

Repeal and Replace with the

CHAPTER 21,
SIGNS

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. 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.

Note: Add paragraph citing studies linking traffic control and public safety to signage and community aesthetics to signage.

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.

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.

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

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 for the sole purpose of providing direction regarding entrances and exits, parking and direction to facilities on the property to visitors.

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 depicting the property address information and erected in a manner to aid in traffic control and promotion of public safety during an emergency. A sign indicating the name of a neighborhood

1 erected in a manner to aid in traffic control and promotion of public safety during an
2 emergency may also be a property address sign.

3
4 **Road Right-of-way:** A strip of land acquired by conveyance, reservation, dedication,
5 forced dedication, prescription or condemnation and intended to be occupied by a road.

6
7 **Roof sign:** Any sign where more than 50% of the surface area extends directly above
8 the roof or parapet line of a building.

9
10 **Sign:** Any structure, display, logo, device or representation which is designed or used
11 to advertise or call attention to any item, business activity or place, or is an expression
12 of free speech, and is visible from outside a building. It does not include the flag,
13 pennant or insignia of any nation, state or town.

14
15 Note: There may be a problem with the last sentence.

16
17 **Sign area:** The entire area of a sign with a single continuous perimeter enclosing the
18 extreme limits of the sign surface. For a sign painted on or applied to a structure, the
19 area shall include any background of a different color than the color or finish of the
20 structure. For a sign consisting of individual letters or symbols without a
21 distinguishable background, the area shall be that of the smallest rectangle which
22 encompasses all of the letters and symbols. Total sign area shall be the aggregate of all
23 exposed faces. Dimensions of signs shall not include supporting structures but shall
24 include any frames.

25
26 **Sign Height:** The distance from the average grade of the land beneath the sign to the
27 top of the sign.

28
29 **Temporary Sign:** Any sign erected for a period of 8 weeks or less in a calendar year. For
30 the purpose of measuring length of time a temporary sign is displayed, use of a sign for
31 any length of time in a 24-hour period shall constitute 1 day.

32
33 **Traffic Control Sign:** Any sign, permanent or temporary, erected within the public
34 right of way or on municipal property for the purpose of providing direction or
35 information (wayfinding) to citizens and visitors.

36
37 **Visible:** Any sign capable of being seen without visual aid by a person of normal visual
38 acuity *who is not located on the property where the sign is located.*

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40 Note: italics is new.

41
42 **Wall Sign:** Any sign affixed to a wall or printed on a wall in such a manner as to read
43 parallel to the wall on which it is mounted, but shall also include awnings and canopies.

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2 Note: Definitions not imported to this draft at this time are advertising sign, agricultural
3 operations, internal illumination, message board sign, off-premises sign, on-premises
4 sign, open flag, public way, sandwich board sign, shopping center.

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

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

9
10 **A. Town wide signage.** The following signs shall be permitted throughout the
11 Town and shall not require a permit. Upon request of the Code Enforcement
12 Officer, a property owner shall provide an inventory of the number and square
13 footage of signs erected on the property.

14
15 Note: WHO, WHERE, HOW MUCH, PERMIT

- 16
17 1. Traffic Control sign. The Town of Cape Elizabeth and the Maine
18 Department of Transportation may erect any traffic control sign within the
19 right-of-way of any public road or public property. This signage shall be
20 in conformance with the Manual on Uniform Traffic Control Devices
21 (MUTCD) standards to the maximum extent feasible.

22
23 Note: For this type of sign, no limit on the size of the sign or the total sq. ft. of signage
24 allowed is proposed.

- 25
26 2. Private Traffic Control sign. Any private property owner may erect upon
27 his/her property traffic control signage. No sign shall exceed 6 sq. ft. per
28 side and no more than a total of 24 sq. ft. of permanent private traffic
29 control signage shall be allowed.

- 30
31 3. Property address sign. Any property owner may erect upon his/her
32 property a sign indicating the street address of the property. No sign shall
33 exceed 6 sq. ft. per side and no more than a total of 12 sq. ft. of signage
34 shall be allowed.

35
36 A property address sign may also be erected indicating the name of a
37 neighborhood. The sign may be erected within the road right-of-way with
38 the permission of the town or within a private road right-of-way with the
39 permission of the owner of the private right-of-way. No sign shall exceed
40 36 sq. ft. per side and no more than a total of 72 sq. ft.

41
42 **B. Residential and non-commercial zone signage.** The following signs may be
43 allowed after issuance of a permit from the Code Enforcement Officer in the

1 Residence A, Residence B, Residence C, and all other noncommercial districts,
2 and as further defined by street frontage. For properties with frontage on more
3 than 1 street, the amount of signage per street may be allowed as provided for
4 below.

- 5
6 1. Property with frontage on an Arterial, Collector or Rural Connector Road
7 (Appendix B, Zoning Ordinance). In addition to the Townwide signage
8 allowed in Sec. 21-2-1.A, a sign may be erected on a property located in a
9 residential or non-commercial zoning district and upon which permitted
10 non-residential uses are occurring. No sign shall exceed 32 sq. ft. per side
11 and no more than a total of 32 sq. ft.

12
13 Note: For example, a wall sign may be 32 sq. ft. in size, but a 2-sided ground
14 sign may not be more than 16 sq. ft. per side. This reduces the size of
15 church signage from 72 sq. ft. to 32 sq. ft.

- 16
17 2. Property with frontage on a Feeder, Local or Private Rd (Appendix B,
18 Zoning Ordinance). In addition to the Townwide signage allowed in Sec.
19 21-2-1.A, a sign may be erected on a property located in a residential or
20 non-commercial zoning district and upon which permitted non-residential
21 uses are occurring. No sign shall exceed 12 sq. ft. per side and no more
22 than a total of 12 sq. ft.

23
24 C. **Business zone signage.** The following signage may be allowed after issuance of a
25 permit from the Code Enforcement Officer in the Town Center District, Business
26 A District, Business B District and Business C District.

- 27
28 1. Permanent Signs. Permanent signage may be erected on a property
29 located in the Town Center, Business A, Business B and Business C
30 Districts. Excluding the Town wide signage allowed in Sec. 21-2-1.A,
31 permanent signage on the property shall not exceed a total of 75 sq. ft.
32 Individual sign square footage shall comply with the following table and
33 proposed signs shall be assigned the most applicable sign type category
34 by the Code Enforcement Officer.
35

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 Pole	Code Enforcement Officer	40 s.f.	20 s.f.	20	1
Freestanding Permanent Ground	Code Enforcement Officer	40 s.f.	20 s.f.	5	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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D. Temporary Signage. Temporary signs shall be allowed by their location adjacent to roadways.

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

1. Temporary signs adjacent to an Arterial, Collector or Rural Connector Road. Within the right-of-way of an arterial, collector or rural connector

1 road, as classified in Appendix B of the Zoning Ordinance, a sign may be
2 placed for a period not to exceed 8 weeks in a calendar year. No
3 temporary sign shall exceed 8 sq. ft per side and no more than a total of 16
4 sq. ft. The maximum dimension of temporary sign shall not exceed 4 feet
5 and the maximum sign height shall not exceed 3.5 ft. The name, address
6 and phone number or email address and date the sign was placed shall
7 appear on the sign.
8

9 On private property adjacent to an arterial, collector or rural connector
10 road, as classified in Appendix B of the Zoning Ordinance, temporary
11 signage may be erected on private property for a period not to exceed 8
12 weeks in a calendar year. No temporary sign shall exceed 6 sq. ft. per side
13 and no more than a total of 12 sq. ft. The maximum dimension of a
14 temporary sign shall not exceed 4 feet and the maximum sign height shall
15 not exceed 3.5 ft.
16

17 Note: This section replaces on premises yard sale sign, real estate sign, home
18 occupation fish and farm market home occupation, pick your own signs.
19 This also reduces the size of a temporary residential development sign
20 from 36 sq. ft to 12 sq. ft.
21

22 2. Temporary signs adjacent to a Feeder, Local or Private Road. Within the
23 right-of-way of a feeder, local or private road, as classified in Appendix B
24 of the Zoning Ordinance, a sign may be placed for a period not to exceed 8
25 weeks in a calendar year. No temporary sign shall exceed 8 sq. ft per side
26 and no more than a total of 8 sq. ft. The maximum dimension of
27 temporary sign shall not exceed 4 feet and the maximum sign height shall
28 not exceed 3.5 ft. The name, address and phone number or email address
29 and date the sign was placed shall appear on the sign.
30

31 On private property adjacent to a feeder, local or private road, as classified
32 in Appendix B of the Zoning Ordinance, temporary signage may be
33 erected on private property for a period not to exceed 8 weeks in a
34 calendar year. No temporary sign shall exceed 6 sq. ft. per side and no
35 more than a total of 12 sq. ft. The maximum dimension of a temporary
36 sign shall not exceed 4 feet and the maximum sign height shall not exceed
37 3.5 ft.
38

39 Note: This section replaces on premises yard sale sign, real estate sign, home
40 occupation fish and farm market home occupation, pick your own signs.
41 This also reduces the size of a temporary residential development sign
42 from 36 sq. ft to 12 sq. ft.
43

1 Note: Still need to address signage for shopping centers and gas stations

2
3 **Sec. 21-2-2 Prohibited Signs**

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5 The following signs are not permitted.

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7 1. Projecting or suspending signs in excess of 6 sq. ft per side or 12
8 sq. ft. in total area.
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10 2. Roof signs, where more than 50% of the sign face is erected above
11 the roof or parapet line of the building.
12
13 3. Banners extending over the public right-of-way.

14
15 Note: This may conflict with banners extended over Rt 77 for civic
16 celebrations.

- 17
18 4. Signs with flashing lights, beacons, or moving parts.
19
20 5. Signs on parked motor vehicles that in the judgement of the Code
21 Enforcement Officer nullify the intent of this ordinance.
22
23 6. Signs obstructing normal sight distance in a public *or private* right-
24 of-way.
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26 Note: italics is new text.

- 27
28 7. Internally lit message board signs.
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30 **Sec. 21-3-1 Sign Permit Procedure**

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32 1. Application
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34 2. Review Standards
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36 3. Permit Duration.
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38 **Sec. 21-4-1 Sign structure and safety**

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40 1. Maintenance. All signs permitted under this ordinance shall be
41 appropriately maintained. Appropriate maintenance consists of no
42 missing lettering, no peeling paint, no cracked or broken glass or
43 plastic, a solid foundation for fixed signs, all lighting being fully

1 operational and no unsafe conditions. The Code Enforcement
2 Officer shall determine if a sign is being appropriately maintained.
3 If, in his/her judgment, a sign is not appropriately maintained,
4 he/she shall give thirty days notice to have it repaired or removed.
5 The owner of the sign shall have the option to repair or remove the
6 sign. Anyone not complying with the order of the Code
7 Enforcement Officer may be subject to a fine as provided in Section
8 21-6-1.
9

10 2. Structural stability to protect public safety.
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12 Note: not yet drafted, but should include elements of the following:
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14 (d) Illumination of signs from an external light source shall be
15 shielded so as to prevent glare onto a public way or private
16 properties. No sign shall be illuminated in a manner, which creates
17 a public hazard by adversely impacting the movement of people
18 and vehicles, and the enjoyment of adjacent properties. Lighting
19 shall minimize glare and reflection and shall be of an intensity and
20 brightness in keeping with the general lighting level of the area.
21 Hours of illumination may be limited to reduce adverse impact on
22 adjacent properties and to conserve energy resources.
23

24 (e) A freestanding sign shall not impair a driver's normal sight
25 distance nor be placed within 30 feet of a crosswalk.
26

27 (f) All signs shall be designed and constructed in compliance with
28 the most current applicable sections of the IBC/IRC Code.
29

30 5. The sandwich board sign shall be weighed or secured to avoid
31 being carried away.
32

33 **Sec. 21-5-1 Nonconformance**
34

35 1. Any temporary sign erected after the effective date of this
36 ordinance that is not in compliance with this ordinance may be
37 removed by the Code Enforcement Officer or a designee.
38

39 2. Any permanent sign erected after the effective date of this
40 ordinance that is not in compliance with this ordinance shall be
41 ordered removed by the Code Enforcement Officer with notice of
42 seven business days.
43

- 1 3. Any temporary sign in place at the time of enactment of this
2 ordinance that is not in conformance with the standards of this
3 ordinance shall be removed by the owner on the effective date of
4 this ordinance.
5
- 6 4. Any permanent sign not conforming with the standards of this
7 ordinance may be replaced with a permit from the Code
8 Enforcement Officer and with documentation of the size of the
9 nonconforming sign.
10
- 11 5. Any sign that poses an immediate hazard to public safety may be
12 removed by any authorized municipal agent.
13

14 Note: Item 1, 2, 3, and 5 are the existing provisions and need review.
15

16 **Sec. 21-6-1 Administration**
17

- 18 A. Enforcement/Penalties. Any person, or entity owning, occupying, or
19 having the control and the use of, any building, land, sign or part thereof,
20 who violates any of the provisions of this ordinance, shall be punished by
21 a fine of not less than \$50.00 and not more than \$100.00. Each day such
22 violation is permitted to exist after notification thereof by the Code
23 Enforcement Officer shall constitute a separate offense.
24
- 25 B. Substitution. A non-commercial sign may be substituted for any permitted
26 sign, except as provided in Sec. 21-2-1.A.
27
- 28 C. Severability. Should any section or provision of this Ordinance be
29 declared by the courts to be invalid, such decision shall not invalidate any
30 other section or provision of the Ordinance.
31
- 32 D. Fees. Per Town Council adopted Fee Schedule.
33
- 34 E. Hold Harmless. The Town of Cape Elizabeth shall be held harmless from
35 any damage to signs installed in the public right-of-way.
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37 Note: E is new text.
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