



TOWN OF GILFORD, NH

A POLICY REGULATING OFF-SITE SIGNS IN PUBLIC RIGHTS-OF-WAY

SECTION 1. AUTHORITY

1.1 The Board of Selectmen hereby adopts this policy pursuant to the provisions of Sections 8.8.4 and 8.8.6 of the Gilford Zoning Ordinance, (see Appendix A); whereby the use of public rights-of-way for off-site real estate signs and farm produce signs are conditionally approved as otherwise specifically set forth herein.

1.2 The Board of Selectmen also adopts this policy pursuant to the provisions of RSA 41:11 (see Appendix A); whereby the use of public rights-of-way for off-site commercial and directory signs is hereby prohibited except as otherwise allowed under the Gilford Zoning Ordinance and/or as specifically set forth herein.

1.3 The terms and conditions of this policy shall apply to all off-site signs that are located within a public right-of-way in the Town of Gilford, to include all roads under the jurisdiction of the Gilford Board of Selectmen and the NH Department of Transportation.

1.4 The Board of Selectmen has no legal authority to permit or allow the installation of any commercial signs in a right-of-way that is not publicly owned (as demonstrated by a deed). [See also Section 3.1 (g)] Therefore, any person who installs a real estate or farm produce sign within a public right-of-way that has been established by easement, layout or prescription; does so at the risk of having such a sign removed, confiscated and/or destroyed by the actual owners of the land. Although the Town encourages any land owner who objects to such signs to contact the person responsible for the sign installation with a request to have the sign removed, the Town of Gilford shall not otherwise assume any liability, responsibility or duty to intervene in these circumstances. (A list of public rights-of-way that are owned by the Town of Gilford is attached as Appendix B.)

SECTION 2. PURPOSE

2.1 This policy is established to provide real estate companies and farm produce entities with guidelines on the use of public rights-of-way for off-site directional signs.

2.2 This policy is not intended to regulate temporary political signs or charitable and non-profit event signs as otherwise may be allowed under NH state law or the Gilford Zoning Ordinance.

2.3 This policy is not intended to regulate or prohibit temporary "open house" or similar signs that are displayed during open house hours only; provided they comply with the provisions of Section 3.1 of this policy.

2.4 This policy is not intended to prohibit or regulate permanent off-site directory signs that may otherwise be allowed within Town rights-of-way in accordance with Section 8.6.2 of the Zoning Ordinance, (see Appendix A); provided, however that such terms and conditions for approval of these signs shall be decided on a case-by-case basis at the sole discretion of the Board of Selectmen and Planning Board.

2.5 For safety reasons pursuant to RSA 236:75, (see Appendix A), this policy is intended to prohibit all off-site commercial and private items for sale signs from being displayed from a public right-of-way in the Town of Gilford, including, but not limited to utility poles, guardrails, trees, highway shoulders, sidewalks, unregistered vehicles, or by any other means to advertise within a public right-of-way, except as specifically authorized by this policy or as otherwise allowed under the Gilford Zoning Ordinance with the permission of the Board of Selectmen and/or the Planning Board.

SECTION 3. SIGN GUIDELINES

3.1 All off-site real estate and/or farm produce signs shall be subject to the following guidelines in order to be considered as having been approved by the Board of Selectmen:

- (a) Signs shall not exceed six (6) square feet in size.
- (b) Information displayed on a sign is limited to the type of commerce (example: home for sale), with a directional arrow and street address – no commercial messages, telephone numbers or additional information is allowed (double-sided signs are acceptable); however incidental ownership markings shall be allowed.
- (c) Signs may be permitted in the vicinity of street intersections on unimproved land only, (no off-site signs are allowed on lawns or paved areas within a right-of-way).

- (d) All signs must be situated a minimum of four (4) feet from the edge of pavement and no higher than three (3) feet to the top of the sign (from solid ground).
- (e) A maximum of one (1) off-site real estate or farm produce sign will be allowed at any corner where two streets connect; and there shall be a total limit of two signs per intersection.
- (f) Signs shall not be illuminated.
- (g) Signs shall not be placed on private property, (except for premises that are being offered for sale or lease or as otherwise allowed under the Gilford Zoning Ordinance). Also, off-site signs shall not be considered permitted under this policy whenever they are installed within a public right-of-way on privately owned property without the consent of the property owner.
- (h) Real estate signs shall only be allowed for properties that are located in the Town of Gilford. Farm produce signs shall only be allowed for businesses that are located in the Town of Gilford. Exceptions to this guideline shall be allowed for out-of-town properties or businesses where the only access is from the Town of Gilford.
- (i) All signs must be removed within forty-eight (48) hours of a closing or the end of the activity; except for open house signs which must be removed on a daily basis pursuant to Section 2.3. (NOTE: The use of a real estate off-site directional sign in a public right-of-way to indicate a property has been sold is expressly prohibited.)
- (j) The Town reserves the right to remove a sign at anytime for safety reasons.

SECTION 4. VIOLATIONS

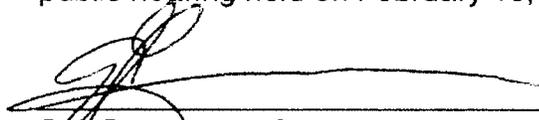
4.1 Any sign that does not comply with this policy shall be deemed to be a violation of the Zoning Ordinance and is therefore subject to fines of two hundred seventy-five dollars (\$275.00) per day (first offense) and five hundred fifty dollars (\$550.00) per day for second and repeat offenses as may be determined by a court of competent jurisdiction and otherwise allowed by law.

4.2 The Town of Gilford reserves the right to confiscate and set aside for retrieval at the Recycle Center any sign that is located within a public right-of-way in violation of this policy; however, confiscated signs may be destroyed or discarded for repeated and/or flagrant violations.

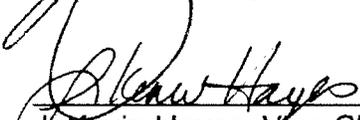
4.3 This policy may be enforced by any Town of Gilford Selectman, employee of the Department of Planning & Land Use, employee of the Department of Public Works and/or Police Officer.

4.4 Any person aggrieved by an enforcement action under this policy may file a written appeal to the Zoning Board of Adjustment in accordance with its rules and regulations as otherwise set forth in RSA 676:5. However, in the event a sign is destroyed or discarded, the Town and its agents shall have no liability whatsoever for any costs associated with replacement.

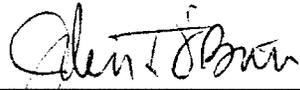
IN WITNESS WHEREOF, this policy regulating off-site signs in public rights-of-way is hereby approved and adopted this 24th day of February, 2010, following a duly noticed public hearing held on February 10, 2010; to be effective as of May 1, 2010. ATTEST:



Gus Benavides, Chair

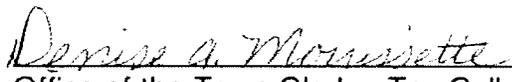


J. Kevin Hayes, Vice-Chair

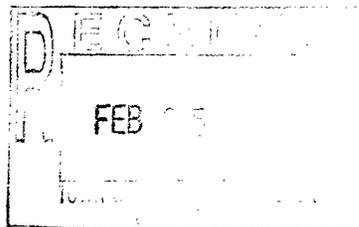


John T. O'Brien, Clerk

UNDER SEAL OF THE TOWN, received and recorded on this the 25th day of February, 20 10, by:



Office of the Town Clerk – Tax Collector



APPENDIX A

New Hampshire RSA 41:11 Regulation of Use of Highways, etc. – Unless regulated by the commissioner of the department of transportation as provided in RSA 236:1, the selectmen may regulate the use of all public highways, sidewalks, and commons in their respective towns and for this purpose may exercise all the powers conferred on city councils by RSA 47:17, VII, VIII, and XVIII, and by any other provisions of the laws upon the subject.

New Hampshire RSA 236:75 No Advertisements of Any Kind Upon Certain Objects. – Notwithstanding any provisions of the law to the contrary, it shall be unlawful to affix, attach or display any advertisement upon any object of nature, utility pole, telephone booth, or highway sign, directly in such a manner that the object of nature, utility pole, telephone booth, or highway sign, is utilized as an integral part of the sign's support as distinguished from being only incidentally a support to the sign, such as the earth or ground upon which a sign is affixed. This prohibition shall extend to all primary and secondary highways and roads of and within the state without exception for any type of advertising. The owner of an object upon which an advertisement is placed in violation of this section shall be entitled to remove and destroy the advertisement and the advertisement owner shall not be entitled to damages or compensation therefor. The object owner shall be entitled to collect the costs associated with the removal and destruction from the advertisement owner or the person who is responsible for placing the advertisement on the object in violation of this section.

Gilford Zoning Ordinance Section 8.6.2 - Directory Signs - Where Allowed

Directory signs may be located within a Town right-of-way, on private land owned by a third party or one (1) or of the more applicants, where a permanent easement for said private land, has been granted in favor of the Town. Where a directory sign is to be located within the Town right-of-way, the applicant(s) must obtain location approval from the Board of Selectmen, prior to making application to the Planning Board.

Gilford Zoning Ordinance Section 8.8.4 - Real Estate Signs

Not more than two (2) temporary, non illuminated signs advertising the sale or lease of the premises thereon. Real Estate advertising signs shall not exceed six (6) square feet in the NRR, SFR, LR and IR zoning districts and shall not be more than thirty-two (32) square feet in all other districts. In addition, not more than one (1) offsite directional sign, containing no commercial message, limited to an indication of property for sale and direction by arrow, may be displayed at each intersection in the Town right-of-way, subject to approval by the Board of Selectmen.

Gilford Zoning Ordinance Section 8.8.6 - Farm Produce Signs

Owners of lots, where farm produce is offered for sale at the same location as where the produce is grown or made, may display signs not to exceed sixteen (16) square feet in sign face area. One (1) offsite directional sign, meeting the standards for real estate directional signs, is permitted.

APPENDIX B
TOWN OWNED RIGHTS-OF-WAY
(AS OF MARCH 1, 2010)

ALPINE DR
ARTISAN COURT
ASPEN CIRCLE
AUBURN CIRCLE
AVOCADO LANE
BALSAM DR
BAREFOOT PL
BAXTER COURT
BEACON HILL RD
BEDFORD AVE
BELKNAP MT RD
BLAISDELL AVE
BLUEBERRY HILL LANE
BRAMBLE LANE
BRIARCLIFF RD
BROADVIEW TERRACE
BROOK RD
BROOKSIDE DRIVE
BUCKBOARD DR
BURR LANE
CASEY ROAD
CHECKERBERRY LANE
CHESTNUT DR
CHICORY LANE
COACH RD
COLMAR COURT
COLONIAL DR
COTTONWOOD TRAIL
CRESTVIEW DR
CROSS LANE
CUMBERLAND RD
CURTIS RD
DAMSON LANE
DAVID LEWIS RD
DAVIS RD
DEER RUN LANE
DOW RD
EDGEWATER DR
ELDERBERRY DR
EMERY WAY
ESCAROL LANE
FALLS AVE
FARM VIEW LN
FLOWER DR
FOREST AVE
FOXBOROUGH DR

FOXGLOVE RD
GARDEN HILL DR
GILFORD EAST DR
GILFORD GLEN RD
GILMAN DR
GREENLEAF TRAIL
GUILD CIRCLE
HARVEST RUN
HAWTHORNE WAY
HAYWAGON RD
HAZELNUT RD
HEATHER LANE
HEDGEWOOD CIRCLE
HERMIT LANE
HICKORY STICK LANE
HIDEAWAY CIRCLE
HIGHLAND DR
HOOK RD
HUNTRESS CIRCLE
IRISH SETTER LANE
IRONWOOD DR
JAMESON AVE
JAY DR
JEREMY COURT
JUNIPER RIDGE RD
KIMBALL RD
KNOLLWOOD DR
LARCH DR
LAUREL CIRCLE
LEISURE DR
LINDA LANE
LOCH LANE
LONGRIDGE DR
MAPLE ST
MARGARET WAY
MCPHAIL ST
MOUNTAIN DR
MUTUAL WAY
NATALIES WAY
NORTHVIEW RD
OAKLAND AVE
OCTOBER LANE
OLDE ENGLISH LANE
ORCHARD DR
PINEWAY
POOR FARM RD

RIDGE LINE LOOP
RIVER RD
ROBERTSON DR
ROBINDALE CIRCLE
ROCKY RD
RYSWICK ST
SAGAMORE RD
SAGAMORE RD
SAND HILL RD
SAWMILL RD
SHORE RD
SILVER ST
SPRING HILL CIRCLE
SPRUCEWOOD DR
STONEGATE COURT
SUGARBUSH LANE
SUMMIT AVE
SUNSET AVE
TATE RD
TERRACE HILL RD
TIMBER LANE
TRAILVIEW DR
TRAILVIEW EXT
UPLAND DR
VALLEY DR
VARNEY POINT RD
VILLAGE LANE
WATERFORD PL
WHITE BIRCH DR
WILDWOOD RD
WILLIAMSBURG AVE
YASMIN DR