

**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

1. **Abandoned Sign:** Any sign remaining or portion thereof, derelict at a location where the advertised goods or services are no longer being provided.
2. **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.
3. **Animated Sign:** A sign employing actual motion or the illusion of motion.
4. **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.
5. **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.
6. **Business, Establishment or Religious Institutions:** A business or establishment occupying an entire building or a part of a building.
7. **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.
8. **Community Events Banner:** A temporary sign erected between poles at a location(s) as permitted by the Town of Gray's Banner Policy.
9. **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 in the center.
10. **Electronic Message Display Board:** A permanent message board in which one or more illuminated characters in a display may be changed by electronic means.
11. **Entrance Sign:** A sign designed to identify the entrance to a residential subdivision of commercial office or industrial park

12. **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.
13. **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.
14. **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.
15. **Frontage, Street:** As defined in the Town's Zoning Ordinance.
16. **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.
17. **Home Occupation:** As defined in the Town's Zoning Ordinance.
18. **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.
19. **Illuminated Sign:** A sign characterized by the use of artificial light.
20. **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".
21. **Externally Illuminated:** Illumination of a sign by reflecting artificial light off its surface.
22. **Industrial Park:** A parcel of land classified by the Town Planner as an Industrial Park at the time of site location approval.
23. **Municipal Signage:** Signs erected by the Town, on municipal property, and Municipal Banners erected promoting the Town.
24. **Murals:** A painting or pictorial representation applied to or incorporated into a structure or wall, that can be viewed from public places, alleys, or rights-of-way.
25. **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.
26. **Office Building:** A single building of no less than 5,000 sq. ft. floor area net. As defined in the Town's Zoning Ordinance.
27. **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.

28. **Office Campus:** A group of three (3) or more Business or Professional Office Buildings in a designated area served by a single main entrance.
29. **Official Business Directional Sign (OBDS):** Refer to the Town of Gray's Official Business Directional Sign Ordinance
30. **Off-Premises Sign:** Directs attention to a business, industry, profession or service not conducted on the premises where the sign is displayed.
31. **On-Premises Sign:** Directs attention to a business, industry, profession or service conducted on the premises where the sign is displayed.
32. **Open Flag:** Standard flag indicating that an establishment is "open for business."
33. **Permanent Sign:** A non-temporary sign designated and intended for long-term use.
34. **Person:** Includes a firm, association, organization, partnership, trust company, or corporation as well as an individual, but does not include a governmental unit.
35. **Portable Sign:** A temporary sign which is not designed to be permanently affixed into the ground or to a structure.
36. **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.
37. **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
38. **Projecting Sign:** A sign that is wall-mounted, perpendicular to the building surface. In no event shall a projecting sign be higher than the roof of the building to which it is attached.
39. **Public Notice Sign:** A sign the primary purpose of which is to display information of a civic, social, or religious nature. Such a sign may have a surface which allows the use of removable letters.
40. **Retail Trade:** As defined in the Town's Zoning Ordinance.
41. **Roof Sign:** A sign installed on top of, or over, the roof of a building with the principal support on the roof structure.
42. **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.
43. **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.

44. **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).
45. **Subdivision:** The term shall be defined as in Title 30-A M.R.S.A. § 4401, sub-§4, as amended.
46. **Temporary Sign:** A sign or advertising display designed to be displayed for a limited amount of time as defined in Article 5.
47. **Town:** means the Town of Gray, Maine.
48. **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 – DISTRICTS ESTABLISHED

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) Signage Districts:

1. **Residential:** This district is comprised of the Rural Residential & Agriculture District (RRA), the Lake District (LD), the Medium Density District (MD), and the Mobile Home Park Overlay District (MHP). This district also includes the following Shoreland Zoned Districts: Limited Residential (LD), Stream Protection (SP) and Resource Protection (RP).
2. **Business:** This district incorporates the Business Development District (BD), the Commercial District (C), and the Wellhead Protection Districts 1 and 2 (WH1 and WH2). This district includes the Limited Commercial (LC) Shoreland District.
3. **Village:** This district includes both the Village Center District (VC) and the Village Center Proper District (VCP).

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 and Zoning

Sign Type	Residential	Business	Village
A-Frame	P	P	P
Animated	N	N	N
Billboard	N	N	N
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
Freestanding	P	P	P
Ground Sign	P	P	P
Home Occupation	P	P	P
Internally Illuminated	N	P	N
Mural	P	P	P
Off-Premises	N	N	N
On-Premises	P	P	P
Portable	P	P	N
Projecting	P	P	P
Property Identification	P	P	P
Roof	N	P	P
Wall	P	P	P

* 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
Maximum Aggregate Sign Area	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.

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
Free Standing Signs			
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
Ground Signs			
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
Wall Signs			
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
Projecting Signs			
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
Roof Signs			
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
Temporary Public Notice Sign			
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
Temporary Real Estate, Construction Signs			
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
Municipal Signs			
Number Permitted Per	Exempt	Exempt	Exempt

Premises			
Maximum Sign Area (Square Feet)	Exempt	Exempt	Exempt
Portable signs			
Number Permitted Per Premises	1 Sign	1 Sign	Not Permitted
Maximum Sign Area (Square Feet)	18 sq ft	18 sq ft	Not Permitted
Home Occupation Signs			
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
Directory Signs			
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

Except as otherwise herein provided, no person shall erect, modify or move any signs visible from the public way without first applying for and obtaining a sign permit from the Codes 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.

406.4.2 MAINTENANCE AND CONFORMANCE OF SIGNS

- 1) 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.

- 2) Legally erected non-conforming signs installed prior to adoption of this Ordinance amendment may continue usage if:
 - a) 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.
 - b) Replacement panels replicate or convey the same business or activity conducted or product sold as the original panels.
- 3) Legally erected non-conforming sign(s) installed prior to adoption of this Ordinance amendment may not continue usage if:
 - a) The sign no longer advertises a bona fide business or activity conducted on premises, product sold, or public notice or is an abandoned sign.
 - b) 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.
 - c) The sign requires changes to the display surface if the advertised business or activity conducted or product sold is changing from the original.
 - d) There is a change in ownership in the premises, resulting in a change in business name, since the adoption of the Ordinance.
 - e) 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.
- 4) 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 insure compliance with the standards set forth in this Section 406.4.2.
- 5) 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.
- 6) 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.
- 7) 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

406.5.1 TEMPORARY SIGNS

Temporary signs shall not require issuance of a permit by the CEO with exception of portable signs, which shall require CEO permits. The following temporary signs are permitted and shall conform to standards within municipal, state or federal Ordinances, statutes or regulations, including Tables 1.1, 1.2 and 1.3 of this Ordinance:

- 1) **Temporary 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 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.
- 2) **Temporary 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 the grassy knoll located on State Route 26 just northeast of the intersection of Route 26A ("by-pass"). For the purposes of this Section 406.5.1.2, the grassy knoll 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 edge of pavement). Measurements are perpendicular to the road and extend the full width of the road right-of-way.
- 3) **Temporary Real Estate Signs:** a 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 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 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.
- 4) **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. 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.

- 5) **Temporary 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.

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.

- 1) One sign identifying the name, address and profession of a permitted home occupation or a lawfully existing nonconforming home occupation is allowed.
- 2) 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.
- 3) 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 7 Section 406.7.1.5 of this Ordinance.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) Non-conforming signs may continue only as referenced in Article 4 Section 406.4.2 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.

- 8) 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.
- 9) 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.
- 10) Lighter-than-air or gas-filled balloon or other similar devices used to advertise or define a fixed location shall be prohibited.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) 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.
- 15) 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.
- 16) 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.

ARTICLE 7 – SPECIFIC STANDARDS

406.7.1 SPECIFIC STANDARDS

The standards of this Section 406.7.1 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.

1) Signs Excluded from this Section

- a) Temporary signs conforming to this Ordinance;
- b) 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;
- c) Directory signs conforming to this Ordinance;
- d) Identification signs as described in Article 6 Section 406.6.1.8 of this Ordinance.

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.

3) Electronic message Display Board

Electronic message centers in all districts shall be equipped with an operational, automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions. The brightness level in all districts shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter at a pre-set distance. The owners of such signs shall include a signed letter accompanying their permit application, certifying that they will comply with the prescribed brightness limitations set by this Ordinance.

Brightness measurement process for electronic message centers shall be as follows:

- a) At least 30 minutes past sunset, use a foot candle meter to record the ambient light reading for the area. This is done while the electronic message center is off or displaying all black copy.
- b) The reading shall be taken with the meter aimed directly at the electronic message center at the appropriate pre-set distance.
- c) Measurement distance criteria: 0-100 square foot signs to be measured 100 feet from source.
- d) Turn on the electronic message center to full white copy and take another reading.
- e) If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted.
- f) Electronic Message Display Boards do constitute sign area and shall be maintained to conform to the following standards:
 - i) Except for the time and temperature information, changeable signs may change no more often than once per minute.
 - ii) Time/date/temperature information must be displayed for a minimum of 3 seconds each time it is shown.
 - iii) When changing messages, the message must change instantly and may not include any phasing, rolling, scrolling, flashing, or blending of messages.
 - iv) Streaming of information or video animation is not permitted.
 - v) While being displayed, the message shall remain fixed with no flashing, phasing, rolling, scrolling, or blending of information.

4) Illuminated Signs

- a) The light source, whether internal or external, shall be shielded from view and shall not create a hazardous glare 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.

5) 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:

- a) Only one flag per business establishment shall be permitted.
 - b) The flag shall be flown only during open business hours.
 - c) The flag area is limited to a maximum of sixteen (16) square feet.
 - d) Flag design shall be limited to the standard “Open” type.
 - e) No logos, signage or advertising for the respective business(es) of any size or type is permitted.
- 6) **Fuel Dispensing Canopy Signs:** 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.
- 7) **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.
- 8) **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.
- 9) **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.
- 10) **Motor Vehicle Signs:** 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:
- a) the vehicle is not registered

- b) the vehicle is not inspected
- c) the sign is larger in any dimension than or extends beyond any surface of the vehicle to which it is placed, attached, or affixed
- d) the vehicle is parked or stored continuously in the same location
- e) the vehicle is parked or stored in an area not designed, designated, or commonly used for parking
- f) the vehicle is regularly parked or stored in the front yard or in the public right of way adjacent to the front yard
- g) the vehicle is regularly parked or stored in a location where a sign would not be permitted by this Ordinance

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.

11) 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 both this section and this Ordinance are met and maintained.

- a) A maximum of two (2) on-premises and three (3) off-premises signs shall be permitted.
- b) Each sign shall be thirty-six (36) inches or less in height and may not exceed six (6) square feet in Sign Area.
- c) Signs shall not be clustered together and "Burma Shave" style signs (sequential) are not permitted.
- d) All signs shall constitute Sign Area for the purposes of calculating Maximum Aggregate per Table 1.2 herein.
- e) All signs shall be chalkboard or whiteboard and no changeable copy is permitted.
- f) No add-ons such as balloons, flags, streamers, or lighting are permitted
- g) 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.
- h) No sign shall adversely affect motorist sight distance, pedestrian and/or bicycle traffic, nor infringe upon accessibility for handicapped individuals.
- i) Subject to State law requirements, maximum of two (2) "on-premises" signs 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.

- j) Subject to State law requirements, maximum of three (3) "off-premises" signs 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).
- k) The three (3) "off-premises" signs detailed above in this section 406.7.1.11 shall not require issuance of a permit by the CEO.

ARTICLE 8 – COMPUTATIONS

406.8.1 COMPUTATIONS

- 1) **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.
- 2) **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.
- 3) **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 grade 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.
- 4) **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.
- 5) **Painting/ Stripes:** The painting or application of stripes or banding of colors on a building purposefully intended to function collaboratively with proposed sign(s) shall be considered sign area for the purposes of this Ordinance.

ARTICLE 9 – PERMIT FEES, ADMINISTRATION, CONFLICTS

406.9.1 PERMIT FEES

Permit fees are specified in the Town's Municipal Fee Schedule.

406.9.2 ADMINISTRATION, ENFORCEMENT, PENALTY AND APPEALS

- 1) This Ordinance shall be enforced by the CEO.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) Any person who violates any provision of this Ordinance shall be guilty of a civil violation and shall be fined not more than \$100.00. Each day a violation is permitted to exist after notification constitutes a separate offense.
- 6) Any person aggrieved by a decision of the CEO may appeal to the Zoning Board of Appeals (ZBA) within thirty (30) days from the date of written decision. This applies to both administrative appeals and waiver appeals.
- 7) 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.

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.

- 8) Waiver Appeals: 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.

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.

In deciding a waiver appeal, the ZBA shall consider the following:

- a) Shape and size of the lot;
- b) Number of businesses in a building or on a lot;

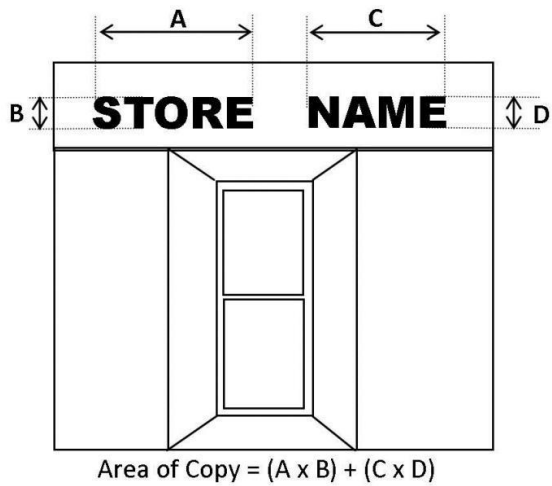
- c) Any unique feature(s) of the lot or building;
 - d) Compatibility with neighboring signage, lots and properties;
 - e) Determine that granting the waiver is not inconsistent with the general intent and purpose of this Ordinance; and
 - f) Is granted solely to prevent a hardship based on conditions not generally prevalent in the area where the premises are located.
- 9) When an appeal is made to the ZBA, the same notification requirements to abutters, as outlined in Article 9 Chapter 402 of the Zoning Ordinance, shall apply.
- 10) 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.

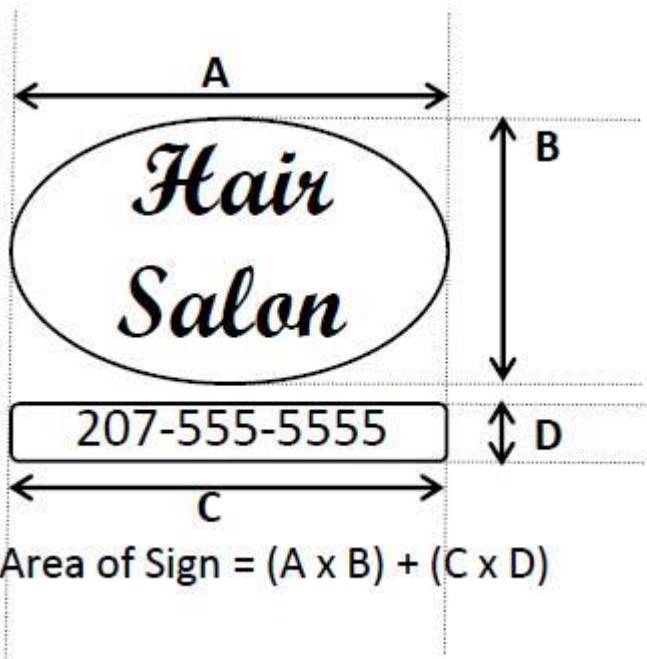
ARTICLE 10 – DIAGRAMS

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.

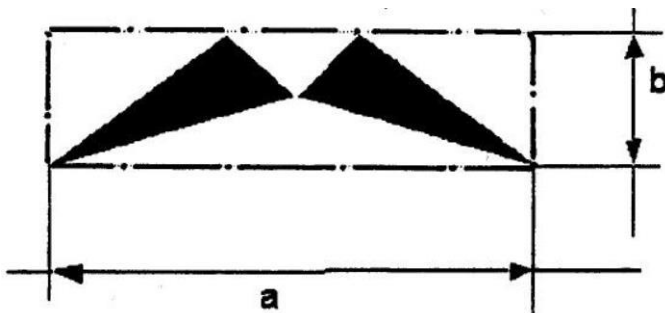
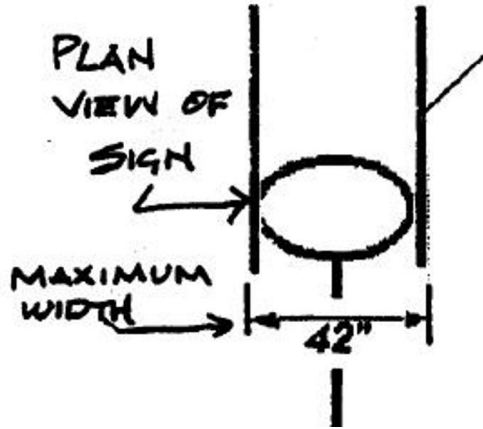


DIAGRAM 2

Computation of Area of Multi-faced Signs



Sign Area Computed for one face

Total Sign Area = (AxB) + (Cx D)

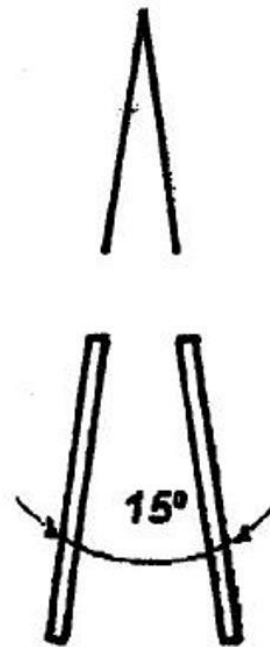
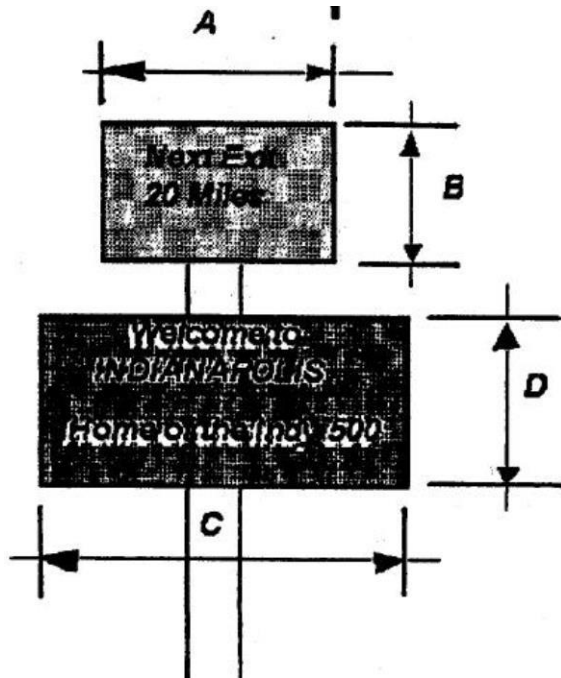
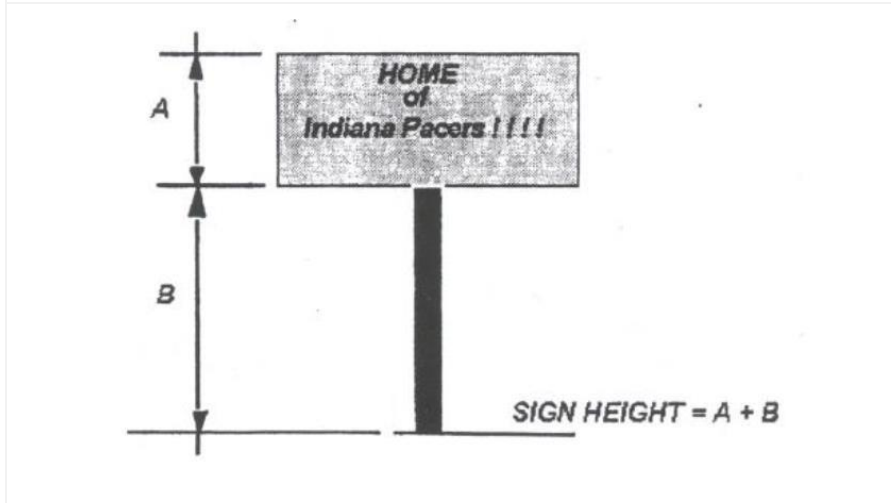
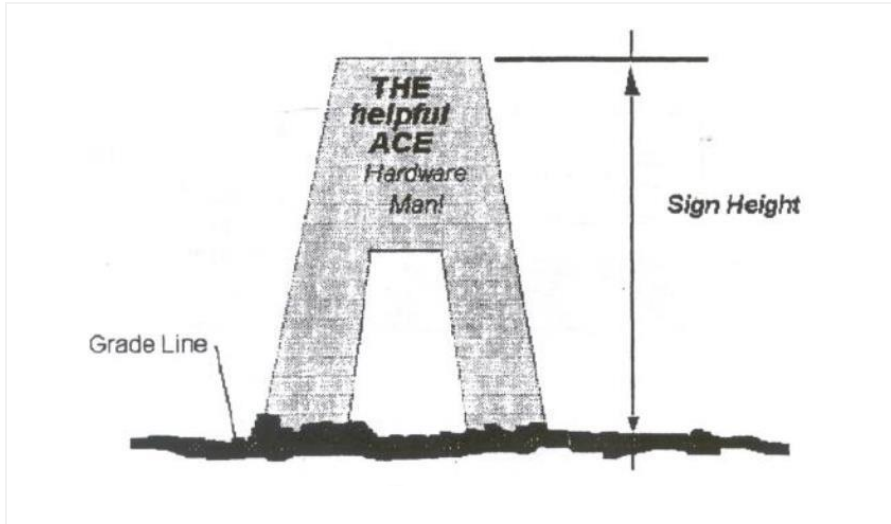
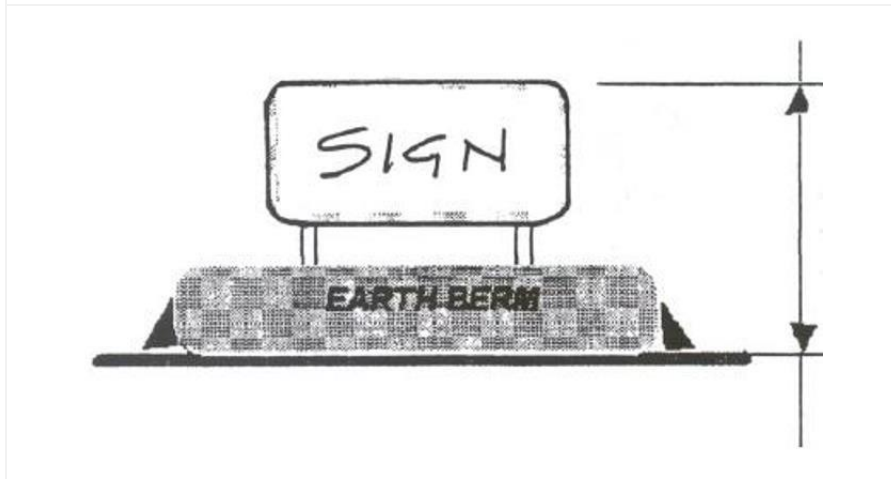


DIAGRAM 3
Computation of Height



Sign Height = A + B



Ground Mounding Height

Maximum sign height includes any berming