, supported entirely by the structure, and not mounted on a pole (or poles) or attached to any part of a building. The support structure shall be less than 12" or be a solid-appearing base with a height of not more than 24" constructed of a permanent material, such as concrete block or brick.

**Pole Sign:** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

**Sign, Projecting:** A building-mounted, double-sided sign with the two faces general perpendicular to the building wall, not to include signs located on a canopy, awning or marquee.

**Sign, Roof:** A sign located on or above the roof of a building.

**Sign, Temporary:** A sign which is not permanently affixed and intended to be displayed for a limited time period, as defined by other parts of this ordinance.

**Sign, Wall:** A sign affixed directly to, painted on, or otherwise inscribed on an exterior wall or other part of the façade (not including the roof) and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

**Sign, Window:** Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

#### **NEEDS TO BE INCORPORATED OR REFERRED TO**

### **25 R.O.R. §4453. Awnings, shades, and signs; permits therefore**

(a) **No person shall establish or maintain any awning or shade, or suspend or display any sign or article of merchandise in, upon or over any part of any sidewalk, the traveled portion of any street or highway, or the area between the sidewalk and the traveled portion of any highway, without written permit from the board of aldermen, which permit shall be revoked at any time, and any person having such permit so establishing or maintaining the same, shall, in all respects, conform to any directions in relation to the location, extent, material, construction and maintenance thereof; which shall be given by the board of aldermen,**

**provided however, that no permit shall be granted to erect or maintain any awning, shade or sign over any street or sidewalk at a height of less than 7 feet from the sidewalk to the lowest part of the awning, shade or sign; and provided further that no permit shall be granted to erect or maintain any sign more than 5 feet from a building regardless of location of street line; except that marquees may be erected and banners may be erected which extend over and across the public street with the approval of and at the discretion of the board of aldermen, upon written application therefor accompanied by plans and specifications approved by the building inspector. Notwithstanding the above, signs and banners are prohibited on all Federal Aid highways except traffic control signs, banners and devices. Notwithstanding the above, no flag may be suspended or displayed upon or over any part of any sidewalk at a height of less than five feet from the sidewalk to the lowest part of such flag. (Amended September 10, 2009)**

Not withstanding the above, the placement of temporary banners extending over the public right of way in the Rutland Downtown Redevelopment area shall be governed by R.O.R. §1409. (Amended 7/05/2011)