

HARPSWELL SIGN ORDINANCE

Effective Date
March 22, 2010
Amended March 14, 2015

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1.0 Preamble and Purpose

It is the intent of this ordinance to reduce roadside hazards and to provide for the safety of the motoring public and pedestrians and to preserve Harpswell's unique scenic beauty and rural character while providing information and advertising about the goods, services and other attractions available in the Town of Harpswell.

2.0 Definitions

Approach sign is any sign that advertises a business or other entity whose principal building, or point of interest, is located on a private road more than 1000 ft from the nearest public road or is not visible to traffic from the nearest public road.

Business refers to any commercial, retail, wholesale, manufacturing, educational camping or amusement business located on any public or private road.

Directional Signs are signs which provide only directional information.

Directory Sign refers to a common header-style sign unit, which may include the location name as a header, as well as individual Display Signs all on one sign unit.

Display Sign is any painted, printed or stenciled advertising device, whether erected on a frame structure or mounted or painted on a building, conveying a message promoting a business enterprise of any kind.

Entity is any business, organization, institution or scenic attraction.

Illuminated Sign is any lighted sign with either exterior or integral illumination.

Maximum Dimension shall mean the longer of either height or width, or maximum perimeter if a sign has more than three visible sides.

Municipal Officers are the members of the Board of Selectmen.

Name Sign is a sign identifying the premises of an entity or a building under construction by a contractor.

Official Business Directional Sign means a sign erected and maintained in accordance with 23 M.R.S.A. §§ 1901-1925, as may be amended from time to time to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public and points of scenic, historical, cultural, recreational, educational and religious interest. Other information may be displayed by means of logos authorized pursuant to 23 M.R.S.A. § 1910, as may be amended from time to time.

Private Road refers to a road that is privately owned, built and maintained, but not including a driveway, intended to carry motor vehicles, whether joining a public road or not, any part of which has land contiguous to it visible from a public road.

Public Road refers to any “public easement” or “town way,” as those terms are defined in 23 M.R.S.A. § 3021, as may be amended from time to time, intended to carry motor vehicles.

Sign means any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity, or place and is clearly visible from any road. It does not include the flag, pennant or insignia of any nation, state or town, or a flag that only states that the business or other entity is open with no other text on it and that has a maximum dimension of six feet.

Sign Area shall be determined as the product of the maximum width and maximum height of the display portion of the sign and shall not include the mounting structure or frame. If a sign has two sides, only the larger side of the sign shall be counted when determining the size of a sign. If a sign has more than two visible sides, all visible sides shall be counted when determining the size of a sign. In cases where lettering is attached and/or freestanding, or if copy is painted directly on a building, the square footage of a sign shall be calculated by utilizing the proportions of a rectangle which would encompass all portions of the lettering and graphics; the area of this rectangle will be the square footage of the sign. A two-sided sign is considered to be one sign and a directory sign on one unit is considered to be one sign.

Window Sign is any sign that is affixed to or within the interior of a window with its message visible to the outside of the window surface.

3.0 Regulations

3.1 No new, additional or enlarged sign shall be erected adjacent to any public or private road within the Town of Harpswell except as provided in Section 3.6 and 3.7.

3.2 No sign shall be located so that it obstructs the vision of motorists, as determined by the Code Enforcement Officer.

3.3 Except as provided in Section 3.4, all non-conforming signs maintained along any public or private road that are visible from a public road and existing as of the effective date of this ordinance shall be either (a) removed by the owner no later than December 31, 2014, or (b) brought into compliance with this ordinance no later than December 31, 2014. Signs that were in conformance with the ordinance in effect immediately prior to the effective date of this ordinance in all respects except for the fact that a required sign permit was not obtained, but that have become nonconforming as of the effective date of this ordinance by virtue of the adoption of this ordinance, shall be allowed to remain in place; provided, however, that the sign owner must seek and obtain the required sign permit from the Code Enforcement Officer no later than June 1, 2010.

3.4 Existing signs that were in place prior to January 1, 1970 shall not be affected by this ordinance; provided, however that such signs must be registered with the Code Enforcement Office prior to April 1, 2012 in order to remain unaffected by this ordinance. There shall be no fee for registration.

3.5 No person, firm or corporation shall erect or place any sign described in Section 3.6 without first obtaining a permit from the Code Enforcement Officer. The permit fee shall be an amount as established by the Board of Selectmen from time to time.

3.6 Signs Requiring Permits. The following types of signs require a permit in advance from the Code Enforcement Officer for use in the Town of Harpswell:

3.6.1 Official Business Directional Signs Such signs shall be uniform in size and type of lettering and shall conform to the following specifications: width, 48 inches; height, 12 inches; letter height at least 4 inches. The sign shall be of a design in conformity with Maine Department of Transportation regulations. Directional information only shall be provided on each sign.

3.6.2 Display Signs. Such signs shall not exceed two per premises or one sign facing in each direction from which a vehicle may approach, whichever is greater, and 32 sq. ft. in total aggregate area, with the maximum dimension not over 16 ft. Such display signs shall be displayed at the entity's location

3.6.3 Illuminated Signs. All illuminated signs shall have lights of such intensity and located in such manner that they are not a hazard to motorists'

night vision or objectionable to adjacent homeowners. Flashing, rotating, animated or changing digital lighting is prohibited.

3.6.4 Name Signs. Name signs are allowed to identify the premises of each entity or building under construction by a contractor. Such sign shall not exceed two (2) signs per premise and twelve (12) square feet in the aggregate.

3.6.5 Service Club Signs. Each service club and fraternal organization may provide and place a single sign conforming to the requirements of Section 3.6.1 above.

3.6.6 Approach Signs. Any entity whose principal building, or a point of interest, which is located on a private road more than 1,000 feet from the nearest public road, or as determined by the Code Enforcement Officer, not fully visible to traffic on the public road, may erect no more than two Approach signs with a total surface area not to exceed 32 square feet. These signs are to be located outside the public right-of-way limits within 300 feet of the junction of the public and private roads.

3.6.7 Directory Signs. For those properties where more than one entity exists, one directory sign shall be used which provides for multiple entities. For the purposes of this section, such a directory sign may identify or advertise more than one entity at the same location, structure or group of structures, sharing a common point of access. The following conditions apply:

3.6.7.1 A single header framework or mounting structure may be placed, with a single, display sign allowed for each entity. Such a directory common header sign may include the location name as well as the individual signs, all on one sign unit. A directory sign shall not exceed 40 square feet and the longest dimension shall not be greater than 10 feet.

3.6.7.2 The directory “common header” or location area part of sign unit shall not exceed 16 sq. ft. per side.

3.6.7.3 Extra signage shall not be placed along the roadside separate and apart from the directory sign.

3.7 Signs Exempt from Permits. The following types of signs are approved for use without the need for a permit in the Town of Harpswell:

3.7.1 Real Estate Signs. A single freestanding sign not to exceed 5 square feet or a single wall sign not to exceed 3 square feet relating to the sale, rental, or lease of a premise may be displayed on the premise which is available for sale, rent, or lease. If a premise for sale is not visible from a public road, one Real Estate Sign is allowed if it conforms to the location requirements of Approach Signs in Section 3.6.6.

3.7.2 For Sale Signs Residences may display a single sign, not over 4 square feet in area, relating to the good or services, belonging to the residence owner or tenant, that are for sale on the premises, if such sale does not constitute a business, or home occupation. Examples of sales falling under this provision are the sale of a used vehicle, the sale of a used appliance, a yard sale, or other occasional sales.

3.7.3 Temporary Event Signs. Temporary event signs announcing public and semi-public occasional events shall not to exceed 32 square feet. Such signs shall be displayed not more than 2 weeks before the event and shall be removed with 3 days after the event. Temporary event signs shall be free of any other advertisement. Signs established more than 2 weeks prior to the announced event shall be deemed unlawful and are subject to removal under Section 6.3.

3.7.4 Religious Service/Civic Organization Meetings Signs. A religious or civic organization may erect no more than 4 signs showing the place and time of services or meetings to be held in Harpswell. No such sign shall exceed four square feet.

3.7.5 Signs relating to Trespassing and Hunting. Signs relating to trespassing and hunting shall be allowed without restriction as to number, provided that no such sign shall exceed two (2) square feet in area.

3.7.6 Interior Window Signs that indicate opened, closed, hours of operation, or the name(s) of credit or charge institutions.

4.0 Standards

The following standards apply to all new signs in the Town of Harpswell.

4.1 No sign shall be placed to exceed 20 feet in height as measured from original grade, except when placed on buildings in which case they may not exceed 25 feet in height as measured from original grade.

4.2 Roof Signs shall not extend more that 10 feet above the roof line.

4.3 All signs shall be setback a minimum of five (5) feet from the edge of the traveled way of any public or private road.

5.0 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 this ordinance.

6.0 Enforcement

6.1 It shall be the duty of the Code Enforcement Officer to administer and enforce the provisions of this ordinance.

6.2 Any person, including but not limited to a landowner, a landowner's agent, or contractor who orders or conducts any activity in violation of this ordinance shall be penalized in accordance with 30-A, M.R.S.A. § 4452, as may be amended from time to time. For purposes of this Section, each day that a violation continues shall be considered a separate offense.

6.2.1 For Purposes of this Section, each day that a violation continues shall be considered a separate offense.

6.2.2 If the Code Enforcement Officer finds that provisions of the Town's sign ordinance are being violated, he or she shall notify personally and in writing, if necessary by certified mail return receipt requested, the person responsible for such violation indicating the nature of the violation, and ordering the action necessary to correct it. He or she shall order the discontinuance of illegal use of land, structures, or work being done, removal of illegal structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done or nuisance conditions; or shall take any other action authorized by this Article to ensure compliance with or to prevent violation of the provisions of the Town's land use ordinances. A copy of such notice shall be submitted to the Board of Selectmen and shall be maintained as a permanent record.

6.2.3 When notification and penalties for actions in violation of the Town's sign ordinance do not result in the correction or abatement of the violation or nuisance condition, the Code Enforcement Officer shall advise the Board of Selectmen, who may institute any and all actions and proceedings either legal or equitable, to correct the violation, including seeking injunctions of violations, that may be appropriate or necessary for the enforcement of the provisions of the Town's land use ordinances in the name of the Town. The Board of Selectmen is authorized to enter into administrative consent agreements for the purpose of eliminating violations of the Town's sign ordinance and recovering fines with Court action. Such agreements shall not allow an illegal sign to continue unless there is clear and convincing evidence that the illegal sign was erected as a direct result of erroneous advice given by an authorized Town official and there is no evidence that the owner acted in bad faith, or unless the removal of the sign will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

6.2.4 In addition to penalties provided herein, the Town may bring an action in the Superior Court or District Court to enjoin violators of the Town's land use

ordinances, for collection of penalties, and for such other relief as may be provided by law.

6.3 Removal of Unlawful Signs. The owner of a sign unlawfully erected or maintained after the effective date of this ordinance shall be in violation of this ordinance until the sign is removed. The owner of the sign shall remove the sign within 30 days of receipt of a notice to remove, sent by certified mail, return receipt requested, by the Code Enforcement Officer. If the identity of such owner is not known or reasonably ascertainable by the Code Enforcement Officer, such notice may instead be sent to the owner of the land on which the sign is placed. If the owner fails to remove the sign as required, the Town, may seek a court order to remove the sign. All removed signs shall be held by the Town for a period of 30 days before they are disposed of.

6.3.1 Removal of Signs from a Public Road. Notwithstanding the notice-to-remove provisions of this Section, the Code Enforcement Officer shall have the authority to immediately remove signs in the public right of way that are deemed by the Code Enforcement Officer or the Road Commissioner to constitute a traffic hazard or impede snow removal. In such cases, notification may be after the fact. Notice-of-removal shall be sent by certified, return receipt requested, by the Code Enforcement Officer. All removed signs shall be held at the Code Enforcement Office for a period of 30 days before they are disposed of.

6.4 Nothing permitted or outlined herein shall be construed to relieve the proposed sign owner from statutory licensing or permit requirements of the State of Maine Department of Transportation prior to erection of any sign permitted under this ordinance.

Section 7.0. Miscellaneous Sign and Administrative Appeals

7.1 Miscellaneous Sign Appeals - The Board of Appeals shall grant a miscellaneous sign appeal if the applicant demonstrates that all of the following requirements are met:

- (1) That the entity in question cannot reasonably convey information or advertising about the goods, services or other attractions associated with that entity if the setback or size requirements of this ordinance are applied to the proposed sign; and
- (2) That the need for a miscellaneous sign appeal is due to the unique circumstances of the property; and
- (3) No other feasible alternative is available to the applicant.

The Code Enforcement Officer shall keep a complete written record of all miscellaneous sign appeals granted or denied.

7.2 Administrative Appeals – Separate and distinct from miscellaneous sign appeals, the Board of Appeals has the power and duty to hear and decide administrative appeals, on a *de novo* basis, where it is alleged that there is an error in any order, requirement, decision or determination made by the Code Enforcement Officer in the administration

or enforcement of this ordinance. Such appeal shall be taken within forty (40) days of the date of the decision appealed from, and not otherwise. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

- (1) A concise written statement indicating the decision of the Code Enforcement Officer being appealed from; the specific provisions of the ordinance relating to the decision that is alleged to be in error, and what relief is requested.
- (2) A sketch drawn to scale showing lot lines, location of existing signs and structures and other physical features of the lot and surrounding area pertinent to the relief sought.

Upon being notified of an administrative appeal, the Code Enforcement Officer shall transmit to the Board of Appeals all the papers constituting the record of the decision appealed from. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

Section 8.0. Conflicts with other Ordinances

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

Section 9.0. Authority

This ordinance is adopted under powers granted to the town by 30-A M.R.S.A. § 3001, as may be amended from time to time.

Section 10.0. Amendments

Amendments may be made by a majority vote of the Town at any Harpswell Town Meeting and shall take effect upon enactment unless otherwise specified.

Section 11.0. Effective Date

This ordinance shall become effective upon its adoption and repeals and replaces the Town of Harpswell Sign Ordinance previously adopted on December 9, 1976 and as amended.