



City of Malden

Sign Control Ordinance

Revised Ordinances of 1991, As Amended, Chapter 3 Section 35
Current as of October 25, 2017

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3.35 SIGN CONTROL

3.35.1 INTENT AND PURPOSE

The City of Malden recognizes signs are an important means of visual communication in our society and businesses and individuals have the right to convey messages using signs, including, but not limited to, identifying and promoting businesses, services, residences, events, and other matters of interest to the public. It is the intent of this Section 3.35 to regulate all signs within the City of Malden to ensure that they are appropriate for their respective uses, keep with the appearance of the affected property and surrounding environment, and are protective of the public health, safety, and general welfare by:

- 3.35.1.1 Setting standards and establishing controls to provide a reasonable use of signs by businesses, individuals, and other parties and protecting the public from the visual discord, clutter, unsightliness, and confusion that results from unrestricted size, placement, and design of signs;
- 3.35.1.2 Ensuring that signs are properly designed, constructed, maintained, and erected in such numbers, sizes, designs, illumination, and locations as to not create a hazard to the public health, safety, and general welfare;
- 3.35.1.3 Ensuring that signs are compatible with adjacent land uses, enhance the aesthetics of the community, and promote economic viability.

3.35.2 APPLICABILITY

- 3.35.2.1 The provisions of this Section 3.35 shall apply to any sign erected, altered, or maintained after the effective date of this Ordinance.
- 3.35.2.2 In the case of any inconsistency among the controls of this Section 3.35 or among the controls of this Section 3.35 and different sections of this Code, the strictest provision shall control, unless otherwise stated.
- 3.35.2.3 Nothing contained in this Section 3.35 shall be construed as the content-based regulation of sign messages prohibited by the federal or state constitution, statutes, or court decisions. If any portion of this section is determined to include any form of impermissible content-based regulation, that provision shall be severed from the remainder of this Section 3.35 and shall be revised to reflect the least possible change that avoids impermissible content-based regulation, and the remainder of this Section 3.35 shall remain in effect. It is the specific intent of the City of Malden that any unintentional impermissible content-based regulations not result in the invalidation of this Section 3.35.
- 3.35.2.4 To the extent that this Section 3.35 allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message, provided the sign is not prohibited and the sign continues to comply with all requirements of this Section 3.35.

3.35.3 DEFINITIONS

As used in this Ordinance, the following words shall have the following meanings. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this Ordinance, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

Banner	A sign that is made of fabric, cloth, bunting, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing and is anchored along two or more edges or at two or more corners.
Sign	Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, letters, characters or any combination thereof designed and placed so as to be visible from the exterior of a premises and to convey a message to the public.
Sign, Abandoned	A sign that: .1 Advertises or identifies a business, service, owner, activity, or product no longer occupying or available at the premises; or .2 In the opinion of the Building Inspector, has so deteriorated that the cost of repair would exceed 30% of the cost of replacement.
Sign, Accessory	A sign that advertises or identifies a business, profession, product, service, event or activity, point-of-view, or other commercial or non-commercial activity sold, offered, or conducted on the premises where the sign is located.
Sign, Awning	A sign on a non-structural covering, fixed or retractable, of any material, which projects from a building wall and extends over or otherwise covers any portion of a sidewalk, walkway, dining area, or driveway.
Sign, Freestanding	A fixed sign not attached to a building or structure and supported by one or more columns, poles, or braces placed in, on, or upon the ground.
Sign, Limited Duration	A sign that is displayed on private property for more than 30 days but not intended to be permanent or to be displayed for an indefinite period.
Sign, Illuminated	A sign on which electric light is projected, whether from the interior or exterior, including signs incorporating neon or exposed gas tubes.
Sign, Non-Accessory	A sign that advertises or identifies a business, profession, product, service, event or activity, point-of-view, or other commercial or non-commercial activity that is not sold, produced, manufactured, offered, or conducted on the premises where the sign is located.
Sign, Permanent	A sign attached or affixed to a building, window, structure, or to the ground in a manner that enables the sign to resist environmental loads, precludes ready removal or movement of the sign, and has an intended use that appears to be indefinite.
Sign, Personal Expression	A sign that expresses an opinion, interest, position, or other non-commercial message.

Sign, Portable	A sign not permanently affixed to a building, structure, or the ground that is designed to be transported or moved.
Sign, Projecting	A building-mounted, double-sided sign, with two faces, generally perpendicular to the building wall, not to include awnings.
Sign, Roof	A sign projecting above the lower roof line of a building, affixed to any portion of the roof, or mounted to the uppermost horizontal architectural band of a building.
Sign, Temporary	A sign that is located on private property, that is not permanent and can be displayed for no more than 30 consecutive days at a time and no more than twice per year.
Sign, Wall	A sign affixed or applied to or displayed or painted on, an exterior wall of a building and designed to be read at an angle parallel to the wall surface.
Sign, Window	A sign placed in, or applied, painted, or affixed to a window or door within three (3) feet of the glass surface, facing the outside of the building, and so as to be visible on the exterior through the glass surface of a window or door. Customary displays of merchandise or objects and material behind a window are not considered signs.
Sign Face	The part of a sign used to communicate information, including all background material, panels, or trim used to differentiate the sign for the surface on which it is placed.
Street Frontage	The side or sides of a lot abutting a public street or public right-of-way.

3.35.4 APPROVAL REQUIRED FOR CERTAIN SIGNS; SIGN DESIGN REVIEW COMMITTEE - COMPOSITION AND DUTIES

- 3.35.4.1 Except for signs not requiring a permit as provided in Section 3.35.5, no sign shall be refaced, constructed, altered, or changed without a permit issued by the Building Inspector, provided that no permit for the construction, alteration or modification of a sign shall be issued without the review and approval of the Sign Design Review Committee. Any conditions or restrictions contained in the Sign Design Approval shall become conditions for the issuance of the building permit.
- 3.35.4.2 The Sign Design Review Committee shall be composed of five members as follows: the Executive Director of the Malden Redevelopment Authority or his or her designee; the City Engineer or his or her designee; the Director of Permits, Inspections and Planning Services or his or her designee; the President of the City Council or his or her designee, and one Councillor At Large designated by the Council President.
- 3.35.4.3 The Sign Design Review Committee shall adopt rules and regulations to effectuate the intent of this ordinance, including but not limited to application requirements, detailed design guidelines, and administrative fees.
- 3.35.4.4 Applications for design review shall be filed with the Department of Permits, Inspections, and Planning Services. The Sign Design Review Committee shall, within 45 days of the submission of a completed application, issue an approval or notice of denial to the applicant; provided that,

should the Sign Design Review Committee fail to take action within the allotted time, approval shall be deemed granted in accordance with the application.

- 3.35.4.5 In approving or disapproving any particular sign, the Sign Design Review Committee shall take into consideration the following:
- 3.35.4.5.1 The zoning district, existing uses in the area, and the general character of the area;
 - 3.35.4.5.2 The economic and business interests of the party having erected or proposing to erect the sign;
 - 3.35.4.5.3 The aesthetic appearance of the sign and its overall effect on the surrounding area;
 - 3.35.4.5.4 The aesthetic appearance of this sign and its overall effect on a building or property, including ensuring the lettering, shape, and color employed in a sign is compatible with the form, color, and materials of the associated building or property, and of a harmonious style and design; and
 - 3.35.4.5.5 The sign is consistent with this Code and any regulations adopted by the Sign Design Review Committee as established through Section 3.35.4.3
- 3.35.4.6 The Sign Design Review Committee shall not approve the erection of any sign expressly prohibited by this Code, other City ordinance, or the Building Code of the Commonwealth of Massachusetts.
- 3.35.4.7 The Sign Design Review Committee may issue approvals with such conditions, restrictions, or limitations on any particular sign, as are deemed in the best interest of the public health, safety, and welfare. Such conditions or restrictions may include, but are not limited to, color, size, methods of illumination, materials, and appearance so as to achieve uniformity. The Sign Design Review Committee shall not impose any conditions or restrictions that would be construed as the content-based regulation of sign messages prohibited by the federal or state constitution, statutes, or court decisions.

3.35.5 SIGNS NOT REQUIRING A PERMIT

Notwithstanding the provisions of Section 3.35.4, no permit shall be required for the following signs and such signs shall not be included in the determination of the type, number, or area of permanent signs allowed, and shall not require review by the Sign Design Review Committee, provided such signs comply with all applicable standards and regulations:

- 3.35.5.1 Official traffic signs including route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or the regulation of traffic.
- 3.35.5.2 Government or regulatory signs or any sign erected or required by government agencies or utilities including legal notices, identification or direction signs for public facilities or monuments, signs for the control of traffic, street signs, warning signs, and signs of public service companies indicating danger or construction erected by or at the order of a public officer, employee, or agent thereof, in the discharge of official duties.

- 3.35.5.3 No more than one sign per street frontage, not exceeding three (3) sq. ft. in area, containing only the street name and/or the street number of the premises, provided they do not include any commercial messaging or other identification;
- 3.35.5.4 Signs inside a building or other enclosed facility that are not to be viewed from outside and are located greater than three (3) ft. from a window;
- 3.35.5.5 No more than two (2) flags, not exceeding 24 sq. ft. in area, provided:
 - 3.35.5.5.1 Any flags containing commercial messages shall be considered a projecting banner sign, and shall require a permit; and
 - 3.35.5.5.2 Flags up to three (3) sq. ft. in area containing non-commercial messages are considered personal expression signs;
 - 3.35.5.5.3 Notwithstanding the requirements of this provision, the flag of the United States of America shall be allowed and shall not require a permit.
- 3.35.5.6 No more than two (2) accessory window signs; provided that all window signs meet the requirements of Section 3.35.8.3, the sign area of each window sign does not exceed three (3) sq. ft., and no window sign shall be illuminated. All other window signs shall require a permit.
- 3.35.5.7 Signs indicating the means of entrance or egress for a building or property or provide direction to pedestrian or vehicular traffic into, out of, or within a site, provided that no sign shall not be more than three (3) sq. ft. in area, no sign shall exceed five (5) ft. in height, and no sign shall be illuminated.
- 3.35.5.8 Signs or displays including lighting that are a non-permanent installation celebrating national, state, or local holidays, religious or cultural holidays, or other holiday season.
- 3.35.5.9 Personal expression signs of any sign type, provided no sign is commercial in nature, no sign shall be illuminated, no sign shall exceed three (3) sq. ft. in area per side, and no sign shall have more than two sides, except one personal expression sign may be a maximum of six (6) sq. ft. in area per side, provided such sign is displayed no more than 60 days per year.
- 3.35.5.10 Temporary signs, provided the sign meets the requirements of this Section 3.35.
- 3.35.5.11 Signs displayed in a window or door displaying information such as business hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information, provided:
 - 3.35.5.11.1 The signs shall be informational only and shall not contain commercial messages.
 - 3.35.5.11.2 The total area of such signs shall not exceed three (3) sq. ft.
- 3.35.5.12 A billboard regulated by the state Outdoor Advertising Board; and
- 3.35.5.13 Art and murals, provided the art or mural does not contain commercial messaging.

3.35.6 PROHIBITED SIGNS

The following signs are unlawful and prohibited. No approval shall be issued:

- 3.35.6.1 Signs designed to incorporate movement, action, light or color changes, through mechanical, electrical, or other means, including signs designed for propulsion by wind, including but not limited to pennants, spinners, and streamers;
- 3.35.6.2 Signs designed to display a message which is electronically changed, whether by flashing, blinking, scrolling, digital, or stationary display of letters or image, except for the static display of gasoline or other fuel prices on a freestanding sign or those signs affixed to a state, federal or municipal property;
- 3.35.6.3 Signs erected so as to obstruct any means of egress from a building;
- 3.35.6.4 Roof signs, excluding billboards regulated by the state Outdoor Advertising Board, or as provided in Section 3.35.10;
- 3.35.6.5 Banners affixed to the exterior of a building, except for those banners considered personal expression signs, temporary signs, limited duration signs, or as provided in Section 3.35.10;
- 3.35.6.6 Signs that emit smoke, visible vapors, particulate matter, sound, or contain open flames.
- 3.35.6.7 Reflective signs or signs containing mirrors;
- 3.35.6.8 Signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals, including those signs that, in the opinion of the Traffic Supervisor, would constitute a hazard to motorists or pedestrians; .
- 3.35.6.9 Balloons, blimps, or other three-dimensional figure anchored to a building, structure, or the ground, with the exception of balloons used in temporary non-commercial situations;
- 3.35.6.10 Portable signs, except as permitted under Section 3.35.8.5 and Section 3.35.9;
- 3.35.6.11 Signs erected without the permission of the property owner, with the exception of those authorized or required by the local, state, or federal government;
- 3.35.6.12 Signs containing information that states or implies a property may be used for any purpose not permitted under the provisions of this Code;
- 3.35.6.13 Signs that exhibit statements, word, or pictures of obscene or pornographic subjects as determined by the City of Malden; and
- 3.35.6.14 Signs that promote illegal activity.

3.35.7 REGULATION OF SIGNS - IN GENERAL

3.35.7.1 Rules of Measurement

3.35.7.1.1 Sign Area

The area of a sign shall be all lettering, wording, and accompanying designs, logos, or symbols. The area of the sign shall not include any supporting framework, bracing, or trim that is incidental to the display, provided it does not contain any lettering, wording, or symbols. For signs consisting of individual letters, designs, or symbols attached to a building, awning, wall or window, the area of the sign shall

be that of the smallest rectangle that encompasses all the letters, designs, and symbols.

3.35.7.1.2 Sign Height

The height of a sign shall be measured as the distance from the highest portion of the sign to the mean finished grade of the public street closest to the sign, provided if the sign is located greater than 100 ft. from a public street, height shall be measured to the mean grade at the base of the sign.

3.35.7.1.3 Sign Spacing

The spacing between sign structures shall be measured as a straight-line distance between the closest edges of the signs.

3.35.7.2 General Standards

3.35.7.2.1 Sign Location

3.35.7.2.1.1 No sign shall be placed in such a position as to endanger pedestrians, bicycles, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.

3.35.7.2.1.2 Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communication lines or equipment.

3.35.7.2.2 Sign Materials and Construction

3.35.7.2.2.1 Signs shall be constructed of durable materials, using non-corrosive fastenings.

3.35.7.2.2.2 Signs shall be erected and installed in accordance with the Building Code of the Commonwealth of Massachusetts and shall be in safe condition and good repair at all times.

3.35.7.2.3 Sign Illumination

3.35.7.2.3.1 Where permitted, signs may be illuminated either internally through the use of translucent materials with lights behind or externally through the mounting of a shielded light source directed at the sign of the building.

3.35.7.2.3.2 Sign lighting shall be stationary and of static intensity and color.

3.35.7.2.3.3 Light sources to illuminate signs shall not cause glare that is hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties, provided:

3.35.7.2.3.3.1 Sign lighting shall be stationary and of static intensity and color.

- 3.35.7.2.3.3.2 No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.
- 3.35.7.2.3.3.3 Signs shall be in compliance with the Massachusetts State Electrical Code.
- 3.35.7.2.3.3.4 At the request of the City of Malden, the owner of, or applicant for, any illuminated sign shall provide a certification showing compliance with the brightness standards of this Code by an independent contractor.

3.35.8 REGULATION OF SIGNS - BY SIGN TYPE

3.35.8.1 Awning Signs

- 3.35.8.1.1 Awnings shall be made of flame proof and durable materials.
- 3.35.8.1.2 Awnings shall be located only on the ground level of a building and shall provide a minimum eight (8) ft. clearance from the ground. The maximum height shall be equal to the roof line or the bottom of the second story window, whichever is lower.
- 3.35.8.1.3 Awning frames shall be attached flat against the building surface.
- 3.35.8.1.4 Fixed awnings shall project no more than five (5) ft. from the building.
- 3.35.8.1.5 Retractable awnings shall be positioned flat against the building when not in use.
- 3.35.8.1.6 The sign area of any awning sign shall not exceed 25% of the surface area of the awning and the sides and underside of the awning shall not be included in the computation of the sign area.
- 3.35.8.1.7 No awning shall be wider than the building wall or space it identifies.
- 3.35.8.1.8 Letters or numerals shall be located only on the front and side vertical faces of the awning, provided no more than one logo or emblem is permitted on the top or angled portion of any awning, up to a maximum of three (3) sq. ft. in area.
- 3.35.8.1.9 All awning signs on a building shall be similar in terms of height, projection, and style across all tenants in the building.
- 3.35.8.1.10 An awning without words, graphics, colors, illumination, symbols, numbers, letters, characters or any combination thereof shall not be regulated as a sign.

3.35.8.2 Wall Signs

- 3.35.8.2.1 No portion of a non-illuminated wall sign shall project more than eight (8) inches from the wall to which it is affixed.
- 3.35.8.2.2 No portion of an illuminated wall sign shall project more than 10 inches from the wall to which it is affixed.

- 3.35.8.2.3 Except as provided, wall signs shall not exceed, in the aggregate, more than 25% of the surface area of the wall or walls to which they are affixed, excluding window and door areas.
- 3.35.8.2.4 No portion of a wall sign shall be mounted less than eight (8) ft. above the finished grade, except if the sign projects less than three (3) inches from the building wall on which it is affixed. Unless stated otherwise, the maximum sign height shall be equal to the roof line or the bottom of the second story window, whichever is lower.

3.35.8.3 Window Signs

No window sign or window signs shall exceed 20% of the aggregate glass area or 50% of any individual pane.

3.35.8.4 Freestanding Signs

- 3.35.8.4.1 No freestanding sign shall have a clearance from the ground between greater than four (4) ft. and less than eight (8) ft.
- 3.35.8.4.2 Freestanding signs shall be supported and pertinently placed by connecting the sign in such a manner so as to incorporate it in to the landscape or architectural design scheme.
- 3.35.8.4.3 No freestanding sign shall occupy an area designated for parking, loading, walkways, driveways, fire lanes, easement, cartway of the right-of-way, public way, or other areas required to remain unobstructed.

3.35.8.5 Portable Signs

- 3.35.8.5.1 Portable signs shall be self-supporting and moveable consisting of two faces either:
 - 3.35.8.5.1.1 Connected and hinged at the top, typically referred to as an A-frame sign; or
 - 3.35.8.5.1.2 Supported by two legs perpendicular to the sign face at the base of the sign, typically referred to as a T-frame sign.
- 3.35.8.5.2 No portable sign shall exceed six (6) sq. ft. in area per sign face and shall not exceed three and one-half (3.5) ft. in height.
- 3.35.8.5.3 Portable signs shall be removed within one hour of the conclusion of the event, activity, or operation, to which they relate.
- 3.35.8.5.4 No portable sign shall occupy an area designated for parking, loading, walkways, driveways, fire lanes, easement, cartway of the right-of-way, or other areas required to remain unobstructed.
- 3.35.8.5.5 A permit for a portable sign shall be issued for a minimum of 30 days and a maximum of one (1) year, subject to the determination, review, and approval of the Sign Design Committee.
- 3.35.8.5.6 A permit for a portable sign may be renewed subject to the review and approval of the Sign Design Review Committee.

- 3.35.8.5.7 All portable signs must be made of durable materials and shall be well-maintained, provided that portable signs that are frayed, torn, broken, or no longer legible may be deemed unmaintained by the building inspector and required to be removed.
- 3.35.8.5.8 Illumination of any portable sign shall be prohibited.

3.35.8.6 Projecting Signs

- 3.35.8.6.1 No portion of a projecting sign shall project more than four (4) ft. from the face of the building.
- 3.35.8.6.2 The outermost portion of a projecting sign shall project no closer than five (5) ft. from a curbline or shoulder of a public street.
- 3.35.8.6.3 The lowest edge of a projecting sign shall be at least eight (8) ft. above the finished grade.
- 3.35.8.6.4 Unless otherwise stated, the maximum sign height shall be equal to the roof line or the bottom of the second story window, whichever is lower.

3.35.8.7 Limited Duration Signs

- 3.35.8.7.1 Limited duration signs shall not be included in the determination of the type, number, or area, of signs allowed on a property.
- 3.35.8.7.2 Except as specifically provided limited duration signs shall meet the following size and location requirements:
 - 3.35.8.7.2.1 For non-residential uses or building identification, limited duration signs shall be limited to one sign per street frontage per tenant.
 - 3.35.8.7.2.2 The maximum sign area of a limited duration sign shall be 20 sq. ft.
 - 3.35.8.7.2.3 The maximum sign height of a limited duration sign shall be 10 ft.
- 3.35.8.7.3 A permit for a limited duration sign shall be issued for a minimum of 90 days and a maximum of one (1) year, subject to the determination, review, and approval of the Sign Design Review Committee.
- 3.35.8.7.4 A permit for a limited duration sign may be renewed subject to the determination, review, and approval of the Sign Design Review Committee.
- 3.35.8.7.5 All limited duration signs must be installed such that, in the opinion of the building inspector, they do not create a safety hazard.
- 3.35.8.7.6 All limited duration signs must be made of durable materials and shall be well-maintained, provided that limited duration signs that are frayed, torn, broken, or no longer legible may be deemed unmaintained by the building inspector and required to be removed.
- 3.35.8.7.7 Except as specifically provided, illumination of any limited duration sign shall be prohibited.

3.35.8.8 Temporary Signs

- 3.35.8.8.1 No permit shall be required for temporary signs and such signs shall not be included in the determination of the type, number, or area of permanent signs allowed, and shall not require review by the Sign Design Review Committee, provided such signs comply with all applicable standards and regulations.
- 3.35.8.8.2 Temporary signs may be displayed up to a maximum of 30 consecutive days, two (2) times per year.
- 3.35.8.8.3 Temporary signs shall only include the following signs. Any other sign shall meet the permitting requirements of this Code:
 - 3.35.8.8.3.1 One banner per street frontage, provided the banner identifies a new business or advertises a special sale, event, or activity and the sign area of each banner shall not exceed 32 sq. ft.
 - 3.35.8.8.3.2 One sign per lot intending to provide information about current construction on a site and the parties involved in construction, provided the sign area shall not exceed 32 sq. ft. and the sign shall be erected only after the issuance of a building permit.
 - 3.35.8.8.3.3 One sign per street frontage that advertises a property for lease or sale, provided the sign area of each sign shall not exceed 12 sq. ft.
- 3.35.8.8.4 The City of Malden or the property owner may confiscate signs installed in violation of this chapter. Neither the City of Malden nor the property owner is responsible for notifying sign owners of the confiscation of an illegal sign.
- 3.35.8.8.5 All temporary signs must be installed such that, in the opinion of the Building Inspector, they do not create a safety hazard.
- 3.35.8.8.6 All temporary signs must be made of durable materials and shall be well-maintained, provided that temporary signs that are frayed, torn, broken, or no longer legible may be deemed unmaintained by the building inspector and required to be removed.
- 3.35.8.8.7 Illumination of any temporary sign shall be prohibited.

3.35.9 REGULATION OF SIGNS - BY DISTRICT

3.35.9.1 Residence A, Residence B, and Residence C Zoning Districts

The following signs may be permitted in Residence A, Residence B, and Residence C zoning districts, subject to any applicable review and approval by the Sign Design Review Committee and any other conditions of this Code.

- 3.35.9.1.1 Limited duration signs as regulated in Section 3.35.8.7
- 3.35.9.1.2 Temporary signs as regulated in Section 3.35.8.8
- 3.35.9.1.3 Home Occupations

For home occupations, as defined in Chapter 12 Section 700.1 of the Revised Ordinances of 1991 as amended, the following provisions shall apply:

3.35.9.1.3.1 One (1) non-illuminated freestanding sign may be permitted, provided the sign shall not exceed six (6) sq. ft. in area per sign face and shall not exceed six (6) ft. in height.

3.35.9.1.3.2 One (1) non-illuminated wall or projecting sign may be permitted, provided the sign shall not exceed two (2) sq. ft. in area per sign face.

3.35.9.1.4 Developments with at least Ten Dwelling Units

For residential developments containing at least ten dwelling units, as defined in Chapter 12 Section 800.6.2.29 of the Revised Ordinances of 1991, one freestanding sign per street frontage identifying the development may be permitted, provided:

3.35.9.1.4.1 The maximum area of the sign shall be 15 sq. ft. per sign face;

3.35.9.1.4.2 The maximum height of the sign shall be eight (8) ft., and;

3.35.9.1.4.3 Any illumination shall be subject to the regulations of Section 3.35.7.2.3.

3.35.9.2 Residential Office, Neighborhood Business, and Central Business Districts

The following signs may be permitted in Residential Office, Neighborhood Business, and Central Business zoning districts, subject to any applicable review and approval by the Sign Design Review Committee and any other conditions of this Code.

3.35.9.2.1 Any sign permitted in Residence A, Residence B, and Residence C Zoning Districts as regulated in Section 3.35.9.1

3.35.9.2.2 Wall, Awning, and Projecting Signs

The total area of all wall, awning, and projecting signs shall be limited to two (2) sq. ft. per one (1) linear foot of building frontage that faces a street frontage, subject to any limitations based on sign type as regulated in Section 3.35.8.

3.35.9.2.2.1 For non-residential uses or building identification, one wall sign per tenant per street frontage may be permitted, up to a maximum of two (2) signs per tenant, provided no single sign shall exceed 32 sq. ft. in area per sign face.

3.35.9.2.2.2 For non-residential uses or building identification, awning signs may be permitted.

3.35.9.2.2.3 For non-residential uses or building identification, one (1) projecting sign per ground floor establishment and one (1) projecting sign per building entrance serving one or more commercial tenants without a ground floor entrance may be permitted, provided each sign shall not exceed twelve (12) sq. ft. in area per sign face.

3.35.9.2.2.4 Illumination may be permitted subject to the regulations of Section 3.35.7.2.3.

3.35.9.2.3 Window signs as regulated in Section 3.35.8.3

3.35.9.2.4 Portable signs as regulated in Section 3.35.8.5

3.35.9.3 Highway Business and Industrial Districts

The following signs may be permitted in Highway Business and Industrial Zoning Districts, subject to any applicable review and approval by the Sign Design Review Committee and any other conditions of this Code.

3.35.9.3.1 Any sign permitted in Residence A, Residence B, and Residence C Zoning Districts as regulated in Section 3.35.9.1

3.35.9.3.2 Wall, Awning, and Projecting Signs

The total area of all wall, awning, and projecting signs shall be limited to two (2) sq. ft. per one (1) linear foot of building frontage that faces a street frontage or parking lot, subject to any limitations based on sign type as regulated in Section 3.35.8.

3.35.9.3.2.1 For non-residential uses or building identification, one wall sign per tenant per street frontage and parking lot frontage may be permitted, up to a maximum of two (2) signs per tenant, provided no single sign shall exceed 40 sq. ft. in area per sign face.

3.35.9.3.2.2 For non-residential uses or building identification, awning signs may be permitted.

3.35.9.3.2.3 For non-residential uses or building identification, one (1) projecting sign per ground floor establishment and one (1) projecting sign per building entrance serving one or more commercial tenants without a ground floor entrance may be permitted, provided each sign shall not exceed 20 sq. ft. in area per sign face.

3.35.9.3.2.4 Illumination may be permitted subject to the regulations of Section 3.35.7.2.3.

3.35.9.3.3 Window signs as regulated in Section 3.35.8.3

3.35.9.3.4 Freestanding signs as regulated in Section 3.35.8.4, and provided:

3.35.9.3.4.1 For non-residential uses or building identification, one freestanding sign may be permitted, except an additional freestanding sign may be permitted for establishments with a drive through if the additional sign is located along the drive-through lane and is intended to serve users of the drive-through lane;

3.35.9.3.4.2 The maximum area of a freestanding sign shall be 50 sq. ft. per sign face, except where the sign contains information for more than one tenant an additional 10 sq. ft. per tenant may be permitted up to a maximum sign area of 100 sq. ft.;

3.35.9.3.4.3 The maximum height of a free standing sign shall be 20 ft; and

3.35.9.3.4.4 Illumination may be permitted subject to the regulations of Section 3.35.7.2.

3.35.9.3.5 Portable signs as regulated in Section 3.35.8.5

3.35.9.4 Reclamation and Redevelopment Districts

Signs in a Reclamation and Redevelopment zoning district shall be subject to the requirements of any applicable land reclamation agreement, master plan, or site plan review as provided in Chapter 12 Section 700.14 of the Revised Ordinances of 1991. In the absence of such requirements, signs may be permitted in accordance with the provisions of Section 3.35.9.3.

3.35.10 REGULATION OF SIGNS – SPECIAL PROVISIONS FOR MAJOR DEVELOPMENTS

3.35.10.1 General Standards

3.35.10.1.1 Notwithstanding the provisions of Section 3.35.9, certain additional signs may be permitted for developments that meet the following criteria:

3.35.10.1.1.1 The development shall be located in the Central Business zoning district;

3.35.10.1.1.2 The development shall include buildings of at least 45 ft. in height;

3.35.10.1.1.3 The development shall have at least 75 linear feet of street frontage; and

3.35.10.1.1.4 The development shall contain:

(A) At least 30 dwelling units as defined in Chapter 12 Section 800.6.2.29 of the Revised Ordinances of 1991, or

(B) More than 30,000 sq. ft. in gross floor area.

3.35.10.1.2 Should a development meet the criteria above, signs as provided in this section 3.35.10 may be permitted in addition to signs permitted in the zoning district in accordance with Section 3.35.9, provided signs shall be subject to any applicable determination, review, and approval by the Sign Design Review Committee and any other conditions of this Code.

3.35.10.2 Additional Signs

3.35.10.2.1 A maximum of four (4) additional projecting signs or wall signs per street frontage to identify a building or establishment may be permitted provided:

3.35.10.2.1.1 The applicable wall sign regulations 3.35.8.2 or projecting sign regulations of Section 3.35.8.6 shall apply, except as provided in this section 3.35.10.2.1;

3.35.10.2.1.2 Signs shall be spaced a minimum of 10 ft. apart;

- 3.35.10.2.1.3 The maximum area of a sign shall be 90 sq. ft.
 - 3.35.10.2.1.4 No sign shall project above the roof line;
 - 3.35.10.2.1.5 Illumination may be permitted subject to the regulations of Section 3.35.7.2.3; and
 - 3.35.10.2.1.6 Limited duration banners may be permitted under this section, provided they meet the above requirements and the regulations of limited duration signs under Section 3.35.8.7.
- 3.35.10.2.2 A maximum of one (1) large format limited duration banner sign per street frontage, to identify a building or establishment, may be permitted provided:
- 3.35.10.2.2.1 The maximum area of a sign shall be 1000 sq. ft.;
 - 3.35.10.2.2.2 The maximum width of a sign shall be 50 ft.;
 - 3.35.10.2.2.3 No sign shall project above the roof line;
 - 3.35.10.2.2.4 Each sign shall be located above the first story;
 - 3.35.10.2.2.5 Each sign shall be mounted flush to the exterior wall of a building and cover a maximum of 25% of the exterior wall to which it is attached;
 - 3.35.10.2.2.6 Lettering, logos, and commercial copy shall be limited to 33% of the outward facing banner surface;
 - 3.35.10.2.2.7 Illumination may be permitted subject to the regulations of Section 3.35.7.2.3; and
 - 3.35.10.2.2.8 Each sign shall be subject to the regulations of limited duration signs under Section 3.35.8.7.
- 3.35.10.2.3 A maximum of one (1) roof sign to identify a building or establishment may be permitted, provided:
- 3.35.10.2.3.1 The maximum area of a sign shall be 250 sq. ft.;;
 - 3.35.10.2.3.2 The maximum width of a sign shall be 100 ft.;
 - 3.35.10.2.3.3 The maximum height of sign above the roof line shall be 10 ft.;
 - 3.35.10.2.3.4 No sign shall be located on any portion of a building that is less than 45 ft. in height;
 - 3.35.10.2.3.5 A roof sign positioned anywhere below the roof line shall not extend either below the start of the highest story of a building above the roof line;
 - 3.35.10.2.3.6 The sign shall not cover windows or architectural ornamentation; and

- 3.35.10.2.3.7 Illumination may be permitted subject to the regulations of Section 3.35.7.2.3.

3.35.11 ENFORCEMENT

3.35.11.1 Violations

Violation of the provisions of this Ordinance, rules and regulations adopted by the Sign Design Review Committee, or any restriction or limitation placed on a permit granted hereunder may be punished by the Director of the Department of Permits, Inspections, and Planning Services or his or her designee with a fine not to exceed \$300.00 per offense, imposed in the manner provided in Massachusetts General Laws, Chapter 40, Section 21D. Every 24 hours during which a violation exists shall be a separate offense for which a separate fine may be imposed.

3.35.11.2 Unsafe or Unlawful Signs

3.35.11.2.1 Upon written notice by the City of Malden, the owner, person, or firm maintaining a sign shall remove the sign when it becomes, unsafe, is in danger of falling, becomes so deteriorated that it no longer serves a useful purpose for communication, or is determined by the City of Malden to be a nuisance or unlawfully erected in violation of any of the provisions of this Code.

3.35.11.2.2 The City of Malden may remove or cause to be removed an unsafe or unlawful sign, at the expense of the owner and/or lessee in the event of the owner, person, or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of notice. In the event of immediate danger, the City of Malden may remove the sign upon issuance of the notice.

3.35.11.3 Abandoned Signs

3.35.11.3.1 It shall be the responsibility of the owner of any property on which an abandoned sign is located to remove such sign within 180 days of becoming abandoned as defined in Section 3.35.3. Removal of an abandoned sign shall include the removal of the entire sign, including the sign face, supporting structure, and structural trim, and the restoration of the sign frieze to its original condition.

3.35.11.3.2 Where the owner of the property on which an abandoned sign is located fails to remove such sign in 180 days, the City of Malden may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the City of Malden may file a lien upon the property for the purposes of recovering all reasonable costs associated with the removal of the sign.

3.35.12 VARIANCES

The Board of Appeal, by variance, may allow deviation from the requirements of this Section 3.35, in accordance with Chapter 12 Section 800.4 of the Revised Ordinances of 1991 as amended.

3.35.13 NONCONFORMING SIGNS

3.35.13.1 Signs legally in existence at the time of the adoption of this ordinance that do not conform to the requirements of this Section 3.35 shall be considered non-conforming signs.

- 3.35.13.2 Except as provided in Section 3.35.13.3, nonconforming signs may be repainted or repaired up to 50% of the replacement cost of the sign. Sign faces may be replaced provided that the actions do not increase the dimensions of the existing sign, do not constitute a significant modification to the aesthetic appearance of the sign, and do not in any way increase the non-conformity of the sign.
- 3.35.13.3 All permanent signs and sign structures shall be brought into conformance with the requirements of this Section 3.35 when and if the following occurs:
- 3.35.13.3.1 The sign is removed, relocated, or significantly altered. Significant alterations shall include changes in the size or dimensions of the sign. Changes to sign copy or the replacement of a sign face on the nonconforming sign shall be considered significant alterations if, in the opinion of the Building Inspector, such alterations substantially modify the appearance of the sign.
 - 3.35.13.3.2 If more than 50% of the sign area is damaged.
 - 3.35.13.3.3 An alteration to the structure of a sign support.
 - 3.35.13.3.4 A change in the mechanical facilities or type of illumination.
 - 3.35.13.3.5 A change in the material of the sign face.
 - 3.35.13.3.6 The property on which the non-conforming sign is located submits a subdivision or zoning application requiring municipal review or approval.
 - 3.35.13.3.7 The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use or occupancy permit or a change of use or occupancy permit.
- 3.35.13.4 Nonconforming signs shall be exempt from the provisions of this Section 3.35.13 under the following conditions.
- 3.35.13.4.1 In the opinion of the Sign Design Review Committee, the non-conforming sign possesses documented historic value.
 - 3.35.13.4.2 The sign is of a unique nature or type by virtue of its architectural value or design, as determined by the National Park Service, Massachusetts Historical Commission, or the City of Malden Historical Commission.
 - 3.35.13.4.3 When a nonconforming sign is required to be moved because of public right of way improvements.