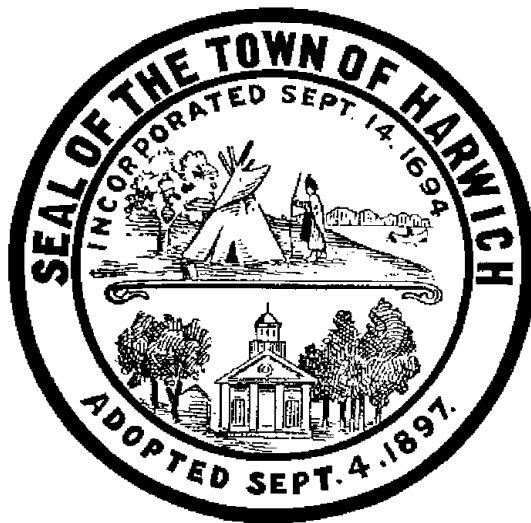


TOWN OF HARWICH
SPECIAL TOWN MEETING
WARRANT



NOVEMBER 12, 2009

With
RECOMMENDATIONS

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SPECIAL TOWN MEETING
NOVEMBER 12, 2009

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VOTING PROCEDURES

- I A quorum, 150 registered voters, must be present in order to conduct business. The only motion in order when no quorum is present is a motion to adjourn.
- II A two-thirds majority of the Town Meeting shall be required for inclusion of any Capital Outlay, unless it was included in the Capital Outlay Plan adopted at the preceding Town Meeting.
- III All motions introduced at the Town Meeting shall be in writing when required by the Moderator.
- IV Voters are limited to two times speaking on any one question; the total time speaking not to exceed 10 minutes.
- V Only registered voters shall occupy the meeting “floor”.
- VI No voter will be allowed to speak until he or she is recognized by the Moderator.
- VII Motion requiring more than a simple majority to pass:
 - A. To reconsider a vote on a motion – $\frac{3}{4}$ majority (this motion must be made prior to the next adjournment of the meeting).
 - B. To consider articles in an order other than as appears on the warrant – $\frac{3}{4}$ majority.
 - C. To pay unpaid bills – $\frac{4}{5}$ majority at the Annual Town Meeting, $\frac{9}{10}$ majority at a Special Town Meeting.
 - D. To move the previous question (terminate debate) – $\frac{3}{4}$ majority.
- VIII Quorum cannot be questioned after a motion has been made and seconded.

MOTION CHART Section 1-211
(Application of Rules is indicated by an X)

Motions	Debatable	Non Debatable	Amendable	Non Amendable	Second Required	Second Not Required	Majority Vote	2/3 Vote	¾ Vote	May Reconsider	Cannot Reconsider
Adjourn		X		X	X		X				X
Adjourn (in a time certain)	X		X		X		X			X	
Amendment	X		X		X		X			X	
Adopt a Resolution	X		X		X		X				X
Accept & Adopt	X		X		X		X ¹			X	
Postpone Indefinitely	X			X	X		X			X	
Previous Question Terminate Debate		X		X	X				X		X
Reconsider ²	X			X	X				X		X
Consider Articles Out of Order	X		X		X				X		X
Point of Order		X				X					
1. Unless a greater than simple majority required by General Laws of Town of Harwich by-laws.											
2. See section 1.207											

TAX RATE CHART

**THE CHART BELOW SHOWS THE AMOUNT OF MONEY REQUIRED TO CHANGE THE
FY 2009 TAX RATE.**

TAX RATE CHANGE IN \$/1000		DOLLARS REQUIRED
\$	0.01	\$52,393
\$	0.05	\$261,966
\$	0.10	\$523,932
\$	0.15	\$785,898
\$	0.20	\$1,047,863
\$	0.25	\$1,309,829
\$	0.30	\$1,571,795
\$	0.35	\$1,833,761
\$	0.40	\$2,095,727
\$	0.45	\$2,357,693
\$	0.50	\$2,619,659
\$	0.55	\$2,881,624
\$	0.60	\$3,143,590
\$	0.65	\$3,405,556
\$	0.70	\$3,667,522
\$	0.75	\$3,929,488
\$	0.80	\$4,191,454
\$	0.85	\$4,453,420
\$	0.90	\$4,715,385
\$	0.95	\$4,977,351
\$	1.00	\$5,239,317

MUNICIPAL FINANCE TERMS

APPROPRIATION: An authorization granted by the Town Meeting to make expenditures and to incur obligations for specific purposes.

AVAILABLE FUNDS: Available funds refer to other funds available for appropriation by the Town Meeting, such as Wetland Protection funds, Cemetery Lot sales and Perpetual Care Interest and old article balances returned to revenue.

OVERLAY, ALSO CALLED ALLOWANCE FOR ABATEMENTS AND EXEMPTIONS:

The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements granted and avoiding fractions in the tax rate. It cannot exceed 5% of the levy.

FREE CASH: Certified each year by the Director of State Bureau of Accounts, this is the portion of the fund balance which is available for appropriation by a Vote of Town Meeting. It is not cash, but rather is the approximate total of cash and receivables less current liabilities and earmarked reserves.

TRANSFER: The authorization to use an appropriation for a different purpose; in most cases only the Town Meeting may authorize a transfer.

RESERVE FUND: This fund is established by the voters at an Annual Town Meeting only and is composed of an appropriation (not exceeding 5% of the tax levy of the preceding year). Transfers from the Reserve Fund are within the exclusive control of the Finance Committee, and are for “extraordinary or unforeseen” situations, normally emergencies.

STABILIZATION FUND: This is a special reserve for future expenditures. The aggregate amount in the fund shall not exceed, at any time, 10% of the valuation in the preceding year. Money may be voted into the fund by a majority vote at Town Meeting. Money may be appropriated from the fund only by a two-thirds vote at Town Meeting for any municipal purpose.

CHERRY SHEET: An annual statement received from the State Department of Revenue detailing estimated receipts for the next fiscal year from various State Aid accounts and estimated charges payable by the assessors in setting the tax rate. Named for the cherry colored paper, which the State traditionally has printed it on.

PROPOSITION 2 ½ TERMS

Chapter 59, Section 21C of the Massachusetts General Laws commonly referred to as Proposition 2 ½ (Prop. 2 ½) or the Tax Limiting Law for Cities and Towns in Massachusetts.

LEVY: The property tax levy is the revenue a Town can raise through real and personal property taxes. The property tax levy is the largest source of revenue for the Town.

LEVY CEILING: This is the maximum the levy limit can be. The ceiling equals 2.5% of the Town's full and fair cash value.

LEVY LIMIT: The Maximum the levy can be in a given year. The limit is based on the previous year's levy limit plus certain allowable increases.

LEVY LIMIT INCREASE: The levy limit automatically increases each year by 2.5% of the previous year's levy limit.

NEW GROWTH: New construction and new parcel subdivision may also increase the Town's levy limit.

OVERRIDE: A community can permanently increase its levy limit by successfully voting at a referendum to exceed the limits. A community may take this action as long as it is below the levy ceiling.

GENERAL OVERRIDE: A general override ballot question can be placed on a referendum if a majority of the Board of Selectmen vote to do so. If the ballot question is approved by a majority of the voters, the Town's levy limit is permanently increased by the amount voted at the referendum. The levy limit increase may not exceed the Town's levy ceiling. Override questions must be presented in dollar terms and specify the purpose.

DEBT EXCLUSION: This override ballot question can be placed on a referendum by a two-thirds vote of the Board of Selectmen. If a majority of the voters approve the ballot question the Town's levy limit is increased only for the amount voted at the referendum for the life of that debt only. The levy limit increase may exceed the Town's levy ceiling.

CAPITAL OUTLAY EXPENDITURE EXCLUSION: This override ballot question can be placed on a referendum by a two-thirds vote of the Board of Selectmen. If a majority of the voters approve the ballot question the additional amount for the payment of the capital project cost is added to the levy limit or levy ceiling only for the year in which the project is being undertaken.

CONTINGENT VOTES: Chapter 634 of the Acts of 1989 permits a Town Meeting to appropriate funds contingent upon passage of a referendum question (OVERRIDE). A contingent vote does not automatically result in an override referendum. An override referendum can only be called by the Board of Selectmen. If a referendum is called by the Selectmen it must take place within forty-five days of the Town Meeting vote.

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
SPECIAL TOWN MEETING
NOVEMBER 12, 2009**

BARNSTABLE, ss:

To either of the Constables of the Town of Harwich in said county,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on Thursday, November 12, 2009 at 7:00 P.M., then and there to act on the following articles:

BALANCE THE FY 2010 OPERATING BUDGET

ARTICLE 1 To see if the Town will vote to amend the FY 10 Operating Budget as approved under Article 4 of the 2009 Annual Town Meeting as follows, and to act fully thereon. By request of the Board of Selectmen.

<u>Line#</u>	<u>Description</u>	<u>Voted by TM</u>	<u>Change</u>	<u>New Total</u>
25	Clerk's S&W	\$ 164,205	+ 5,967	\$ 170,172
26	Clerk's Expense	\$ 19,050	+ 4,280	\$ 23,330
31	Planning Board S&W	0	+ 2,000	\$ 2,000
42	Police S&W	\$2,681,854	- 34,184	\$2,647,670
43	Police expenses	\$ 245,186	- 2,900	\$ 242,286
61	Town Engineer Dept. S&W	\$ 148,633	+ 6,000	\$ 154,633
63	Highway & Main. S&W	\$1,784,582	+139,285	\$1,923,867
64	Highway & Main. Expense	\$1,449,211	+ 12,900	\$1,462,111
79	Community Ctr. S&W	\$ 209,165	- 105,101	\$ 104,064
80	Community Ctr. Expense	\$ 144,496	- 10,000	\$ 134,496
104	Debt Service	\$5,300,156	- 75,959	\$5,224,197
108	Group Health Insurance	\$5,955,386	- 167,912	\$5,787,474

Explanation: Reduce the FY 10 Operating Budget from \$46,078,695 to \$45,853,071.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE
ACCEPTED AND ADOPTED. ADJUSTMENTS ARE REQUIRED THAT WERE
CAUSED BY REDUCTIONS IN STATE AID. VOTE: YES-6, NO-1**

SUPPLEMENT THE FY 2010 SCHOOL OPERATING BUDGET

ARTICLE 2 To see if the Town will vote to raise and appropriate or transfer from available funds a supplemental sum of \$81,772 to the Harwich School Department for FY 10 to offset reductions in anticipated Local Aid and to act fully thereon. By request of the School Committee. Estimated Cost: \$81,772.

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$81,772. ADJUSTMENTS ARE REQUIRED THAT WERE CAUSED BY REDUCTIONS IN STATE AID. VOTE: YES-7, NO-0.

SOLAR PANELS FOR THE ELEMENTARY SCHOOL ROOF

ARTICLE 3 To see if the Town will vote to authorize the School Committee to enter into all necessary contracts and leases on behalf of the Town with private parties or other governmental organizations related to a renewable energy project consisting of the placement of photovoltaic panels on the roof of the Harwich Elementary School, said project to be sponsored or administered by the Cape & Vineyard Electric Cooperative, Inc., and to further authorize the School Committee to take all actions necessary to carry out the project; provided, however, that any contracts or leases shall not have a term of more than fifteen years; and to act fully thereon. By request of the School Committee.

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS CONTINUES HARWICH'S COMMITMENT TO RENEWABLE ENERGY AT NO ADDITIONAL COST TO THE TOWN. VOTE: YES-7, NO-0

WIND TURBINE PROJECT

ARTICLE 4: To see if the Town will vote to authorize the Board of Selectmen to enter into all necessary contracts and leases on behalf of the Town with private parties or other governmental organizations related to a renewable energy project consisting of a wind turbine project or projects to be located on parcels of Town-owned land described below; said project to be sponsored or administered by the Cape & Vineyard Electric Cooperative, Inc.; and to further authorize the Board of Selectmen to take all actions necessary to carry out the project; provided, however, that any contracts or leases shall not have a term of more than 15 years; parcels of land are described as follows: Turbine A: Assessor's Map 89 Parcel A5 consisting of 72 acres more or less, located off Westgate Road, acquired by the Town for water supply purposes pursuant to an order of taking dated February 6, 1989, and recorded in the Barnstable County Registry of Deeds at Book 6681, Page 099, and to transfer the care, custody, control, and management of a portion of this parcel from the Board of Water Commissioners presently held for water supply purposes to the Board of Selectmen to be held for the purpose of a wind turbine lease; Turbine B: on parcel of land described as Assessors Map 89 Parcel Z1 consisting of 19 acres more or less located at 0 Headwaters Drive acquired by the Town By Eminent Domain for the purpose of clearing title at Annual Town Meeting on May 5, 1991, and further to authorize the Board of Selectmen to petition the General Court for special legislation to permit use of these parcels for the purpose of erecting a wind turbine project as may be required pursuant to Article 97 of the Massachusetts Constitution provided further, however, that the Board of Selectmen shall, in consultation with the Board of Water Commissioners as appropriate, designate only the minimum area of these parcels determined necessary to implement the wind turbine project, and to act fully thereon. By request of the Board of Selectmen.

THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING PENDING FURTHER INFORMATION. VOTE: YES-7, NO-0.

LEASE OF LANDFILL SPACE FOR SOLAR PANELS

ARTICLE 5: To see if the Town will vote to authorize the Board of Selectmen to enter into all necessary contracts and leases on behalf of the Town with private parties or other governmental organizations related to a renewable energy project consisting of the placement of photovoltaic panels on the former landfill located off 296 Queen Anne Road, providing however that all regulatory approvals are received from the Department of Environmental Protection regarding post closure uses and maintenance of the landfill cap, including taking all necessary steps to insure that the membrane and cap are protected, and to further authorize the Board of Selectmen to take all actions necessary to carry out the project; provided, however, that any contracts or leases shall not have a term of more than thirty years, and to act fully thereon. By request of the Board of Selectmen.

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-0.

AMEND THE PERSONNEL BY-LAW

ARTICLE 6: To see if the Town will vote to amend the Personnel By-Law by changing Part 9 to provide to the employees covered under this By-Law certain benefits provided to employees doing similar work in the town's collective bargaining units.

1. Revise Part 9, Section (e) as follows to provide for 3 rather than 2 personal days per year:
 - e) Employees will be allowed three (3) personal days a year. Reasonable notice must be given to the Department Head when requesting a personal day.
2. Add new section (i) to Part 9:
 - (i) A full-time non-probationary employee who uses 5 days or fewer of sick leave in any fiscal year, excluding any workmen's compensation leave, will be eligible for a payment of \$300 in the following fiscal year.

and to act fully thereon. By request of the Board of Selectmen.

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-0.

CREATE A GOLF RECEIPTS RESERVED FOR APPROPRIATION FUND

ARTICLE 7: To see if the Town will vote to create a Golf Receipts Reserve Fund for Golf Improvement and Maintenance Fund and that all non-resident fees and pull cart revenues collected by the Town shall be deposited into said fund annually and used in accordance with the purposes of the Municipal Golf Course, and to act fully thereon. By request of the Golf Committee.

THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING PENDING FURTHER INFORMATON. VOTE: YES-7, NO-0.

EXPAND GOLF REVOLVING FUND TO INCLUDE RESTAURANT LEASE
REVENUES

ARTICLE 8: To see if the Town will vote to place revenue generated from the Cranberry Valley restaurant lease into the Golf Revolving Fund, and to act fully thereon. By request of the Golf Committee.

**THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT
TOWN MEETING PENDING FURTHER INFORMATION. VOTE: YES-7, NO-0.**

SPECIAL LEGISLATION TO INCREASE LICENSES

ARTICLE 9: To see if the Town will vote to authorize the Board of Selectmen to file the following Home Rule petition with the General Court, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition:

**AN ACT AUTHORIZING THE TOWN OF HARWICH TO ISSUE ADDITIONAL
LIQUOR LICENSES.**

*Be it enacted by the Senate and House of Representatives in General Court assembled,
and by the authority of the same, as follows:*

SECTION 1. The Town of Harwich shall be exempt from the quotas established under Section 17 of Chapter 138 as it relates to the number of licenses its licensing authority may issue pursuant to Section 12 of Chapter 138 by three (3) licenses, bringing the number of said licenses from fourteen (14) to seventeen (17).

SECTION 2. The licensing authority shall grant one license to a business entity located in the Harwich Port area, one license will be granted to a business entity located in Harwich Center, and one license will be granted to a business entity located in the East Harwich area as more particularly shown on plans which are on file with the Board of Selectmen, and to act fully thereon.

SECTION 3. This act shall take effect upon its passage.

and to act fully thereon. By request of the Board of Selectmen.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE
ACCEPTED AND ADOPTED TO EXPAND THE LICENSE QUOTA TO THREE.
THIS WILL INCREASE THE ABILITY FOR ECONOMIC DEVELOPMENT
VOTE: YES-6, NO-0.**

REDUCE THE NUMBER OF MEMBERS APPOINTED TO THE ARCHITECTURAL
ADVISORY COMMITTEE

ARTICLE 10: To see if the Town will vote to reduce the number of members of the Architectural Advisory Committee from seven (7) members, as approved by voters at the October 2, 1984 Special Town Meeting, to five (5) members, and to act fully thereon. By request of the Board of Selectmen.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE
ACCEPTED AND ADOPTED TO REDUCE THE NUMBER OF MEMBERS
FROM 7 TO 5. VOTE: YES-6, NO-0.**

ACCEPT PROVISIONS OF M.G.L. CHAPTER 59, SECTION 5, CLAUSE 54 –
PERSONAL PROPERTY EXEMPTION

ARTICLE 11: To see if the Town will vote to accept Chapter 59, Section 5, Clause 54 of the Massachusetts General Laws. A Personal Property Exemption in the amount of \$1,000 or less of valuation to become effective FY 2011, and to act fully thereon. By request of the Board of Assessors.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE
ACCEPTED AND ADOPTED. THERE IS AN UNREASONABLE EFFORT AND
EXPENSE REQUIRED TO COLLECT MINIMAL TAX REVENUES.
VOTE: YES-7, NO-0.**

LAND FOR AFFORDABLE HOUSING –HOME SWEET HOME

ARTICLE 12 To see if the Town will vote to transfer the care, custody, control, and management of the following parcels of land from the board or officer that currently has custody of the land for the purpose for which it is currently held to the Board of Selectmen to be held for the purpose of conveyance; and to further authorize the Board of Selectmen to convey the fee or lesser interest in said parcel pursuant to the public bidding requirements of the Uniform Procurement Act, Chapter 30B of the General Laws, if applicable, provided that the Board of Selectmen is authorized to negotiate the terms and conditions of the conveyance determined to be in the best interests of the Town including retaining a permanent affordable housing deed restriction in perpetuity in the name of the Town, and to act fully thereon. By request of the Harwich Housing Committee.

<u>Address</u>	<u>Map/Parcel</u>	<u>Acreage</u>
Depot Road	63/J1	1.41 Acres
Orleans Road	63/J2	4.59 Acres
Depot Road	63/J6	2.06 Acres

**THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT
TOWN MEETING PENDING FURTHER INFORMATION. VOTE: YES-6, NO-1.**

GENERAL BYLAW – HARBOR DREDGING BETTERMENT COST ALLOCATION

ARTICLE 13 To see if the Town will vote to amend the general bylaws of the Town by adding a new section to Article II, Part 15 as follows:

Harbor Dredging Betterment Assessment Cost Allocation

Pursuant to chapter 80 of the General Laws of Massachusetts, the Board of Selectmen may establish a betterment program whereby those properties that benefit directly from the dredging of inner harbors or rivers in the Town of Harwich shall be assessed their proportionate share of the project's total cost. Once the Board of Selectmen has declared that it is prepared to begin the permitting process for the particular dredging operation, the betterment program may be initiated by a petition signed by the direct abutters that are entitled to the dredging permits that cover a majority of the area to be dredged. The Town will be considered a direct abutter for any Town owned dock space or mooring fields as well as for the channels. The Board of Selectmen will determine the appropriate cost for each abutter, including the Town, based on the percentage of the total dredged VOLUME (not area) covered by the specific abutter's dredging permit AND /OR VOLUME COVERED BY THE TOWN'S PERMIT and will cause the appropriate assessment BASED UPON THE ACTUAL VOLUMES DREDGED to be applied to individual tax bills annually pursuant to said chapter 80. The Board of selectmen is hereby authorized to enact regulations to carry out the purposes of this bylaw, and to act fully thereon. By request of the Board of Selectmen.

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS CLARIFIES THE ALLOCATION OF BETTERMENT CHARGES. VOTE: YES-6, NO-0.

AMEND SECTION VII OF THE ZONING BY-LAWS - SIGN REGULATIONS

ARTICLE 14: To see if the Town will vote to amend the Harwich Zoning By-law by deleting Section VII (Sign Regulations) in its entirety and substituting a new Section VII (Sign Regulations) as set forth below, and to act fully thereon.

Explanation: This amendment is identical to the one approved at the May 2009 Annual Town Meeting. It is being reworded due to a procedural error. The revised sign code has been adapted to improve the permitting process for private business owners and groups and to clarify the difference between municipal and non-municipal signage for enforcement purposes. New opportunity has been created for the legal placement of non-commercial, non-Town owned signs on approved Town owned sites. It is the intention of the Section VII (Sign Regulations) to provide support to the local economy while managing the impacts of sign placement on our community's character. This revision also seeks to reduce the cost of administrative overhead and eliminate duplicate tasks by redirecting the review of sign permits from multiple boards to professional staff and Historic District approval as necessary. Further, this by-law incorporates the policy accepted by the Board of Selectmen on December 8, 2008.

SECTION VII SIGN REGULATIONS

1.00 PURPOSE AND SCOPE:

- A. The purpose of this section is to regulate signs which facilitate communication, promote the safety of motorists and pedestrians by preventing distractions and obstructions of public ways and walks that may be caused by signage, prevent visual clutter, and encourage economic development by allowing the siting of signage that identifies businesses and other land uses in ways that complement and enhance our community's character.
- B. This sign regulation provides a permitting system to govern the placement of advertising and other informational signs both outdoors and in windows within the Town of Harwich.

1.01 RELATIONSHIP TO OTHER BYLAWS:

- A. Nothing in this bylaw shall be construed as exempting an applicant from any other applicable town, county, state, or federal bylaws.
- B. To the extent that the requirements of this bylaw differ from, or are not in accordance with any other applicable requirements, the more restrictive requirements shall apply.
- C. All signs erected within the Historic District shall conform to all Historic District requirements.

1.02 DEFINITIONS:

A-FRAME/EASEL/SANDWICH SIGNS: Usually a double-faced, free standing, portable sign.

BUILDING OFFICIAL: The Harwich Building Commissioner or Building Inspector.

BUSINESS OPERATIONS SIGNS: Any on-premise sign used in the day-to-day operations of a business such as:

Business Hour Signs: "Open/closed" and related hours-of-operation signs which do not exceed one (1) square foot.

Directional Signs: Any on-premise sign that directs the movement or placement of pedestrian or vehicular traffic without reference to or inclusion of, the name of a product sold or services performed.

"OPEN" Flag: One "open" flag per business establishment shall be allowed and shall not exceed twenty-four (24) square feet in size.

CAUTIONARY SIGNS: Signs warning of prohibited activities such as trespassing, hunting, fishing, or swimming. For regulations, see 1.06 A.

CLUSTER SIGN: A ground sign which provides space for identifying multiple tenants or uses within a project or premise having more than one (1) tenant or use such as a business, commercial or industrial development.

ELECTION/TOWN MEETING SIGN: Any sign erected by the Town of Harwich to alert the public to an election or a Town Meeting.

HOME OCCUPATION SIGNS: Signs identifying any home occupation as defined by the Harwich Zoning Bylaw. For Regulations see 1.06A.2.

GROUND SIGN: A sign supported by poles, uprights or braces extending from the ground but not attached to any part of a building.

MUNICIPAL PROPERTY: Any land owned and/or controlled by the Town of Harwich including public rights-of-way. Municipal owned property, for purposes of this regulation shall be determined by the road layout as maintained by the Highway

Department with the assumption that the road is properly located. For ease of determination, any property located between the edge of the municipal-owned road surface and the greater distance to any of the following: street sign, utility pole, fire hydrant and/or sidewalk shall be considered municipal-owned or controlled.

MUNICIPAL SIGNS: Permanent signs posted for more than 60 consecutive days by a Town entity and placed on Town property or within the Municipal property right-of-way required or authorized for a public purpose by law or statute. For regulations, see 1.07.

MUNICIPAL SIGNS, TEMPORARY: Signs posted for 60 or fewer days by a Town entity and placed on municipal property for the purpose of promoting a town-sponsored event or alerting the public to a public safety matter or event. For regulations, see 1.07.

ON-PREMISE SIGN: Signs placed on the same property where a business is located. The sum of all signage on a property shall not exceed that allowed in Sections 1.04, 1.06 unless otherwise exempted.

OFF-PREMISE SIGN: Signs placed on property separate from where a business is located. For regulations, see 1.06 A.3.

QUARTERBOARD, RESIDENTIAL: A decoratively carved and painted wood sign fashioned after those traditionally used on sailing vessels. For regulations, see 1.06 A(5).

REAL ESTATE SIGNS: A temporary wall or ground sign advertising the sale, rental, or lease of a designated structure or land area for a permitted use on which the signs are located. For regulations, see 1.06 A.6.

SIGN: Sign shall mean and include every advertising message, announcement, declaration, demonstration, illustration, insignia, surface or space erected or maintained in view of the observer thereof primarily for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers and shall further include collection boxes. Indoor or outdoor displays of merchandise for sale at retail on the premises shall not be considered a sign for the purposes of this by-law. The definition does not include decorations or ornamentation that is not integral to the nature of the business or the purpose of the sign.

SIGN PERMIT: A permit issued by the Building Department for the erection, construction, enlargement, alteration, repair, or improvement of any sign requiring a permit. Such permit shall be permanently displayed and available. At the option of the Building Official temporary and/or off-premises signs may require a special sticker.

SUBDIVISION SIGNS: A sign placed at the street entrance to a subdivision. For regulations, see 1.06 A.7.

TEMPORARY SIGNS: Temporary signs may not exceed nine (9) square feet in area and may not be more than four (4) feet in height. Temporary signs may be placed on commercial properties no more than twice a year, 10 days in succession each time. Temporary signs may advertise special sales, anniversaries, grand openings, and other similar special events.

FLYERS: Flyers for special events measuring not more than two (2) square feet in total area.

UMBRELLA SIGNS: Signage as part of an umbrella that advertises the name of a particular establishment or a product for sale on the premises. For regulations, see 1.06 D.

VENDING MACHINES: The portion of any internally illuminated vending machine which advertises a product. For regulations, see 1.06 E.

WALL SIGN: A sign attached to, painted on, or erected against a wall or roof of a building or structure whose display surface is either parallel or perpendicular to the face of the building. For regulations, see 1.06 F.

WATER DEPARTMENT SIGN: A municipal sign that includes any sign erected by the Town of Harwich Water Department to alert the public to any drinking water related event, including but not limited to flushing of pipes and water use restrictions.

1.03 GENERAL REQUIREMENTS

- A. Before a non exempt sign (see 1.08) is erected, constructed, structurally altered or moved, it shall conform to all applicable requirements contained in this bylaw, including Historic District requirements when applicable, and shall be approved and shall have received a permit from a Building Official unless the sign is expressly exempted herein from the provisions of this bylaw.
- B. Before any sign receives a permit from a Building Official the application shall be reviewed by Planning Department Staff.
- C. A pre-application conference with the Building Department is encouraged in order for the applicant to become acquainted with application procedures, design standards, and related Town ordinances.
- D. Sign placement shall not create a hazard or interfere with snow removal, or vision or movement of motorists, pedestrians and bicyclists.
- E. All signs shall be reasonably placed so as to not obscure other signs.
- F. No signs shall be located in a public right-of-way nor shall they be located so as to block a public or private sidewalk, stairway, driveway or parking lot or impair sight distances for motorist or pedestrians.
- G. No sign shall be affixed to or posted in front of any guard rails located in a public right-of-way.
- H. Signs shall be externally lit or backlit only and shall be designed, installed and maintained so as to eliminate or minimize upward directed light and glare and so that lights illuminate only the sign, and not property which adjoins or is nearby.
- I. Non-municipal developments having more than one (1) tenant or use within a project or premise shall provide a Master Sign Plan for the entire structure or project for review and approval by the Planning Department Staff prior to any sign permit approval by a Building Official.
- J. Luminous tube/neon/internally illuminated signs are permitted to be displayed in windows or on vending machine(s) only. The total area of all luminous tube/neon/internally illuminated signs shall not exceed six (6) square feet. No animated signs are permitted.

1.04 SIGN AREA MEASUREMENT:

Unless otherwise specified in the Definition, all signs shall meet the area measurement requirements of this section.

The area of a sign face shall be computed by measurement of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display. This shall include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The area calculation shall not include structural supporting framework, bracing or wall. If any advertising is present on the supports of a sign, the area of the supports will count towards the total allowable signage. Where there are two faces back to back, the total area of the largest face shall determine the area of the sign.

No ground sign may exceed twelve (12) feet in height unless otherwise specified. For single tenant, non-municipal business accessed directly from a street, right-of-way or parking area, the maximum permitted area of all non exempt signs shall be forty-eight (48) square feet per respective public entrance façade. Non exempt signs counting towards the forty-eight (48) square feet include any sign on a property at any time, including but not limited to signs put out and taken in on a daily basis, and signs in windows.

Non-municipal developments having more than one (1) tenant or use within a project or premise, may construct:

1. One (1) cluster sign containing the name of the development and/or listings of individual businesses, products or services within the development of up to sixty square feet (60 sq. ft.).
2. Each tenant may have signage at the location of their business of up to forty-eight square feet (48 sq. ft.) per public entrance facade. Non exempt signs counting towards the forty-eight (48) square feet include any sign on a property at any time, including but not limited to signs put out and taken in on a daily basis, and signs in windows.
3. Total sign area within the Master Sign Plan is subject to the size limitations of this Section. Sign area cannot be transferred to a single building or facade from other buildings in the project. In addition, the amount of signage assigned to a specific space in a building shall be tied to that space through the lease or purchase agreement. Under no circumstances may the sign area designated for an individual space be transferred to another space in the same building or complex.

Additional cluster signs may be allowed by special permit from the Planning Board.

Signage in excess of forty eight (48) square feet, and/or allocation of total allowed square footage over entry and non-entry facades, as referenced above in D and E.2 may also be allowed by special permit from the Planning Board.

1.05 CONSTRUCTION AND MAINTENANCE:

- A. All signs and sign structures shall be constructed of materials of sufficient strength and quality to withstand weathering or deterioration by wind, moisture and other natural elements, and shall be maintained in a state of good repair with all braces, bolts, supporting framework, fastenings, lettering and design work free from deterioration.
- B. Old signs and related hardware/structural supports shall be removed before any new sign is erected unless the old sign and related hardware/structural supports have been incorporated into the overall design or structural support of the new sign and approved pursuant to this section.
- C. A Building Official shall have the authority to order the repair, alteration or removal of any sign or structure which constitutes a hazard to public health and safety, or which is otherwise not in compliance with this bylaw.
- D. If an immediate public safety concern so requires the Building Official may take any necessary action including removal of a sign.

1.06 ADDITIONAL REQUIREMENTS FOR SPECIFIC SIGNAGE

A. ON PRIVATE AND COMMERCIAL PROPERTIES

1. **CAUTIONARY SIGNS:** May be posted on each lot line, however, no signs may be within one hundred feet (100') of each other. Cautionary signs are limited to one (1) square foot or less per sign.

2. HOME OCCUPATION SIGNS: Shall be limited to a wall or a ground sign. The total square footage of any home occupation sign shall not exceed nine (9) square feet in area and may be illuminated in commercial zones per section 1.03 of this bylaw. Wall signs may be attached to any structure and/or fence. A person seeking to erect a home occupation sign shall be required to complete the home occupation work sheet with the Building Department.

3. OFF-PREMISE SIGN:

- i. Any business wishing to place a sign on property other than their own shall obtain written permission from the property owner where the sign will be posted and shall provide said written permission to the Building Official with the permit application or notification materials, except for those public locations listed in this section.
- ii. An off-premise business sign shall only be posted within a commercial or industrial district, except for agricultural uses as defined in Section II (Definitions) of this by-law which may be posted within a residential district and opposite the exit ramps for Route 6 on Routes 124 and 137.
- iii. Entities wishing to place off-premise signage on State-owned property or within State rights-of-way not listed above such as Route 28, the off-ramps at Route 6 on Routes 124 and 137 shall seek permission from the State, in addition to meeting local requirements.
- iv. An off-premise sign shall be included in the calculation of total allowable signage for the property or business it is placed upon and shall not be in addition to allowable signage as specified in this section unless otherwise exempted.
- vi. No permanent, non-commercial, non-municipal sign shall be allowed on any municipal property, except in accordance with all of the requirements set forth herein.

4. POLITICAL SIGNS: Political signs are allowed in all zoning districts on private property with the authorization of the owner of the property on which the sign is to be displayed. The signs must be removed within 60 days of posting or one week following the date of the election for which it is posted.

5. QUARTERBOARD, RESIDENTIAL: A residential quarterboard shall not advertise a business or profession and shall not exceed eighteen (18) inches in height or ten (10) feet in length and shall be wall mounted.

6. REAL ESTATE SIGN: One sign of not more than nine (9) square feet shall be allowed per street frontage, shall not be illuminated, shall not be located within the public right-of-way, and shall be removed immediately once the property is rented, leased or sale is completed.

7. SUBDIVISION SIGN: One externally illuminated sign may appear at each street entrance and is limited to a maximum of twenty (20) square feet per sign and may not exceed six (6) feet in height.

8. PARKING SIGNS: Shall be limited to one (1) square foot per parking space.

B. TEMPORARY SIGNS ON MUNICIPAL PROPERTY:

A temporary, non-commercial, non-municipal sign may be located on municipal property if all of the requirements set forth herein are satisfied:

- 1. The sponsoring organization of any temporary on or off-premise signs shall be required to file a notice with a Building Official prior to display.

2. Temporary signs shall be erected for no more than 60 days and removed within 72 hours after the event.
3. Temporary signs shall conform to all applicable requirements.
4. Temporary signs may be posted in the designated municipal areas after notice has been filed with the Building Official. Approved locations for sitting a temporary, non-commercial, non-municipal sign on municipal property shall include only those specifically and physically designated five-foot by twenty areas at the following locations:

HARWICH CENTER

The Water Tank on Route 39, on the west side of the driveway entrance (closest to Thompsons Field).

EAST HARWICH

The intersection of Routes 39/137, at the Fire Station 2, on the corner at the so-called "flagpole parcel."

NORTH HARWICH

The Transfer Station, at the right side of the entrance on the grass strip.

HARWICHPORT CENTER

Doane Park on Route 28 on the north side of the park along Rt. 28.

5. The Town shall not be responsible to maintain or safeguard any non-municipal sign on municipal property and such placement shall be entirely at the sign owner's risk.
6. Any sign placed on any municipal property, other than as specified herein, may be removed by the Building Official. Such sign shall be retained by him for 14 days and may be reclaimed with a payment of \$10.00 per sign. After 14 days, such sign shall be disposed of without any prior notice to the sign owner or liability for damages by the town.
7. No temporary, non-commercial, non-municipal sign shall be allowed at the above-specified locations, unless it satisfies the following requirements:
 - a. It shall not exceed 3' x 3' feet in size and not exceed 6 feet in height.
 - b. It shall not be in place for more than 60 days.
 - c. It shall not be chained, locked or permanently affixed to any surface, structure or landscape feature.
 - d. It shall not block a public sidewalk, stairway, driveway or parking lot, nor shall it impair sight distances for motorists.
 - e. It shall not be placed so as to block any other sign already in place.
8. Entities wishing to place off-premise signage on municipal property not listed above shall seek permission from the Board of Selectmen during a scheduled public hearing.
9. No sign exempted under 1.08 shall be allowed on the above referenced municipal properties.

C. FLYERS: For those flyers not displayed in windows, they shall not be attached to trees, utility poles or be located within a public right-of-way. Such flyers may be posted for no more than 60 days and must be removed within one week after the event. Flyers posted in violation of this by-law shall be subject to removal by the Building Official without liability to the Town.

D. UMBRELLA SIGNS: Umbrellas containing the name of a particular establishment shall count against the establishment's total signage. Umbrellas containing the name of a product for sale on the premises shall not count against the establishment's total signage.

E. **VENDING MACHINES:** Vending machines shall be counted against the total allowable signage unless exempted under 1.08 or internally located and shielded from public view.

F. **WALL SIGN:** Projecting wall signs shall extend no more than thirty-six (36) inches from the surface upon which it is attached, shall not exceed the height of the building on which it is mounted and must have at least eight (8) feet of ground clearance.

1.07 ADDITIONAL REQUIREMENTS FOR MUNICIPAL SIGNS

A. A temporary or permanent municipal sign may be placed on municipal property, provided all of the requirements set forth herein are satisfied.

B. Municipal signs that announce water system information or municipal traffic signs, as approved by the Harwich Police and Harwich Department of Highways and Maintenance, shall be permitted in a public right-of-way as a matter of right.

C. Permanent municipal signs shall not exceed 60 square feet for ground signs or 48 square feet for wall signs.

D. Town departments shall have authority over any sign placed on the land and/or buildings under their control, including signs placed by other Harwich municipal entities. Signs may remain in place as needed, at the discretion of the entity with authority over the property. Notice of such signs shall be required to be filed by the Town entity with a Building Official prior to display. Note that this does not apply to the following: Election/Town Meeting Signage, Water Department Signage.

1.08 EXEMPTIONS FROM PERMIT REQUIREMENTS:

The following signs do not count towards the total permitted signage unless otherwise indicated and do not require a permit or notification to the Building Official:

1. Business Hour Signs
2. Cautionary Signs
3. Home Occupation Signs
4. Municipal Signs
5. Municipal Signs, Temporary
6. Political Campaign Signs
7. Real Estate Signs
8. Residential Quarterboard
9. Special Event Flyers
10. Umbrella Signs
11. Vending Machines – one per premises unless more allowed by special permit
12. Water Department Signs
13. Town Meeting/Election Signs
14. Open house and tag sale signs if displayed for not more than 48 hours
15. Temporary Signs

1.09 NON-CONFORMING SIGNS:

Lawfully pre-existing signs that do not comply with the provisions of this bylaw at the time of its adoption may be maintained so long as they are kept in a state of good repair as specified in Section 1.05 of this bylaw, and so long as they are not relocated, replaced or structurally altered. Pre-existing signs that are relocated, replaced, structurally altered or not kept in a state of good repair as specified in Section 1.05 of this by-law, shall not be allowed to continue as non-conforming signs and shall require new permits and compliance with this by-law. A lawfully pre-existing non-conforming sign destroyed by

natural disaster or accident can be replaced by a sign of the same dimensions in the same location as the original sign.

1.10 APPEALS:

Any applicant, who believes a denial is not justified, has the right to appeal to the Board of Appeals, and to appear at a meeting for which proper notice can be given and agenda time is available. Intention to take an appeal to the Board of Appeals shall be filed with the Town Clerk in writing within thirty (30) business days following the denial of the permit by a Building Official, pursuant to Chapter 40A. Applicants appealing to the Board of Appeals may request review of the decision of a Building Official or a variance to the Sign Regulation pursuant to MGL Chapter 40A Section 10.

1.11 VIOLATIONS OF THIS BY-LAW:

Violation of this By-law is subject to enforcement action through the Building Department pursuant to Section X.D of the Town of Harwich Zoning By-law.


1.12 SEVERABILITY:


If any provision of this By-law is held invalid by a court of competent jurisdiction, the remainder of the By-law shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this By-law shall not affect the validity of the remainder of the Harwich Zoning By-law.


**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE
ACCEPTED AND ADOPTED WITH ALL AMENDMENTS. THIS CLARIFIES
AND ENHANCES THE CURRENT SIGN ORDINANCE. VOTED: YES-5, NO-1.**

Hereof fail not to make return of the Warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 19th day of October, 2009


Edward J. McManus, Chairman


Lawrence P. Cole, Vice Chairman


Robin D. Wilkins, Clerk


Angelo S. La Mantia


Larry G. Ballantine

BOARD OF SELECTMEN

A true copy Attest:

Constable