

**CHAPTER 21**  
**SIGNS**  
(eff. 2/9/2017)

**SEC. 21-1-1 Purpose**

The purpose of this ordinance is to protect the public health, safety and welfare by providing for signage to direct safe and orderly traffic movement<sup>1</sup>. Signs shall be allowed to express the First Amendment right to free speech, and to promote local businesses and events. Signs shall be regulated in a content neutral manner to preserve community character and aesthetics.

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

**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.

**Electronic Message Board sign:** A sign capable of displaying words, symbols, figures or images utilizing a series or grid of lights that may be changed through electrostatic means using light emitting diode (LED) display, plasma screen, or other similar technology.

**Flag:** A temporary or permanent sign on a textile, which is secured to a pole on one end, and allows movement by the atmosphere.

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

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

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

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<sup>1</sup> Studies documenting the relationship between traffic safety and signs include:

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

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

**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.

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

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

**Property Address sign:** A sign located on private property to promote the safety of members of the public seeking entrance to the property and depicting the property address information A sign indicating the name of a neighborhood erected in a manner to aid in traffic control and promotion of public safety during an emergency may also be a property address sign.

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

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

**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, or is an expression of free speech, and is visible from outside a building.

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

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

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

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

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

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

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

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

- A. Town wide signage.** The following signs shall be permitted throughout the Town and shall not require a permit. Upon request of the Code Enforcement Officer, a property owner shall provide an inventory of the number and square footage of signs erected on the property.
1. Traffic Control sign. The Town of Cape Elizabeth and the Maine Department of Transportation may erect any traffic control sign within the right-of-way of any public road or public property. This signage shall be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) standards to the maximum extent feasible.
  2. Private Traffic Control sign. Any private property owner may erect upon his/her property traffic control signage. No sign shall exceed 6 sq. ft. per side and no more than a total of 72 sq. ft. of permanent private traffic control signage shall be allowed.
  3. Property address sign. Any property owner may erect upon his/her property a sign indicating the street address of the property. No sign shall exceed 6 sq. ft. per side and no more than a total of 12 sq. ft. of signage shall be allowed.

A property address sign may also be erected indicating the name of a neighborhood. The sign may be erected within the road right-of-way with the permission of the town or within a private road right-of-way with the

permission of the owner of the private right-of-way. No sign shall exceed 36 sq. ft. per side and no more than a total of 72 sq. ft. per entrance to the neighborhood.

**B. Residential and non-commercial zone signage.** The following signs may be allowed after issuance of a permit from the Code Enforcement Officer in the Residence A, Residence B, Residence C, and all other noncommercial districts, and as further defined by street frontage. For properties with frontage on more than one street, the amount of signage allowed for one street shall be the total signage allowed for the property.

1. Property with frontage on an Arterial, Collector or Rural Connector Road (Appendix B, Zoning Ordinance). In addition to the town-wide signage allowed in SEC. 21-2-1.A, a sign may be erected on a property located in a residential or non-commercial zoning district and upon which permitted non-residential uses are occurring. No sign shall exceed 32 sq. ft. per side and no more than a total of 32 sq. ft. per property.
2. Property with frontage on a Feeder, Local or Private Rd (Appendix B, Zoning Ordinance). In addition to the town-wide signage allowed in SEC. 21-2-1.A, a sign may be erected on a property located in a residential or non-commercial zoning district and upon which permitted non-residential uses are occurring. No sign shall exceed 12 sq. ft. per side and no more than a total of 12 sq. ft. per property.

**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.

<b>Commercial Signage Table</b>					
Type of Sign	Permit Issued By	Max. Total Sign Area 2 Exposed Faces	Max. Total Sign Area 1 Exposed Face	Max. Height in Feet	Maximum # Allowed
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 building
Permanent Window Display	Code Enforcement Officer		50% of Total Glass Storefront	—	1
Message Board	Code Enforcement Officer	24 s.f. Maximum Dimension 4 feet	12 s.f.	4	1

D. **Temporary Signage.** Temporary signs shall be allowed based on their location adjacent to roadways. The name, address and phone number or email address of the sign owner and date the sign was placed shall appear on the sign. A temporary sign may be installed for no more than 8 weeks per calendar year and shall not be lighted.

1. Temporary signs adjacent to an Arterial, Collector or Rural Connector Road.
  - a. Road Right-of-way. Within the right-of-way of an arterial, collector or rural connector road, as classified in Appendix B of the Zoning Ordinance, temporary signage may be placed. No temporary sign shall exceed 8 sq. ft. per side and no more than a total of 16 sq. ft. The maximum dimension of a temporary sign shall not exceed 4 feet and the maximum sign height shall not exceed 3.5 ft. as measured from the ground.

- b. Private Property. On private property adjacent to an arterial, collector or rural connector road, as classified in Appendix B of the Zoning Ordinance, temporary signage may be erected on private property. No temporary sign shall exceed 6 sq. ft. per side and no more than a total of 12 sq. ft. The maximum dimension of a temporary sign shall not exceed 4 feet and the maximum sign height shall not exceed 3.5 ft. as measured from the ground.
2. Temporary signs adjacent to a Feeder, Local or Private Road.
- a. Road right-of-way. Within the right-of-way of a feeder, local or private road, as classified in Appendix B of the Zoning Ordinance, temporary signage may be placed. No temporary sign shall exceed 8 sq. ft per side and no more than a total of 8 sq. ft. The maximum dimension of temporary sign shall not exceed 4 feet and the maximum sign height shall not exceed 3.5 ft. as measured from the ground.
  - b. Private Property. On private property adjacent to a feeder, local or private road, as classified in Appendix B of the Zoning Ordinance, temporary signage may be erected on private property. No temporary sign shall exceed 6 sq. ft. per side and no more than a total of 12 sq. ft. The maximum dimension of a temporary sign shall not exceed 4 feet and the maximum sign height shall not exceed 3.5 ft. as measured from the ground.

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

The following signs are not permitted.

- A. Projecting or suspending signs in excess of 6 sq. ft per side or 12 sq. ft. in total area.
- B. Roof signs, where more than 50% of the sign face is erected above the roof or parapet line of the building.
- C. Banners extending over the public right-of-way.
- D. Signs with flashing lights, beacons, moving parts or are lighted in a manner inconsistent with Sec. 21-3-1(C)(5).
- E. Signs on parked motor vehicles that in the judgement of the Code Enforcement Officer violate the intent of this ordinance.

- F. Signs obstructing sight distance in a public or private right-of-way, as measured in accordance with Sec. 16-3-2, Subdivision Ordinance.
- G. Internally lit signs, including electronic message board signs.

### **SEC. 21-3-1 Sign Permit Procedure**

- 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. The application shall include the information listed in subsection B below and a description of how the standards in subsection C below are met.
- 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 sign;
  - 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.** If the applicant demonstrates compliance with the following standards, the Code Enforcement Officer shall issue a permit.
  - 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 a manner that is structurally sound, as determined by the Code Enforcement Officer. When the Code Enforcement Officer determines that the sign may not be structurally sound, the sign shall be installed in a manner consistent with the IBC Code Sign provisions.
  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 to the sign. Sign lighting shall not exceed 0.5 footcandles more than fifty (50) feet from the sign.
- D. **Permit Duration.** Once issued, the sign permit shall be valid for one year, or if the sign is installed, for the life of the sign.

#### **SEC. 21-4-1 Maintenance**

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

#### **SEC. 21-5-1 Nonconformance**

- A. **Temporary Sign.** Any temporary sign in place after February 9, 2017 that is not in conformance with this ordinance may be removed by the Code Enforcement Officer or a designee.



- B. **Permanent Sign.** Any permanent sign erected after February 9, 2017 that is not in conformance with this ordinance shall be removed by the owner within seven business days of receiving notice from the Code Enforcement Officer.
- C. **Nonconforming Sign.** Any permanent sign in place prior to February 9, 2017 and not in conformance with this ordinance may remain in place. The nonconforming permanent sign may also be replaced with a permit from the Code Enforcement Officer, as provided for in SEC. 21-3-1. The nonconforming sign permit application shall include documentation of the location, dimensions and height as measured from the ground of the existing nonconforming sign. If a nonconforming sign is removed and not replaced within six (6) months from the date it is removed, any sign installed must be in conformance with this ordinance.
- D. **Hazard.** Any sign that poses an immediate hazard to public safety may be removed by any authorized municipal agent.

#### **SEC. 21-6-1 Administration**

- A. **Enforcement/Penalties.** Any person, or entity owning, occupying, or having the control and the use of, any building, land, sign or part thereof, who violates any of the provisions of this ordinance, shall be punished by a fine of not less than \$50.00 and not more than \$100.00. Each day such violation is permitted to exist after notification thereof by the Code Enforcement Officer shall constitute a separate offense.
- B. **Substitution.** A non-commercial sign may be substituted for any permitted sign, except as provided in Sec. 21-2-1.A.
- C. **Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
- D. **Fees.** Fees shall be as shown on the most recently adopted Fee Schedule adopted by the Cape Elizabeth Town Council.
- E. **Hold Harmless.** The Town of Cape Elizabeth shall be held harmless from any damage to signs installed in the public right-of-way, nor for any sign removed under this ordinance.

