

TOWN OF LINCOLNVILLE SIGN ORDINANCE

PURPOSE

The purpose of this Ordinance is to help achieve a successful, attractive, business climate while preserving the quality of life for the residents of the Town of Lincolnville through the regulations of all on-premise business signs and more restrictive regulation of all official business directional signs permitted by the Maine Traveler Information Services Act, Title 23 MRSA Section 1901-1925. This Ordinance requires the use of business signs that are:

1. Compatible with the rural character of the Town;
2. Attractive, readable, and clear; while
3. Safe and non-disturbing for pedestrian and vehicular traffic.

AUTHORITY

This Ordinance is enacted pursuant to the Home Rule authority set forth in Title 30-A MRSA Section 3001.

SECTION 1 ON PREMISE SIGNS

1. All on-premise signs existing prior to the enactment of this Ordinance and continuously from that date until the date of this amendment of the Ordinance shall be exempt from the provisions of the Ordinance, but must be registered with the Codes Enforcement Officer (CEO). Signs shall be registered upon providing to the Codes Enforcement Officer (CEO) proof that the sign or signs existed prior to the enactment of this Ordinance (March 20, 1990) and have been displayed continuously since that date. Registration shall be by sign permit application accompanied by a photograph(s) of the complete sign(s). Signs not registered within 90 days after enactment shall be subject to the full provisions of this Ordinance.

Such proof shall consist, at a minimum, of affidavit, under oath, signed by the registration applicant, on a form approved by the Town, which verifies the required facts. The application for registration and proof of facts supporting the registration must be submitted to the Codes Enforcement Officer within ninety (90) days of the date of enactment of this Ordinance amendment, and if not submitted, then within thirty (30) days of a written notice from the Codes Enforcement Officer requiring registration and proof that a sign is exempt pursuant to this section of the Ordinance.

2. No on-premise sign shall be erected unless a sign permit for said sign has been issued by the Codes Enforcement Officer, except as specifically exempted by this Ordinance.

If the location where the sign or signs are to be placed requires review under the Subdivision Ordinance or any other land use ordinance or regulation of the Town of Lincolnville, no sign permit shall be issued until such review has been completed and approved. The erection of signs in the Shoreland Districts of the Lincolnville Shoreland Zoning Ordinance shall be subject to the restrictions and regulations set forth in that Shoreland Zoning Ordinance. Signs on private roads should not be placed within the full width of the road right-of-way.

3. No on-premise signs shall be permitted:

- A.** Within 33 feet of the centerline or within a right-of-way (whichever distance is greater) of any State or State-Aid Highway (specifically Route 1, 52, 173, and 235).
- B.** For properties which abut any town road without calculating setbacks using the formula as follows: One half of the width of the traveled way (as measured from the center of the traveled way) plus 15 feet equals the setback for the sign post, minus 3 feet which equals the distance allowed for the sign support and sign. No portion of the sign or sign support shall be closer to the road than 3 feet measured horizontally from the sign post. The bottom of the sign must be at least 5 feet above the roadway as measured from the bottom of the sign vertically to the level of the roadway edge.
- C.** Within the full width of the right-of-way of any public way.

4. Off-Building Signs: No more than three (3) on-premise sign locations not on a building, with a maximum combined total area of 80 square feet shall be permitted per business. In addition, a sign permit may also allow specified accessory signs for identification of parking areas, restrooms, office, entrance, exit, and other information which is reasonably required. These accessory signs shall not contain advertising, shall not exceed three (3) square feet each, and shall be uniform in size, color, and lettering. Awnings and canopies containing business names or advertising shall be considered to be signs.

5. On-Building Signs:

- A.** Must not exceed a combined total of 80 square feet in area.
- B.** May be installed on building exterior walls, in building windows, and on building roofs.
- C.** Roof signs shall not exceed two (2) feet in height, shall not extend above the roof ridgeline, nor extend beyond the outer edge of the roof.

6. The maximum total area for any one sign permitted under this Ordinance shall be 40 square feet measured from the outer edge to the outer edge including any frame,

excluding supports.

7. The maximum height of any sign affixed to an in-ground post, including the post to which the sign is affixed, shall not exceed 20 feet, measured from ground level. No signs, including accessory signs, shall be affixed to trees, utility poles, rocks, or to a vehicle permanently parked at the business location.
8. No sign shall remain at a location where the business it advertises has ceased to exist. All signs shall be removed within 90 days of the date on which business activity ceased. Leaving a sign at such location in excess of 90 days shall constitute a violation of this Ordinance for which the property owner of the business site shall be responsible.
9. A two-sided sign shall be considered to be one sign, provided the two sides are not separated by more than 12 inches.

SECTION 2 OFF-PREMISE SIGNS

1. No business advertising signs shall be displayed on property other than that property on which the business exists. Except that those Official Business Directional Signs permitted by the Maine Traveler Information Services Act, Title 23 MRSA Section 1901-1925, may be erected off the business property.
2. A business is allowed to erect only four (4) Official Business Directional Signs in the Town of Lincolnville.

SECTION 3 PROHIBITED SIGNS

1. Streamers, pennants, ribbons, spinners, or other devices shall not be constructed, posted, or erected. Exceptions include flags and buntings exhibited to commemorate national patriotic holidays, and temporary banners announcing charitable or civic events.
2. Signs with flashing, blinking, or fluttering lights, rotating signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight, or artificial light are not permitted. Signs indicating the current time and/or temperature are permitted provided they meet all other provisions of this Ordinance. A sign may be illuminated by direct or indirect lighting of constant intensity of one color, providing that the light does not interfere with the traffic or by reason of glare, reflection, intensity or angle create a hazard or unreasonable annoyance to neighbors.
3. No Sign, except for a traffic, regulatory, or informational sign, shall use the words

“stop”, “caution”, or “danger”, or shall incorporate red, amber, or green lights resembling traffic lights, or shall resemble “stop” or “yield” signs in shape or color.

4. Signs that appear to direct the movement, or interfere with the movement, of traffic are not permitted.
5. Signs that prevent a clear and unobstructed view of official signs and approaching or merging traffic are not permitted.
6. Signs in disrepair and/or cracked, broken, or incomplete are not permitted.

SECTION 4 EXEMPT SIGNS

1. Temporary FOR SALE and FOR RENT signs commonly used for the sale or lease of property. However, only one such sign may be placed at a location at any one time, the sign shall not exceed six (6) square feet in area, and the sign must conform to the requirements of Section 1, paragraph 3 of this Ordinance. For the purposes of this paragraph, the term “temporary” shall mean the length of time required to dispose of the property advertised.
2. Temporary signs advertising non-profit events, providing they meet all other provisions of this Ordinance.
3. Signs displayed for less than four (4) days in any 30 day period, but such signs must conform to all other provisions of the Ordinance.
4. Contractors’ signs placed at a construction site during the period of actual construction work. The sign shall be free standing, not to exceed a total of 32 square feet including frame, excluding supports, shall meet all setback requirements, and shall be removed within one (1) week of completion of said construction.
5. Customary holiday decorations, providing they meet all other provisions of this Ordinance.
6. Traffic control and informational signs.
7. Residential address, family name, and no trespassing signs, as well as residential display of the national flag.

SECTION 5 FEE SCHEDULE

1. A one-time fee, to be set by the Selectmen annually, must accompany each business sign application under this Ordinance. A description and the number of accessory signs shall be included in the application. Sign permits must be obtained from the

Codes Enforcement Officer.

2. In addition to the requirements of this Ordinance, the placement of signs may require approval from the Commissioner of Transportation, in accordance with Title 23 MSRA Section 1906.

SECTION 6 REVIEW OF APPLICATIONS AND APPEALS

1. After review by the Codes Enforcement Officer (CEO) of the on-premise or off-premise sign permit application to determine compliance with this Ordinance, the application shall be approved or denied and the applicant notified by regular mail of the action taken. This notification shall be made within 30 days of receipt of the application by the CEO. If the application is denied, the reason for denial shall be stated in writing.
2. Anyone aggrieved by a decision of the CEO in granting or denying a sign permit may appeal such decision to the Board of Appeals within 15 days of the date of notification of the decision. Such appeal shall set forth, in writing, the specific grounds for appeal. A fee shall be paid at the time of filing of the appeal, to cover the cost of advertising. The Board of Appeals shall, forthwith, cause to be advertised in a newspaper of general circulation in the Town a Notice of Appeal which shall state the location of the business involved, the nature of the appeal, and the date, time and place of the public hearing. The Board of Appeals shall at the same time notify by first class mail the owners of all property abutting and immediately across the street or way from the property that is subject of the appeal. The Board of Appeals shall notify the CEO so that he may be present at the hearing.

The appeal shall be in order for hearing within ten (10) days after the first publication of the of the Notice of Appeal. The hearing shall be held in accordance with state law. Following such hearing, the Board of Appeals may reverse the decision of the CEO only if it finds a mistake of fact or law, or a misinterpretation of the provisions of this Ordinance. The written decision of the Board of Appeals granting or denying the appeal, together with finding of fact supporting the Board's decision, shall be mailed to the party making the appeal and to the CEO within ten (10) days of the date of the Board's decision.

3. Any person aggrieved by the decision of the Board of Appeals may appeal that decision to the Superior Court within 30 days of the date of the Board's decision, in accordance with Rule 80B of the Maine Rules of Civil Procedure.

SECTION 7 VIOLATIONS AND PENALTIES

1. It shall be the responsibility of the Codes Enforcement Officer to enforce this Ordinance.

2. Non-compliance with any provision of this Ordinance shall constitute a violation.
3. Any person or persons, contractor or sub-contractor, firm or corporation who shall violate any of the provisions of this Ordinance or any permit issued hereunder, for which a specific penalty is not set forth herein or for which a specific penalty not otherwise provided by the laws of the State of Maine, shall be subject to the monetary penalties set forth in Title 30-A MRSA Section 4452, which include, without limitation, a minimum penalty for a specific violation in the amount of \$100.00 and a maximum penalty for a specific violation in the amount of \$2,500.00. Such penalties shall be recoverable in the District Courts of the Superior Court of the State of Maine, in accordance with Title 30-A MRSA Section 4452; and that violator shall further be subject to an action by the Town of Lincolnville, in a court of competent jurisdiction, for injunctive relief in order to prevent or abate violation of this Ordinance.
4. The CEO may revoke permits issued under this Ordinance, for cause after notice and hearing, in the event the permit holder is in violation of this Ordinance.

SECTION 8 SEVERABILITY

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

SECTION 9 REPEAL OF ANY AND ALL PRIOR SIGN ORDINANCES

This Ordinance is intended to replace any existing Ordinance regulating signs which are not in conformity with this Ordinance.

SECTION 10 DEFINITIONS

SIGN - Any display of lettering, logos, colors, lights or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which conveys a message to the public or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products, services or facilities available, either on the lot or on any other premises, excluding window displays and merchandise.

FLASHING SIGN – A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, direction, or animation. Illuminated signs which indicated the date, time, and/or temperature will not be considered flashing signs.

ILLUMINATED SIGN – Any sign lit by electrical bulbs, fluorescent lights, or neon tubes. Neon tubes used as abstract, graphic, decorative, or architectural elements shall be considered to constitute an illuminated sign.

MOVEABLE SIGN – A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels, or supported by legs.

OFF-PREMISE SIGN – Any sign which is not on the premise of the business.

ON-PREMISE SIGN - Any sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent.

BUSINESS – Any retail, service, wholesale, manufacturing, distribution, factory outlet, sales or professional activity where profit is the ultimate goal achieved by the offering for sale or for a fee or commission goods, services and/or professional care and advice to the general public and business invitees.

PLACE OF BUSINESS – Any location where retail and/or wholesale goods and products are sold, made, manufactured and distributed; any location where services are rendered to the general public and business invitees; any location where professional care and/or advice are held out for hire to the general public and business invitees.

OFFICIAL BUSINESS DIRECTIONAL SIGN – A sign erected and maintained to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public and point of scenic, historical cultural, recreational, educational and religious interest.

LOGO – A single or multicolored symbol or design used by a business as a means of identifying its products or services.

PERSON – An individual, corporation, joint venture, partnership or any other legal entity.

TRAFFIC CONTROL SIGN OR DEVICE – An official route marker, warning sign, sign directing traffic to or from a community, bridge, ferry or airport, or sign regulating traffic, which has been erected by officers having jurisdiction over the public way. These signs shall be exempt from the requirements of this Ordinance.

VISIBLE – Capable of being seen without visual aid by a person of normal visual acuity.

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