

BOARD of SELECTMEN

GUIDELINES for GRANTING PERMITS for OUTDOOR DISPLAY of GOODS

pursuant to

The Town of Rockport's CODE of BY-LAWS

**Chapter 13. *Commerce and Trade*, Part A. *Signs*, Section 2. *Signs & Advertising*,
Subsection b, in all Rockport Zoning Districts, Paragraphs (i) and (ii)**

1. Purpose and Intent of the By-Law

Chapter 13, Part A, Section 2, Subsection b, Paragraphs (i) and (ii) regulates the outdoor display of merchandise¹ by retail, business and industrial establishments in order to protect the appealing character and aesthetic qualities of the Town of Rockport, the property values of the community and the safety of the citizens, to the maximum extent practicable, while allowing establishments' circumscribed displays of goods for sale, where advisable.

The By-Law designates the Building Inspector to be the responsible Enforcement Agent in these matters.

Applicants must obtain authorization from the Board of Selectmen or its designated oversight board before such a display is permitted.

2. Purpose of Outdoor Displays

Outdoor displays are primarily to attract customers into establishments, not to conduct a sale outside the establishment of the item(s) on display. This implies that outdoor racks of clothing from which customers may purchase items directly from the rack in the front or side of the establishment, for example, is not allowable because it could create a safety hazard as well as an appearance of an outdoor bazaar as contrasted to a neighborhood of charming shops. Clothing on mannequins, paintings in boxes, furniture, etc., when permitted, are allowed.

Outdoor displays are to bring people into the shops, not have the contents of the shops spill out into the street.

3. Outdoor Display Permits

An application for an Outdoor Display Permit with an attached Merchant Display Plan must be submitted to, and approved by, the Board of Selectmen. The Merchant Display Plan shall consist of a photograph of the proposed display and a scaled plan and elevation views depicting the location and

¹ This document focuses on outdoor displays of merchandise and does not cover signage. Refer to Chapter 13 of the Code of By-Laws for permitted sign specifications and uses.

size of the proposed display. The plan view shall also indicate the curb and property lines, the building outline (indicating the extent of roof overhang), and the path of public access to the property, as well as all neighboring obstructions, but not limited to, fire hydrants, trees and lamp posts. Establishments located at a corner property shall include both street frontages in their scaled drawing.

The Outdoor Display Permit is not transferable and any changes to the plan upon which it was based shall be resubmitted for approval.

4. Display Standards and Restrictions

The Board of Selectmen, with the assistance of a group of merchants and citizens in attendance², has developed some display standards and restrictions seated in the following categories.

1) Public Safety Concerns

- All displays shall be contained within the property lines of the Applicant's building.
- Displays must not cause congestion or hazards by obstructing streets, sidewalks and other public property.
- Displays must not impede either safe access into, or egress from, establishments.
- Displays must not create a public nuisance in the opinion of the Enforcement Agent (see detail under subsection 5 below).

2) Quantities and Measurements

- A display is that which its photograph portrays³.
- The maximum number of displays⁴ for an establishment is two (2). Although the granting of permission for multiple displays is unlikely, the request must be supported by evidence of necessity.
- Generally⁵, a display must be no more than ten (10) feet in girth and no higher than five (5) feet high.
- The display shall not be larger than the available space inside the shop to allow for its storage in inclement weather and when the shop is closed, and it must not block safety passage in violation of ADA requirements.
- Displays must be at least two (2) feet from public ways unless necessity can be demonstrated.

3) Relation to Site

- Outdoor displays must be placed under the roof line of the building whenever possible.

² At a Board of Selectmen Workshop meeting on March 16, 2010

³ A display may consist of several display objects, however, the number of objects should be the minimum necessary to advertise the merchandise.

⁴ The Board of Selectmen may limit the number of overall displays throughout a particular neighborhood.

⁵ The Board of Selectmen reserves the right to make an exception to the size based on the relationship to the site.

- Displays must be appropriate in relation to the building façade by not fully covering, overshadowing or be incongruent with its appearance.
- Displays may not consume more than 40% of the site property area exclusive of the building footprint.

4) Applicability

- These regulations apply only to the General District downtown and especially Bearskin Neck. See By-Laws chapter 13.A.2.b, paragraph (i).
- Displays must incorporate or be representative of merchandise that is for sale inside the store.
- Outdoor displays must be of a nature that is consistent with, and/or enhances, the neighborhood⁶ and must be family friendly in that no display objects should be inappropriate to display to young children.
- Applicants are encouraged to coordinate their displays with the neighborhood in which they are proposed to exist.

5) Display Objects

A display may consist of one display object such as a painting, or two display objects such as a painting on an easel, or several display objects such as a patio table, four chairs and a barbecue grill.

Objects that do not include merchandise for sale within the establishment, but are for decoration only, such as flowers in window boxes, planters or gardens are not governed by this by-law and continue to be encouraged to enhance the beauty of Rockport.

- The following is an *incomplete* listing of permissible display objects, which acceptance depends upon the business purpose for which they are used:
 1. Flags
 2. Banners
 3. Flowers
 4. Garden Furniture
 5. Kayaks
 6. Paintings and Prints
 7. Easels (1 per permit)
 8. Mannequins (1 per permit)

All displays shall comply with applicable ADA standards. They must be free of graffiti and contain no flammable or other hazardous substance. They must be in good condition, not

⁶ For example, if a neighborhood appears “clean” and “uncluttered”, a display should not challenge that appearance in any way.

require repair, and not be wrapped in plastic or other wrapping materials. They must be safe and stable with no risk of overturning due to wind or contact. All outdoor displays shall be, in some manner, physically and visually detectable in an easy manner by the visually impaired.

- The following list consists of outdoor display items that are expressly excluded:
 1. Racks of Clothes, etc.
 2. Massage Chairs, Tables, etc.
 3. Balloons
 4. Cardboard Boxes and other Containers not Weather Proof
 5. Tents, Umbrellas, Canopies, etc.
 6. Advertisements
 7. Objects that emit light, sound, or matter.

No merchandise or display of goods shall be set up on the ground, on any cloth, plastic or similar ground covering.

6) Exceptions

Exceptions for special events and functions such as Town-wide celebrations and street fairs may be made by the Board of Selectmen.

The Board of Selectmen reserves the right to approve nonconforming displays.

5. Permit Term, Fees and Renewal

Outdoor Display Permits are issued for a period of one calendar year. An annual display review period will occur each February and new Outdoor Display Permits, if approved, will be issued by March 31st. Re-approval shall not be presumed automatic; the application process duplicates that submitted for the initial permit and approval will be subject to the standards existing at the time of reapplication. A permit fee of \$25.00 must accompany the (re)application. The permit period will commence April 1st and shall run through March 31st of the following year.

Merchants must exhibit their signed Outdoor Display Permits in a prominent location to be easily viewed by the Enforcement Agent, Selectmen and/or the future oversight board.

6. Violations, Enforcement and Penalties

Violations of Chapter 13.A.2.b of the Rockport Code of By-Laws and of these Guidelines as determined by the Enforcement Agent will result in fines as stipulated by Chapter 13.A.2, subsection e. Violations may be a result of the display of merchandise falling into a state of disrepair, becoming extraordinarily unclean, or not in compliance with the permitted Merchandise Display Plan, including different or additional display objects or changes in the layout and location of the display.

The permit holder's Outdoor Display Permit may be suspended for a period of time to allow the permit holder to correct the violation, or it may be terminated at the discretion of the Board of

Selectmen or its designated oversight board. Justification for termination includes, but is not limited to, continuing violations of the terms of the Outdoor Display Permit or violation of any other municipal By-Law, regulation, state or federal statute. In the event that a permit is suspended or terminated all related outdoor display of merchandise and goods must be removed.



FEE: \$25.00
PERMIT APPLICATION FOR
OUTDOOR DISPLAY OF GOODS

Town of Rockport

Permit #

Date of Application:

Applicant Information

Name:

Cell Phone:

Address:

Work Phone:

Email:

Home Phone:

Definition:

Display of Goods is limited to three-dimensional outdoor display of a limited quantity of goods outside of the establishment listed by the Applicant and described by the approved Merchant Display Plan. The Permit, when granted, allows said display to be set-up in the place described by the Merchant Display Plan on a regular basis, weather permitting.

The outdoor display of goods is intended to enhance the commercial activity of an establishment without creating a public health, safety or nuisance problematic situation.

Display Structure: (attach Merchant Display Plan)

1. **Type of Structure:** (circle one)

Table/Furniture

Props

Cart/Bookcase

Other _____

2. Size of entire structure (length, width & height of structure used): _____

3. Describe the materials that compromise the structure (wood cart, metal cart, metal rack, wood table, etc.)

Color of structure or covering: _____

4. Planned items for display: _____

5. Proposed frequency of displays: _____

6. Identify location of display in proximity to storefront (include sketch with application): _____

Note: In addition to this permit, each establishment is responsible for complying with all applicable statutory regulations.

Signature of Applicant: _____

Signing this application verifies that you have read and understand the guidelines and regulations.

Date received:

Fee: Yes No

Permit Approved: Yes No

Return application & attachments to: Board of Selectmen, 34 Broadway, Rockport, MA 01966



PERMIT APPLICATION FOR OUTDOOR DISPLAY of GOODS

Town of Rockport



Hold Harmless Agreement

_____ (Legal name of business, exactly as it appears on Certificate of Insurance.), shall defend and hold harmless the Town, its officers, employees, agents and representatives thereof, from all suits, actions, claims of any kind, including attorney's fees, brought on account of any personal injuries, damages, or violation of rights sustained by any person or property in consequence of any neglect on behalf of _____

(Legal name of establishment.), while their personal property is situated on Town property.

_____ (Legal name of establishment) shall further hold the Town harmless From any claims or amounts arising from violation of any law, bylaw, ordinance, regulation or decree.

Legal name of establishment:

(as it appears above)

By (signature):

Name (printed):

Title:

Address:

Signature:

Date:

