

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

DRAFT 12-1-2016

Repeal and Replace with the

**CHAPTER 21,
SIGNS**

[Notes have been added for explanatory purposes and are not proposed for adoption as part of the Sign Ordinance text.]

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 movement¹. 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.

¹Studies 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.

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

1 **Permanent window display:** A sign attached to, placed upon or painted on the interior
2 of a window or door of a building, which is intended for viewing from the exterior of a
3 building.
4

5 **Private Traffic Control Sign:** Any sign, permanent or temporary, erected on private
6 property to promote the safety of members of the public on the property and for the
7 sole purpose of providing direction regarding entrances and exits, parking, direction to
8 facilities, caution and keep out of the property to visitors and does not include any
9 advertising.
10

11 **Projecting or suspending sign:** A sign fixed at an angle or perpendicular to the wall of
12 any building in such a manner as to read perpendicular or at an angle to the wall on
13 which it is mounted.
14

15 **Property Address sign:** A sign located on private property to promote the safety of
16 members of the public seeking entrance to the property and depicting the property
17 address information [and erected in a manner to aid in traffic control and promotion of
18 public safety during an emergency - repetitive?]DELETE. A sign indicating the name of
19 a neighborhood erected in a manner to aid in traffic control and promotion of public
20 safety during an emergency may also be a property address sign.
21

22 **Road Right-of-way:** A strip of land acquired by conveyance, reservation, dedication,
23 forced dedication, prescription or condemnation and intended to be occupied by a road.
24

25 **Roof sign:** Any sign where more than 50% of the surface area extends directly above
26 the roof or parapet line of a building.
27

28 **Sign:** Any structure, display, logo, device or representation which is designed or used
29 to advertise or call attention to any item, business activity or place, or is an expression
30 of free speech, and is visible from outside a building. It does not include the flag,
31 pennant or insignia of any nation, state or town. DELETE
32

33 *Note: RE last sentence, how do we handle flags?*
34

35 **Sign area:** The entire area of a sign with a single continuous perimeter enclosing the
36 extreme limits of the sign surface. For a sign painted on or applied to a structure, the
37 area shall include any background of a different color than the color or finish of the
38 structure. For a sign consisting of individual letters or symbols without a
39 distinguishable background, the area shall be that of the smallest rectangle which
40 encompasses all of the letters and symbols. Total sign area shall be the aggregate of all
41 exposed faces. Dimensions of signs shall not include supporting structures but shall
42 include any frames.
43

44 **Sign Height:** The distance from the average grade of the land beneath the sign to the
45 top of the sign.
46

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

1
2 **Traffic Control Sign:** Any sign, permanent or temporary, erected within the public
3 right of way or on municipal property for to promote the safety of members of the
4 public on the property by providing direction or information (wayfinding) to citizens
5 and visitors.
6

7 **Visible:** Any sign capable of being seen without visual aid by a person of normal visual
8 acuity who is not located on the property where the sign is located.
9

10 **Wall Sign:** Any sign affixed to a wall or printed on a wall in such a manner as to read
11 parallel to the wall on which it is mounted, but shall also include awnings and canopies.
12

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

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

18 Signs shall be regulated by the location in which the sign is installed.
19
20

21 **A. Town wide signage.** The following signs shall be permitted throughout the
22 Town and shall not require a permit. Upon request of the Code Enforcement
23 Officer, a property owner shall provide an inventory of the number and square
24 footage of signs erected on the property.
25

- 26 1. Traffic Control sign. The Town of Cape Elizabeth and the Maine
27 Department of Transportation may erect any traffic control sign within the
28 right-of-way of any public road or public property. This signage shall be
29 in conformance with the Manual on Uniform Traffic Control Devices
30 (MUTCD) standards to the maximum extent feasible.
31

32 Note: For this type of sign, no limit on the size of the sign or the total sq. ft. of signage
33 allowed is proposed.
34

- 35 2. Private Traffic Control sign. Any private property owner may erect upon
36 his/her property traffic control signage. No sign shall exceed 6 sq. ft. per
37 side and no more than a total of 72 sq. ft. of permanent private traffic
38 control signage shall be allowed.
39

- 40 3. Property address sign. Any property owner may erect upon his/her
41 property a sign indicating the street address of the property. No sign shall
42 exceed 6 sq. ft. per side and no more than a total of 12 sq. ft. of signage
43 shall be allowed.
44

45 A property address sign may also be erected indicating the name of a
46 neighborhood. The sign may be erected within the road right-of-way with
47 the permission of the town or within a private road right-of-way with the
48 permission of the owner of the private right-of-way. No sign shall exceed

1 36 sq. ft. per side and no more than a total of 72 sq. ft. per entrance to the
2 neighborhood.

3
4 4. Banner. In addition to the temporary or permanent signs otherwise
5 allowed in this ordinance, a banner may be erected, after issuance of a
6 permit from the Code Enforcement Officer, across the right-of-way of an
7 arterial or collector road. The banner shall not exceed twenty-five (25) feet
8 in length nor three (3) feet in width and may be installed for no longer
9 than three (3) days per calendar year. The banner shall be installed a
10 minimum of eighteen (18) feet and no more than twenty-five (25) feet in
11 height above the traveled surface of the road and shall be secured.

12
13 [Note: Do you want to require town or town-contracted installation?]

14
15 **B. Residential and non-commercial zone signage.** The following signs may be
16 allowed after issuance of a permit from the Code Enforcement Officer in the
17 Residence A, Residence B, Residence C, and all other noncommercial districts,
18 and as further defined by street frontage. For properties with frontage on more
19 than 1 street, the amount of signage per street may be allowed as provided for
20 below.

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

28
29 Note: For example, a wall sign may be 32 sq. ft. in size, but a 2-sided ground
30 sign may not be more than 16 sq. ft. per side. This reduces the size of
31 church signage from 72 sq. ft. to 32 sq. ft.

32
33 2. Property with frontage on a Rural Connector Road (Appendix B, Zoning
34 Ordinance). In addition to the town-wide signage allowed in SEC. 21-2-
35 1.A, one (1) electronic message board sign may be erected on a property
36 with frontage on a rural connector road. The electronic message board
37 sign shall be included in the total 32 sq. ft. of permanent signage allowed
38 in subsection 1 above. The sign shall not exceed twenty-four (24) square
39 feet in size and the maximum dimension shall not exceed six (6) feet. Light
40 emitting from the sign shall not exceed 0.5 footcandles more than fifty (50)
41 feet from the sign, except that no light shall emit from the sign from the
42 hours of 11 p.m. to 6 a.m. Each individual static message must be
43 displayed for a minimum of eight (8) hours and message transition must
44 be instantaneous.

45
46 32. Property with frontage on a Feeder, Local or Private Rd (Appendix B,
47 Zoning Ordinance). In addition to the town-wide signage allowed in SEC.
48 21-2-1.A, a sign may be erected on a property located in a residential or
49 non-commercial zoning district and upon which permitted non-residential

1 uses are occurring. No sign shall exceed 12 sq. ft. per side and no more
2 than a total of 12 sq. ft. per property.
3

4 **C. Business zone signage.** The following signage may be allowed after issuance of a
5 permit from the Code Enforcement Officer in the Town Center District, Business
6 A District, Business B District and Business C District.
7

8 1. Permanent Signs. Permanent signage may be erected on a property
9 located in the Town Center, Business A, Business B and Business C
10 Districts. Excluding the Town wide signage allowed in SEC. 21-2-1.A,
11 permanent signage on the property shall not exceed a total of 75 sq. ft.
12 Individual sign square footage shall comply with the following table and
13 proposed signs shall be assigned the most applicable sign type category
14 by the Code Enforcement Officer.
15

16 2. Electronic Message Board Sign. One (1) electronic message board sign
17 may be erected on a property located in the Town Center, Business A,
18 Business B and Business C Districts. The electronic message board sign
19 shall be included in the total 75 sq. ft. of permanent signage allowed in
20 subsection 1 above. Light emitting from the sign shall not exceed 0.5
21 footcandles more than fifty (50) feet from the sign, except that no light
22 shall emit from the sign from the hours of 11 p.m. to 6 a.m. Each
23 individual static message must be displayed for a minimum of eight (8)
24 hours and message transition must be instantaneous.
25

26 Note: Light levels could also be regulated as a measurement above ambient light
27 levels. For example, Marietta Georgia limits lighting to 0.2 footcandles
28 above ambient light levels at a distance of 125' from the sign.
29

30 If you require the sign to be turned off from 11 pm to 6 am, and still allow
31 2 messages per day, the minimum amount of time per message is about 8
32 hours.
33

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 # Allow
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 Boards	Code Enforcement Officer	24 s.f. Maximum Dimensions 4 feet	12 s.f.	4	1
Electronic Message Board	Code Enforcement Officer	48 s.f. Maximum Dimension 4 feet	24 s.f.	4.5	1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

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.

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 1. Temporary signs adjacent to an Arterial, Collector or Rural Connector
2 Road.
3
4 a. Road Right-of-way. Within the right-of-way of an arterial, collector or
5 rural connector road, as classified in Appendix B of the Zoning
6 Ordinance, temporary signage may be placed. No temporary sign shall
7 exceed 8 sq. ft. per side and no more than a total of 16 sq. ft. The
8 maximum dimension of a temporary sign shall not exceed 4 feet and
9 the maximum sign height shall not exceed 3.5 ft. as measured from the
10 ground.
11
12 b. Private Property. On private property adjacent to an arterial, collector
13 or rural connector road, as classified in Appendix B of the Zoning
14 Ordinance, temporary signage may be erected on private property. No
15 temporary sign shall exceed 6 sq. ft. per side and no more than a total
16 of 12 sq. ft. The maximum dimension of a temporary sign shall not
17 exceed 4 feet and the maximum sign height shall not exceed 3.5 ft. as
18 measured from the ground.
19

20 Note: This section replaces on premises yard sale sign, real estate sign, home
21 occupation fish and farm market home occupation, pick your own signs.
22 This also reduces the size of a temporary residential development sign
23 from 36 sq. ft to 12 sq. ft.
24

- 25 2. Temporary signs adjacent to a Feeder, Local or Private Road.
26
27 a. Road right-of-way. Within the right-of-way of a feeder, local or private
28 road, as classified in Appendix B of the Zoning Ordinance, signage
29 may be placed. No temporary sign shall exceed 8 sq. ft per side and no
30 more than a total of 8 sq. ft. The maximum dimension of temporary
31 sign shall not exceed 4 feet and the maximum sign height shall not
32 exceed 3.5 ft. as measured from the ground.
33
34 b. Private Property. On private property adjacent to a feeder, local or
35 private road, as classified in Appendix B of the Zoning Ordinance,
36 signage may be erected on private property. No temporary sign shall
37 exceed 6 sq. ft. per side and no more than a total of 12 sq. ft. The
38 maximum dimension of a temporary sign shall not exceed 4 feet and
39 the maximum sign height shall not exceed 3.5 ft. as measured from the
40 ground.
41

42 Note: This section replaces on premises yard sale sign, real estate sign, home
43 occupation fish and farm market home occupation, pick your own signs.
44 This also reduces the size of a temporary residential development sign
45 from 36 sq. ft to 12 sq. ft. Signage for existing shopping centers and gas
46 stations will become nonconforming.
47

48 **SEC. 21-2-2 Prohibited Signs**
49

1 The following signs are not permitted.
2

- 3 A. Projecting or suspending signs in excess of 6 sq. ft per side or 12 sq. ft. in
4 total area.
5
6 B. Roof signs, where more than 50% of the sign face is erected above the roof
7 or parapet line of the building.
8
9 ~~C. Banners extending over the public right-of-way.~~

10
11 ~~Note: This may conflict with banners extended over Rt 77 for civic celebrations.~~
12

- 13 D. Signs with flashing lights, beacons, moving parts or are lighted in a
14 manner inconsistent with Sec. 21-3-1(C)(5).
15
16 E. Signs on parked motor vehicles that in the judgement of the Code
17 Enforcement Officer violate nullify the intent of this ordinance.
18
19 F. Signs obstructing sight distance in a public or private right-of-way, as
20 measured in accordance with Sec. 16-3-2, Subdivision Ordinance.
21
22 G. Internally lit signs (exclusive of electronic message board signs).
23

24 SEC. 21-3-1 Sign Permit Procedure 25

- 26 A. **Application.** Prior to installing any sign that requires a permit, a
27 completed application to install the sign shall be submitted to the Code
28 Enforcement Officer.
29
30 B. **Submission information.** The application shall include the following
31 information:
32
33 1. Name, address and contact information of the applicant;
34
35 2. Proposed location of the sign;
36
37 3. Evidence of right, title or interest in the sign installation site;
38
39 4. Sketch of the sign showing dimensions, height as measured from the
40 ground and total square footage of the sign;
41
42 5. Methods and materials to construct and install the sign;
43
44 6. Impact of the sign on sight distance; and
45
46 7. Expected light levels if the sign will be lighted.
47
48 C. **Review Standards.** The Code Enforcement Officer shall confirm
49 compliance with the following standards:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47
- 48
- 49
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 compliance with the applicable sections of the IBC/IRC 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 not 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 [insert the effective date of this ordinance] that is not in conformance compliance with this

1 ordinance may be removed by the Code Enforcement Officer or a
2 designee.
3

- 4 B. **Permanent Sign.** Any permanent sign erected after [insert the effective
5 date of this ordinance] that is not in conformance compliance with this
6 ordinance shall be removed by the owner within seven business days of
7 receiving notice from the Code Enforcement Officer.
8

9 Note: Check with CEO
10

- 11 C. **Nonconforming Sign.** Any permanent sign in place prior to [insert the
12 effective date of this ordinance] and not in conformance not conforming
13 with the standards of this ordinance may remain in place. The
14 nonconforming permanent sign may also be replaced with a permit from
15 the Code Enforcement Officer, as provided for in SEC. 21-3-1. The
16 nonconforming sign permit application shall include documentation of
17 the location, dimensions and height as measured from the ground of the
18 existing nonconforming sign. If a nonconforming sign is removed and not
19 replaced within six (6) months from the date it is removed, any sign
20 installed must be in conformance with this ordinance.
21

- 22 D. **Hazard.** Any sign that poses an immediate hazard to public safety may be
23 removed by any authorized municipal agent.
24

25 SEC. 21-6-1 Administration 26

- 27 A. **Enforcement/Penalties.** Any person, or entity owning, occupying, or
28 having the control and the use of, any building, land, sign or part thereof,
29 who violates any of the provisions of this ordinance, shall be punished by
30 a fine of not less than \$50.00 and not more than \$100.00. Each day such
31 violation is permitted to exist after notification thereof by the Code
32 Enforcement Officer shall constitute a separate offense.
33
- 34 B. **Substitution.** A non-commercial sign may be substituted for any
35 permitted sign, except as provided in Sec. 21-2-1.A.
36
- 37 C. **Severability.** Should any section or provision of this Ordinance be
38 declared by the courts to be invalid, such decision shall not invalidate any
39 other section or provision of the Ordinance.
40
- 41 D. **Fees.** Fees shall be as shown on the most recently adopted Fee Schedule
42 adopted by the Cape Elizabeth Town Council.
43
- 44 E. **Hold Harmless.** The Town of Cape Elizabeth shall be held harmless from
45 any damage to signs installed in the public right-of-way, nor for any sign
46 removed under this ordinance.
47
48
49

1
2
3
4
5