

# CHAPTER 406 SIGN ORDINANCE TOWN OF GRAY MAINE

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## ARTICLE 1 – TITLE AND PURPOSE

### 406.1.1 TITLE

This Ordinance shall be known and may be cited as the Sign Ordinance of the Town of Gray, Maine.

### 406.1.2 PURPOSE

The purpose of regulating signs is to promote and protect the public health, safety and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to protect property values; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over public right of way; provide more open space, and curb the deterioration of natural beauty and community environment.

## ARTICLE 2 – DEFINITIONS

### 406.2.1 DEFINITIONS

**Abandoned Sign:** Any sign remaining or portion thereof, derelict at a location where the advertised goods or services are no longer being provided.

**A-Frame:** A temporary sign containing two (2) sign faces and whose framing is hinged at the apex at an angle less than forty-five (45) degrees.

**Animated Sign:** A sign employing actual motion or the illusion of motion.

**Awning/Awning Sign:** An awning which includes words, letters, figures, designs, symbols, graphics or pictorial art shall not be counted toward calculating the maximum number of signs allowed on a property, but shall constitute a wall sign for all other purposes, including the calculation of maximum aggregate sign area.

**Banner Hill:** The grassy knoll located on State Route 26 just northeast of the intersection of State Route 26A ("by-pass"). For the purposes of this Sign Ordinance, Chapter 406, Banner Hill shall be considered the portion of road frontage on the northeasterly side of the intersection of Routes 26 and 26A commencing at the fire hydrant ("2006" on casting, located fifty (50) feet southeasterly from CMP/Utility Pole #280) extending southeasterly two-hundred and fifty (250) feet to CMP/Utility Pole #277 (Pole #277 is located fifty (50) feet from the edge of pavement). Measurements are perpendicular to the paved road and extending the full width of the road right-of-way.

**Banner Sign:** A temporary sign having words, letters, figures, designs, or other specifications contained in the definition of "Sign" in this Ordinance applied to plastic, cloth, canvas, or other light flexible foldable or rollable non-rigid material that projects from or hangs from a building,

structure, pole or wire. Banner signs shall be subject to all applicable standards in this Chapter 406 and does not include pennants or flags.

**Banner Sign, Commercial:** A Banner Sign containing a commercial message. Off-site "Banner Signs, Commercial", are specifically prohibited.

**Banner Sign, Community:** A Banner Sign, utilized by a business subject to standards in this Chapter 406, containing a Non-Commercial message announcing a function or event of Town-wide interest supported the Gray Town Council.

**Billboard:** An advertising sign not located at the premises that it is promoting. A billboard is deemed not to be a sign as otherwise defined herein.

**Bright, Brightness:** The subjective attribute of visual perception in which a source appears to be emitting or reflecting light. It is the perception elicited by the luminance of a visual target. For the purposes of this Ordinance, brightness means luminance.

**“Burma-Shave” Signs:** Multiple sequential individual signs conveying fragments of information which cumulatively creates an entire message or similar such signs created and displayed for the same purpose.

**Business, Establishment or Religious Institutions:** A business, establishment, or religious institution occupying an entire building or a part of a building.

**Candela (cd):** A unit of luminous intensity of a light source measured perpendicular to the surface equal to 1/60th of a square centimeter of a blackbody at the temperature of solidification of platinum (2,045 degrees Kelvin). Also known as a "candle".

**Canopy or Marquee Sign:** A sign which is on or attached to a permanent overhang projecting from the face of the building and supported entirely or partially by the building.

**Commercial Message:** The promotion or display of any, logo, insignia, trademark, lettering, numbering or otherwise using words, letters, figures, designs, or other specifications contained in the definition of "Sign" in this Ordinance for a product or service of an entity operating for profit.

**Contrast Ratio:** The proportion of the ratio between any one or more point(s) of brightness on any sign and the average brightness level of the general surroundings of the area adjacent to the sign.

**Directory Sign:** A freestanding or wall affixed sign which identifies the businesses in an integrated center such as an office campus or industrial park, in whole or in part, usually with a listing or a graphic representation of some or all of the tenants at the location.

**Electronic Message Display Board:** A permanent message board in which one or more illuminated characters in a display may be changed by electronic means.

**Entrance Sign:** A sign designed to identify the entrance to a business, residential subdivision, shopping plaza, commercial office, or industrial park.

**Establishment:** See Business, Establishment, or Religious Institutions in this Ordinance.

**Externally Illuminated:** Illumination of a sign by reflecting artificial light off its surface.

**Farm Stand:** A roadside stand selling only farm, garden, greenhouse, nursery, or Farm Food Products. The individual or business entity operating the Farm Stand must participate in the harvesting and/or production of the majority of food/products offered for sale.

**Farm Food Products:** Food products of the soil not subject to State Tax including fruits, vegetables, grain and grain products, honey, nuts, and maple products. If produced on the same premises as the Farm Stand where sold, eggs, dairy products, meat and meat products (including poultry) shall be considered Farm Food Products.

**Feather Sign(s):** A flexible or rigid typically vertical pole to which one side is fixed a flexible fabric, generally but not necessarily in the shape of feather or similar shape using words, letters, figures, designs, or other specifications contained in the definition of Sign in this Ordinance for the purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known under the following names: Feather Banner, Feather Banner Sign, Quill Sign, Banana Banner, Flutter Flag, Bowflag, Teardrop Banner, and others. This definition includes any similarly displayed devices.

**Freestanding Sign:** A sign supported by one or more uprights or braces, permanently affixed into the ground. It shall not be erected in or project over the public right-of-way.

**Frontage, Street:** As defined in the Town's Zoning Ordinance (Chapter 402)

**Grand Opening Signs:** See standards in Article 5

**Ground Sign:** A free-standing sign, generally having a low profile where the base of the sign structure is on the ground or a maximum of twelve inches (12) above the lowest point of the ground adjacent to the sign such that the sign has the appearance of a solid base and contains information on activities or businesses. It shall not be erected in or project over the public right-of-way.

**Home Occupation:** As defined in the Town's Zoning Ordinance (Chapter 402).

**Identification Sign:** A sign indicating the location of, or direction to, a separate function performed within one portion of that building. Examples of identification signs are: "entrance", "exit", "auditorium", etc. Identification signs do not name or advertise the activity conducted within or outside of the premises.

**Illuminated Sign:** A sign characterized by the use of artificial light.

**Inflatable Sign(s):** Any object that can be or is inflated which is used for the purpose of advertising and/or attention-getting by the public display of visually communicative shape. Simply shaped balloons associated with Grand Opening Signs as allowed in Section 5 of this Ordinance are permitted provided that standards in this Ordinance are maintained.

**Internally Illuminated:** Illumination in a manner in which artificial light is projected through the signs surface. This does not include individually pin-mounted reverse illuminated solid-faced channel letters signs, often referred to as "halo-lit signs".

**Industrial Park:** A parcel of land classified by the Town Planner as an Industrial Park at the time of site location approval.

**Motor Fuel Price Sign:** Numerals designating the price per gallon or liter for a particular grade of motor fuel.

**Multi-Tenant Property:** A lawfully existing lot or parcel having a minimum of one hundred (100) feet of street/road frontage on a publicly owned road which has four (4) or more separate ground-level commercial establishments or units each of which having its own entrance and individual area to conduct business. If two (2) or more commercial establishments or units are occupied or utilized by the same commercial entity or parent company, they shall be considered one (1) commercial establishment or unit.

**Municipal Signage:** Signs erected by the Town on municipal property, and Municipal Banners erected either promoting or sponsored by the Town, or that have Town support.

**Murals:** A painting or pictorial representation conveying a Non-Commercial Message not containing any offensive content or language that is applied to or incorporated into a structure or wall, that can be viewed from public places, alleys, or rights-of-way. The entire area of a mural that contains any advertising, logos, or similar messaging associated with a non-residential entity shall be considered sign area for the purposes of this Ordinance.

**Nit:** a metric for measuring luminance equivalent to 1 Candela per square meter

**Non-Commercial Message:** A constitutionally protected message that is not commercial in nature. Non-commercial messages on signs typically addresses topics of public interest such as, but not limited to, politics, religion, philosophy, science, art, or social commentary.

**Occupant:** Business(es) located in a specific definable space that may be owned, rented, or leased as a unit whether a stand-alone building or portion thereof separated from other business locations by fixed walls without interior access. Multiple businesses practically functioning from the same fixed owned/ rented/ leased unit shall be considered one “occupant” for the purposes of this Ordinance specifically including Table 1.3.

**Office Building:** A single building of no less than 5,000 sq. ft. floor area net. As defined in the Town’s Zoning Ordinance.

**Office, Business or Professional:** The place within and from which a person or persons conducts a business providing, by way of example, but not limited to, a trade, professional or service to clients or customers. Business and professional offices may include, but are not limited to, offices for plumbing, electrical, and other construction trades, firms or contractors; and for lawn care and building cleaning companies; and for lawyers, doctors, accountants, engineers and other professional consultants. Personal services, as defined in the Town’s Zoning Ordinance, are not included in this definition.

**Office Campus:** A group of two (2) or more Business or Professional Office Buildings in a designated area served by a single main entrance.

**Official Business Directional Sign (OBDS):** Refer to the Town of Gray’s Official Business Directional Sign Ordinance

**Off-Site Sign:** A sign that advertises commercial products, accommodations, services, or activities not provided in or on the property or premises upon which it is located. Off-Site Banner Signs, Commercial, are specifically prohibited.

**On-Site Sign:** Directs attention to a business, industry, accommodations, profession or service conducted on the property or premises where the sign is displayed.

**Open Flag:** Standard flag indicating that an establishment is “open for business.” This Ordinance does not prohibit or restrict displays of the United States Flag or the State of Maine Flag.

**Permanent Sign:** A sign or advertising display designed and intended for long-term use constructed of weather-resistant rigid materials that is securely attached to a building, wall, and/or sign structure in the ground. OR A sign which is constructed of rigid material and is securely attached to a building, wall, fence, or freestanding structure in the ground, and is designed and intended to be utilized for long-term display.

**Person:** Includes a firm, association, organization, partnership, trust company, or corporation as well as an individual, but does not include a governmental unit or entity.

**Photometer:** An instrument that measures light intensity in terms of luminance.

**Political Sign:** See standards in Article 5.

**Portable Sign:** A temporary sign which is not designed to be permanently affixed into the ground or to a structure. All portable signs as defined in this Ordinance shall be considered a temporary sign provided that all standards in Section 5 of this Ordinance are met and maintained.

**Premises:** One or more lots, tracts, plots, or parcels of land together with the building(s) and structure(s) thereon which are in the same ownership and are contiguous.

**Professional:** See definition of Office, Business, Professional in this Ordinance.

**Property Identification Sign:** A sign designed for the purpose of identifying a residential or commercial property by street address, primarily in the interest of public safety

**Projecting Sign:** A sign that is wall-mounted, perpendicular to the building surface. In no event shall a projecting sign project into the public right of way or be higher than the roof of the building to which it is attached.

**Public Notice Sign:** A temporary sign containing a Non-Commercial message for the primary purpose(s) displaying information of a civic, social, or religious nature. Such a sign may have a surface which allows the use of removable letters subject to standards in this Ordinance.

**Push-Through signage:** Word(s), letter(s), figure(s), design(s), number(s), logo(s), specifications contained in the definition of Sign in this Ordinance or similar advertising on a sign that extends through and/or beyond the front surface of a sign face that may or may not be internally illuminated.

**Push-Through flush signage:** Push-through style signage that does not extend beyond the front surface of a sign face.

**Real Estate Sign:** a temporary sign which advertises the lease or sale of land, space or structure.

**Religious Institutions:** See Business, Establishment or Religious Institutions in this Ordinance.

**Retail Trade:** As defined in the Town's Zoning Ordinance.

**Roof Sign:** A sign installed on top of, or over, the roof of a building with the principal support on the roof structure.

**Shopping Center:** A group of retail stores and/or office having a minimum of 25,000 sq. ft. of floor area net as defined in the Town's Zoning Ordinance.

**Sign:** Any object, device, display, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. For the purpose of this Ordinance any logo, and/or lettering painted on or adhered to the exterior sheathing, wall or roof of a building shall be considered a sign. Graphics and pictorial art work are allowed on signs and shall be considered a part of the sign and shall constitute sign area.

**Sign Area:** The area of a sign (which is also the area of a wall sign or other sign with only one (1) face). Sign area shall be computed by using the smallest square, rectangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with 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, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning Ordinance regulations and is clearly incidental to the display itself (refer to Diagrams 1 and 2).

**Subdivision:** The term shall be defined as in Title 30-A M.R.S.A. § 4401, sub-§4, as amended.

**Temporary Sign:** A sign or advertising display designed to be displayed for a limited amount of time as defined in Article 5 of this Ordinance constructed of lightweight or flexible material designed and intended to be on display for short time periods and is easily installed and removed using ordinary hand tools. A Portable Sign, as defined in this Chapter 406, shall also be considered to be a temporary sign provided that standards established in Section 5 and in this Chapter 406 are maintained.

**Town:** Means the municipality or Town of Gray, Maine.



**Wall Sign:** Any sign mounted parallel to or painted on the wall of a building extending not more than six (6) inches from that surface.

## ARTICLE 3 – SIGN DISTRICTS & TABLES

### 406.3.1 DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Town of Gray's Shoreland Zoning, Zoning and Overlay District(s) have been classified into three (3) Sign Districts:

**Residential District:** This district is comprised of the following Zoning Districts per Chapters 402 & 403: Rural Residential & Agriculture District (RRA), the Lake District (LD), the Medium Density District (MD) Zoning Districts, and the Mobile Home Park Overlay District (MHP). This district also includes the following Shoreland Zoning Districts: Limited Residential (LD), Stream Protection (SP) and Resource Protection (RP).

**Business District:** This district incorporates the following Zoning Districts per Chapters 402 & 403: Business Development Districts (BD-1 & 2), the Commercial District (C), Business Transitional-1 & 2 (BT-1 & 2), and the Wellhead Protection Districts 1 and 2 (WH1 and WH2) Zoning Districts. This district includes the Limited Commercial (LC) Shoreland Zoning District.

**Village District:** This district includes both the Village Center District (VC) and the Village Center Proper District (VCP) Zoning Districts per Chapter 402.

### 406.3.2 TABLES

The Tables in this Section 406.3.2 establish the following:

- Table 1.1: Sign Types permitted by Sign District
- Table 1.2: Maximum aggregate sign area by Sign District
- Table 1.3: Sign requirements by Sign District

This table defines the allowable sign types and sizes by District. ‘P’ designates a permitted sign within a specific district. ‘N’ designates signs that are not permitted.

**Table 1.1: Sign Type permitted by Sign District**

<b>Sign Type</b>	<b>Residential</b>	<b>Business</b>	<b>Village</b>
A-Frame	P	P	P
Animated	N	N	N
Billboard	N	N	N
Banner Signs-Commercial-Temporary	N	P	N
Banner Signs-Community-Temporary	P	P	P
Canopy or Marquee	P	P	P
Directory	P	P	P
Electronic Message Display Board*	N	P	N
Entrance	P	P	P
Externally Illuminated	P	P	P
Feather-Temporary	N	N	N
Freestanding	P	P	P
Ground Sign	P	P	P
Home Occupation	P	P	P
Inflatable-Temporary	N	N	N
Internally Illuminated	N	P	N
Mural	P	P	P
Off-Site	N	N	N
On-Site	P	P	P
Portable-Temporary	P	P	N
Projecting	P	P	P
Property Identification	P	P	P
Roof	N	P	P

Wall	P	P	P
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\* Municipality owned signage is exempt from district requirements.

**All other sign types are prohibited.**

**Table 1.2: Maximum aggregate sign area by District.**

	Residential District	Business District	Village District
<b>Maximum Aggregate Sign Area*</b>	48 sq ft	150 sq ft	56 sq ft

\* Aggregate sign area is the total sign area of all signs permitted per business or establishment, including temporary signs, with the exception of Directory signs that conform to standards in this Ordinance including but not limited to Table 1.3 below. Specific Signs established in Article 5 that are in conformance with all standards in this Chapter 406 shall not count towards Aggregate Sign Area.

This table defines the number of signs and maximum square footage of each sign type per district.

**Table 1.3: Sign requirements by District.**

	Residential District	Business District	Village District
<b>Free Standing Signs</b>			
Number Permitted Per Establishment	1 per Frontage	1 per Frontage or 1 per each 250 ft Frontage	1 per establishment
Maximum Sign Area (Square Feet)	36 sq ft per Sign Maximum total combined 36 s.f.	60 sq ft per Sign	24 sq ft per Sign Maximum total combined 24 sq ft
Maximum Height (feet)	12 ft	25 ft	12 ft
<b>Ground Signs</b>			
Number Permitted Per Establishment	1 per Frontage	1 per Frontage or 1 per each 250 ft Frontage	1 per Frontage
Maximum Sign Area (Square Feet)	36 sq ft per Sign	60 sq ft per Sign	24 sq ft per Sign
Maximum Height (feet)	8 ft	8 ft	8 ft
<b>Wall Signs</b>			

Number Permitted Per Establishment	1 per Occupant	1 per Occupant	2 per Occupant
Maximum Sign Area (Square Feet)	36 sq ft per Occupant	75 sq ft per Occupant	24 sq ft per Occupant
Maximum Height (feet)	N/A	N/A	Subject to max height of 16 ft from grade
<b>Projecting Signs</b>			
Number Permitted Per Establishment	36 sq ft per Occupant	1 per Occupant	1 per Occupant
Maximum Sign Area (Square Feet)	36 sq ft per Occupant	75 sq ft per Occupant	24 sq ft per Occupant
<b>Roof Signs</b>			
Number Permitted Per Establishment	1 per Occupant	1 per Occupant	1 per Occupant
Maximum Sign Area (Square Feet)	36 sq ft per Occupant	75 sq ft per Occupant	24 sq ft per Occupant
Maximum Height (feet)	Maximum height shall be 7 ft above the lowest eave.	Maximum height shall be 7 ft above the lowest eave.	Maximum height shall be 7 ft above the lowest eave. Subject to max height of 16 ft from grade
<b>Temporary Public Notice Sign</b>			
Number Permitted Per Premises	1 Sign per street Frontage up to 2 total	1 Sign per street Frontage up to 2 total	1 Sign
Maximum Sign Area (Square Feet)	6 sq ft each Sign	24 sq ft total all Signs combined	12 sq ft total
<b>Temporary Real Estate, Construction Signs</b>			
Number Permitted Per Premises	1 Sign per street Frontage up to 2 total	1 Sign per street Frontage up to 2 total	1 Sign

Maximum Sign Area (Square Feet)	6 sq ft each Sign	24 sq ft total all Signs combined	12 sq ft total
<b>Municipal Signs</b>			
Number Permitted Per Premises	Exempt	Exempt	Exempt
Maximum Sign Area (Square Feet)	Exempt	Exempt	Exempt
<b>Portable signs</b>			
Number Permitted Per Premises	1 Sign	1 Sign	Not Permitted
Maximum Sign Area (Square Feet)	18 sq ft	18 sq ft	Not Permitted
<b>Home Occupation Signs</b>			
Number Permitted Per Premises	1 Sign per house	1 Sign per house	1 Sign per house
Maximum Sign Area (Square Feet)	6 sq ft	6 sq ft	6 sq ft
<b>Directory Signs</b>			
Number permitted Per Establishment	1 per Frontage	1 per Frontage	1 per Frontage
Maximum Sign Area (Square Feet)	3 sq ft per Occupant	3 sq ft per Occupant	3 sq ft per Occupant
Maximum Height (feet)	8 ft	8 ft	8 ft
Maximum Width (feet)	7 ft	7 ft	7 ft

## ARTICLE 4 – PERMITS AND CONFORMANCE

### 406.4.1 SIGN PERMITS

- A. Permit Required: Except as otherwise provided herein, any sign or advertising device of any nature may not be erected or altered on a lot or affixed to the exterior of any building, structure, or the like without first obtaining a sign permit from the Code Enforcement Officer (CEO). Applications shall be on forms prescribed and provided by the CEO setting forth such

information as may be required by him/her for a complete understanding of the proposed work including applicable fees.

- B. Sign Permit Submission Requirements. All sign permit applications shall include:
  - 1. A plot plan showing the proposed location of the sign showing setbacks to all property lines, easements, and rights-of-way.
  - 2. Color scaled drawings, including elevational renderings, showing building dimensions of all components of the sign as necessary including but not limited to types of materials, wording, colors, along with all proposed illumination. The CEO may require a visual depiction of where the sign is proposed to be located on the subject property.
  - 3. Day and night renderings, including light color temperatures and illuminance/luminance brightness are required for any illuminated sign.
- C. Registration Required for types of Temporary Signs: Prior to installing or displaying any of the following types of Temporary Signs, the sign must obtain verification of registration from the CEO:
  - 1. Portable
  - 2. Grand Opening
  - 3. Banner-Commercial
  - 4. Banner-Community
  - 5. Subdivision
- D. Sign Permit Fees: Permit Fees are specified in the Town's Municipal Fee Schedule (from current 406.9.1)

#### **406.4.2 MAINTENANCE AND CONFORMANCE OF SIGNS**

- A. No sign shall be erected or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted or otherwise printed and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community as otherwise provided herein, or constitute a distraction or obstruction that may contribute to traffic accidents.
- B. Legally erected non-conforming signs installed prior to adoption of this Ordinance amendment may continue usage if:
  - 1. Regular repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, replacement of parts and light bulbs, are performed, provided that repainting shall not include a change of copy.
  - 2. Replacement panels replicate or convey the same business or activity conducted or product sold as the original panels.
- C. Legally erected non-conforming sign(s) installed prior to adoption of this Ordinance amendment may not continue usage if one or more of the following are met:

1. The sign no longer advertises a bona fide business or activity conducted on premises, product sold, or public notice or is an abandoned sign.
  2. The sign becomes or is in disrepair. It shall be removed upon order of the CEO if not repaired within thirty (30) days after written notification from the CEO. Any new sign must conform to this Ordinance.
  3. The sign requires changes to the display surface if the advertised business or activity conducted or product sold is changing from the original.
  4. There is a change in ownership in the premises, resulting in a change in business name, since the adoption of the Ordinance.
  5. The sign is moved for any reason for any distance or the sign is temporarily removed along with its supporting uprights or braces, in which event it shall be required to conform to this Ordinance when re-assembled.
- D. In no case, may the replacement or repair of any sign existing prior to adoption of this Ordinance be less compliant than the original. Any replacement panels or repaired sign(s) are subject to the review of the CEO to ensure compliance with the standards set forth in this Section 406.4.2.
- E. Any sign deemed inconsistent with this Ordinance shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within ten (10) days after the activity has ceased, or if the removal has not occurred, within thirty (30) days after written notification from the CEO.
- F. If there is a change of use on a property and there were one or more on-premise non-conforming signs which advertised the former business or use, any new signs used, and all new sign(s) faces for the new use or business must meet all sign requirements in this Ordinance.
- G. No non-conforming sign shall continue to be used or allowed to remain following any activity that requires Site Plan Review approval as established in the Zoning Ordinance.

## **ARTICLE 5 – TEMPORARY SIGNS AND BANNER SIGNS**

### **406.5.1 TEMPORARY SIGNS**

Temporary signs in this Article 5 are permitted and shall conform to standards within municipal, state or federal Ordinances, statutes or regulations and this Ordinance, including Tables 1.1, 1.2 and 1.3 in Article 3 of this Ordinance.

#### **406.5.1.2 TEMPORARY SIGN STANDARDS**

- A. Except as expressly allowed in this Ordinance, Temporary sign(s) conveying any type of commercial message shall not be erected or maintained on any of the following:
1. A traffic control signal or device

2. A public utility pole or fixture
3. A rotary traffic island
4. A tree or public property or within a public right-of-way
5. A control-of-access right of way area
6. A median of less than six (6) feet wide

#### **406.5.1.3 TEMPORARY SIGNS NOT REQUIRED TO OBTAIN A PERMIT**

The following types of Temporary Signs shall maintain compliance with all applicable standards and shall not be required to obtain a permit from the CEO:

- A. **Public Notice Sign:** Signs of a temporary nature, not including banners, that display advertisements of charitable functions, notices of meetings and other non-commercial signs of a similar nature, are permitted for a period not to exceed twenty-one (21) days in any one calendar year and shall be removed by the person(s) who posted the signs within forty-eight (48) hours after fulfilling their function. Temporary signs specified in this section shall not be attached or painted to fences, trees, or other natural features, or utility poles and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.
- B. **Political Signs:** Temporary political signs on public property or within public rights-of-way shall be permitted as provided by State law. Political signs are prohibited from all Town-owned properties except the public rights of way as otherwise provided by state law. Political signs are specifically prohibited on Banner Hill as defined in this Ordinance.
- C. **Real Estate Signs:** a temporary real estate sign advertises the lease or sale of land, space or structure. Unless prohibited by State Authorities, one off-premises Temporary Real Estate sign and/or one temporary Real Estate sign bearing the message “Open House” may be placed without obtaining a permit at the entrance to a dead-end or cul-de-sac street for the purpose of directing motorists to property for sale on that street. All other real estate signs must be physically located on the actual property for sale or lease, and only one sign may be located per street frontage. Real estate signs must be removed within ten (10) business days of the date of sale or lease of property. The Town’s Public Works Department or Code Enforcement Officer (CEO) shall have the authority to remove signs that remain after the ten (10) day period, and violators will be charged for the cost of removal. If legal action is necessary to collect fines, violators must also reimburse the Town for associated legal and court costs. Additionally, the Town will not issue building permits or permit the erection of new signs for the property cited for a sign violation until all fines and costs have been paid.
- D. **Open Flags:** In addition to the maximum number, total square footage per lot and size of permitted signs, “Open” flags are permitted in all districts subject to the following conditions:
  1. Only one flag per business establishment shall be permitted.
  2. The flag shall be flown only during open business hours.



3. The flag area is limited to a maximum of sixteen (16) square feet.
  4. Flag design shall be limited to the standard "Open" type.
  5. No logos, signage or advertising for the respective business(es) of any size or type is permitted.
  6. This section does not prohibit or restrict displays of the United States Flag or the State of Maine Flag.
- E. **Farm Stands:** To the extent permitted by State law (see Title 23 M.R.S.A., Part 1, Chapter 15, subchapters 1 & 2 and other relevant State Statutes), the operator of a Farm Stand, as defined herein and by State law, may install a maximum of five (5) sandwich-board style signs between June 1st and November 15th of each year for the purposes of directing motorists to the location where agricultural products are offered for sale provided that the standards in this Ordinance and the following are met and maintained:
1. A maximum of two (2) on-premises and three (3) off-premises signs shall be permitted.
  2. Each sign shall be thirty-six (36) inches or less in height and may not exceed six (6) square feet in Sign Area.
  3. Signs shall not be clustered together and "Burma-Shave" style signs (sequential) are specifically prohibited.
  4. All signs shall constitute Sign Area for the purposes of calculating Maximum Aggregate per Table 1.2 herein.
  5. All signs shall be chalkboard or whiteboard and no changeable copy is permitted.
  6. No add-ons such as balloons, flags, streamers, or lighting are permitted.
  7. All signs shall be safely secured with, for example, weights but shall not be affixed to the ground if they are within a road right-of-way.
  8. No sign shall adversely affect motorist sight distance, pedestrian and/or bicycle traffic, nor infringe upon accessibility for handicapped individuals.
  9. Subject to State law requirements, maximum of two (2) "on-site" sign(s) may be located within fifteen (15) feet of the entrance or the property line and within the right-of-way, subject to "h" above, at the sign-owners risk and the issuance of an revocable license agreement and waiver of liability are executed and permission by the Town.
  10. Subject to State law requirements, maximum of three (3) "off-site" sign(s) must be located within one (1) mile of the Farm Stand, not within a road right-of-way, and only on private property with the consent of the property owner(s).

11. The three (3) "off-site" sign(s) detailed above in this section 406.7.1.11 shall not require issuance of a permit by the CEO.

#### **406.5.1.4 TEMPORARY SIGNS REQUIRING REGISTRATION**

The following types of Temporary Signs shall maintain compliance with all applicable standards and shall be required to obtain verification from the CEO that the sign is registered per Section 406.4.1.C:

- A. Portable Signs:** Portable signs on movable frames, whether or not the wheels have been removed, shall be prohibited in the Village zone. No person shall park any vehicle or trailer or truck trailer on a public right-of-way, public property or on private property visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the purpose of providing advertisement of products or directing people to a business or activity. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to business or commercial vehicles (see Motor Vehicle Signs in Article 7) Portable signs may be permitted for a period not to exceed twenty-one (21) days in any one calendar year and shall be removed by the person(s) who posted the signs.
- B. Grand Opening Signs:** One (1) Temporary Grand Opening sign may be installed on the premises of a newly opened business. Business establishments located on corner lots may install two (2) Temporary Grand Opening signs. Temporary Grand Opening signs may be in the form of a banner or window sign. A Temporary Grand Opening sign shall be displayed for no more than sixty (60) days and shall be removed by the person(s) who posted the sign. A Temporary Grand Opening sign shall conform to standards in this Ordinance.
- C. Banner Sign Standards:** All Banner signs shall comply with the following standards:
  - 1. Registration verification from the Code Enforcement Officer shall be required prior to being affixed and able to be viewed by the public.
  - 2. Banner Signs-Commercial shall be subject to standards in Section 406.5.3 below and Banner Signs-Community shall be subject to standards in Section 406.5.4 below.
  - 3. **Construction:** All Banner Signs in a vehicular public right-of-way, or within twenty (20) feet of a public ROW shall be constructed in accordance with the following standards:
    - a. Grommets: All Banner Signs displayed on Banner Hill or over a private vehicular accessway shall have grommets placed every 18 inches near to the edges of top and bottom of the Banner Sign. Banner Signs in excess of 30 inches in height shall have grommets place at least every 12 inches at both ends of the Banner Sign.
    - b. Wind Deterrents: All Banner Signs shall have wind flaps cut into the Sign every 3 feet approximately 5 inches in height and width.

- c. Banner Signs shall be made of durable tear resistant reinforced vinyl, canvas, or other light flexible fabric like material that is designed to be weatherproof medium and able to withstand wind-driven precipitation events.
  - d. Banner Signs must meet and maintain all the requirements of state and local law.
4. **Width and Height:** Unless specifically allowed in Section 406.5.1.4.F below, All Banner Signs shall conform to the following maximum Width and Height:
- a. Width: Maximum width is 18 feet.
  - b. Height: Maximum height is 36 inches.
5. Banner Signs shall be a single unit. At no time shall two (2) Banner Signs be hung together to make one unit (unsafe during windy conditions).
6. Banner Signs shall not be illuminated and shall not include or utilize any reflective materials.
7. Banner Signs shall be securely fastened on all sides to a permanent on-site structure such as a building, fence, or wall. The fastening must be sufficient to ensure that it will remain in place for weather events.
8. Banner Signs shall be continuously maintained in good condition.
9. Signs shall only advertise events that are to take place within the Gray municipal limits, or that are sponsored by or raise funding for organizations located within Gray unless specifically allowed by the Gray Town Council.

**D. Standards for Banner Signs-Commercial:** The following provisions relating to Banner Signs-Commercial are applicable in all permitted Districts:

- 1. Banner Signs displayed in accordance with all applicable standards shall not count towards Maximum Aggregate Sign Area established in Table 1.2 of this Ordinance.
- 2. Banner Signs shall be displayed for a maximum of four (4) time periods each calendar year. Each period may not run more than thirty (30) consecutive days. After each display period, no successive Banner Sign may be displayed for at least sixty (60) calendar days).
- 3. Banner Signs shall comply with Banner Sign standards per 406.5.1.4.C. above and shall not exceed fifty-four (54) square feet or ten (10) percent of the side of the building (not counting roof area) that faces the vehicular access to the property, in which case whichever is greater shall apply.
- 4. Only one (1) Banner Sign shall be allowed at any one time per establishment.

5. Banner Signs shall be on the same site as the sponsoring establishment. Off-Site Banner Sign(s) is specifically prohibited.
6. Banner Signs shall be at least ten (10) feet above ground level.
7. In no event shall any Banner Sign be utilized as any part of the Permanent Signage for any property or establishment.
8. Banner Signs must be removed within forty-eight (48) hours after the event.
9. Off-Site Banner Signs are specifically prohibited. Commercial Banners must only be placed on the business premises.
10. Unless attached to a permanent principal building, not an accessory structure, Banner Signs-Commercial shall not be located less than ten (10) feet from the front property line, edge of the right-of-way, or thirty-three (33) feet from the centerline of a publicly owned or maintained road, whichever measurement is further away from the road accessing the property where the Banner Sign is placed. In no event shall Banner Signs shall be mounted or project into any public right of way.
11. Banner Signs-Commercial shall not be placed on any parcel or any property that sells, stores, and/or dispenses motor fuel(s).

**E. Banner Signs-Community Standards:** The following provisions relating to Banner Signs-Community are applicable in all permitted Districts:

1. When the Town of Gray sponsors or co-sponsors a program for a special public event, with or without co-sponsors, public property may be used to promote and identify the special event.
2. Off-site signs used to advertise parades, festivals, charitable or educational fundraisers, sports league sign-ups, holiday home tours and similar events are allowed provided that the standards in this Ordinance are adhered to.
3. Signs shall not be placed more than thirty (30) days in advance of the event and shall be removed no later than five days after the conclusion of the event.
4. The cumulative area of all commercial messages, specifically including logos, shall not exceed ten (10) percent of the Banner Sign Area for any banner located less than two-hundred (200) feet from a publicly-owned road.
5. Except as specifically provided for below for Town-owned recreational fields located on a parcel that is at least two hundred (200) feet from a publicly owned road, the cumulative area of any banner sign(s) on any one property shall not exceed fifty-four (54) square feet nor shall any one banner be more than three (3) feet high or more than eighteen (18) feet wide.

6. Standards specifically applicable for Town-owned recreational fields located on a parcel that is at least two hundred (200) feet from a publicly owned road:
  - a) One seasonal banner on each publicly owned recreational field shall be permitted provided that it does not exceed nine hundred and sixty (960) square feet nor more than twelve (12) feet high nor more than eighty (80) feet wide.
  - b) Seasonal banners shall not be installed or displayed for longer than one hundred and eighty (180) days in any calendar year.
  - c) The cumulative area of all commercial messages on a seasonal banner, specifically including logos, shall not exceed fifty (50) percent of the banner sign area.
  - d) Individual seasonal banners less than twenty (20) square feet shall be permitted to display predominantly commercial advertising provided that the purpose of such signs is to support public non-profit community organizations.
7. **Priority Order of Banner Pole Use:** The priority of use for Banner Hill, as defined herein, shall be determined by the following order unless specifically approved by the Gray Town Council:
  - a) Town of Gray and MSAD 15 community events including but not limited to the Crystal Lake Ice Fishing Derby, Patriot 5K, Crossroads Challenge, Gray Fire/Rescue Barbecue, Blueberry Festival, and other Town-sponsored or co-sponsored events.
  - b) Town of Gray Recreation Department sign-ups/events.
  - c) Approved non-profit, non-religious organizations/feeder program(s) sign-ups for sports season(s) and sports camp(s).
  - d) MSAD 15 School events.

NOTE: The desired size of Banners on Banner Hill is three (3) feet by fifteen (15) feet.

- F. **Subdivision:** One (1) temporary sign is allowed to advertise an approved subdivision site while construction is underway until the permanent 911 road sign is installed. The sign shall not contain more than twelve (12) square feet of sign area. Any such sign visible from a public vehicular travel-way shall not exceed sixteen (15) square feet of sign area and shall not be posted for more than two (2) years. One (1) additional sign not exceeding thirty-two (32) square feet depicting the overall layout of the development is allowed provided that it is located a minimum of one hundred (100) feet from a vehicular public travel-way or right of way. Standards for permanent Subdivision signs are contained in Article 7 of this Ordinance.

**ARTICLE 6 – REGULATIONS ALL DISTRICTS****406.6.1 REGULATIONS APPLICABLE TO SIGNS IN ALL DISTRICTS**

The following provisions relating to signs are applicable in all districts.

- A. One sign identifying the name, address and profession of a permitted home occupation or a lawfully existing nonconforming home occupation is allowed.
- B. One (1) bulletin board or similar sign in connection with any church, museum, library, school or similar public structure, but not exceeding twelve (12) square feet is allowed.
- C. No sign, except traditional barber poles for licensed barber shops, shall have visible moving parts, blinking, moving or glaring illumination, or any part consisting of banners, pennants, ribbons, streamers, spinners or other similar devices. In addition, “Open” flags are permitted only as described in Article 5 of this Ordinance.
- D. Any sign, or portion thereof, which no longer advertises a bona fide business conducted, product sold, activity being conducted, or public notice, shall be taken down and/or removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign is located within ten (10) days after the activity has ceased, or if the removal has not occurred, within thirty (30) days after written notification from the CEO. Temporary signs shall be removed in accordance with Article 5 of this Ordinance.
- E. District setback requirements as established in the Town’s Zoning Ordinance shall not apply to signs; however, no part of any sign shall project over or be within the public right-of-way if it is located in a zoning district which has a front setback building requirement. No ground or portable signs shall be permitted in the public right-of-way. Signs located in any business sign district, as established in Section 406.3.1 above, shall be set back a minimum of five (5) feet from the edge of the public right of way including any overhanging portions of the sign.
- F. In addition to the maximum number and size of signs permitted, directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, having a display area not exceeding five (5) square feet, and not extending higher than three (3) feet above ground level, are permitted with issuance of a CEO permit evidencing compliance with this Ordinance.
- G. Non-conforming signs may continue only as referenced in Article 4 of this Ordinance, but may not be rebuilt or relocated on the same premises; however, non-conforming signs located on land which is acquired for governmental purposes may be relocated on the same premises.
- H. In addition to the maximum number and size of permitted signs, identification signs may be erected over or by the doorway or entrance to such portion of the building. The sign area shall not exceed ten percent (10%) of the area of such doorway or entrance to such portion of the building.

- I. A sign with an identical double signboard or display area (two back-to-back sign faces) shall be construed to be one sign for the purpose of this Ordinance.
- J. Any sign added or attached to a sign's upright or brace by any means shall be considered part of the sign area and will be included in calculating the permitted signs total area.
- K. Murals are allowed in all districts, but may not contain any advertising, commercial messages, or logos. Such murals are still subject to all requirements of any zoning standards which may apply and are considered public art. The entire area of a mural that contains any advertising, logos, or similar associated with a non-residential entity shall be considered sign area for the purposes of this Ordinance.
- L. No sign shall obscure required vehicular sight lines from any driveway or roadway intersection or cause a safety hazard to pedestrians or motorists. The CEO or the Town's Public Works Department shall have the authority to remove any such sign.
- M. No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard or results in a nuisance, as specifically prohibited elsewhere in this Ordinance due to illumination, placement, display, or manner of construction.
- N. For the purpose of this Ordinance, the term "sign" does not include signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, Ordinance or governmental regulation, nor to a "name sign" not exceeding one (1) square foot in area identifying the name(s) of the residents of the premises where such sign is located.
- O. No lighted sign, including a non-conforming sign that is replaced or relocated shall be placed within eight (8) feet of the drip lines of any overhead utility wires and their appurtenances. This requirement is not subject to variance or waiver.
- P. If the ratio of the actual sign area to the overall sign (including borders and all portions of the supporting structure not counting a planter base) exceeds two (2.0), the entirety of the perimeter of the sign, specifically including the supporting structure, shall be counted as sign area.
- Q. Unless specifically exempted in this Ordinance, if any portion of the supporting structure contains visible logo(s), number(s), lettering, or similar, the entire supporting structure shall be considered sign area.
- R. The lighting of neon or other illuminated tube-type signs or advertising device is specifically prohibited.
- S. "Burma-Shave" Sign(s), as defined in this Ordinance, are specifically prohibited in all Sign Districts
- T. A string of lights shall not be used for the purpose of advertising or attracting attention. This paragraph shall not prohibit temporary decoration of buildings during holiday season when such decoration is customary.

## **ARTICLE 7 – SPECIFIC STANDARDS**

### **406.7.1 SPECIFIC STANDARDS**

- A. The standards contained in of this Article 7 shall apply on a per building basis. In calculating allowable signage, each principal building together with its accessory buildings or structures, if any, shall count as one building.
- B. Signs Excluded from this Section:
  - 1. Signs displayed within the interior of a window of a building if the sign or grouping of signs does not occupy more than one-third of the surface area of such window or 10% of the wall area upon which the window is placed, whichever is more restrictive;
  - 2. Identification signs as described in Article 6 Section 406.6.1.H of this Ordinance.

### **406.7.2 WALL, PROJECTING, AND ROOF SIGNS**

Unless otherwise provided, wall, projecting and roof signs shall not extend more than six (6) inches from the wall to which it is attached or party wall separating occupancies into the wall area of other premises. Wall, Projecting, or Roof Signs shall not exceed 25% of the wall area or roof on which they are located and/or attached.

### **406.7.3 ELECTRONIC MESSAGE DISPLAY BOARD STANDARDS**

All electronic message display boards shall have dark/black background and utilize only amber-colored lights.

- A. The numbers or letters shall consist of a single row of pixels.
- B. Electronic Message Display Boards constitute sign area and shall be maintained to conform the following standards:
  - 1. Except for time and temperature information, changeable signs may change no more often than once per minute.
  - 2. Time/date/temperature information must be displayed for a minimum of three (3) seconds each time it is shown.
  - 3. When changing messages, the message must change instantly and may not include any phasing, rolling, flashing, blending, or any such similar change of messages.
  - 4. Streaming of information or video animation is not permitted.
  - 5. While being displayed, the message shall remain fixed with no flashing, phasing, rolling, scrolling, blending, or any such similar display of information.
- C. Brightness and Illumination Standards: In addition to the maximum brightness/illumination established in Section 406.7.4 in this Ordinance, brightness measurements shall be measured by the following procedure and conform to the following standards:



1. For determining night-time maximum brightness standards, measurements shall be taken at least one-half hour past sunset until one-half hour prior to sunrise. For determining daytime maximum brightness standards, measurements shall be taken at least one-half hour after sunrise and until one-half hour prior to sunset. Measurements shall use a calibrated, certified photometer to record the ambient light reading for the area adjacent to the sign while the electronic message center is off or displaying all black copy.
2. The reading shall be taken with the photometer aimed directly at the electronic message center filling the central circle of the viewfinder (the "measurement area") at the distance established in Section 406.7.4 of this Ordinance. If the sign being measured contains multiple colors, the photometer shall be positioned such that an area of the sign displaying all white fills the measurement area. It may be necessary to move the photometer closer to the sign area until this can be accomplished.
3. For the purposes of measuring electronic message centers that contain only amber lights, it may be necessary to turn on the electronic message center to full amber copy and take another reading.
4. The difference between the two readings shall not exceed the standards in Section 406.7.4 of this Ordinance.

#### **406.7.4 ILLUMINATED SIGN STANDARDS**

All types of illuminated signs shall meet and maintain all of the following standards specifically including, but not limited to, internally illuminated signs, externally illuminated signs, electronic reader boards, and electronic gas price signs:

- A. The light source, whether internal or external, shall be shielded from view and shall not create a hazardous glaze for pedestrians or motor vehicles either in a public right of way or on any private premises.
- B. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any right of way or abutting property.
- C. Internally-lit signs shall have opaque or dark background to minimize glare and lighting impacts.
- D. If a sign is internally illuminated, the use of white or light-colored background should be avoided. If white or light-colored is used in the background, not more than thirty percent (30%) of the internally illuminated area of the entire sign face may be of such color. This 30% maximum shall not be eligible for a waiver appeal as established in Article 9 of this Ordinance.
- E. All internally illuminated signs shall be equipped with an automatic dimming feature that reduces the intensity of the sign in accordance with standards in this Ordinance. This equipment shall not be able to be controlled from the business premises and shall be fixed by the sign company.

- F. The Light Color Temperature of any illuminance or luminance not including logos or light color temperatures associated with proprietary letters, numbers, or characters, whether internal, external, push-through, or otherwise shall be between 2700 and 4000 utilizing the Kelvin scale.
- G. Maximum Luminance: The illumination level or brightness of any portion of the face of the sign shall not exceed any of the following standards:
1. 150 Nits from the period of time from one-half hour before sunset to one-half hour after sunrise (Nighttime) and 3,000 Nits from one-half hour after sunrise to one-half hour before sunset (Daytime). The Planning Board may allow an increase in the daytime illumination level to not more than 5,000 Nits if the applicant demonstrates during Site Plan Review that the higher level is necessary for the sign to be readable in anticipated ambient light levels.
  2. The contrast ratio between any one or more point(s) of brightness on any sign and the general surroundings of the area adjacent to the sign shall not exceed forty (40).
  3. 0.5 Footcandles at boundary of ROW or any abutting parcel measured at the property line.
  4. 0.3 Footcandles over ambient lighting conditions when measured at the most current International Sign Association (ISA) recommended distance based on sign size.
- NOTE:** 2020 ISA standards specify the following for square feet (SF) of sign area vs. measurement distance: 10 SF @ 32', 20 SF @ 45', 30 SF @ 55', 40 SF @ 63', 50 SF @ 71', 60 SF @ 77', 80 SF @ 89', and 90 SF @ 95'.
- H. The measurement and recording of Daytime and Nighttime luminance shall be in accordance with the following:
1. Luminance shall be measured using a calibrated, certified photometer.
  2. The photometer shall be positioned for measurements such that the sign being measured fills the central circle of the viewfinder (the "measurement area"). If the sign being measured contains multiple colors, the photometer shall be positioned such that an area of sign displaying all white fills the measurement area, it will be necessary to move the photometer closer to the sign until this takes place.
- I. If any part of the supporting structure of any sign(s) contains or utilizes any type of internal illumination, the entire supporting structure shall constitute sign area.
- J. Prior to illuminating the sign, the owner of the sign shall provide written certification to the Code Enforcement Officer from the duly qualified supplier and/or installer, as appropriate, that the message board sign conforms to the standards for the maximum illumination levels and that the controls for illumination are in conformance with this Ordinance.
- K. Open Flags (Moved to Article 5)

#### **406.7.5 FUEL DISPENSING CANOPY SIGNS STANDARDS**

Signs on any canopy covering a fuel dispensing area shall not extend beyond the edges of the canopy and shall comply with one of the two following provisions:

- A. No sign shall exceed 15% of the square footage of the side of the canopy upon which it is located. No side shall contain more than one (1) sign.
- B. The total area of signs on the canopy shall not exceed 9% of the total square footage of all sides of the canopy. No canopy shall have more than two (2) signs located on it.

#### **406.7.6 CANOPY (NON-FUEL DISPENSING), MARQUEE, OR AWNING SIGNS**

Canopy (non-Fuel Dispensing), Marquee, or Awning signs may be permitted provided that the sign area does not exceed 25% of the plane of the canopy, marquee, or awning on which the sign appears.

#### **406.7.7 HOME OCCUPATION SIGNS**

Unless prohibited by State authorities, one non-internally illuminated off-premises sign identifying the name, address, and profession of a permitted home occupation is allowed provided that such sign does not exceed six (6) square feet and may be placed (subject to necessary permission from property owner(s)) at the entrance to a dead-end or cul-de-sac for the purpose of directing motorists to the location of the Home Occupation.

#### **406.7.8 MENU BOARD SIGNS**

A menu board installed at the point where customers place their orders at a drive-thru restaurant which does not exceed 32 square feet of gross display area and the location of which has been approved by the Planning Board under the Site Plan Review standards, shall not be counted as a sign in applying the dimensional requirements of this Ordinance.

#### **406.7.9 MOTOR VEHICLE SIGNS**

- A. Signs on, attached to, or affixed to motor vehicles are not subject to this Ordinance unless they have the effect of circumventing restrictions or limitations imposed herein. A sign on a motor vehicle will be presumed to have the effect of circumventing this Ordinance if the vehicle is parked or stored in a location visible from a public way and one or more of the following circumstances exist:
  - 1. The vehicle is not registered.
  - 2. The vehicle is not inspected.
  - 3. The sign is larger in any dimension than or extends beyond any surface of the vehicle to which it is placed, attached, or affixed.

4. The vehicle is parked or stored continuously in the same location.
  5. The vehicle is parked or stored in an area not designed, designated, or commonly used for parking.
  6. The vehicle is regularly parked or stored in the front yard or in the public right of way adjacent to the front yard.
  7. The vehicle is regularly parked or stored in a location where a sign would not be permitted by this Ordinance.
- B. The presumption that a vehicle has the effect of circumventing this Ordinance may be rebutted by evidence that the vehicle is parked or stored in a particular location for reasonable business or personal purposes not related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event, or location.
- C. **Farm Stands:** (Moved to Article 5)

#### **406.7.10 STATE OF MAINE LIMITED SIZE/HEIGHT ALLOWANCE**

- A. Notwithstanding anything to the contrary in Tables 1.2 and 1.3 of this Sign Ordinance, which establish maximum aggregate sign area and maximum sign standards, an individual parcel owned by the State of Maine, located in a "residential" sign district per Section 406.3.1 of this Sign Ordinance which contains at least one hundred (100) acres and one thousand (1,000) feet of frontage on a State-owned numbered highway shall be regulated by the provisions contained within this Section 406.7.1.10.
- B. All standards not specifically detailed in this Section 406.7.1.12 within this Sign Ordinance shall be applicable.
- C. Any State-owned parcel utilizing the provisions of this Section 406.7.1.10 of this Sign Ordinance shall only contain one (1) free-standing sign for the entirety of the State-owned numbered highway frontage.
- D. The maximum sign area for the one (1) free-standing sign in this Section 406.7.1.10 is sixty-five (65) square feet. In addition, Directory Signs not exceeding twenty-two (22) square feet shall be permitted provided that they are attached to the same supporting structure and direct patrons to other uses or buildings on the State-owned property.
- E. The maximum height of the one (1) free-standing sign utilizing this Section 406.7.1.10 shall not exceed eighteen (18) feet.
- F. The free-standing sign authorized by this Section 406.7.1.10 that is in excess of thirty-six (36) square feet of total sign area per Table 1.3 of this Sign Ordinance shall be the entirety of the maximum free-standing sign area and seventy-five percent (75%) of the Aggregate Sign Area established in Table 1.2 of this Sign Ordinance.

#### 406.7.11 ELECTRONIC MOTOR FUEL PRICE

- A. Each lawfully existing retail business which sells motor fuels to the public shall be permitted to install one (1) double-faced Electronic Motor Fuel Price Sign provided that the following standards are maintained:
  1. A permit from the CEO is required prior to installing gas price signage.
  2. Only one Electronic Motor Fuel Price Sign is permitted on any one (1) property. The determination of one (1) or two (2) faces shall be per Articles 6 and 8 in this Ordinance.
  3. Electronic Motor Fuel Price Signs shall only be allowed to be placed on properties that have obtained all necessary approvals and permits to be a Auto Service Station, as established in Chapter 402, or where gasoline and other motor fuels are retailed directly to the public on the premises.
  4. Only motor fuel prices for gasoline and diesel shall be displayed. In no event shall the price of heating oil or any other products be displayed using this Section 406.7.11.
  5. All standards in this Chapter 406, Sign Ordinance shall be applicable except for deviations specifically established in this Section 406.7.11.
  6. Provided that all applicable standards in this Section 406.7.11 are followed, Electronic Motor Fuel Price Signs shall not apply to the maximum aggregate sign area established in Table 1.2 as well as the freestanding sign portion of Table 1.3 of this Ordinance.
  7. The electronic display shall have a dark/black background and amber colored lights. A white or light-colored border around the electronic portion of the sign is acceptable provided that it is not reflective. Any border around the electronic portion of the sign shall not contain any internal illumination or illumination.
  8. Only the price(s) shall be permitted to be digital lights. Any other information including the type of fuel (i.e. "unleaded") shall not be electronic, shall not be internally illuminated, and shall be permanently affixed to the sign face. The sign shall maintain an unlit background with only the illumination of the lettering, numbering or text associated with the electronic motor fuel price.
  9. The electronic prices of the motor fuel shall be fixed and shall not scroll, flash, or change intensity except for dusk to dawn auto-dimming as required in Article 7 of this Ordinance entitled Electronic Message Display Board Standards.
  10. The brightness of the electronic price portion shall adhere to the standards established in Article 7 of this Chapter 406 including auto-dimming from dusk until dawn.
  11. The size of the letters for the type of fuel and the prices shall not be less than eight (8) inches in height nor more than twelve (12) inches in height. Fractions of currency (i.e. 9/10ths) displayed may be smaller than eight (8) inches.

12. The size of the entire panel (edge to edge of *all* components) shall not exceed ten (10) square feet. This specifically includes any borders, edges, type of fuel, and price per unit. This size allows for a 2 and 1/2 foot wide by 4 foot tall panel and letters/numbers that are between 8 and 12 inches.
13. The entirety of the ten (10) sq. ft. panel shall not contain any information other than the type of fuel and the price per unit. If any advertising of any other information, products, services, or otherwise is on any part of the Electronic Motor Fuel Price panel, the entirety of the panel/cabinet shall count as Sign Area and shall not be exempt from the maximum sign area either for the individual or aggregate sign area.
14. All portions of the Electronic Motor Fuel Price sign/panel, including any overhangs or any part of the sign or supporting structure, shall be set back at least five (5) feet from the property line and/or edge of right of way, whichever is more restrictive and further from the traveled way.
15. The lowest portion of Electronic Motor Fuel Price signs shall be at least four (4) feet above ground level and the highest portion no higher than ten (10) feet. For the purposes of this measurement, ground level shall mean average finished grade within a twenty (20) feet radius of the base of the sign.
16. Electronic Motor Fuel Price signs shall not be affixed to a Fuel Dispensing Canopy.
17. The standards established in Table 1.3 of this Ordinance, specifically including the maximum of one (1) free-standing sign per establishment, shall be applicable for this Section 406.7.11. Property owners/applicants that have existing signs must make the necessary adjustments to meet applicable standards. Adding an additional free-standing sign is specifically prohibited and is not eligible for a waiver per Article 9 of this Ordinance.

#### **406.7.12 MULTI-TENANT FREE-STANDING SIGNAGE WITHIN THE VILLAGE SIGN DISTRICT**

- A. Applicability: Standards in this Section 406.7.12 shall be for Multi-Tenant Properties, as defined herein, located in the Village Sign District. Section 406.7.12 shall not be applicable in any other Sign District within the Town of Gray.
- B. Purpose: The purpose of Multi-Tenant Free Standing Sign standards is to allow additional sign area and flexibility for commercial properties within the Village Sign District to have sufficient signs for their unique needs. These signs can be viewed as having four distinct components.
  1. The 911 address is required at the very top of the sign.
  2. Below the 911 address is the name of the overall premises i.e. Pine Hill Plaza.
  3. Below the premises name are the signs for the individual businesses on the property.
  4. A planter is required at the base. The amount of frontage is proportional to the maximum width and allowed area of the premises name and cumulative area for individual business signs.
- C. Except for standards specifically stated in this Section 406.7.12, all other standards in this Chapter 406 (Sign Ordinance) are applicable including the maximum supporting structure ratio.

- D. Standards in this Section 406.7.12 shall only be utilized for one (1) Free Standing sign per property. In no event shall this Section be construed or utilized for more than one Free Standing sign per property per Table 1.3.
- E. The issuance of a permit utilizing this Section shall utilize the entirety of both the twenty-four (24) sq. ft. of Freestanding Sign area and the three (3) square feet per occupant for Directory Signs per Table 1.3 of this Ordinance. The remaining Maximum Aggregate Sign Area available for all other signs any one parcel is thirty-two (32) sq. ft. per Tables 1.2 and 1.3 of this Ordinance.
- F. Any Banner Sign attached to a multi-tenant free-standing sign shall not be larger than the Sign or supporting structure. All portions of Banner Signs placed on a Multi-Tenant Property Free Standing Sign shall be a minimum of four (4) feet above average finish grade within a twenty (20) foot radius.
- G. **Multi-Tenant Property Free Standing Sign Standards:**
  - 1. A planter base constructed of durable materials is required. Planter base construction of masonry products, stone, or brick is strongly encouraged. The footprint of the planter base shall be at least as large as the supporting structure and sign, whichever is larger. The planter shall be one (1) structure at least eighteen (18) inches above average finished grade within a twenty (20) foot radius of the planter.
  - 2. Sign Location:
    - a. The Sign shall be located as centered as possible on the parcel near the vehicular entrance/exit to the property.
    - b. The closest portion of any portion of the Sign, including any overhangs, shall be located both a minimum of ten (10) feet from the edge of any vehicular access/right-of-way and thirty-three (33) feet from the centerline of the traveled portion of the vehicular access/right of way; whichever is greater. NOTE: Article 6 of this Ordinance specifies minimum overhead utility line setbacks for lighted Signs.
  - 3. Illumination Standards:
    - a. Electronic Reader Board Signs are specifically prohibited.
    - b. Any lighting shall be equipped with the necessary components for automatic dusk to dawn dimming without the ability for business(es) inside to make adjustment(s) to such settings. The maximum daytime and nighttime brightness shall be in accordance with Article 7 of this Ordinance.
    - c. All lighting shall conform to Section 406.7 of this Ordinance and applicable standards.
  - 4. 911 Address Required:
    - a. All Multi-Tenant Property Free Standing Signs is required to be clearly and exclusively display the official 911 address at the highest portion of the sign. The 911 Addressing Officer shall have the authority to allow reasonable readily understandable abbreviations for street/road names given limited sign area.

- b. A minimum of eight (8) sq. ft. and no more than ten (10) sq. ft. of Sign Area shall be devoted to display the 911 address. Numbers and letters designating the 911 address shall not be smaller than eight (8) inches nor larger than twelve (12) inches.
- c. No commercial advertising of any type, specifically including logos, trademarks, etc., may be displayed within the top/highest portion of sign devoted to the 911 address.
- d. Any illumination of the 911 portion of the sign shall be consistent with any lighting for the premises name illumination.
- e. The use of same/similar background colors for both the 911 and premises name is encouraged to create a uniform aesthetic sign.
- f. Arched-topped signs are encouraged to allow for the road/street number. In such instances, the maximum sign height may be increased by an additional ten (10) inches.

**H. Standards for the individual business sign portion of a Multi-Tenant Free-Standing Sign:**

- 1. One individual business sign per premises: Each commercial business or entity on the subject property shall only have one (1) individual sign on the Multi-Tenant Free-Standing Sign. No combination of any type of two (2) or more individual business signs prescribed in Section 406.7.12.H.4 and 5 below for the same business or individual establishment shall be permitted.
- 2. For the purposes of measuring height for Sections 4 and 5 below in this section, height shall be measured from the average finished grade within a twenty (20) feet of the radius of the base of the entire footprint of the sign.
- 3. If the top 911 portion of the sign is arched, the maximum sign height may be increased an additional six (6) inches.
- 4. Parcels with at least one-hundred (100) but not more than one-hundred and fifty (150) feet of street/road frontage owned in fee immediately adjacent to a publicly owned road shall be subject to the following standards:
  - a. Maximum Overall Sign width: six (6) feet.
  - b. Maximum sign height: thirteen (13) feet
  - c. Maximum size of Premises name: fifteen (15) sq. ft.
  - d. Maximum size of any individual sign: six (6) sq. ft.
  - e. Maximum area of all individual signs: thirty (30) sq. ft.
  - f. Minimum height for lowest portion of lowest sign: three (3) feet.
- 5. Parcels with at least one hundred and fifty-one (151) feet of street/road frontage owned in fee immediately adjacent to a publicly owned road shall be subject to the following standards:
  - a. Maximum Overall Sign width: eight (8) feet.
  - b. Maximum sign height: fifteen (15) feet.
  - c. Maximum size of Premises name: twenty-five (25) sq. ft.
  - d. Maximum size of any individual sign: eight (8) sq. ft.



- e. Maximum area of all individual signs: forty-eight (48) sq. ft.
- f. Minimum height for lowest portion of lowest sign: four (4) feet.

#### 406.7.13 PERMANENT SUBDIVISION SIGNS

A permanent sign is permitted to identify a neighborhood that has been created as a result of a residential subdivision approved by the Planning Board. The sign may not be placed in the right-of-way nor block safe sight distance along a road. Total sign area shall not exceed thirty-two (32) square feet. Temporary subdivision sign standards are in Article 5 of this Ordinance.

#### 406.8.1 COMPUTATIONS

- A. **Computation of area of individual signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, rectangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with 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, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning Ordinance regulations and is clearly incidental to the display itself. Refer to Diagram 1 for guides to computation methods.
- B. **Computation of area of multi-faced signs.** The sign area for a sign with more than one (1) face shall be computed by adding together the sign area of all sign faces from any one (1) point. When two (2) identical sign faces are placed back to back, or at no greater than fifteen (15) degrees from one another, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces. Refer to Diagram 2 for guides to computation methods.
- C. **Computation of height.** The height of a sign shall be computed as the distance from the base of the sign or sign structure at normal finish grade (within twenty (20) feet of the base of the sign not counting any planter base) to the top of the highest attached component of the sign. In the case of Wall, Projecting or Roof signs, the height of a sign shall be computed as the distance from the normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of either (1) existing grade prior to construction; or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower. Refer to Diagram 3 for guides to computation methods.
- D. **Multiple Signs:** Multiple signs placed immediately adjacent to one another shall be considered one sign for the purposes of this Ordinance. Examples include individual signs all attached to the same supporting structure (i.e. free-standing sign) or multiple Wall/ Projecting/ Roof signs placed in a row for the purposes of circumventing the maximum number and/ or size of allowed

sign(s). In such and similar circumstances, the areas of all such signs shall be totaled and considered one sign for the purposes of this Ordinance. “Burma-Shave” sign(s) are specifically prohibited.

- E. **Painting/ Stripes:** The painting or application of stripes or banding of colors on a building or canopy purposefully intended to function collaboratively with proposed sign(s) shall be considered sign area for the purposes of this Ordinance.
- F. **Push-Thru signage:** In no event shall only the area of the push-thru letters be counted as sign area. The entire square or rectangular area on a sign which contains push-thru style letters and/or numbers, and/or logos, together with 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 shall constitute sign area. The definition of sign area and Diagrams 1 and 2 of this Chapter 406 detail and substantiate this provision.

## ARTICLE 9 –ADMINISTRATION & CONFLICTS

### 406.9.1

(Moved to 406.4.1.D)

### 406.9.2 ADMINISTRATION, ENFORCEMENT, PENALTY AND APPEALS

- A. This Ordinance shall be enforced by the CEO.
- B. The burden of proof for compliance with all standards in this Ordinance shall be borne by the applicant. The applicant is responsible for submitting all necessary information for the CEO to make a decision regarding compliance with this Ordinance.
- C. If the CEO finds that any provision of this Ordinance is being violated, he shall notify by registered or certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it and a time limit for the correction.
- D. When any violation of any provision of this Ordinance is found to exist, the CEO is hereby authorized and directed to institute any actions and proceedings that may be appropriate or necessary to enforce the provision of this Ordinance.
- E. Any person who violates any provision of this Ordinance shall be guilty of a civil violation and shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452. Each day a violation is permitted to exist after notification constitutes a separate offense.
- F. Any person aggrieved by a decision of the CEO must submit an application for a waiver appeal to the Zoning Board of Appeals (ZBA) within thirty (30) days from the date of written decision. The Board may increase the length of the thirty (30) day appeal period for an administrative appeal, upon showing of good cause, for a reasonable period.

- G. Administrative Appeal: Any person aggrieved by a decision of the CEO in the interpretation of standards in this Ordinance may file an administrative appeal to the ZBA within thirty (30) days from the date of written decision.
- H. The actions of the CEO may be modified or reversed by the ZBA by a concurring vote as established in the Board's by-laws or as required for a land use administrative appeal in the Zoning Ordinance. Decisions of the CEO may be reversed only upon a finding that the decision is clearly contrary to the specific provisions of this Ordinance.

**Waiver Appeals:**

- I. The ZBA has the authority to hear and decide upon a waiver appeal in specific cases to relax the dimensional standards contained in this Ordinance. For the purpose of a waiver appeal, the ZBA's authority for dimensional standards is limited to maximum sign area and maximum height.
- J. A waiver appeal may only be granted upon a concurring vote as established in the Board's by-laws or as required for a land use variance appeal in the Town's Zoning Ordinance. Any waiver appeal the Board may grant is limited to the minimum reasonably necessary to alleviate the problem created by the unique or unusual physical conditions.
- K. The Reviewing authority may impose conditions on the approval of a sign variance necessary to establish compliance with approval criteria. In deciding a waiver appeal, the ZBA shall consider the following:
  - 1. Shape and size of the lot;
  - 2. Number of businesses in a building or on a lot;
  - 3. Any unique feature(s) of the lot or building;
  - 4. Compatibility with neighboring signage, lots and properties;
  - 5. Is the sign variance request necessary to permit signage comparable with other properties in the vicinity that have the same Sign District designation and are in compliance with the standards in this Ordinance;
  - 6. The sign variance will not adversely affect the functioning or appearance of the development and use of the property and surrounding properties, and
  - 7. Determine that granting the requested waiver is consistent with the general intent and purpose of this Ordinance; and
  - 8. Is granted solely to prevent a hardship based on conditions not generally prevalent in the area where the premises are located.

When an appeal is made to the ZBA, the same notification requirements to abutters, as established in Article 9 Chapter 402 of the Zoning Ordinance, shall apply.

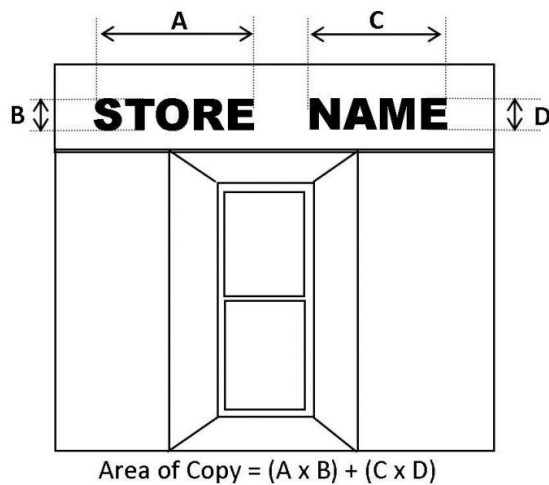
Any person aggrieved by the decision of the ZBA or by an order rendered by the ZBA to remove a sign may appeal said decisions to the Maine Superior Court. The appeal shall be filed within thirty (30) days after the decision of the ZBA.

#### 406.9.3 CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rules, regulations, by-laws, permits or provision of law. Where this Ordinance imposes a greater restriction upon the location, size, or type of sign allowed, the provisions of this Ordinance shall control.

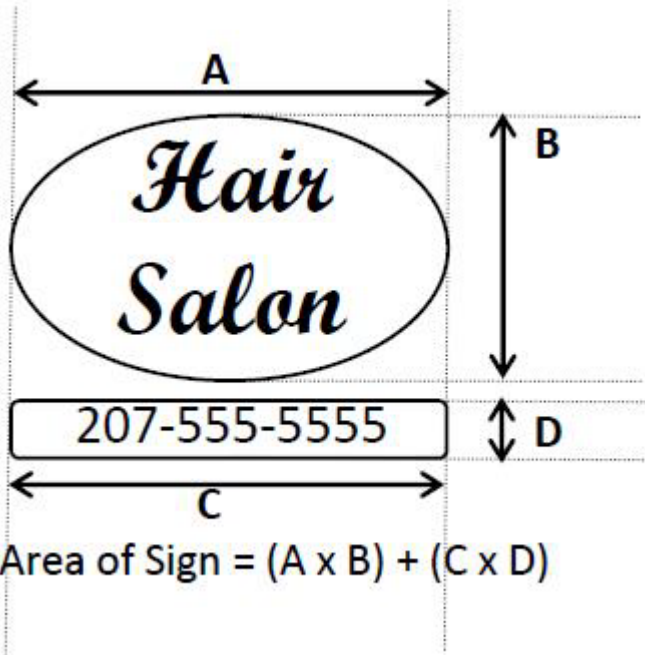
### ARTICLE 10 – DIAGRAMS

**DIAGRAM 1**  
**Computation of Area of Individual Signs**



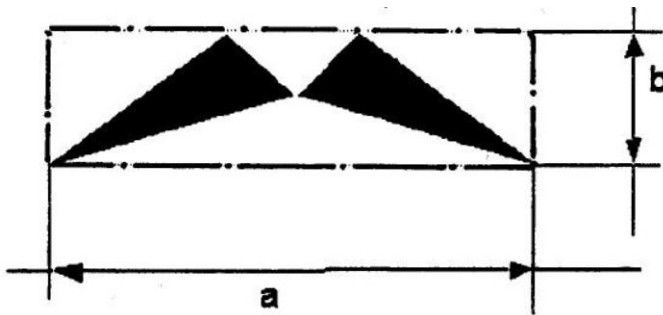
#### **Area of copy**

The entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of the advertising message announcement or decoration on a fascia or wall sign.



### Area of Sign

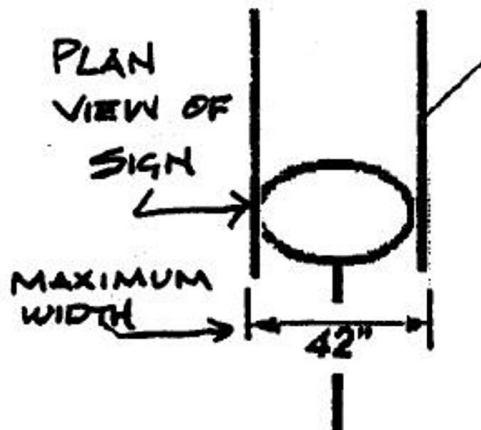
The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be calculated.



$$\text{Sign Area} = A \times B$$

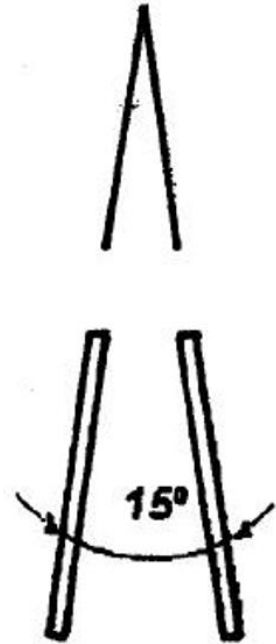
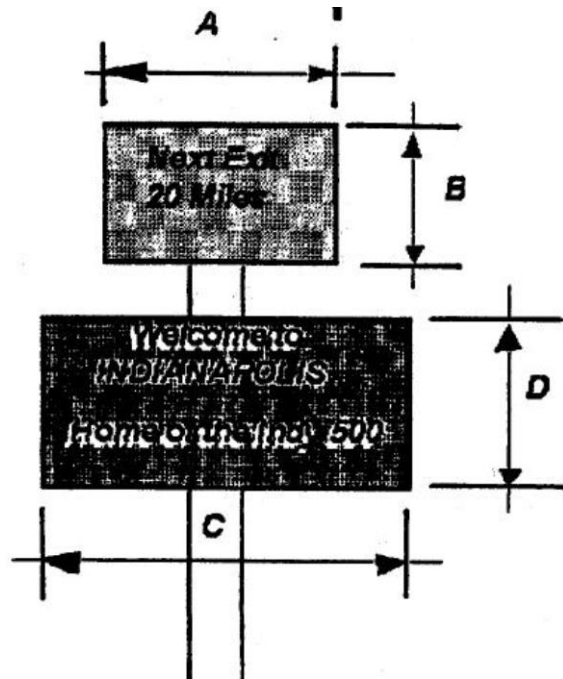
DIAGRAM 2

Computation of Area of Multi-faced Signs

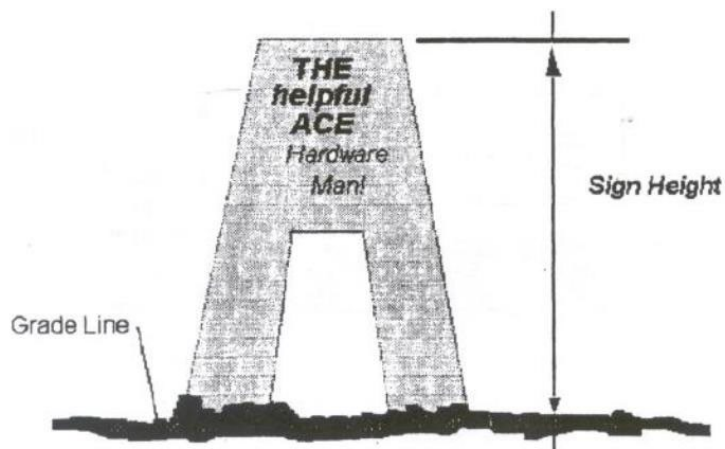


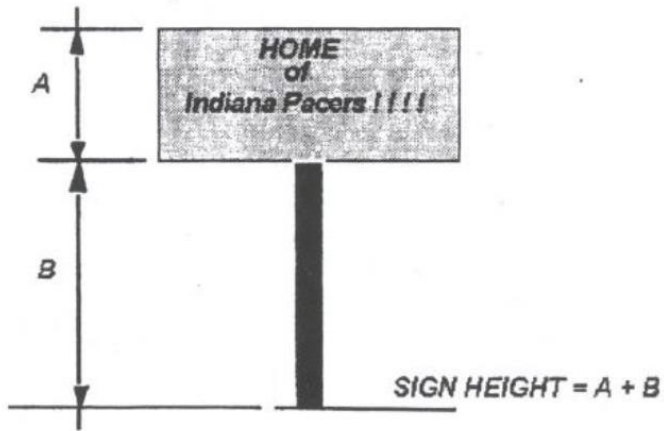
Sign Area Computed for one face

$$\text{Total Sign Area} = (A \times B) + (C \times D)$$

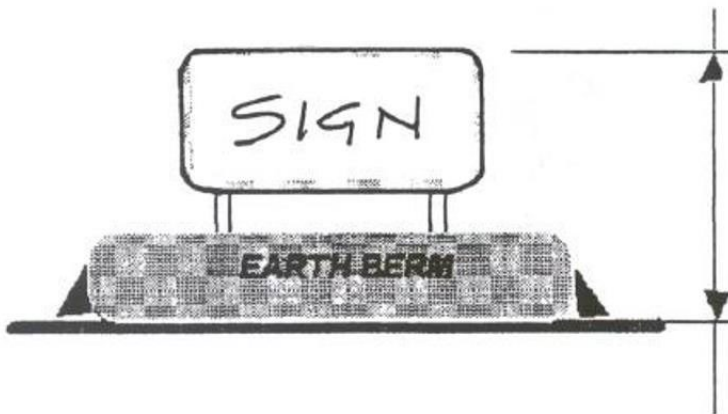


**DIAGRAM 3**  
Computation of Height





**Sign Height = A + B**



**Ground Mounding Height**

**Maximum sign height includes any berming**