

ITEM

17-005

To set a Public Hearing date of January 23rd to consider and act on amendments to Chapter 315 (Zoning), Section 63 (Signs) of the Cumberland Code, as recommended by the Planning Board

Chapter 315. Zoning
Article VI. General Regulations
§ 315-63. Signs.

A. PURPOSE

It is the intent of these regulations to provide for attractive, coordinated, informative, and efficient signs with the express purpose of protecting property values, enhancing the physical appearance of the Town, and providing for public safety.

B. DEFINITIONS

(1) Abandoned Sign: Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed.

(2) Advertising Sign: A sign that has as its purpose to promote, advertise, or sell a product or service obtainable on the premises upon which the sign is located, and not to identify the premises.

(3) Agricultural Sign: A permanent or temporary identification sign on a parcel of land used in whole or in part for agricultural purposes and/or an advertising sign for the sale of products produced on the property where the sign is located.

(4) Athletic Field Sign: A one-sided sign that is placed on a fence that fully or partially surrounds an athletic field.

(5) Awning Sign: Any sign placed on the face of an awning. An awning is a flexible, woven cloth fabric mounted above and/or projected above a window or door.

(6) Banner or Streamer Sign: A sign made of flexible materials and supported along one or more sides or at two or more corners by staples, tape, wires, ropes, strings or other materials that are not fixed or rigid.

(7) Billboard Sign: A board or panel exceeding 15 square feet in area used for the display of posters, or printed or painted advertising matter that directs attention to goods, merchandise, entertainment, or services offered elsewhere than the premises where the sign is located.

(8) Changeable Copy Sign: A non-digital sign with characters, numerals or letters that can be changed or rearranged without altering the face of the surface of the sign.

(9) Construction Sign: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project, not to exceed the duration of the project.

(10) Contractor Sign: A temporary sign placed on-site by a contractor to advertise the work done on the property during the time such work is being performed.

(11) Development Identification Sign: An on-site sign identifying, by logo, trademark, symbol, address, name or any combination thereof, of a building, premises or property, for example a subdivision or a shopping center.

(12) Directional or Instructional Sign: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One Way" or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

(13) Electronic Message Center Sign: A digital form of a changeable copy sign that is electronically controlled by remote or automatic means to display characters, numerals or letters through the use of internal illumination, such as Light Emitting Diodes (LEDs).

(14) Entity: An organization or being that possesses separate existence for tax purposes. Examples would be corporations, churches or not for profit organizations.

(15) Flags: A piece of cloth, varying in size, shape, color, and design, usually attached at one edge to a staff or cord, and used as the symbol of a nation, state, organization or other entity and which provides a means of signaling such as a banner or pennant.

(16) Freestanding Sign: Any non-moveable sign not attached to a building. This can be a sign with only the name of one entity or a kiosk type sign showing multiple entities one the parcel.

(17) Helium or Inflated Sign: A sign that remains airborne when inflated with helium or other gas designed to inflate or levitate the sign.

(18) Historical Designation Sign: A sign that gives notice that a property is of an historic nature as determined by a state, federal or local government agency.

(19) Home Occupation Sign: A sign containing only the name and occupation of a permitted home occupation.

(20) Identification Sign: A sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

(21) Illumination: A source of light for a sign that is external or internal to the sign.

(22) Indirect Illumination: A sign whose light source is external to the sign and which casts light onto the sign from some distance.

(23) Internal Illumination: A sign designed to give forth artificial light through transparent or translucent material from a source of light within the sign, which includes, but may not be limited to sources of light such as Light Emitting Diodes (LEDs).

(24) Kiosk Sign: A sign or group of signs attached to a building or freestanding which identifies the business, owner, address, or occupation of a group of businesses, but contains no advertising.

(25) Maine Department of Transportation (MDOT) Business Directional Sign: An off-site sign which provides direction to a business location and which is issued by the Maine Department of Transportation (MDOT).

(26) Non-Conforming Sign: A sign lawfully existing at the time of adoption, revision, or amendment of the ordinance which no longer conforms to the zoning standards because of said revision or amendment.

(27) On-Premise Sign: A sign that is erected and maintained upon the real property upon which a business, facility or point of interest advertised by the sign is located that is intended to be permanent in nature. This includes, but is not limited to, Advertising Signs, Directional or Instructional Signs, Home Occupation Signs, Window Signs and Historical Designation Signs.

(28) Portable Sign: A sign, not to exceed 2' x 4' in size, that is not permanently affixed to a structure or the ground and that is designed to be transported. Portable Signs may include, but are not limited to, signs designed to be transported by wheels, signs with A or T-frames, menu and sandwich boards.

(29) Projecting Sign: An outdoor sign which is attached to a wall at an angle. Projecting signs must clear the ground by at least eight (8) feet and contain advertising for no more than two activities or businesses.

(30) Public Way: Any way designed for vehicular or pedestrian use and is maintained with public funds.

(31) Real Estate Sign, Off-Site: A readily removable sign announcing the proposed sale or rental of property other than the property upon which the sign is located and providing directions to the subject property.

(32) Real Estate Sign, On-Site: A sign announcing the sale or rental of the property upon which the sign is located.

(33) Roof Mounted Façade Sign: A sign mounted above the eave line of a structure.

(34) Sign: A communication device, structure, or fixture that incorporates graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service or to provide direction or identification for a premises or facility.

(35) Sign Area: The area of the square, rectangle, triangle, circle or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders. The structural support of a sign is to be excluded in determining the sign area. Where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured. Where a sign includes two-sides, only one side shall be counted for purposes of determining the Sign Area.

(36) Sign Setback: The closest distance back from the road right of way that a sign may be located.

(37) Sign Structure or Support: The supports, up-rights, bracing, or framework of any structure that exhibits, supports or is capable of supporting a sign.

(38) Signage Plan: A graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular lot or lots.

(39) Subdivision Sign: A freestanding sign, illuminated or non-illuminated, located at the entrance to a residential subdivision, which gives the name of the subdivision and logo, if any. A subdivision sign may have two faces back-to-back or, if integrated as part of landscaping or solid structural features, may be two signs, each constructed at either side of the entrance into the subdivision.

(40) Suspended Sign: A sign that is suspended, parallel, or perpendicular from a building wall, roof, façade, canopy, marquee, or porch by means of brackets, hooks, or chains and the like.

(41) Temporary Off-Premise Commercial Sign: A freestanding, non-illuminated sign that is placed within the public right-of-way for a limited period of time. This includes, but is not limited to, Contractor's Signs, Off-Site Real Estate Signs and Yard Sale Signs.

(42) Temporary Off-Premise Noncommercial Sign: A sign bearing a noncommercial message that has been placed within the public right-of-way for a limited period of time, not to exceed six weeks per calendar year. This includes, but is not limited to, signs such as campaign or election signs and signs promoting or advertising civic events.

(43) Temporary On-Premise Sign: A freestanding, non-illuminated sign that is placed upon the real property upon which a business, facility or point of interest advertised by the sign is located that is intended to be temporary in nature for a specified period of time. This includes, but may not be limited to, Construction Signs, Contractor Signs, Development Identification Signs, Real Estate Signs, Portable Signs, and Yard Sale Signs that are in place for the duration of a specific event, project and/or sale.

(44) Third-Party Sign: Any sign identifying an enterprise and/or including a sponsoring advertisement such as Coca-Cola.

(45) Vehicular Sign: A vehicle that displays a logo, image or text that advertises or calls attention to any thing, person, business, activity or location.

(46) Wall Sign: An outdoor sign which is attached flat to, painted on, or pinned away from a building or wall or part thereof, and does not project more than 18” from the wall.

(47) Wind Activated Sign: Any sign designed and fashioned in such a manner as to move when subjected to wind pressure.

(48) Window Sign: A sign affixed to the interior or exterior of a window or placed immediately behind a window pane so as to attract the attention of persons outside the building.

(49) Yard Sale Sign: A sign with a message advertising the resale of personal property that has been used by the resident.

C. APPLICATION PROCESS, PERMITS AND FEES.

(1) A person who wishes to erect or display a sign within the Town shall make application on a prescribed application form and submit the same to the Town Planner for each location where a sign is desired. For parcels on which more than one sign is permitted under this Section, only one application shall be required. A fee as established by the Town Council in Chapter 84 of the Cumberland Code shall be submitted with each application, except as indicated in Subsection D(1). Each application shall include, at a minimum, information regarding the dimensions, materials, colors, lighting, and method of mounting for the proposed sign.

(2) The Town Planner shall review the application and make a recommendation to the Code Enforcement Officer for approval or denial. The Code Enforcement Officer shall either approve or deny the application within eight (8) working days of receipt of submission. If the application is denied by the Code Enforcement Officer, reasons for the denial shall be provided to the applicant.

(3) Any person aggrieved by the decision of the Code Enforcement Officer regarding an application may appeal to the Board of Adjustment and Appeals, which shall consider said appeal within 30 days or at its next regularly scheduled meeting, whichever event occurs later, and the decision of the Board of Adjustment and Appeals shall be final.

(4) No sign shall be erected, attached, suspended or altered until a permit has been issued to the person or owner in control of the sign.

D. APPLICABILITY AND EXEMPTIONS.

(1) The provisions of this Section shall apply to all new and replacement, temporary and permanent signs proposed for erection or display in the Town of Cumberland.

(a) The provisions of Subsection C of this Section shall not apply to:

- [1] Temporary On-Premise Signs.
- [2] Temporary Off-Premise Noncommercial Signs.
- [3] Historical Designation Signs.
- [4] Agricultural Signs (temporary on-premise or temporary off-premise only; permanent on-premise signs shall be subject to the provisions of Subsection C)
- [5] Signs relating to or controlling the use of private property.
- [6] Signs associated with one-day sales such as yard/garage/tag sales.
- [7] Directional or Instructional Signs

E. PROHIBITED SIGN TYPES

(1) The following types of signs shall be prohibited:

- a) Temporary Off-Premise Commercial Signs
- b) Wind Activated Signs
- c) Helium or Inflated Signs
- d) Banner or Streamer Signs
- e) Window Signs
- f) Billboards
- g) Any sign located within a public right of way, except as otherwise permitted by Maine law or this Section.
- h) Roof Mounted Façade Signs
- i) Vehicular Signs that are continuously in the same location, extend beyond the height, width or length of the vehicle, or are used to circumvent the provisions of this Section or Maine law (23 M.R.S.A. § 1913-A(1)(C)).
- j) Internally Illuminated Signs, except where expressly permitted.
- k) Contractor Signs within the public right of way.

(2) Authorized Town Personnel have the authority to immediately remove any sign that is in violation of this Section.

F. EXISTING NON-CONFORMING SIGNS

(1) Non-conforming signs existing at the time of adoption of this Section or subsequent amendment may continue, but may not be altered, rebuilt or relocated on the same premises. Normal maintenance and repairs are permitted.

(2) A non-conforming sign destroyed by accident or act of God may be replaced with a sign that meets the standards of this Section at the time of destruction, provided that a duly issued permit has been obtained.

(3) Nonconforming signs located within the public right-of-way shall not be permitted to be altered or relocated within the public right-of-way.

G. GENERAL REGULATIONS

(1) Maintenance and Location.

(a) Signs must be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe conditions so as not to be detrimental to the public health or safety or to the physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents. Whenever a sign shall become structurally unsafe or endanger the safety of a building or the public, the Code Enforcement Officer shall order such sign to be made safe or removed. Such order shall be complied with within 10 days of the receipt thereof by the person owning or using the sign, or by the owners of the building or premises on which such sign is affixed or erected.

(b) Any sign which no longer advertises or identifies a bonafide business conducted, product sold, activity being conducted, or public notice shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within a period of 14 days following the date the activity has ceased.

(c) No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard or results in a nuisance due to illumination, placement, display, or manner of construction.

(d) No advertising or identification sign, whether permanent or temporary, shall be erected on any premises other than the premises where the activity to which the sign pertains is located, except as permitted under Subsection D(1)(a).

(2) Number of Signs.

Up to two (2) signs per business may be displayed on any lot in all zoning districts within the Town. These two signs shall not include Temporary On-Premise Signs otherwise permitted by this Section that are placed for a limited duration in association with a specific event, sale or project. One sign may be located at the entrance and another sign on the building. If two signs per business are proposed, one of the two signs may include advertising for products sold on the premises or by the business located on the premises, and such second sign shall not exceed 50% of the allowable sign size for the district in which it is located, regardless of whether it includes product advertising.

(3) Dimensional Standards.

(a) Sign Area: No individual sign shall contain more than 30 square feet of Sign Area in the Highway Commercial (HC), Village Center Commercial (VCC), Mixed-Use (MUZ), Office Commercial South (OC-S), Office Commercial North (OC-N), Village Office Commercial I (VOC I), Village Office Commercial II (VOC II), Village Mixed-Use (V-MUZ), Industrial (I) and Rural Industrial (RI) Districts. Signs in all other districts shall not contain more than 25 square feet of Sign Area.

(b) Height: No individual sign shall have a height greater than 25 feet above the ground level of land upon which it is located and as measured from the ground to the highest point on the sign. Signs attached to a principal structure as defined in Section 315-4 shall not extend above the roofline or the parapet, whichever is higher, but in no event shall the sign be higher than the structure to which it is attached.

(c) Setback: No sign, except MDOT Business Directional Signs, shall be placed near the edge of any public way, as may be determined by a lawful authority, so as to obstruct sightlines for pedestrians, cyclists or drivers from the property on which the sign is located or from within the right of way, or otherwise encroach into the airspace of any public right-of-way. Sign setbacks shall be measured from the closest projecting edge of the sign. Portions of a sign structure may project no more than two (2) feet from the edge of the sign area.

(5) Freestanding Signs.

(a) Freestanding signs shall have no more than two faces. If the two faces are not back-to-back, the angle of separation between the two faces shall be less than 45 degrees. If the angle is 45 degrees or greater, the sign shall be considered as two separate signs and shall be approved only if the site qualifies for two signs. The back of freestanding signs with only one face used for signing area shall be a single color.

(b) The top of freestanding signs shall not exceed the height limit of principal structures in the zone where located or 25 feet, whichever is less.

(c) The area surrounding freestanding signs shall be kept neat, clean, and landscaped.

(d) Freestanding signs shall be designed to complement the architecture of the associated building.

(6) Flags

(a) Freestanding flags that bear messages or are intended to call attention to a business or property in the same manner as a sign shall not be permitted. Flags, such as those that display the word “open,” a business logo or a country or State flag, may be attached to signs, provided that such sign is permitted by and meets all other requirements of this Section. However, no more than one flag may be attached to a permitted sign of any kind.

(7) Route One, Route 100, Town Center District (TCD).

(a) Signs that are located in the Town Center District (TCD), or along the Route 1 or Route 100 Corridors are subject to the design guidelines and/or standards found in this Chapter. Refer to the documents for those districts for specific standards.

H. SPECIFIC SIGN TYPES

(1) Athletic Field Signs.

(a) Signs may be installed on the fences of all athletic fields, subject to the following:

[1] Individual signs are to be no more than four (4') feet by five (5') feet.

[2] Text and graphics shall be on only one side of the sign, and the signs shall be installed so the text and graphics face in toward the field.

[3] All signs must be removed at the end of the sport's season for which the athletic field is designated.

(2) Awning Signs

Awning Signs shall be allowed in all districts, provided that they receive a permit pursuant to Subsection C of this Section.

(3) Changeable Copy Signs.

Changeable Copy Signs shall be permitted in all districts on lots that do not include residential uses, provided that they receive a permit pursuant to subsection C of this Section.

(4) Electronic Message Center (EMC) Signs.

Electronic Message Center Signs shall be permitted in the TCD only; however residential uses in all zones, including the TCD, are prohibited from displaying EMC signs. No

more than one EMC will be allowed per lot. Abutting lots on the same street that are under the same ownership or owned by related entities shall not have more than one EMC.

A special permit is required. This permit will state the requirements for use of an electronic message sign as listed below.

(a) EMC Sign Requirements:

1. Electronic Message Center (EMC) signs shall be limited to alpha-numeric text only. No symbols, figures, pictures or images may be displayed.
2. The EMC Sign shall have only white alpha-numeric characters with conventional fonts on a black background with no other colors or graphics allowed. Font pitch shall not exceed 16 so as to simulate a traditional painted sign.
3. The EMC Sign shall show only one fixed message at a time.
4. The EMC Sign may not change messages more frequently than once every 20 minutes.
5. When the message changes it must be done as quickly as technology permits.
6. There shall be no flashing, revolving, animation effects, lights of changing degree and intensity or lights or lighting effects that cause glare.
7. No phasing, rolling, scrolling, flashing or blending is allowed when the message is changed.
8. The EMC Sign must have installed automatic or manual controls or an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article
9. The EMC Sign shall not exceed 10,000 cd/m² or nits at any time after sunset or before sunrise and shall not exceed 500 cd/m² or nits during daylight hours. Cd/m² or nits shall be measured by an external ambient light monitor. In the event of a discrepancy between the measurement of cd/m² or nits by an internal control and an external monitor, the measurement of the external monitor shall prevail.

10. The EMC Sign shall be turned off completely between the hours of 10:00 p.m. and 7:00 a.m.
11. The EMC Sign shall not exceed 42" x 72".
12. The EMC Sign must be encased by a wood or wood-like material that reflects the architecture of the building.
13. No portable EMC Signs are permitted.

(4) Home Occupation Signs.

(a) Home occupation signs shall be permitted in all districts. Home Occupation Signs may not exceed four (4) square feet in surface area. A Home Occupation Sign shall be placed on the structure in which the home occupation is located, unless the structure is not visible from the right of way, in which case the sign may be located at the entrance to the property on which the home occupation is located provided that it is located so not to impact visibility from the driveway or right of way. The sign may only include the name, address, and type of home occupation of the occupant(s) of the premises on which said sign is located.

(5) Maine Department of Transportation (MDOT) Business Directional Signs.

(a) Purpose. This Subsection regulates and restricts business directional signs within the Town in order to promote the safety and well-being of the users of the public ways, reduce distractions, and preserve the natural beauty and other aesthetic features of the Town.

(b) Location.

(1) Business directional signs may be located within the State of Maine DOT right-of-way, subject to Maine Department of Transportation (DOT) placement approval, only on approaches to the Town intersections of roads that include one or more State of Maine roads:

- [i] U.S. Route 1 at Tuttle Road;
- [ii] Tuttle Road at Middle Road;
- [iii] Route 9 at Winn Road;
- [iv] Route 9 at Tuttle and Blanchard Roads;
- [v] Route 9 at Greely Road;
- [vi] Skillin/Blackstrap Roads at Routes 26 and 100;
- [vii] Blanchard Road at Skillin Road;
- [viii] Route 100 at Range Road;

[ix] Route 88 and Tuttle Road;
[x] Route 100 and Blackstrap

(c) Standards. Business directional signs erected or in place after the effective date of this Section shall meet all specifications set forth in the Maine Department of Transportation Official Business Directional Signs Regulations.

(1) Directional signs shall be located within 1,000 feet of the intersection where a change in direction is required, and there shall be no more than three signs per post assembly, with only one post assembly per intersection approach. Businesses must be located within five miles of the intersection sign, and businesses may be eligible for no greater than four signs within the Town.

(d) Maintenance.

(1) All signs shall be furnished by the business owner or applicant and shall be installed by the DOT at approved locations on approved signposts furnished by the DOT, which shall thereafter maintain the sign support.

(2) Signboards which are lost, stolen, defaced, or damaged shall be replaced by the owner for reinstallation by the DOT.

(3) Businesses with signs which are no longer applicable due to business name or location changes, or other reasons, shall notify the DOT within 30 days of such change to have the sign removed. An owner failing to properly maintain a sign may subject the sign to removal by the DOT.

(6) Temporary Off-Premise Noncommercial Signs.

Temporary off-premise noncommercial signs located in the public right-of-way shall comply with the requirements of 23 MRSA ss 1913-A (1)(L). No such sign shall be located within five (5) feet of the traveled portion of the right-of-way or within 30 feet of another temporary sign bearing the same or substantially the same message. A temporary off-premise noncommercial sign may not exceed 4 feet by 8 feet in size. A sign under this Subsection must be labeled with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the designated time period the sign will be maintained within the public right-of-way. Temporary off-premise noncommercial signs may be placed within the public right-of-way for no more than six (6) weeks per calendar year.

I. LIGHTING STANDARDS

(1) A sign may be externally illuminated, provided that its sole purpose is to identify the premises on which it is displayed and does not include advertisements for products

offered at the location. An externally illuminated sign may be displayed in the following zoning districts: Highway Commercial (HC), Office Commercial North (OC-N), Office Commercial South (OC-S), Village Center Commercial (VCC), Village Office Commercial I (VOCI), Village Office Commercial II (VOCII), Mixed Use Zone (MUZ), Village Mixed Use Zone (VMUZ), Industrial (I), Rural Industrial (RI) and Town Center District (TCD), provided that it does not emit a glare beyond the premises upon which it is located.

(2) No sign, other than EMC Signs, may be internally illuminated.

(3) All illuminated signs may only be lit during the actual hours of operation of the business for which the sign is advertising, provided that no sign may be lit between the hours of 10:00 p.m. to 7:00 a.m. Illuminated signs for business operations that are 24/7, such as emergency services or churches, may be continuously lit during the hours of 7:00 am – 10:00 pm regardless of actual operations or events.

(4) In all districts where an externally illuminated sign is permitted, the source of light of an externally illuminated sign shall be shielded or concealed. Lighting fixtures should be located, aimed, and shielded such that light is only directed onto the surface of the sign. Fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky.

(5) Colored lights are not permitted for any illuminated sign.

J. ENFORCEMENT

The Code Enforcement Officer shall be responsible for enforcing the provisions of this Section. In the event of a violation of any provision of this Section, the Code Enforcement Officer shall notify the property owner or person responsible for such violation, if not the property owner and if such person can be readily determined, and shall indicate the nature of the violation, the action necessary to correct the violation and the time period within which such corrective action must be taken. Where due written notification has been given by the Code Enforcement Officer and compliance has not been made within the required time period, the Town may cause removal of such sign and charge the cost of such removal to the owner.

K. VIOLATIONS

Any violation of this Section shall constitute a nuisance, and the owner, person or firm having control or use of any premises or sign violating any provisions hereof shall be fined as established by order of the Town Council for each day such violation is permitted to exist after notification in writing from the Town.

L. MINIMUM REQUIREMENTS

The provisions of this Section are minimum requirements. Whenever the requirements of this Section are at a variance with the requirements of any other lawfully adopted statute, rule, regulation, ordinance, deed restriction, or covenant, the most restrictive or that imposing the highest standard shall govern.

M. WAIVERS

(1) The Town Planner, prior to the application for, or issuance of, any sign permit, shall approve the proposed sign design, lighting, and landscaping, if required. In the event that the applicant and the Town Planner are unable to agree on appropriate sign designs, the applicant shall appear before the Planning Board for review and determination.

(2) Notwithstanding any requirements of Town codes or ordinances, the Planning Board may waive any sign standard(s) where it finds that Town objectives, goals, and policies will be better served.

N. INTERPRETATION

The Code Enforcement Officer shall have sole discretion to classify any sign that is not otherwise expressly defined by this Section in accordance with the provisions of this Section that most closely apply to the type of sign at issue.

O. EFFECTIVE DATE.

This Ordinance shall become effective on the date of adoption by the Cumberland Town Council.

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A. PURPOSE

It is the intent of these regulations to provide for attractive, coordinated, informative, and efficient signs with the express purpose of protecting property values, enhancing the physical appearance of the Town, and providing for public safety.

B. DEFINITIONS

(1) **Abandoned Sign:** Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed.

(2) **Advertising Sign:** A sign that has as its purpose to promote, advertise, or sell a product or service obtainable on the premises upon which the sign is located, and not to identify the premises.

(3) **Agricultural Sign:** A permanent or temporary ~~n~~ ~~advertising or~~ identification sign on a parcel of land used in whole or in part for agricultural purposes ~~and/or an advertising sign for the sale of products produced on the property where the sign is located.-~~

(4) **Athletic Field Sign:** A one-sided sign that is placed on a fence that fully or partially surrounds an athletic field.

(45) **Awning Sign:** Any sign placed on the face of an awning. An awning is a flexible, woven cloth fabric mounted above and/or projected above a window or door.

(6) **Banner or Streamer Sign:** A sign made of flexible materials and supported along one or more sides or at two or more corners by staples, tape, wires, ropes, strings or other materials that are not fixed or rigid.

(7) **Billboard Sign:** A board or panel exceeding 15 square feet in area used for the display of posters, or printed or painted advertising matter that directs attention to goods, merchandise, entertainment, or services offered elsewhere than the premises where the sign is located.

~~5(6) **Campaign or Election Sign:** A sign that advertises a candidate or issue to be voted upon on a definite election day.~~

7(8) **Changeable Copy Sign:** A non-digital sign with characters, numerals or letters that can be changed or rearranged without altering the face of the surface of the sign.

~~8~~ posted to advertise a civic event sponsored by a public agency. ~~9~~

(109) Construction Sign: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project, not to exceed the duration of the project.

(1044) Contractor Sign: A temporary sign placed on-site by a contractor to advertise the work done on the property during the time such work is being performed.

(1142) Development Identification Sign: An on-site sign identifying, by logo, trademark, symbol, address, name or any combination thereof, of a building, premises or property, for example a subdivision or a shopping center.

(1312) Directional or Instructional Sign: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One Way" or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

(134) Electronic Message Center Sign: A digital form of a changeable copy sign that is electronically controlled by remote or automatic means to display characters, numerals or letters through the use of internal illumination, such as Light Emitting Diodes (LEDs).

(145) Entity: An organization or being that possesses separate existence for tax purposes. Examples would be corporations, churches or not for profit organizations.

(15) Flags: A piece of cloth, varying in size, shape, color, and design, usually attached at one edge to a staff or cord, and used as the symbol of a nation, state, organization or other entity and which provides a means of signaling such as a banner or pennant.

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(17) Helium or Inflated Sign: A sign that remains airborne when inflated with helium or other gas designed to inflate or levitate the sign.

(1818) Historical Designation Sign: A sign that gives notice that a property is of an historic nature as determined by a state, federal or local government agency.

(197) Home Occupation Sign: A sign containing only the name and occupation of a permitted home occupation.

~~**(18) Historical Designation Sign:** A sign that gives notice that a property is of an historic nature as determined by a state, federal or local government agency.~~

(209) Identification Sign: A sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

(2021) Illumination: A source of light for a sign that is external or internal to the sign.

(22) Indirect Illumination: A sign whose light source is external to the sign and which casts light onto the sign from some distance.

(2123) Internal Illumination: A sign designed to give forth artificial light through transparent or translucent material from a source of light within the sign, which includes, but may not be limited to sources of light such as Light Emitting Diodes (LEDs).

22

(2324) Kiosk Sign: A sign or group of signs attached to a building or freestanding which identifies the business, owner, address, or occupation of a group of businesses, but contains no advertising.

24

(25) Maine Department of Transportation (MDOT) Business Directional Sign: An off-site sign which provides direction to a business location and which is issued by the Maine Department of Transportation (MDOT).

(2526) Non-Conforming Sign: A sign lawfully existing at the time of adoption, revision, or amendment of the ordinance which no longer conforms to the zoning standards because of said revision or amendment.

(27) On-Premise Sign: A sign that is erected and maintained upon the real property upon which a business, facility or point of interest advertised by the sign is located that is intended to be permanent in nature. This includes, but is not limited to, Advertising Signs, Directional or Instructional Signs, Home Occupation Signs, Window Signs and Historical Designation Signs.

(286) Portable Sign: A sign, not to exceed 2' x 4' in size, that is not permanently affixed to a structure or the ground and that is designed to be transported. Portable Signs may include, but are not limited to, signs designed to be transported by wheels, signs with A or T-frames, menu and sandwich boards.

(297) Projecting Sign: An outdoor sign which is attached to a wall at an angle. Projecting signs must clear the ground by at least eight (8) feet and contain advertising for no more than two activities or businesses.

(308) Public Way: Any way designed for vehicular or pedestrian use and is maintained with public funds.-

(319) Real Estate Sign, Off-Site: A readily removable sign announcing the proposed sale or rental of property other than the property upon which the sign is located and providing directions to the subject property.

(3032) Real Estate Sign, On-Site: A sign announcing the sale or rental of the property upon which the sign is located.

(33) Roof Mounted Façade Sign: A sign mounted above the eave line of a structure.³¹

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(3334) Sign: A communication device, structure, or fixture that incorporates graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service or to provide direction or identification for a premises or facility.

(3435) Sign Area: The area of the square, rectangle, triangle, circle or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders. The structural support of a sign is to be excluded in determining the sign area. Where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured. Where a sign includes two-sides, only one side shall be counted for purposes of determining the Sign Area.

(36) Sign Setback: The closest distance back from the road right of way that a sign may be located.

5

(3637) Sign Structure or Support: The supports, up-rights, bracing, or framework of Any structure that exhibits, supports or is capable of supporting a sign.

(38) Signage Plan: A graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular lot or lots.

(397) Subdivision Sign: A freestanding sign, illuminated or non-illuminated, located at the entrance to a residential subdivision, which gives the name of the subdivision and logo, if any. A subdivision sign may have two faces back-to-back or, if integrated as part of landscaping or solid structural features, may be two signs, each constructed at either side of the entrance into the subdivision.

(408) Suspended Sign: A sign that is suspended, parallel, or perpendicular from a building wall, roof, façade, canopy, marquee, or porch by means of brackets, hooks, or chains and the like.

(41) Temporary Off-Premise Commercial Sign: A freestanding, non-illuminated sign that is placed within the public right-of-way for a limited period of time. This includes, but is not limited to, Contractor's Signs, Off-Site Real Estate Signs and Yard Sale Signs.

(42) Temporary Off-Premise Noncommercial Sign: A sign bearing a noncommercial message that has been placed within the public right-of-way for a limited period of time,

not to exceed six weeks per calendar year. This includes, but is not limited to, signs such as campaign or election signs and signs promoting or advertising civic events.

(439) Temporary On-Premise Sign: A freestanding, non-illuminated sign that is placed upon the real property upon which a business, facility or point of interest advertised by the sign is located that is intended to be temporary in nature for a specified period of time. This includes, but may not be limited to, Construction Signs, Contractor Signs, Development Identification Signs, Real Estate Signs, Portable Signs, and Yard Sale Signs that are in place for the duration of a specific event, project and/or sale.

40

(4144) Third-Party Sign: Any sign identifying an enterprise and/or including a sponsoring advertisement such as Coca-Cola.

(4245) Vehicular Sign: A sign on a parked vehicle visible from the public right of way where the primary purpose of the vehicle is to that displays advertise a logo, image or text that advertises or calls attention to any thing, person, business, activity or location. product or to direct people to a business or activity located on the same or nearby property. For the purposes of this chapter, "vehicular sign" shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

(4346) Wall Sign: An outdoor sign which is attached flat to, painted on, or pinned away from a building or wall or part thereof, and does not project more than 18" from the wall.

(47) Wind Activated Sign: Any sign designed and fashioned in such a manner as to move when subjected to wind pressure.

(4448) Window Sign: A sign affixed to the interior or exterior of a window or placed immediately behind a window pane so as to attract the attention of persons outside the building. Window signs are not permitted in any zoning district.

(49) Yard Sale Sign: A sign with a message advertising the resale of personal property that has been used by the resident.

CA. APPLICATION PROCESS, PERMITS AND FEES.

(1) A person who wishes to erect or ~~have erected~~display a sign within the Town shall make application on a prescribed application form and submit the same to the Town ~~office~~Planner for each location where a sign is desired. For parcels on which more than one sign is permitted under this Section, only one application shall be required. A fee as established by ~~order of~~ the Town Council in Chapter 84 of the Cumberland Code ~~per sign~~ shall be submitted with each application, except as indicated in Subsections DB(1) and E.

Each application shall include, at a minimum, information regarding the dimensions, materials, colors, lighting, and method of mounting for the proposed sign.

(2) The Town Planner shall review the application and make a recommendation to the Code Enforcement Officer for approval or denial. The Code Enforcement Officer and Town Planner shall either approve or deny the application within two weekseight (8) working days of receipt of submission. If it meets the requirements of this section; otherwise the application shall be denied by the Code Enforcement Officer, reasons for the denial shall be provided to the applicant. with a statement of the reason given.

(3) Any person aggrieved by the decision of the Code Enforcement Officer regarding an application may appeal to the Board of Adjustment and Appeals, which shall consider said appeal within 30 days or at its next regularly scheduled meeting, whichever event occurs later, and the decision of the Board of Adjustment and Appeals shall be final.

(4) No sign shall be erected, attached, suspended or altered until a permit has been issued to the person or owner in control of the sign.

DB. General regulations**APPLICABILITY AND EXEMPTIONS.**

(1) The provisions of this Section shall apply to all new and replacement, temporary and permanent signs proposed for erection or display in the Town of Cumberland. No sign or outdoor display structure shall be erected, attached, suspended or altered until a permit has been issued by the Code Enforcement Officer to the person or owner in control of the sign.

(a) Theis section does provisions of Subsection C of this Section shall not apply to:

[1] Temporary On-Premise Signs, for the sale or lease of a single family residence.

[2] Temporary Off-Premise Noncommercial Signs. Temporary or permanent state or municipal signs.

[3] Historical Ddesignatio Ssigns.

[4] Contractors' signs. Agricultural Signs (temporary on-premise or temporary off-premise only; permanent on-premise signs shall be subject to the provisions of Subsection C)

[5]Historical Designation Signs.

[5] Signs related to activities at the fairgrounds posted for seven days or less.

[6] Signs relating to or controlling the use of private property.

[7] Signs which are not visible from a public way.

[8] Signs associated with one-day sales such as yard/garage/tag sales.

~~[7] Directional or Instructional Signs which guide vehicular and or pedestrian traffic by using such signs as "Entrance," "Exit," "Parking," "One Way" or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign~~

~~(b) Except as otherwise provided in this section, a temporary sign is one that is erected for 14 days or less.~~

~~(2) Signs advertising the sale of agricultural products are allowed as permitted by 23 M.R.S.A. § 1913-A, Subsection 2G, as amended from time to time.^[2]~~

E. PROHIBITED SIGN TYPES

(1) The following types of signs shall be prohibited:

- a) Temporary Off-Premise Commercial Signs
- b) Wind Activated Signs
- c) Helium or Inflated Signs
- d) Banner or Streamer Signs
- e) Window Signs
- f) Billboards
- g) Any sign located within a public right of way, except as otherwise permitted by Maine law or this Section.
- h) Roof Mounted Façade Signs
- i) Vehicular Signs that are continuously in the same location, extend beyond the height, width or length of the vehicle, or are used to circumvent the provisions of this Section or Maine law (23 M.R.S.A. § 1913-A(1)(C)).
- j) Internally Illuminated Signs, except where expressly permitted.
- k) Contractor Signs within the public right of way.

(2) Authorized Town Personnel have the authority to immediately remove any sign that is in violation of this Section.

F. EXISTING NON-CONFORMING SIGNS

~~(31) A non-conforming signs lawfully-existing at the time of adoption of this section Section or subsequent amendment may continue, but may not be altered, rebuilt or relocated on the same premises. Normal maintenance and repairs are permitted.~~

~~(42) A non-conforming sign damaged or destroyed by accident or act of God may be replaced with a within a one year period following the damage or destruction, provided that a duly issued permit has been obtained. The replacement sign shall replicate or be less nonconforming than the original that meets the standards of this Section at the time of destruction, provided that a duly issued permit has been obtained.~~

(53) Nonconforming signs located within the public right-of-way shall not be permitted to be altered or relocated within the public right-of-way.

~~(6) No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard or results in a nuisance due to illumination, placement, display, or manner of construction.~~

G. GENERAL REGULATIONS

(1) Maintenance and Location.

(a) Signs must be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe conditions so as not to be detrimental to the public health or safety or to the physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents. Whenever a sign shall become structurally unsafe or endanger the safety of a building or the public, the Building InspectorCode Enforcement Officer shall order such sign to be made safe or removed. Such order shall be complied with within 10 days of the receipt thereof by the person owning or using the sign, or by the owners of the building or premises on which such sign is affixed or erected.

(b) Any sign which no longer advertises-OR IDENTIFIES or identifies, identifies or pertains to a bonafide business conducted, product sold, an activity being conducted, or public notice no longer in existence shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such -of the sign may be found or the property or person otherwise responsible within a period of 14 -30 days following from the date time the activity has ceaseds existence. This provision does not apply to seasonal activities during the regular periods in which they are closed.

(c) No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard or results in a nuisance due to illumination, placement, display, or manner of construction.

(d) No advertising or identification sign, whether permanent or temporary, shall be erected on any premises other than the premises where the activity to which the sign pertains is located, except as permitted under Subsection D(1)(a).

(2) Number of Signs.

Up to two (2) signs per business may be displayed on any lot in all zoning districts within the Town. - These two signs shall not include Temporary On-Premise Signs otherwise permitted by this Section that are placed for a limited duration in association with a specific event, sale or project. One sign may be located at the entrance and another sign

on the building. If two signs per business are proposed, one of the two signs may include advertising for products sold on the premises or by the business located on the premises, and such second sign shall not exceed 50% of the allowable sign size for the district in which it is located, regardless of whether it includes product advertising.

(3) Dimensional Standards.

(a) Sign Area: No individual sign shall contain more than 30 square feet of Sign Area in the Highway Commercial (HC), Village Center Commercial (VCC), Mixed-Use (MUZ), Office Commercial South (OC-S), Office Commercial North (OC-N), Village Office Commercial I (VOC I), Village Office Commercial II (VOC II), Village Mixed-Use (V-MUZ), Industrial (I) and Rural Industrial (RI) Districts. Signs in all other districts shall not contain more than 25 square feet of Sign Area.

~~Sign Area: The area of the square, rectangle, triangle, circle or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders. The structural support of a sign is to be excluded in determining the sign area. Where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured. The area of one face of a two-sided sign shall be considered to be the total area of the sign.~~

(b) Height: No individual sign shall have a height greater than 25 feet above the ground level of land upon which it is located and as ~~may be~~ measured from ~~the ground to~~ the highest point on the sign. Signs attached to a principal structure as defined in Section 315-4 shall not extend above the roofline or the parapet, whichever is higher, but in no event shall the sign be higher than the structure to which it is attached.

(c)- Setback: No sign, except MDOT Business Directional Signs, shall be placed near the edge of any public way, as may be determined by a lawful authority, so as to obstruct sightlines for pedestrians, cyclists or drivers from the property on which the sign is located or from within the right of way, or otherwise encroach into the airspace of any public right-of-way. Sign setbacks shall be measured from the closest projecting edge of the sign. Portions of a sign structure may project no more than two (2) feet from the edge of the sign area.

(4.) Sign Structure or Support

~~The supports, up rights, bracing, or framework of any structure exhibiting a sign.~~

(45) Freestanding Signs.

(a) Freestanding signs shall have no more than two faces. If the two faces are not back-to-back, the angle of separation between the two faces shall be less than 45 degrees. If the angle is 45 degrees or greater, the sign shall be considered as

two separate signs and shall be approved only if the site qualifies for two signs. The back of freestanding signs with only one face used for signing area shall be a single color.

(b) The top of freestanding signs shall not exceed the height limit of principal structures in the zone where located or 25 feet, whichever is less.

(c) The area surrounding freestanding signs shall be kept neat, clean, and landscaped.

(d) Freestanding signs shall be designed to complement the architecture of the associated building.

(6) Flags

(a) Freestanding flags that bear messages or are intended to call attention to a business or property in the same manner as a sign shall not be permitted. Flags, such as those that display the word “open,” a business logo or a country or State flag, may be attached to signs, provided that such sign is permitted by and meets all other requirements of this Section. However, no more than one flag may be attached to a permitted sign of any kind.

(675) Route One, Route 100, Town Center District (TCD).

(a) Signs that are located in the Town Center District (TCD), or along the Route 1 or Route 100 Corridors are subject to the design guidelines and/or standards found in this Chapter. Refer to the documents for those districts for specific standards.

H. SPECIFIC SIGN TYPES

(1) Athletic Field Signs.

(a) Signs may be installed on the fences of all athletic fields, subject to the following:

[1] Individual signs are to be no more than four (4') feet by five (5') feet.

[2] Text and graphics shall be on only one side of the sign, and the signs shall be installed so the text and graphics face in toward the field.

[3] All signs must be removed at the end of the sport's season for which the athletic field is designated.

(2) Awning Signs

Awning Signs shall be allowed in all districts, provided that they receive a permit pursuant to Subsection C of this Section.

(3) Changeable Copy Signs.

Changeable Copy Signs shall be permitted in all districts on lots that do not include residential uses, provided that they receive a permit pursuant to subsection C of this Section.

(4) Electronic Message Center (EMC) Signs.

Electronic Message Center Signs shall be permitted in the TCD only; however residential uses in all zones, including the TCD, are prohibited from displaying EMC signs. No more than one EMC will be allowed per lot. Abutting lots on the same street that are under the same ownership or owned by related entities shall not have more than one EMC.

A special permit is required. This permit will state the requirements for use of an electronic message sign as listed below.

(a)- EMC Sign Requirements:

1. Electronic Message Center (EMC) signs shall be limited to alpha-numeric text only. No symbols, figures, pictures or images may be displayed.

2. The EMC Sign shall have only white alpha-numeric characters with conventional fonts on a black background with no other colors or graphics allowed. Font pitch shall not exceed 16 so as to simulate a traditional painted sign.

~~The sign shall have only white alpha-numeric characters with conventional fonts on a black background with no other colors or graphics allowed. Font size shall not exceed 12 pitch so as to simulate a traditional painted sign.~~

~~No colored lights are permitted. Only white lights on a black background are permitted.~~

3. The EMC Sign shall show only one fixed message at a time.

4. The EMC Sign may not change messages more frequently than once every 20 minutes.

5. When the message changes it must be done as quickly as technology permits.

6. There shall be no flashing, revolving, animation effects, lights of changing degree and intensity or lights or lighting effects that cause glare.

7. No phasing, rolling, scrolling, flashing or blending is allowed when the message is changed.

~~The sign shall have only white alpha-numeric characters with conventional fonts on a black background with no other colors or graphics allowed. Font size shall not exceed 12 pitch so as to simulate a traditional painted sign.~~

8. The EMC Sign must have installed automatic or manual controls or an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article

~~No colored lights are permitted. Only white lights on a black background are permitted.~~

9. The EMC Sign shall not exceed 10,000 cd/m² or nits at any time after sunset or before sunrise and shall not exceed 500 cd/m² or nits during daylight hours. Cd/m² or nits shall be measured by an external ambient light monitor. In the event of a discrepancy between the measurement of cd/m² or nits by an internal control and an external monitor, the measurement of the external monitor shall prevail.

10. The EMC Sign shall be turned off completely between the hours of 10:00 p.m. and 7:00 a.m.

11. The EMC Sign shall not exceed 42" x 72".

12. The EMC Sign must be encased by a wood or wood-like material that reflects the architecture of the building.

13. No portable EMC Signs are permitted.

~~Where do we permit changeable copy signs? We define it but not clear where it would be allowed....all the usual commercial (and mixed use?) districts?~~

~~(3) Motor Vehicle Signs.~~

~~Registered and inspected motor vehicles, including, but not limited to, trucks, buses, vans, automobiles and tractors, may display categorical signs without a permit provided that such signs do not extend beyond the height, width or length of the vehicle, are not parked or placed continuously in the same location and are not otherwise intended to circumvent this ordinance or state law, 23 M.R.S.A. c. 21. We listed these as not permitted in Section~~

(4) Home Occupation Signs.

~~(a) (7) In any district, a Home occupation signs shall be permitted in all districts. Home Occupation Signs may not exceeding four (4) square feet in surface area. A Home Occupation Sign shall be placed on the structure in which the home occupation is located, unless the structure is not visible from the right of way, in which case the sign may be located at the entrance to the property on which the home occupation is located provided that it is located so not to impact visibility from the driveway or right of way. The sign may only include-is permitted which announces- the name, address, and type of profession or home occupation of the occupant(s) of the premises on which said sign is located, except that in the Rural Industrial District (RI), Village Center Commercial District (VCC), Village Medium Density Residential District (VMDR) and Village Mixed Use Zone (VMUZ) the home occupation sign shall not exceed 12 square feet.~~

~~(8) Signs may be installed on the fences of all athletic fields, subject to the following:~~

~~(a) Individual signs are to be no more than four feet by eight feet.~~

~~(b) Text and graphics shall be on only one side of the sign, and the signs shall be installed so the text and graphics face in toward the field.~~

**(5) Maine Department of Transportation~~MAINE DEPARTMENT OF~~
~~TRANSPORTATION (MDOT) Business Directional Signs.~~**

(a) Purpose. This Subsection regulates and restricts business directional signs within the Town in order to promote the safety and well-being of the users of the public ways, reduce distractions, and preserve the natural beauty and other aesthetic features of the Town.

(b) Location.

(1) Business directional signs may be located within the ~~highway~~ State of Maine DOT right-of-way, subject to Maine Department of Transportation (DOT) placement approval, only on approaches to the Town intersections of roads that include one or more State of Maine roads:

[i] U.S. Route 1 at Tuttle Road;

[ii] Tuttle Road at Middle Road;

[iii] Route 9 at Winn Road;

[iv] Route 9 at Tuttle and Blanchard Roads;

[v] Route 9 at Greely Road;

[vi] Skillin/Blackstrap Roads at Routes 26 and 100;

[vii] Blanchard Road at Skillin Road;

[viii] Route 100 at Range Road;
[ix] Route 88 and Tuttle Road;
[x] Route 100 and Blackstrap

(c) Standards. Business directional signs erected or in place after the effective date of this Section shall **meet** all specifications set forth in the Maine Department of Transportation Official Business Directional Signs Regulations.

(1) Directional signs shall be located within 1,000 feet of the intersection where a change in direction is required, and there shall be no more than three signs per post assembly, with only one post assembly per intersection approach. Businesses must be located within five miles of the intersection sign, and businesses may be eligible for no greater than four signs within the Town.

(d) Maintenance.

(1) All signs shall be furnished by the business owner or applicant and shall be installed by the DOT at approved locations on approved signposts furnished by the DOT, which shall thereafter maintain the sign support.

(2) Signboards which are lost, stolen, defaced, or damaged shall be replaced by the owner for reinstallation by the DOT.

(3) Businesses with signs which are no longer applicable due to business name or location changes, or other reasons, shall notify the DOT within 30 days of such change to have the sign removed. An owner failing to properly maintain a sign may subject the sign to removal by the DOT.

(6) Temporary Off-Premise Noncommercial Signs.

Temporary off-premise noncommercial signs located in the public right-of-way shall comply with the requirements of 23 MRSA ss 1913-A (1)(L). No such sign shall be located within five (5) feet of the traveled portion of the right-of-way or within 30 feet of another temporary sign bearing the same or substantially the same message. A temporary off-premise noncommercial sign may not exceed 4 feet by 8 feet in size. A sign under this Subsection must be labeled with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the designated time period the sign will be maintained within the public right-of-way. Temporary off-premise noncommercial signs may be placed within the public right-of-way for no more than six (6) weeks per calendar year.

~~F. Were we going to title this: MDOT Business directional signs.~~

~~(1) Purpose. This subsection regulates and restricts business direction signs within the Town in order to promote the safety and well-being of the users of the public ways.~~

reduce distractions, and preserve the natural beauty and other aesthetic features of the Town.

(4) Location.

(a) Business directional signs shall be located within the highway right-of-way, subject to Maine Department of Transportation (DOT) placement approval, only on approaches to the Town intersections of:

- [1] U.S. Route 1 at Tuttle Road;
- [2] Tuttle Road at Middle Road;
- [3] Route 9 at Winn Road;
- [4] Route 9 at Tuttle and Blanchard Roads;
- [5] Route 9 at Greely Road;
- [6] Skillin/Blackstrap Roads at Routes 26 and 100;
- [7] Blanchard Road at Skillin Road;
- [8] Route 100 at Range Road; and
- [9] Middle Road at Greely Road.

(3) Standards. Directional signs erected or in place after the effective date of this subsection shall meet the following specifications:

(a) Size: 48 inches long by 12 inches wide.

(b) Lettering: 3 1/2 inches.

(c) Signboard: one half inch plywood overlay.

(d) Post: four inches by six inches, painted green.

(e) Color: background color shall be blue (highway blue, color tolerance charts PR Color No. 3). The background sign legend and border of all signs shall be reflectorized with reflective sheeting to show the same shape and color for both day and night. Edges and backs of signboards shall be sealed and painted. Reflectorized legend and border shall meet the requirements of Federal Specifications LS-300R.

(f) Style: all lettering used in the name of the business, including the directional legend and mileage, shall be helvetica medium lowercase lettering with initial uppercase.

(g) Legend: directional legend shall be located on the left or right edge of the sign depending upon the direction of the turn required. The distance in miles from the intersection shall be shown below the directional arrow.

(h) Signs shall meet all applicable Department of Transportation guidelines.

(b) Directional signs shall be located within 1,000 feet of the intersection where a change in direction is required, and there shall be no more than three signs per post assembly, with only one post assembly per intersection approach. Businesses must be located within five miles of the intersection sign, and businesses may be eligible for no greater than four signs within the Town.

(5) Maintenance.

(a) All signs shall be furnished by the business owner or applicant and shall be installed by the DOT at approved locations on approved signposts furnished by the DOT, which shall thereafter maintain the sign support.

(b) Signboards which are lost, stolen, defaced, or damaged shall be replaced by the owner for reinstallation by the DOT.

(c) Businesses with signs which are no longer applicable due to business name or location changes, or other reasons, shall notify the DOT within 30 days of such change to have the sign removed. An owner failing to properly maintain a sign may subject the sign to removal by the DOT.

(17) Signs attached to a principal structure shall not extend above the roofline or the parapet.

(18) No sign, except business directional signs, shall be closer than 15 feet to any lot line or five feet to the edge of any public way, as may be determined by a lawful authority, or otherwise encroach over in the airspace of any public right of way.

(19) No advertising or identification sign, whether permanent or temporary, shall be erected on any premises other than the premises where the activity to which the sign pertains is located.^[3]

(20) Freestanding signs shall be designed to complement the architecture of the associated building.

CL. Lighting Standards, LIGHTING STANDARDS

(1) A sign may be externally illuminated, provided that its sole purpose is to identify the premises on which it is displayed and does not include advertisements for products offered at the location. An externally illuminated sign may be displayed in the following zoning districts: Highway Commercial (HC), Office Commercial North (OC-N), Office Commercial South (OC-S), Village Center Commercial (VCC), Village Office Commercial I (VOCI), Village Office Commercial II (VOCII), Mixed Use Zone (MUZ), Village Mixed Use Zone (VMUZ), Industrial (I), Rural Industrial (RI) and Town Center District (TCD) all commercial and industrial districts, provided that it does not emit a glare beyond the premises upon which it is located. All other illuminated signs may only be lighted during the daylight hours or those hours during which the premises may be opened to the public.

(2) No sign, other than EMC Signs, may be internally illuminated.

(3) All illuminated signs may only be lit during the actual hours of operation of the business for which the sign is advertising, provided that no sign may be lit between the hours of 10:00 p.m. to 7:00 a.m. Illuminated signs for business operations that are 24/7, such as emergency services or churches, may be continuously lit during the hours of 7:00 am – 10:00 pm regardless of actual operations or events.

(24) In all districts where an externally illuminated sign is permitted, the source of light of an externally illuminated sign shall be shielded or concealed. Lighting fixtures should be located, aimed, and shielded such that light is only directed onto the surface of the sign. Wherever possible, fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky.

(5) Colored lights are not permitted for any illuminated sign.

(1) The number of permanent or temporary identification signs which may be displayed on any lot in any zone must not exceed two.

(2) The number of permanent or temporary advertising signs which may be displayed on any lot only in a commercial, business, or industrial zone must not exceed four. Advertising signs in all other zones are prohibited except for signs advertising the sale or lease of real estate and except as may be specifically provided for by the Board of Adjustment and Appeals in its granting of a use and of a corresponding temporary advertising sign by special exception. Such specific provisions shall not violate the intent and purpose of this section.

(3) No individual sign shall contain more than 25 square feet, except in the Highway Commercial (HC), Village Center Commercial (VCC), Mixed-Use (MUZ), Office Commercial South (OC-S), Office Commercial North (OC-N), Village Office Commercial I (VOC-I), Village Office Commercial II (VOC-II), Village Mixed Use (V-MUZ), Industrial (I) and Rural Industrial (RI) Districts where no individual sign shall exceed 40 square feet.

(4) No individual sign shall have a height greater than 25 feet above the ground level of land upon which it is located and as may be measured from the highest point on the sign.

(5) The top of freestanding signs shall not exceed the height limit of principal structures in the zone where located or 25 feet, whichever is less.

(6) The area surrounding freestanding signs shall be kept neat, clean, and landscaped.

(9) No sign shall be painted upon or otherwise directly affixed to any rock, ledge, or other natural feature except for signs reading "No Trespassing" or "No Hunting" or other signs of similar import relating to controlling the use of private property.

~~(10) No sign shall be erected at any location where, by reason of position, shape, wording or color, it interferes with or obstructs the view of pedestrian or vehicular traffic or which may be confused with any other traffic sign, signal, or device.~~

~~(11) Permanent signs, other than municipal or state directional signs in accordance with Subsection D, shall not be erected within the right-of-way of any street or approved sight easements, nor shall any sign, including temporary signs, be located so as to constitute a traffic hazard.~~

~~(12) All signs and their supporting structures shall be properly maintained to prevent rust, rot, peeling, or similar deterioration.~~

~~(13) Whenever a sign shall become structurally unsafe or endanger the safety of a building or the public, the Building Inspector shall order such sign to be made safe or removed. Such order shall be complied with within 10 days of the receipt thereof by the person owning or using the sign, or by the owners of the building or premises on which such sign is affixed or erected.~~

~~(14) Any sign which advertises, identifies or pertains to an activity no longer in existence shall be removed by the owner of the sign or the property or person otherwise responsible within 30 days from the time the activity ceases existence. This provision does not apply to seasonal activities during the regular periods in which they are closed.~~

~~(15) No sign shall have visible moving parts or have blinding, moving or glaring illumination or consist of banners, pennants, ribbons, streamers or similar devices.~~

~~(16) No animated, flashing, apparently moving, or portable signs shall be permitted.~~

~~(17) Signs attached to a principal structure shall not extend above the roofline or the parapet.~~

~~(18) No sign, except business directional signs, shall be closer than 15 feet to any lot line or five feet to the edge of any public way, as may be determined by a lawful authority, or otherwise encroach over in the airspace of any public right-of-way.~~

~~(19) No advertising or identification sign, whether permanent or temporary, shall be erected on any premises other than the premises where the activity to which the sign pertains is located.^[3]~~

~~(20) Freestanding signs shall be designed to complement the architecture of the associated building.~~

~~C. Lighting.~~

~~(1) A sign may be illuminated, provided that it identifies the premises on which it is displayed. An illuminated sign may be displayed in all commercial and industrial districts, provided that it does not emit a glare beyond the premises upon which it is located. All other illuminated signs may only be lighted during the daylight hours or those hours during which the premises may be opened to the public.~~

~~(2) In all districts the source of light of an illuminated sign shall be shielded or concealed. Lighting fixtures should be located, aimed, and shielded such that light is only directed onto the surface of the sign. Wherever possible, fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky.~~

~~D. Standards.~~

~~(1) The number of permanent or temporary identification signs which may be displayed on any lot in any zone must not exceed two.~~

~~(2) The number of permanent or temporary advertising signs which may be displayed on any lot only in a commercial, business, or industrial zone must not exceed four. Advertising signs in all other zones are prohibited except for signs advertising the sale or lease of real estate and except as may be specifically provided for by the Board of Adjustment and Appeals in its granting of a use and of a corresponding temporary advertising sign by special exception. Such specific provisions shall not violate the intent and purpose of this section.~~

~~(3) No individual sign shall contain more than 25 square feet, except in the Highway Commercial (HC), Village Center Commercial (VCC), Mixed Use (MUZ), Office Commercial South (OC-S), Office Commercial North (OC-N), Village Office Commercial I (VOC-I), Village Office Commercial II (VOC-II), Village Mixed Use (V-MUZ), Industrial (I) and Rural Industrial (RI) Districts where no individual sign shall exceed 40 square feet.~~

~~(4) No individual sign shall have a height greater than 25 feet above the ground level of land upon which it is located and as may be measured from the highest point on the sign.~~

~~(5) The top of freestanding signs shall not exceed the height limit of principal structures in the zone where located or 25 feet, whichever is less.~~

~~(6) The area surrounding freestanding signs shall be kept neat, clean, and landscaped.~~

~~(7) A temporary sign used to provide directional instructions to a single family residence that is for sale or lease shall not exceed four square feet in size, shall be limited to three in number at any one time relative to a single house, and shall be so located as not to interfere with traffic or otherwise cause a public nuisance.~~

~~(8) Temporary signs for the sale of real estate other than a single family residence shall not exceed 25 square feet in area, and a renewal permit shall be required after the expiration of the first six months that such a sign is posted; such renewal permit shall be valid for up to six months.~~

~~E. Temporary political campaign signs may be erected in any zone under the following terms and conditions:~~

~~(1) A resident of Cumberland may erect temporary political campaign signs within the right of way of a Town or state public way directly abutting the resident's property without obtaining a permit from the Town. Temporary political campaign signs must not individually exceed 16 square feet in size.~~

~~(a) No temporary political signs may be erected more than six weeks prior to the election to which signs pertain.~~

~~(b) No temporary political campaign signs shall be closer than five feet to the travel surface of the Town or state public way, and no such signs may encroach over in the air space of the paved surface of any Town or state public way.~~

~~(c) Temporary political campaign signs must be removed within seven days following the election.~~

~~(2) A candidate for political office, a political campaign, a political party or organization, an advocacy organization, or a Cumberland resident may erect temporary political campaign signs within the right of way of a Town or state public way in the Town of Cumberland but only after obtaining a permit for the display of such signs from the Code Enforcement Officer and payment of a refundable application fee as established by order of the Town Council.~~

~~(a) Applications for such signs shall be made on forms provided by the Code Enforcement Officer. Temporary political campaign signs must not individually exceed 16 square feet in size.~~

~~(b) No temporary political campaign signs may be erected more than six weeks prior to the election to which such signs pertain.~~

~~(c) No temporary political campaign signs shall be closer than five feet to the edge of the travel surface of a Town or state public way, and no such signs may encroach over in the air space of the paved surface of any Town or state public way.~~

~~(d) Temporary campaign signs must be removed within seven days following the election, and upon such removal the Code Enforcement Officer shall refund the application fee. If such signs are not removed within seven days following the election, the application fee shall be forfeited to the Town.~~

~~F. Business directional signs.~~

~~(1) Purpose. This subsection regulates and restricts business direction signs within the Town in order to promote the safety and well-being of the users of the public ways, reduce distractions, and preserve the natural beauty and other aesthetic features of the Town.~~

~~(2) Scope. This subsection controls off-premises signs in the Town directing the public to the specific location of a business. The provisions of this subsection shall take effect on April 27, 1986, and any sign covered hereunder not in compliance within 120 days of the effective date shall be subject to removal 30 days after written notice.~~

~~(3) Standards. Directional signs erected or in place after the effective date of this subsection shall meet the following specifications:~~

~~(a) Size: 48 inches long by 12 inches wide.~~

~~(b) Lettering: 3 1/2 inches.~~

~~(c) Signboard: one half inch plywood overlay.~~

~~(d) Post: four inches by six inches, painted green.~~

~~(e) Color: background color shall be blue (highway blue, color tolerance charts PR Color No. 3). The background sign legend and border of all signs shall be reflectorized with reflective sheeting to show the same shape and color for both day and night. Edges and backs of signboards shall be sealed and painted. Reflectorized legend and border shall meet the requirements of Federal Specifications LS-300R.~~

~~(f) Style: all lettering used in the name of the business, including the directional legend and mileage, shall be helvetica medium lowercase lettering with initial uppercase.~~

~~(g) Legend: directional legend shall be located on the left or right edge of the sign depending upon the direction of the turn required. The distance in miles from the intersection shall be shown below the directional arrow.~~

~~(h) Signs shall meet all applicable Department of Transportation guidelines.~~

~~(4) Location:~~

~~(a) Business directional signs shall be located within the highway right-of-way, subject to Maine Department of Transportation (DOT) placement approval, only on approaches to the Town intersections of:~~

~~[1] U.S. Route 1 at Tuttle Road;~~

~~[2] Tuttle Road at Middle Road;~~

~~[3] Route 9 at Winn Road;~~

~~[4] Route 9 at Tuttle and Blanchard Roads;~~

~~[5] Route 9 at Greely Road;~~

~~[6] Skillin/Blackstrap Roads at Routes 26 and 100;~~

~~{7} Blanchard Road at Skillin Road;
{8} Route 100 at Range Road; and
{9} Middle Road at Greely Road.~~

~~(b) Directional signs shall be located within 1,000 feet of the intersection where a change in direction is required, and there shall be no more than three signs per post assembly, with only one post assembly per intersection approach. Businesses must be located within five miles of the intersection sign, and businesses may be eligible for no greater than four signs within the Town.~~

~~(5) Maintenance.~~

~~(a) All signs shall be furnished by the business owner or applicant and shall be installed by the DOT at approved locations on approved signposts furnished by the DOT, which shall thereafter maintain the sign support.~~

~~(b) Signboards which are lost, stolen, defaced, or damaged shall be replaced by the owner for reinstallation by the DOT.~~

~~(c) Businesses with signs which are no longer applicable due to business name or location changes, or other reasons, shall notify the DOT within 30 days of such change to have the sign removed. An owner failing to properly maintain a sign may subject the sign to removal by the DOT.~~

G. J. EnforcementENFORCEMENT.

The Code Enforcement Officer shall be responsible for enforcing the provisions of this Section. In the event of a violation of any provision of this Section, the Code Enforcement Officer shall notify the property owner or person responsible for such violation, if not the property owner and if such person can be readily determined, and shall indicate the nature of the violation, the action necessary to correct the violation and the time period within which such corrective action must be taken. Where due written notification has been given by the Code Enforcement Officer and compliance has not been made within the required thirty-daytime period, the Town may cause removal of such sign and charge the cost of such removal to the owner.

H. K. ViolationsVIOLATIONS.

Any violation of this Ssection shall constitute a nuisance, and the owner, person or firm having control or use of any premises or sign violating any provisions hereof shall be fined as established by order of the Town Council for each day such violation is permitted to exist after notification in writing from the Town.

I. L. Minimum requirementsMINIMUM REQUIREMENTS

The provisions of this Ssection are minimum requirements. Whenever the requirements of this Ssection are at a variance with the requirements of any other lawfully adopted

statute, rule, regulation, ordinance, deed restriction, or covenant, the most restrictive or that imposing the highest standard shall govern.

J. M. ~~Waivers~~ WAIVERS.

(1) The Town Planner, prior to the application for, or issuance of, any ~~nontemporary~~ sign permit, shall approve the proposed sign design, lighting, and landscaping, if required. In the event that the applicant and the Town Planner are unable to agree on appropriate sign designs, the applicant shall appear before the Planning Board for review and determination.

(2) Notwithstanding any requirements of Town codes or ordinances, the Planning Board may waive any sign standard(s) where it finds that Town objectives, goals, and policies will be better served.

N. INTERPRETATION

The Code Enforcement Officer shall have sole discretion to classify any sign that is not otherwise expressly defined by this Section in accordance with the provisions of this Section that most closely apply to the type of sign at issue.

O. EFFECTIVE DATE.

This Ordinance shall become effective on the date of adoption by the Cumberland Town Council.