

1 **DRAFT 11-4-2016**

2
3 Repeal and Replace with the

4
5 **CHAPTER 21,**
6 **SIGNS**

7
8 (Notes have been added for explanatory purposes and are not proposed for adoption as
9 part of the Sign Ordinance text.)

10
11 **SEC. 21-1-1 Purpose**

12
13 The purpose of this ordinance is to protect the public health, safety and welfare by
14 providing for signage to direct safe and orderly traffic movement¹. Signs shall be
15 allowed to express the First Amendment right to free speech, and to promote local
16 businesses and events. Signs shall be regulated in a content neutral manner to preserve
17 community character and aesthetics.

18
19 **SEC. 21-1-2 Definitions**

20
21 **Banner:** A sign on a textile or plastic material, which is secured, to a pole or structure in
22 a fashion, which may allow movement by the atmosphere.

23
24 **Freestanding sign:** A sign in a fixed location supported by structure, supports, or the
25 ground and not attached to or dependent for support upon any building.

26
27 **Message board sign:** A sign designed for or operated with changeable copy.

28
29 **Permanent Sign:** A sign erected for a period of more than 8 weeks in a calendar year.

30
31 **Permanent window display:** A sign attached to, placed upon or painted on the interior
32 of a window or door of a building, which is intended for viewing from the exterior of a
33 building.

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36
37 ¹ Studies documenting the relationship between traffic safety and signs include:

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39 Bendak, S. & Al-Saleh, K. (2010). The role of roadside advertising signs in distracting
40 drivers. *International Journal of Industrial Ergonomics* 40(3), 233-236.

41
42 Austroads Ltd (2013). *Impact of Roadside Advertising on Road Safety*. Austroads,
43 Research Report AP-R420-13.

1 **Private Traffic Control Sign:** Any sign, permanent or temporary, erected on private
2 property to promote the safety of members of the public on the property and for the
3 sole purpose of providing direction regarding entrances and exits, parking, direction to
4 facilities, caution and keep out of the property to visitors and does not include any
5 advertising.
6

7 **Projecting or suspending sign:** A sign fixed at an angle or perpendicular to the wall of
8 any building in such a manner as to read perpendicular or at an angle to the wall on
9 which it is mounted.
10

11 **Property Address sign:** A sign located on private property to promote the safety of
12 members of the public seeking entrance to the property and depicting the property
13 address information [and erected in a manner to aid in traffic control and promotion of
14 public safety during an emergency - repetitive?]DELETE. A sign indicating the name of
15 a neighborhood erected in a manner to aid in traffic control and promotion of public
16 safety during an emergency may also be a property address sign.
17

18 **Road Right-of-way:** A strip of land acquired by conveyance, reservation, dedication,
19 forced dedication, prescription or condemnation and intended to be occupied by a road.
20

21 **Roof sign:** Any sign where more than 50% of the surface area extends directly above
22 the roof or parapet line of a building.
23

24 **Sign:** Any structure, display, logo, device or representation which is designed or used
25 to advertise or call attention to any item, business activity or place, or is an expression
26 of free speech, and is visible from outside a building. It does not include the flag,
27 pennant or insignia of any nation, state or town. DELETE
28

29 Note: RE last sentence, how do we handle flags?
30

31 **Sign area:** The entire area of a sign with a single continuous perimeter enclosing the
32 extreme limits of the sign surface. For a sign painted on or applied to a structure, the
33 area shall include any background of a different color than the color or finish of the
34 structure. For a sign consisting of individual letters or symbols without a
35 distinguishable background, the area shall be that of the smallest rectangle which
36 encompasses all of the letters and symbols. Total sign area shall be the aggregate of all
37 exposed faces. Dimensions of signs shall not include supporting structures but shall
38 include any frames.
39

40 **Sign Height:** The distance from the average grade of the land beneath the sign to the
41 top of the sign.
42

1 **Temporary Sign:** Any sign erected for a period of 8 weeks or less in a calendar year. For
2 the purpose of measuring length of time a temporary sign is displayed, use of a sign for
3 any length of time in a 24-hour period shall constitute 1 day.
4

5 **Traffic Control Sign:** Any sign, permanent or temporary, erected within the public
6 right of way or on municipal property for to promote the safety of members of the
7 public on the property by providing direction or information (wayfinding) to citizens
8 and visitors.
9

10 **Visible:** Any sign capable of being seen without visual aid by a person of normal visual
11 acuity who is not located on the property where the sign is located.
12

13 **Wall Sign:** Any sign affixed to a wall or printed on a wall in such a manner as to read
14 parallel to the wall on which it is mounted, but shall also include awnings and canopies.
15

16 Note: Definitions not imported to this draft at this time are advertising sign, agricultural
17 operations, internal illumination, off-premises sign, on-premises sign, open flag, public
18 way, sandwich board sign, shopping center.
19

20 **SEC. 21-2-1 Location**

21
22 Signs shall be regulated by the location in which the sign is installed.
23

24 Note: Tom, section A below was drafted to pass the strict scrutiny test. We've expanded
25 the "traffic control signs" concept to include directional signage on private property,
26 such as enter/exit, property address and neighborhood signs. We are looking for your
27 advice on this.
28

29 **A. Town wide signage.** The following signs shall be permitted throughout the
30 Town and shall not require a permit. Upon request of the Code Enforcement
31 Officer, a property owner shall provide an inventory of the number and square
32 footage of signs erected on the property.
33

- 34 1. Traffic Control sign. The Town of Cape Elizabeth and the Maine
35 Department of Transportation may erect any traffic control sign within the
36 right-of-way of any public road or public property. This signage shall be
37 in conformance with the Manual on Uniform Traffic Control Devices
38 (MUTCD) standards to the maximum extent feasible.
39

40 Note: For this type of sign, no limit on the size of the sign or the total sq. ft. of signage
41 allowed is proposed.
42

- 1 2. Private Traffic Control sign. Any private property owner may erect upon
2 his/her property traffic control signage. No sign shall exceed 6 sq. ft. per
3 side and no more than a total of 72 sq. ft. of permanent private traffic
4 control signage shall be allowed.
5
- 6 3. Property address sign. Any property owner may erect upon his/her
7 property a sign indicating the street address of the property. No sign shall
8 exceed 6 sq. ft. per side and no more than a total of 12 sq. ft. of signage
9 shall be allowed.

10
11 A property address sign may also be erected indicating the name of a
12 neighborhood. The sign may be erected within the road right-of-way with
13 the permission of the town or within a private road right-of-way with the
14 permission of the owner of the private right-of-way. No sign shall exceed
15 36 sq. ft. per side and no more than a total of 72 sq. ft. per entrance to the
16 neighborhood.
17

18 **B. Residential and non-commercial zone signage.** The following signs may be
19 allowed after issuance of a permit from the Code Enforcement Officer in the
20 Residence A, Residence B, Residence C, and all other noncommercial districts,
21 and as further defined by street frontage. For properties with frontage on more
22 than 1 street, the amount of signage per street may be allowed as provided for
23 below.
24

- 25 1. Property with frontage on an Arterial, Collector or Rural Connector Road
26 (Appendix B, Zoning Ordinance). In addition to the town-wide signage
27 allowed in SEC. 21-2-1.A, a sign may be erected on a property located in a
28 residential or non-commercial zoning district and upon which permitted
29 non-residential uses are occurring. No sign shall exceed 32 sq. ft. per side
30 and no more than a total of 32 sq. ft. per property.
31

32 Note: For example, a wall sign may be 32 sq. ft. in size, but a 2-sided ground
33 sign may not be more than 16 sq. ft. per side. This reduces the size of
34 church signage from 72 sq. ft. to 32 sq. ft.
35

- 36 2. Property with frontage on a Feeder, Local or Private Rd (Appendix B,
37 Zoning Ordinance). In addition to the town-wide signage allowed in SEC.
38 21-2-1.A, a sign may be erected on a property located in a residential or
39 non-commercial zoning district and upon which permitted non-residential
40 uses are occurring. No sign shall exceed 12 sq. ft. per side and no more
41 than a total of 12 sq. ft. per property.
42

C. **Business zone signage.** The following signage may be allowed after issuance of a permit from the Code Enforcement Officer in the Town Center District, Business A District, Business B District and Business C District.

1. Permanent Signs. Permanent signage may be erected on a property located in the Town Center, Business A, Business B and Business C Districts. Excluding the Town wide signage allowed in SEC. 21-2-1.A, permanent signage on the property shall not exceed a total of 75 sq. ft. Individual sign square footage shall comply with the following table and proposed signs shall be assigned the most applicable sign type category by the Code Enforcement Officer.

Type of Sign	Permit Issued By	Max. Total Sign Area	Max. Total Sign Area	Max. Height In Feet	Maximum # Allowed
		2 Exposed Faces	1 Exposed Face		
Freestanding Permanent Sign	Code Enforcement Officer	40 s.f.	20 s.f.	15	1
Wall Sign	Code Enforcement Officer		40 s.f. or 10% of Wall Area whichever is smaller	20	1
Projecting/Suspending	Code Enforcement Officer	12 s.f.	6 s.f.	20	1
Banner	Code Enforcement Officer	30 s.f.	15 s.f.	20	1
Awning	Code Enforcement Officer	4 s.f.	4 s.f.	10	1 per bldg.
Permanent Window Display	Code Enforcement Officer		50% of Total Glass Storefront	—	1
Message Boards	Code Enforcement Officer	24 s.f. Maximum Dimensions 4 feet	12 s.f.	4	1

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14
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1 **D. Temporary Signage.** Temporary signs shall be allowed based on their location
2 adjacent to roadways. The name, address and phone number or email address of
3 the sign owner and date the sign was placed shall appear on the sign. A
4 temporary sign may be installed for no more than 8 weeks per calendar year.
5

6 Note: This section replaces the current sign provisions governing temporary civic sign,
7 political sign, off-premise yard sale sign, open house real estate off premises sign,
8 home occupation fish and farm market off premises sign, off premises pick your
9 own sign, sandwich board signs, and open flags.
10

- 11 1. Temporary signs adjacent to an Arterial, Collector or Rural Connector
12 Road.
 - 13
 - 14 a. Road Right-of-way. Within the right-of-way of an arterial, collector or
15 rural connector road, as classified in Appendix B of the Zoning
16 Ordinance, temporary signage may be placed. No temporary sign shall
17 exceed 8 sq. ft. per side and no more than a total of 16 sq. ft. The
18 maximum dimension of a temporary sign shall not exceed 4 feet and
19 the maximum sign height shall not exceed 3.5 ft. as measured from the
20 ground.
21
 - 22 b. Private Property. On private property adjacent to an arterial, collector
23 or rural connector road, as classified in Appendix B of the Zoning
24 Ordinance, temporary signage may be erected on private property. No
25 temporary sign shall exceed 6 sq. ft. per side and no more than a total
26 of 12 sq. ft. The maximum dimension of a temporary sign shall not
27 exceed 4 feet and the maximum sign height shall not exceed 3.5 ft. as
28 measured from the ground.
29

30 Note: This section replaces on premises yard sale sign, real estate sign, home
31 occupation fish and farm market home occupation, pick your own signs.
32 This also reduces the size of a temporary residential development sign
33 from 36 sq. ft to 12 sq. ft.
34

- 35 2. Temporary signs adjacent to a Feeder, Local or Private Road.
 - 36
 - 37 a. Road right-of-way. Within the right-of-way of a feeder, local or private
38 road, as classified in Appendix B of the Zoning Ordinance, signage
39 may be placed. No temporary sign shall exceed 8 sq. ft per side and no
40 more than a total of 8 sq. ft. The maximum dimension of temporary
41 sign shall not exceed 4 feet and the maximum sign height shall not
42 exceed 3.5 ft. as measured from the ground.
43

1 b. Private Property. On private property adjacent to a feeder, local or
2 private road, as classified in Appendix B of the Zoning Ordinance,
3 signage may be erected on private property. No temporary sign shall
4 exceed 6 sq. ft. per side and no more than a total of 12 sq. ft. The
5 maximum dimension of a temporary sign shall not exceed 4 feet and
6 the maximum sign height shall not exceed 3.5 ft. as measured from the
7 ground.
8

9 Note: This section replaces on premises yard sale sign, real estate sign, home
10 occupation fish and farm market home occupation, pick your own signs.
11 This also reduces the size of a temporary residential development sign
12 from 36 sq. ft to 12 sq. ft. Signage for existing shopping centers and gas
13 stations will become nonconforming.
14

15 **SEC. 21-2-2 Prohibited Signs**

16
17 The following signs are not permitted.

- 18
19 A. Projecting or suspending signs in excess of 6 sq. ft per side or 12 sq. ft. in
20 total area.
- 21
22 B. Roof signs, where more than 50% of the sign face is erected above the roof
23 or parapet line of the building.
- 24
25 C. Banners extending over the public right-of-way.
- 26
27 Note: This may conflict with banners extended over Rt 77 for civic celebrations.
- 28
29 D. Signs with flashing lights, beacons, moving parts or are lighted in a
30 manner inconsistent with Sec. 21-3-1(C)(5).
- 31
32 E. Signs on parked motor vehicles that in the judgement of the Code
33 Enforcement Officer nullify the intent of this ordinance.
- 34
35 F. Signs obstructing sight distance in a public or private right-of-way, as
36 measured in accordance with Sec. 16-3-2, Subdivision Ordinance.
- 37
38 G. Internally lit signs.

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40 **SEC. 21-3-1 Sign Permit Procedure**
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A. **Application.** Prior to installing any sign that requires a permit, a completed application to install the sign shall be submitted to the Code Enforcement Officer.

B. **Submission information.** The application shall include the following information:

1. Name, address and contact information of the applicant;
2. Proposed location of the sign;
3. Evidence of right, title or interest in the sign installation site;
4. Sketch of the sign showing dimensions, height as measured from the ground and total square footage of the sig;
5. Methods and materials to construct and install the sign;
6. Impact of the sign on sight distance; and
7. Expected light levels if the sign will be lighted.

C. **Review Standards.** The Code Enforcement Officer shall confirm compliance with the following standards:

1. The sign will be installed in a public right-of-way or an area the applicant has right, title or interest to erect a sign.
2. The sign will comply with the location and dimensional requirements of this ordinance and is not a sign included in Sec. 21-2-2, Prohibited Signs.
3. The sign will be constructed and installed in compliance with the applicable sections of the IBC/IRC Code.

Note: Check with CEO

4. The sign will not reduce sight distance below the minimum requirements in Sec. 16-3-2, Subdivision Ordinance Road Classifications Standards Table.
5. If the sign will be lighted, the light source shall be shielded to prevent glare onto rights-of-way or private properties and to direct lighting on

1 to the sign. Sign lighting shall not exceed .5 footcandles more than fifty
2 (50) feet from the sign.
3

- 4 D. **Permit Duration.** Once issued, the sign permit shall be valid for one year,
5 or if the sign is installed, for the life of the sign.
6

7 **SEC. 21-4-1 Maintenance**
8

- 9 A. **Standard of Maintenance.** All signs permitted under this ordinance shall
10 be appropriately maintained. Appropriate maintenance consists of no
11 missing lettering, no peeling paint, no cracked or broken glass or plastic, a
12 solid foundation for fixed signs, all lighting being fully operational or
13 discontinued, and no unsafe conditions. Signs intended to not
14 permanently affix to the ground shall be weighted or secured to withstand
15 inclement weather.
16
- 17 B. **Failure to Maintain.** The Code Enforcement Officer shall determine if a
18 sign is adequately maintained. If, in his/her judgment, a sign is not
19 adequately maintained, he/she shall give thirty days notice to have it
20 repaired or removed. The owner of the sign shall have the option to
21 repair or remove the sign. Anyone not complying with the order of the
22 Code Enforcement Officer may be subject to a fine as provided in Section
23 21-6-1.
24

25 **SEC. 21-5-1 Nonconformance**
26

- 27 A. **Temporary Sign.** Any temporary sign in place after [the effective date of
28 this ordinance] that is not in compliance with this ordinance may be
29 removed by the Code Enforcement Officer or a designee.
30
- 31 B. **Permanent Sign.** Any permanent sign erected after [the effective date of
32 this ordinance] that is not in compliance with this ordinance shall be
33 removed by the owner within seven business days of receiving notice
34 from the Code Enforcement Officer.
35

36 Note: Check with CEO
37

- 38 C. **Nonconforming Sign.** Any permanent sign in place prior to [the effective
39 date of this ordinance] and not conforming with the standards of this
40 ordinance may remain in place. The nonconforming permanent sign may
41 also be replaced with a permit from the Code Enforcement Officer, as
42 provided for in SEC. 21-3-1. The nonconforming sign permit application

1 shall include documentation of the location, dimensions and height as
2 measured from the ground of the existing nonconforming sign.

3
4 **Note:** Tom, is this Reed compliant? Will we need to allow anyone to install a
5 new, noncommercial sign of the same size, etc of an existing
6 nonconforming sign?
7

8 D. **Hazard.** Any sign that poses an immediate hazard to public safety may be
9 removed by any authorized municipal agent.

10
11 **SEC. 21-6-1 Administration**

12
13 A. **Enforcement/Penalties.** Any person, or entity owning, occupying, or
14 having the control and the use of, any building, land, sign or part thereof,
15 who violates any of the provisions of this ordinance, shall be punished by
16 a fine of not less than \$50.00 and not more than \$100.00. Each day such
17 violation is permitted to exist after notification thereof by the Code
18 Enforcement Officer shall constitute a separate offense.

19
20 B. **Substitution.** A non-commercial sign may be substituted for any
21 permitted sign, except as provided in Sec. 21-2-1.A.
22

23 C. **Severability.** Should any section or provision of this Ordinance be
24 declared by the courts to be invalid, such decision shall not invalidate any
25 other section or provision of the Ordinance.
26

27 D. **Fees.** Fees shall be as shown on the most recently adopted Fee Schedule
28 adopted by the Cape Elizabeth Town Council.
29

30 E. **Hold Harmless.** The Town of Cape Elizabeth shall be held harmless from
31 any damage to signs installed in the public right-of-way, nor for any sign
32 removed under this ordinance.
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