

M. OTHER AUTHORITY RETAINED

This ordinance shall not be deemed to affect other authority of the Planning Board over subdivisions and site plans, including, but not limited to:

1. The authority of the Planning Board to declare a development to be premature or scattered in accordance with the regulations of the Board and in accordance with RSA 674:36, II(a); or
2. The authority of the Planning Board to require the payment of exactions for off-site improvements for highway, drainage, sewer and water upgrades necessitated by the development, in accordance with the provisions of RSA 674:21, V (j); or
3. Other authority of the Town of New Durham to assess additional fees under the authority of other statutes, ordinances of the Town of New Durham or the New Durham Planning Board Site Plan Review and Subdivision Regulations.

ARTICLE XIV. SIGNS

A. PURPOSES

The purposes of these sign regulations are:

1. To encourage the effective use of signs as a means of communication for the business Community and
2. To maintain the rural character of the town and
3. To enable fair and consistent enforcement of this ordinance.

B. PERMITTED SIGNS

No sign shall be allowed within the town of New Durham except in accordance with the provisions of this article.

C. PERMIT AND FEE REQUIRED

An application for a sign permit shall include sign location, size, method of illumination, if any and types of materials to be used in construction.

Replacement of existing signs, where the size or location is being altered, shall require a permit and such replacement shall conform to the regulations of this zoning ordinance

Permits shall be issued by the Building Inspector. Upon completion of sign(s) photo documentation of building and sign(s) shall be furnished by the applicant. All applications for sign permits shall be accompanied by the payment of the fee for the sign permits at the rate of (\$1.00) one dollar per square foot with a five-dollar minimum.

D. CONSTRUCTION & MAINTENANCE

All surfaces and supporting structures of signs, whether erected prior to effective date of this ordinance or not, shall be maintained in a safe and sightly condition, to the satisfaction of the Selectmen or their authorized agent. A sign or its support will be ordered repaired or removed for any of the following reasons:

1. Sign presents a safety hazard.
2. Sign is not readable.
3. Damage from any cause, including missing components.
4. Severe fading or weathering.
5. Sign does not comply with the permit.
6. Sign is obsolete.

Failure to correct a violation within thirty (30) days after notice thereof shall constitute a violation of this ordinance, subject to prescribed remedies whereupon the designated Town Official may remove, or cause to have removed, said sign at the owner's expense.

E. SIGN AREA MEASUREMENT

1. No more than 3 outdoor signs shall be permitted per lot, only one of which shall be detached from the building. One sign shall not exceed 16 square feet, and the others shall not exceed 12 square feet each.
2. The measurement of the area of a sign shall be the surface area and shall include all lettering or elements of a sign, accompanying designs and symbols, together with the background, whether open or closed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself and which are not designed to attract attention. Where the sign consists of letter or symbols affixed to a surface or building, without any distinguishing border, panel, or background, the area shall be considered to be the smallest rectangle or shape that encompasses all of the letters and symbols. The area of one (1) side of a double-faced sign shall be regarded as the total area of the sign.

3. Free standing signs shall be not more than 12 feet high, at the highest point, from the level of the road surface to which their content is directed.
4. The top edge of any wall sign shall not be higher than the roof ridge or the highest point of the roof if no ridge pole, nor higher than the plate of a flat roof.
5. No sign shall be closer than five (5) feet to a lot line or public right of way. No sign shall project above any roof line nor extend over or into a public right of way or in any way interfere with the safety of the motoring public.

F. ILLUMINATION

Signs may be illuminated at the discretion of the owner using external white incandescent or fluorescent lighting. Illuminated fixtures shall be arranged to direct the light away from streets, so as not to interfere with the motoring public, and away from adjoining structures. Flashing, blinking, or rotating illumination is expressly forbidden. Signs may be illuminated only during working hours for the respective business.

G. OFF-PREMISE ADVERTISING

Off premise signs shall not be allowed. Signs not relating in subject matter to the premises on which they are located, or not related to products, accommodations, services, or activities on the premises shall not be permitted.

H. SIGN MOVEMENT

No sign shall move or create an illusion of movement through shimmering and rippling. No sign shall contain any parts which move except those parts unrelated to advertising and which solely indicate date, time, or temperature. No strings, banners, pennants, flags or streamers shall be permitted.

I. SIGNS ALLOWED/NO PERMIT/NO FEE

1. REAL ESTATE - FOR SALE OR LEASE: Two (2) temporary non-illuminated signs for the purpose of advertising the sale or lease of the premises thereon shall be allowed without a sign permit. Each such sign shall not exceed six (6) square feet each. In addition to the two (2) temporary advertising signs allowed herein, one off-site sign is allowed to serve as a directional sign to the property advertised. Said signs shall be removed within thirty (30) days of the sale of subject property.
2. CONSTRUCTION SIGNS: One (1) sign, not exceeding sixteen (16) square feet in area shall be allowed on the building site under construction

- identifying the owner, architect, contractor, and/or developer, and shall be removed within thirty (30) days after completion of work.
3. SPECIAL OCCASION AND SEASONAL SIGNS: Special occasion signs such as signs announcing a Grand Opening, Anniversary Sale, etc., shall be allowed for no longer than 20 days per calendar year provided they comply with this Ordinance.
 4. SIGNS ADVERTISING: Yard/Garage Sales for the sale of goods belonging to or coming from the house where such a sale is held shall be allowed. Each sale may not last more than one week and each household may not have more than two (2) yard sales per year. One sign no larger than 6 square feet may be posted within the property boundaries, directional signs no larger than 2 square feet each may be posted at nearby intersections for the duration of the sale.
 5. POLITICAL SIGNS: The provisions of this section are in addition to the political sign controls established under Chapter 664:17 of the New Hampshire Revised Statutes.
 - a. Political signs are permitted no sooner than forty five (45) days before a primary or regular election, and must be removed during the period of time allowed in RSA 664:17.
 - b. Political signs shall not be affixed in any manner to natural objects nor to public structures, nor to utility poles and fixtures, nor to existing signs and their supporting structures, or painted, pasted, or affixed in any manner that prohibits quick and complete removal.
 - c. Political signs shall be no larger than sixteen (16) square feet.
 - d. The person whose name appears on each political sign as required by RSA 664:17, shall be responsible for the placement and removal of political signs in conformance with the requirements of this ordinance. Any candidate failing to comply with the above requirements will be subject to a fine not to exceed (\$20) twenty dollars per violation.
 6. OTHER SIGNS ALLOWED (NO FEE):
 - a. Directional signs - Such signs shall be permitted, not to exceed two (2) square feet in area, to indicate entrance and exit driveways.
 - b. Parking lot signs - Signs located in parking lots to identify aisles or reserved area and spaces, not to exceed (2) square feet in area.
 - c. Signs which identify special uses of property such as Tree Farms and Conservation areas may have a sign up to ten (10) square feet in area.
 - d. Government Signs - A sign required by federal, county or state or local law for safety purposes or which serve a public purpose shall be allowed.

- e. Organizational Flag - The official identifier of organizations such as the American Legion, service clubs, scout troops, and churches may be publicly displayed at the place of meeting for these organizations.
- f. Nothing shall prevent a property owner or leaseholder from displaying a nameplate sign on his property, of not more than 6 square feet total area with his name or other means of identifying his property.

J. AGRICULTURAL SIGNS

Any agricultural product such as fresh fruit and vegetables produced and sold at the same location shall be allowed one sign not to exceed sixteen (16) square feet in size during the harvesting season. One off-site directional sign may be allowed in season, not to exceed 2 square feet.

K. VEHICLE SIGNS

Parked vehicles or other device which by appearance and use meets the definition of a sign which is allowed to remain on-site during and after business hours shall conform to the provisions of this ordinance. No vehicle which is used primarily as an advertising display may be parked on any street or parking lot or any place within the Town.

L. PROHIBITED SIGNS

1. Temporary portable signs are prohibited. These signs are customarily located on a trailer or similar wheeled apparatus, whether self propelled or pulled by another vehicle, intended for promotional purposes or to convey an advertising message of any kind, which is not permanently affixed to the ground or is temporarily fixed are prohibited. A-frame sandwich board and other signs not permanently affixed, directly or indirectly, upon a building, structure or land shall also be considered as "temporary portable signs."
2. Off premise advertising signs shall not be allowed. Signs not relating in subject matter to the premises on which they are located, or not related to products, accommodations, services, or activities on the premises shall not be allowed.
3. All signs not expressly permitted or allowed are considered prohibited under this ordinance.

M. OBSOLETE SIGNS

Any sign which is located on property that becomes vacant and unoccupied for a period of more than 6 months or any sign which pertains to a discontinued use

shall be deemed to have been abandoned, and the sign shall be considered obsolete. Such obsolete signs are prohibited and shall be removed by the owner of the sign or owner of the premises. In the event that the said sign(s) and support(s) are not removed as requested by the Building Inspector, the Town of New Durham may assess all costs and expenses incurred in said removal against the structure's owners and/or the owner of the land upon which said structure(s) are located.

N. NONCONFORMING SIGNS

A sign installed prior to the effective date of this section which meets the applicable requirements of the zoning ordinance then in effect but which is not in conformance with the provisions of this code shall be deemed a permitted nonconforming sign. Such nonconforming signs shall, however, be subject to the following regulation:

No nonconforming sign shall be altered in any way in structure or material which makes the sign less in compliance with the requirements of this section than it was before the alteration.

ARTICLE XV. NON-CONFORMING BUILDINGS, LAND OR USES

A. CONTINUATION OF EXISTING PROPERTIES

All non-conforming properties in active use when this ordinance is passed and adopted may continue in their present use.

B. RESTORATION OF DESTROYED PROPERTIES

Any and all non-conforming property which is partially or totally destroyed by reason of obsolescence, fire or other acts of God may be restored, remodeled and operated if done within two (2) years; providing, however, that proximity to a lot line or right-of-way may be no nearer than the lesser of the original building and the following setbacks in F. NON-CONFORMING BUILDINGS, LAND OR USES