

Sabattus, Maine – Code of Ordinances

SIGN ORDINANCE

Section 1. Purpose

The purposes of these standards are to encourage the effective use of signs as a means of communication in the Town of Sabattus; to maintain and enhance the aesthetic environment of the Town of Sabattus; to create and maintain an attractive business climate in the Town of Sabattus; to improve and maintain pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property. These sign standards are intended to support and complement the comprehensive plan and ordinances of the Town of Sabattus, while enhancing and protecting the natural scenic beauty of the Town.

Section 2. Authority and Effective Date

- A. Authority:** This ordinance is enacted pursuant to the home rule power conferred by Article VIII, part Second of the Maine Constitution and Title 30-A, Sections 2101, 2109, and 3001 of the Maine Revised Statutes
- B. Effective Date:** The effective date of this Ordinance is affective at adoption of this ordinance at Town Meeting.

Section 3. Definitions

In this ordinance, the following terms have the following meanings. Terms not defined will have their customary dictionary meaning.

Advertising Sign - Any sign that directs attention to a business, profession, activity, commodity, service or entertainment conducted, sold, or offered upon the premises, or within the premises where such sign is located.

Applied Sign - Any sign painted or applied to the exterior building surface, including all lettering and symbols and background coloring other than the color of the building.

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

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

Commercial Sign - A sign that identifies a business or similar entity and attracts customers. Such signs generally include the name of the business, often in the form of a logo, but also continue often to use images in addition to and in the place of words.

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Directory Sign - A multiple sign or group of signs clustered together in a single structure or compositional unit which directs attention to a business, industry, profession or service conducted on the premises where the sign is displayed. This sign is used to direct attention to several occupants of the same building, industrial park or shopping center. It shall be double-faced and uniform in size and type of lettering and shall conform according to the requirements of the District in which is located.

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

Electronic Message Sign(or Display) - A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Fade - A mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces the intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Frame - A complete, static display screen on an Electric Message Display.

Frame Effect - A visual effect used on an Electronic Message Display to change from one message to another.

Free-Standing Sign - A sign not attached to any building.

Internal illumination – Any light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

Identification Sign - A sign the primary purpose of which is to display name of individual, firm, association or corporation, business and/or service, the placement of which serves to identify the main entrance of that establishment.

Nonconforming Sign - Any sign that does not conform to the requirements of this Ordinance.

Off-Premises Sign - Directs attention to a business, industry, profession or service not conducted on the premises where the sign is displayed.

On-Premises Sign - Directs attention to a business, industry, profession or service conducted on the premises where the sign is displayed.

Parallel Sign/Flush Mounted Sign - A wall-mounted sign parallel to the exterior building surface, extending not more than six inches from that surface.

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Permanent sign - Any structure, display, logo, device or representation which is designed or used to advertise or call attention to any item, business, activity or place and is visible from outside a building that is intended to be in place for a period that is longer than 30 days.

Permanent window display - A sign attached to, placed upon or painted on the interior of a window or door of a building, which is intended for viewing from the exterior of a building.

Portable Sign - Any sign not permanently attached to the ground, a building, or other permanent structure by direct attachment to a rigid well, frame or structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; and signs converted to A or T-frames.

Projecting Sign - A sign that is wall-mounted, perpendicular to the building surface.

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.

Roof sign - A sign erected or constructed wholly upon or over the roof of any building with the principal support on the roof structure.

Scroll - A mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.

Sidewalk/sandwich board sign - Portable signs such as sandwich boards and sidewalk signs that are meant to be put away at the end of business hours.

Sign - Any exterior device designed to inform or attract the attention of the public.

Sign Area - Total area of the space to be used for identification and/or business purposes, including spaces between open-type letters and figures, including background structure or other decoration or addition which is an integral part of the sign. Sign supports are excluded in determining area. On double faced signs, only one side is counted in computing the square footage limitations.

Time & Temperature Sign - A special type of changeable message sign that is capable of displaying only public service information such as time, date and temperature, but not words, symbols or other advertising messages.

Travel - A mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

Temporary sign - Any sign erected, affixed or maintained on a premises for a short, fixed period of time. Temporary signs shall not be displayed for more than 29 days per calendar year.

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Traffic control sign or device - Any sign, permanent or temporary, erected within the public right of way or on municipal property by the Maine Department of Transportation or by the Town of Sabattus erected for the purpose of providing direction or information to citizens and visitors. These signs shall be exempt from the requirements of this ordinance.

Upgraded - Refers to the replacement of any sign with a newer sign.

Wall Sign - Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Section 4. Nonconforming Signs

Any sign existing as of the effective date of this ordinance may continue in its present configuration and is not subject to the provisions of this ordinance until such time as the use of the parcel upon which the sign exists changes.

Section 5. Permits

A. Permit Required

It shall be unlawful for any person to erect, alter or relocate any sign, (except as exempted by other provisions of this ordinance) without first obtaining a sign permit from the Code Enforcement Officer. It shall be the duty of the Code Enforcement Officer to review any sign permit applications to determine conformance with the standards of this ordinance and with the standards of all other codes and ordinances of the Town of Sabattus. The following signs require a permit: applied signs, canopy or marquee signs, commercial signs, directory signs, electronic message signs, off premises signs, on-premises sign, parallel signs/flush mounted signs, permanent signs, projecting signs, roof signs and wall signs.

B. Exemptions

The following signs are exempt from permits and fees if they comply with all other applicable laws, ordinance, rules and regulations: sandwich signs, political signs; public safety signs; yard sale signs; construction signs; for sale/rent/lease signs; municipal signs; non- profit signs; signs for charitable events, advertising signs, banners, permanent widow displays, portable signs, public notice signs, sidewalk/sandwich board signs and temporary signs.

C. Applications Review

1. Applications for a sign permit shall be available at the town office.

2. Applications for sign permits shall include a sketch of the sign and a site drawing showing location of the sign on land or building with all dimensional measurements.

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3. Once an application is determined by the Code Enforcement Officer to be complete it shall be acted upon by the Code Enforcement Officer within thirty (30) days of completion and receipt of appropriate fees. In the event the permit request is denied, the applicant shall be provided with the reasons for the denial in writing.

D. Fees

Fees shall be payable to the Town of Sabattus and will be established by the municipal officers as part of the Town of Sabattus Fee schedule. Signs erected, altered or relocated require a one-time permit, except those listed in Section 5.B.

Section 6. Standards

A. General Standards

1. No sign shall be erected, moved or altered except in conformity with the purpose and provisions of this ordinance. All signs governed by this ordinance must be kept clean, neatly painted, and free from all hazards such as, but not limited to, faulty or exposed wiring and loose fastenings, and shall be maintained in a safe and secure condition.

2. Location and Display:

a) One free standing sign per lot is permitted except for each additional 200 feet of street frontage per lot above the minimum frontage requirement for that district; an additional free standing sign is permitted provided it complies with Subsections b) and c) below.

No free standing sign shall exceed the size standards in section 6 B in area, the top edge shall not be higher than twenty (20) feet vertical measured above average ground level from the base.

b) For lots with 200 feet of frontage or less, or lots that meet the criteria in Section a.) above, no free standing sign shall exceed the size standards in section 6 B in surface area.

c) For lots with linear street frontage of more than 200 feet, the size of a single free standing sign may be increased by 0.4 square feet in surface area for every linear foot of street frontage above 200 feet.

d) Lots fronting on two or more public streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on a single street in excess of that allowed for lots with only one street frontage.

e) Placement:

I. Signs may not obstruct free entrance or exit from any door, window or fire escape.

II. Signs may not obstruct vision to or from any traveled way.

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- III. Signs must be located on private property, with the exception of State-allowed signs located in their right-of-way.
- IV. Location; relation to public way. An on-premises sign is not permitted:
 - a. Within 33 feet of the center line of any public way if the highway is less than 66 feet in width;
 - b. Within 20 feet from the outside edge of the paved portion of any public way with more than 2 travel lanes and a total paved portion in excess of 24 feet in width unless the sign is erected using breakaway mounting devices approved by the Department of Transportation. For purposes of this paragraph, a turning lane in an area with a posted speed limit of 35 miles per hour or less is not considered a travel lane; or
 - c. Within the full width of the right-of-way of any public way.

3. Manner of Display:

- a) No commercial signs shall be allowed on fences or traffic sign poles.
- b) Maximum height for free-standing signs 20 feet.
- c) The display of movable, portable and sandwich signs is limited to the business' hours of operation.
- d) Signs on buildings and roofs shall not be higher than twenty (20) feet vertical measured above average ground level.

B. Size Standards:

Free Standing Signs:

- 1. One free standing sign per lot is permitted except for each additional 200 feet of street frontage per lot above the minimum frontage requirement an additional free standing sign is permitted provided it complies with subsection a and b below.
 - a) No free standing sign that will be installed adjacent to Route 9, Route 126, Route 132, or Route 197 shall exceed eighty (80) square feet in area, the top edge shall not be higher than twenty (20) feet vertical measure above average ground level from the base.
 - b) No free standing sign that will be installed adjacent to an public or private road other than Route 9, Route 126, Route 132, or Route 197 shall exceed thirty-two (32)

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square feet in area, the top edge shall not be higher than twenty (20) feet vertical measure above average ground level from the base.

- c) Lots fronting on two or more public streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on a single street in excess of that allowed for lots with only one frontage.
- d) Portable signs shall not exceed 32 square feet.
- e) Sandwich signs shall not exceed 12 square feet.
- f) Building signs: On each premises, there shall be allowed one wall or roof sign affixed to the exterior of the structure or for each occupancy under common ownership operation or control therein. Such signs shall not occupy more than thirty (30) percent of the wall to which it is attached or is above. For the purpose of this section, wall is defined as the façade of the building up to the roof line excluding windows, doors and architectural features.
- g) Projecting Signs: One projecting sign is permitted per structure. Such sign shall extend no lower than twelve (12) feet above ground level, project from the wall at an angle of ninety (90) degrees and be no nearer than fifteen (15) feet from any property line. No projecting sign shall exceed thirty-two (32) square feet.
- h) Signs located in the Shoreland Zone must comply with the standard set by the Sabattus Shoreland Zoning Ordinance Ch. 15 land use Standards Section F, Commercial and Industrial uses, Subsection I Signs.

2. Exemptions:

- a) All Federal and State mandated signs are exempt from the maximum square footage allowed.

C. Construction Standards:

1. All signs must be structurally safe, and must not be a hazard to public safety or health
2. Signs may not cause electric shock and may not have exposed electrical wires
3. Portable signs may not be on wheels.

D. Standards for Electronic Signs:

1. Changeable message signs are permitted provided that each message remains fixed on the display surface and may be changed at intervals on each side of a changeable sign once every 20 minutes by electronic process or remote control” and do not “include flashing, intermittent or moving light or lights.”(23 U.S.C. Subsection 131) and in accordance with subsection 11_A. of Title 23 Chapter 21 of the M.R.S.A. For the purpose

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of this section, signs whose messages change by mechanical or electronic means are not prohibited as long as the intermittent lighting is used to change messages and not solely to attract attention.

2. Flashing signs will continue to be prohibited except as described below. The regulatory factors in the display of an electronic changeable message sign are:

- a) Duration of the message display

- b) Message Transition

- c) Frame Effects

E. Permitted Uses of Electronic Signs:

1. Changeable signs are not permitted within 300 feet of a residence measured from the sign to the property line.

F. Times Permitted:

1. Static display panels of text & graphic images are permitted with a two second minimum hold time between changes. Travel and scrolling or similar transitions between static message panels are allowed including frames that appear to move or change in size, ore be revealed sequentially rather than all at once including the movement of illumination or the scintillation or varying of light intensity.
2. Time &Temperature Signs are allowed to change display with a two second message hold rate

Section 7. Enforcement and Penalties

A. Enforcement:

1. The Code Enforcement Officer is authorized to enforce this ordinance.
2. If the Code Enforcement Officer finds that any provision of this Ordinance is being violated; he/she shall provide notification in writing to the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.
3. If the violation is not corrected within the time specified, the Code Enforcement Officer may order repairs or removal of any sign and its supporting structures judged dangerous, in disrepair or in violation of this ordinance and may revoke the sign permit and/or may seek penalties and injunctive relief.

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B. Penalties:

A violation of any provision of this ordinance or any lawful order relating to this ordinance by the Code Enforcement Officer shall be penalized in accordance with Title 30-A M.R.S.A., Section 4452. Each day the violation exists shall be considered a separate violation. In the event that the Town of Sabattus incurs any expense in the enforcement of this ordinance, including but not limited to court costs and attorney's fees, the Town shall be entitled to collect such costs from the violator. Any penalties or costs assessed shall be payable to the Town of Sabattus.

Section 8. Variances

A. Variances:

1. The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of this Ordinance under the following conditions:

A. The strict application of the terms of this Ordinance would result in undue hardship. Undue hardship as used in this subsection means:

- 1) That there are exceptional or unique circumstances related to the business locations that do not pertain generally to other properties in the same location.
- 2) That other properties in the area will not be adversely affected by the lighting, interference with sign lines or creation of a traffic hazard: and
- 3) That such action will not be contrary to the objective of this ordinance.

Section 9. Appeals

A. Appeals:

1. The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Code Enforcement Officer in the administration of this Ordinance. Such hearings shall be held in accordance with State Laws. Following such hearing, the Board of Appeals may reverse the decision of the Code Enforcement Office only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance. An appeal may be taken within thirty (30) days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State Law.

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Section 10. Severability

A. Severability:

1. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct, and independent provision and such holding will not affect the validity of the remaining portions thereof.

Section 11. Amendments

A. Amendments:

1. An amendment to this ordinance may be initiated by:
 - a) The Planning Board, provided a majority of the Board has so voted;
 - b) Request of the Municipal Officers; or
 - c) Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last Gubernatorial Election.
2. The Planning Board will hold a public hearing on the proposed amendment. Notification of the hearing will be posted and advertised in a newspaper of general circulation in the municipality at least fourteen (14) days prior to the hearing.
3. An amendment of this ordinance will be adopted by a majority vote of the Board of Selectmen.

Accepted:

Original Adoption:

Revision Dates:
