

SIGN ORDINANCE

TOWN OF EDGECOMB

Enacted September 14, 1987, with amendments of June 6, 1991, and May 16, 1992.

PURPOSE

The purpose of this ordinance is to help achieve a successful, attractive business climate while preserving the quality of life for the residents of the Town of Edgcomb through the regulation of all On-Premise Business Signs and more restrictive regulations of all Official Business Directional Signs permitted by the Maine Traveler Information Services Act, 23 MRSA Section 1901-1925. This Ordinance requires the use of business signs that are:

1. Compatible with the rural character of the Town,
2. Attractive, readable and clear,
3. Safe and non-disturbing for vehicular traffic.

AUTHORITY

30 MRSA Section 1917, 30 MRSA Section 2151, 23 MRSA Section 1922. Effective the date of passage any new changes shall conform to the new ordinance.

Section 1.

ON-PREMISE SIGNS

1. All on-premise signs existing prior to the enactment of this ordinance shall be exempt from the provisions of this ordinance, but must be registered with the Selectmen. Signs not registered within ninety days after enactment shall be subject to the full provisions of the ordinance.
2. No on-premise sign shall be erected unless a sign permit for said sign has been issued by the Code Enforcement Officer, except as specifically exempted by this ordinance. If the location where the sign or signs are to be placed requires review under the Town Site Plan Review Ordinance, Building Code, Subdivision Regulation or any other applicable Town Ordinance or Regulations, no sign permit shall be issued until said review has been completed and approved. With the exception of a sign permit for a marina, no sign permit may be issued for any location within the Limited Residential, Resource Protection and Stream Protection Zones, except for non-conforming business uses as of April 18, 1975 not since discontinued. (See Shoreland Zoning Ordinance of the Town of Edgcomb.)

3. No on-premise signs may be permitted (23 MRSA Section 1914):
 - A. Within 33 feet of the center line of any public way if the highway is less than 66 feet in width;
 - B. Within 20 feet from the outside edge of the paved portion of any public way with more than two travel lanes and a total paved portion in excess of 24 feet in width; or
 - C. Within the full width of the right-of-way of any public way.
4. No more than four on-premise signs shall be permitted per business. In addition, a sign permit may also allow specified accessory signs for identification of parking areas, restrooms, office, entrance, exit, etc. These accessory signs shall not contain advertising, shall not exceed four square feet each and shall be uniform in size, color and lettering. Awnings and canopies containing business names or advertising shall be considered to be signs. There shall be no more than 1110 signs (23 MRSA Section 1914).
5. The maximum size for any sign permitted under this Ordinance shall be forty (40) square feet measured from the outer edge to outer edge including any frame, excluding supports.
6. The sign shall be affixed to the building or to an in-ground signpost. Sign and post shall not exceed twenty (20) feet in height from the ground. No signs, including accessory signs, shall be affixed to trees, utility poles, rocks or to a vehicle permanently parked at the business location. (23 MRSA Section 1913-A)
7. No sign shall remain at a location where the business it advertises has ceased to exist. All signs shall be removed within ninety (90) days. Leaving a sign at such a location in excess of ninety (90) days shall constitute a violation of this Ordinance for which the property owner of the business site shall be responsible.
8. A two-sided sign shall be considered to be two signs.
9. The following signs or displays are specifically prohibited by this Ordinance.
 - A. Any sign attached to the roof of the business location.
 - B. Any sign advertising a business other than the business existing at the business location. (23 MRSA Section 1903)
 - C. Any additional sign attached to the permitted sign, except as shown on permit.
 - D. Any sign containing neon, blinking, flashing or fluttering lights or other illuminating devices that have a changing light intensity or color. (23 MRSA Section 1914)
 - E. Any pennants, ribbons, streamers, spinners, other moving devices or strings of light bulbs.

- F. Any sign that appears to direct the movement of traffic or which interferes with, imitates or resembles any official traffic, directional signal or device. (23 MRSA Section 1914)
 - G. Any sign that prevents a clear and unobstructed view of official signs and approaching or merging traffic. (23 MRSA Section 1914)
 - H. Any sign in disrepair and/or cracked, broken or incomplete.
10. A sign may be illuminated by direct or indirect lighting of constant intensity of one color providing that the light does not interfere with traffic or by reason of glare, reflection, intensity or angle create a hazard or unreasonable annoyance to neighbors.
11. Sign permits are not transferable.
12. Any business or facility whose principal building, or a point of interest, which is located on a private way more than 1,000 feet from the nearest public way, or is not visible to traffic from the nearest public way, may erect no more than two approach signs with a total surface area not to exceed 40 square feet per sign. These signs are to be located outside the public right-of-way limits within 300 feet of the junction of the public and private ways.
13. Exempt from requiring a sign permit are:
- A. Temporary FOR SALE and FOR RENT signs as commonly used for the sale or lease of property provided that only one such sign is placed at a location at any one time and shall be placed in conformance with Section 1 Paragraph 2. For the purposes of this paragraph, temporary shall mean the length of time required to dispose of the item advertised.
 - B. Non-profit events and organizations, provided they meet all other provisions of this Ordinance.
 - C. Any sign displayed for less than four (4) days in any 30-day period, but such sign must conform to all other provisions of this Ordinance.
 - D. A sign placed by a contractor at a construction site. It shall be one single free-standing sign not to exceed forty (40) square feet total area measured from outside edge to outside edge including any frame, excluding supports. The sign shall meet all setback requirements. The sign shall not be erected sooner than one week prior to the start of construction and shall be removed within one week after the completion of said construction.

Section 2.

OFFICIAL BUSINESS DIRECTIONAL SIGNS

1. The location and placement of Official Business Directional Signs shall be administered by the Commissioner of Transportation and must conform to the requirements of 23 MRSA section 1906-1912 and DOT Chapter 200.02, except

that only four such signs are permitted per business, and they must be no more than one thousand (1,000) feet from the required intersection. Signs shall be no more than 16” vertical and 72” horizontal and conform to DOT Chapter 200-05 Paragraphs A-F and DOT Chapter 200.04 Paragraphs A-G. See Section 4 – 3 subsection “b”.

2. No Official Business Directional Sign pertaining to a business located outside of Edgecomb is permitted within the Town of Edgecomb.

Section 3.

SIGN PERMITS, COMPLIANCE AND FEE SCHEDULE

1. ON-PREMISE SIGNS. All business signs must be covered by a permit. Failure to obtain a sign permit shall constitute a violation of this Ordinance.
 - A. All new signs require a permit before placement.
 - B. All existing signs must be registered within ninety (90) days of the date of enactment of this Ordinance.
 - C. A one-time fee of thirty-five (\$35.00) dollars per new business sign application must accompany each application under this Ordinance. A description and number of accessory signs shall be included in the application.
 - D. Permits may be obtained after the fact providing that all provisions of this ordinance and any pertinent ordinance(s) are met. Any permit obtained after the fact is subject to an additional fee of one hundred dollars (\$100.00). (6/91)

2. OFFICIAL BUSINESS DIRECTIONAL SIGNS. The Commissioner of Transportation will be responsible for administering all Official Business Directional Signs as directed under 23 MRSA Sections 1906-1913 and this Ordinance.
 - A. All Official Business Directional Signs shall expire annually on December 31. All signs not conforming to this Ordinance shall be removed by December 31, 1987.
 - B. The collection of application and renewal fees for Official Business Directional Signs will be the responsibility of the Commissioner of Transportation. No fees will be required by the Town of Edgecomb.

Section 4.

REVIEW OF APPLICATION, APPEALS, VARIANCES, ENFORCEMENT, VIOLATIONS AND PENALTIES

1. After review by the Code Enforcement Officer of the on-premise sign permit application to determine compliance with this Ordinance, the application shall be approved or denied and the applicant notified in person or by certified mail return receipt requested, of the action taken. This notification shall be made within thirty (30) days of receipt of the application by the Code Enforcement Officer. If the application is denied, the reasons for such denial shall be stated in writing.

2. Anyone aggrieved by a decision of the Code Enforcement Officer in granting or denying a permit may appeal such decision to the Board of Appeals and may further appeal to the Superior Court within thirty (30) days after the Board of Appeals' decision as provided by statute. Not later than thirty (30) days from the date of the written decision by the Code Enforcement Officer the appellant shall set forth in writing the specific grounds for the appeal. A fee of seventy-five (\$75) dollars shall be paid at the time of filing the appeal to cover the costs of advertising. The Board of Appeals shall forthwith cause to be advertised in a newspaper of general circulation in the Town, a Notice of Appeal, which shall state the location of the business involved, the nature of the appeal and the time and place of the public hearing. The Board of Appeals shall at the same time notify by certified mail the owners of all property abutting and immediately across the street or way from the property that is the subject of the appeal. The Board of Appeals shall also notify the Code Enforcement Officer so that he may be present at the hearing. The appeal shall be in order for hearing within ten (10) days after the first publication of the Notice of Appeal and the date of the hearing so stated in the Notice. The hearing shall be held in accordance with State Law. Following such hearing, the Board of Appeals may reverse the decision of the Code Enforcement Officer only if it finds a mistake of fact or law or misinterpretation of the terms of this Ordinance. A copy of any such reversal shall be sent to the Code Enforcement Officer within ten (10) days of the action of the Board of Appeals but no later than thirty (30) days after the public hearing.

3. VARIANCES

A. ON-PREMISE BUSINESS SIGNS. A VARIANCE MAY ONLY BE GRANTED FOR THE REQUIRED SIZE OF THE SIGN AND THE REQUIRED NUMBER OF BUSINESS SIGNS. Upon application and payment of a seventy-five (\$75) dollar fee by the applicant, the Board of Appeals, following a public hearing in accordance with State Law, may grant a variance as to the size and number of signs, only where strict application of this Ordinance, or provision thereof, to the applicant and his business location would cause undue hardship. The total number of business and accessory signs shall not exceed ten (10) per business. (23 MRSA Section 1914) "Undue hardship as used in this sub-section means:

- 1) That there are exceptional or unique circumstances relative to the business location that do not pertain generally to other properties in the same area; and

- 2) That other property in the area will not be adversely affected by lighting, interference with sight lines or creation of a traffic hazard; and
- 3) That such action will not be contrary to the objectives of this Ordinance.

B. OFFICIAL BUSINESS DIRECTIONAL SIGNS. A VARIANCE MAY ONLY BE GRANTED FOR THE REQUIRED NUMBER OF SIGNS.

Upon application and payment of a seventy-five (\$75.00) dollar fee by the applicant, the Board of Appeals, following a public hearing in accordance with State Law, may grant a variance as to the number of signs, but not to exceed six (6), only where strict application of this Ordinance, or provision thereof, to the applicant and his business location would cause undue hardship. "Undue hardship" as used in this sub-section means:

- 1) That there are unusual conditions of topography, access, or other physical characteristics.
4. An appeal or variance granted by the Board of Appeals does not become effective until thirty (30) days after the written notification of the decision to the applicant. An appeal from any decision made by the Board of Appeals may be made to the Superior Court by any party within thirty (30) days after such decision. The applicant must obtain a sign permit within sixty (60) days of written notification but cannot erect a sign for thirty (30) days after written notification, in order to allow time for a possible appeal to the Superior Court.
 5. It shall be the responsibility of the Selectmen to enforce this Ordinance.
 6. Non-compliance with any provision of this Ordinance shall constitute a violation.
 7. PENALTIES

A. Notification of existence of violation: The Code Enforcement Officer, acting in accordance with his duties and responsibilities in connection with the enforcement of this Ordinance, shall serve written notice in hand or by certified mail return receipt requested upon the business owner, the person actually creating the violation and the landowner, of such violation or violations. When the above action does not result in the correction or abatement of the violation or nuisance condition within 30 days of receipt of the certified notification, the Selectmen are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations, the imposition of fines, and entering into consent agreements that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

- B. The penalties for violation of this Ordinance shall be as prescribed in 30-A MRSA Section 4452.
- C. Permits are revocable at any time for just cause after notice by the Code Enforcement Officer and hearing by the Selectmen.

Section 5

SEVERABILITY

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

Section 6.

REPEAL OF ANY AND ALL PRIOR SIGN ORDINANCES

This ordinance is intended to replace any existing ordinance regulating signs which regulations are not in conformity with this Ordinance.

Section 7.

DEFINITIONS

SIGN: Any structure, display, logo, device or representation, which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any public way. It does not include the flag, pennant or insignia of any nation, state or town, or products for sale. Whenever dimensions of a sign are specified they shall include frames.

BUSINESS: Any retail, service, wholesale, manufacturing, distribution, factory outlet, sales or professional activity where profit is the ultimate goal achieved by the offering for sale or for a fee or commission goods, services and/or professional care and advice to the general public and business invitees for a period of more than three (3) consecutive days in any thirty (30) day period.

PLACE OF BUSINESS: Any location where retail and/or wholesale goods and products are sold, made, manufactured and distributed; any location where services are rendered to the general public and business invitees; any location where professional care and/or advice are held out for hire to the general public and business invitees.

ON-PREMISE SIGN: A sign which is erected and maintained upon the same real property that the business, facility or point of interest is located.

OFFICIAL BUSINESS DIRECTIONAL SIGN: A sign erected and maintained to indicate to the traveling public the route and distance to public accommodations,

facilities, commercial services for the traveling public and points of scenic, historical, cultural, recreational, educational and religious interest.

LOGO: A single or multicolored symbol or design used by a business as a means of identifying its products or services.

PERSON: An individual, corporation, joint venture, partnership or any other legal entity.

TRAFFIC CONTROL SIGN OR DEVICE: An official route marker, warning sign, sign directing traffic to or from a community, bridge, ferry or airport, or sign regulating traffic, which has been erected by officers having jurisdiction over the public way. These signs shall be exempt from the requirements of this Ordinance.

VISIBLE: Capable of being seen without visual aid by a person of normal visual acuity.