

CITY OF HALLOWELL PROPOSED ORDINANCE

Relating to Signs

BE IT ORDAINED by the City Council of the City of Hallowell that the Revised Code of Ordinances, City of Hallowell (1997) is amended as follows:

1. Section 9-637 is repealed in its entirety and replaced with the following:

SECTION 9-637 SIGNS

1. Approval of Signs Required. Except as provided in Subsection 8, no person shall erect or maintain any sign visible to the public from any public way or public property except with the prior approval of the Code Enforcement Officer, in such form as he or she may require. The Code Enforcement Officer shall approve all signs that meet the criteria set forth in this Section. Signs in the Historic District are also subject to the approval standards and procedures of Subsection 5 of this Section.
2. Prohibited Signs. No person shall erect or maintain, and the Planning Board and the Code Enforcement Officer shall not approve nor issue a permit for:
 - A. Moving Signs: Signs with visible moving, revolving, or rotating parts or visible movement of any description, except for so-called barber poles or clocks, whether achieved by electrical or mechanical means.
 - B. Optical Illusions: Signs which create the effect of an optical illusion.
 - C. Roof Signs: Signs mounted wholly or in part on any roof or above the highest exterior point of any building.
 - D. Fluorescent or Phosphorescent Painted Signs: Signs using any kind of paint which causes the sign to glow in the dark or give the appearance of glowing.
 - E. Signs Exceeding twenty (20) feet in height: Signs or any portion of a sign structure that exceeds twenty (20) feet in height measured from the adjacent road surface.
 - F. Signs Unrelated to Goods or Services Not Available on the Premises. Except for directional signs permitted by the Maine Travelers Information Services Act, all signs shall relate to goods or services available on the premises on which the sign is located.
 - G. Fluctuating Illumination: Signs with lights or illuminations of any kind that flash, move, rotate, blink, flicker, or vary in intensity.
 - H. Inflatable Signs: Any inflatable object used as a sign or for promotional purposes.

3. Signs in Residential Districts.

- A. One (1) single- or double-faced sign not to exceed five (5) square feet in size shall be permitted per lot.
- B. Illumination of signs shall be achieved only by steady, stationary, shielded light sources directed solely on the sign in such a manner as to not cause glare for motorists, pedestrians, or neighboring premises. Illumination of signs is subject to the standards of Section 9-616.3.
- C. No sign shall be located within ten (10) feet of a street line or other lot line, except where the sign is to be applied to an existing fence or building that is on or within ten (10) feet of the street line or other lot line.

4. Signs in Business Districts Outside the Historic District

- A. One (1) free-standing sign not to exceed thirty (30) square feet in area per sign face shall be permitted per building.
- B. One (1) single-faced sign not to exceed thirty (30) square feet in area, when affixed to a building, shall be permitted per building.
- C. Signs may be illuminated by internal or external means in such a manner as to not cause glare for motorists, pedestrians, or neighboring premises. Illumination of signs is subject to the standards of Section 9-616.3.

5. Signs in the Historic District

- A. Purpose: Signs are among the most noticeable visual elements of the built environment. The purpose of this subsection is to balance the need for adequate identification, communication, and advertising with the need to protect the public safety and welfare, and to maintain and enhance the aesthetic environment of the Historic District. Signage installed in the Historic District should be designed and located in a manner which is respectful of the character of the building with which it is associated and the character of the surrounding buildings and environment.
- B. Limitations:
 - (1) One (1) single- or double-faced sign, not to exceed sixteen (16) square feet in area per sign face, shall be allowed per business or organization. In the case of a business or organization located in a building on a corner lot, or with a public entrance at the rear of the building, or both, one additional single-faced sign may be affixed to these portions of the building, with the following limitations:
 - a) Only one sign is permitted per business or organization on any single side of any building.
 - b) No single sign shall be greater than sixteen (16) square feet in area.

c) The aggregate square footage of all sign faces shall not exceed forty-eight (48) square feet per business or organization.

(2) Illumination of signs, including signs located on the interior of buildings and readily visible from a public way, shall be achieved only by steady, stationary, shielded light sources directed solely on the sign in such a manner as to not cause glare for motorists, pedestrians, or neighboring premises. Signs located in the interior of buildings and which are not readily visible from a public way may be internally lit provided such signs conform to the standards of Section 9-616.3.

6. Maintenance or Discontinuance

A. Maintenance: All signs shall be painted, maintained safe and consistent with the terms of any permit or approval given by the Planning Board or Code Enforcement Officer. In the event that any sign is not safely or appropriately maintained, the Code Enforcement Officer shall notify the owner thereof to undertake appropriate maintenance and repairs. If such maintenance or repairs are not completed within thirty days to the satisfaction of the Code Enforcement Officer, he may remove such sign in the manner provided by Subsection 7.

B. Discontinued Business or Activity: In the event that the business or activity advertised by or related to any signs ceases operation for a period of four (4) months, the continued maintenance of such sign shall thereafter be illegal. The Code Enforcement Officer shall undertake removal of the sign in the manner provided by Subsection 7.

7. Removal of Unlawful Signs

A. Notice. The owner of any sign which was or is unlawfully erected or maintained after the effective date of this Section shall be in violation of this Section until the sign is removed. The owner of such sign shall remove the sign within thirty (30) days of receipt of a notice to remove, sent by certified mail, by the Code Enforcement Officer. If the identity of the owner is not known or reasonably ascertainable by the Code Enforcement Officer, the notice may be sent to the owner of the land on which the sign is located.

B. Sign Removal. If the owner fails to remove the sign within thirty (30) days after receipt of the written notice provided for in paragraph A of this Subsection, the Code Enforcement Officer shall institute legal action in the name of the City to secure such removal.

C. Signs in Public Ways. Any sign erected or maintained within the limits of any public right of way or on any public property within the compact sections of the City, as defined by the Maine Department of Transportation excluding the exceptions allowable in Subsection 8 may be immediately removed by the Code Enforcement Officer without notice, and the Code Enforcement Officer may recover the cost of removal from the owner of the sign.

D. Non-Conforming Signs. Lawful signs which are in existence as of the effective date of this ordinance shall be considered non-conforming.

- (1) Non-Conforming Signs in the Historic District. A non-conforming sign located in the Historic District may be maintained. Non-conforming signs in the Historic District shall conform to the standards of this Section when the nature of the business changes or when the sign needs to be replaced due to deterioration. A non-conforming sign in the Historic District may be replaced but not expanded within six months after accidental destruction.
- (2) Non-Conforming Signs Outside the Historic District. Any non-conforming sign located outside of the Historic District may be maintained. If a non-conforming sign outside the Historic District is abandoned, destroyed, or no longer associated with an operating business for a period of more than six (6) months, the non-conformance is forfeited and any new sign must be made to conform to the standards of this Section.

8. Exemptions

- A. Governmental Bodies. Signs of a duly constituted governmental body.
- B. Common Carriers. Signs on the rolling stock of common carriers or on registered and inspected motor vehicles, except those determined by the Code Enforcement Officer to be circumventing the intent of this Ordinance, including but not limited to, signs which are continuously or repeatedly in the same location.
- C. Real Estate. Signs erected for the purpose of advertising the sale, lease or rental of real estate, provided, however, that no such sign shall exceed ten (10) square feet in size and that no person shall erect more than two (2) such signs on any parcel of land.
- D. Temporary Sales. Temporary signs erected and maintained for a period of not more than forty-eight (48) hours to advertise sales of goods which are not ordinarily undertaken by the person so advertising as a regular course of business, including but not limited to so-called lawn sales and garage sales, provided, however, that no such sign shall exceed ten (10) square feet in size and that no person shall erect more than two (2) such signs on any parcel of land.
- E. Inside Stores. Signs erected on the inside of commercial establishments, including, for example, on the inside of store windows, advertising the sale of goods or services, provided the signs conform with the illumination standards of the district in which they are located.
- F. Public Events. Signs to be maintained for not more than three (3) weeks announcing an auction, public supper, lawn sale, fair, exposition, or any other public event, campaign, drive, or like event of a public, civic, philanthropic, or religious organization. The date of this event shall be conspicuously posted on such signs.
- G. Political. Signs erected for the purpose of promoting or opposing the election of a candidate for public office, a pending public referendum or other public policy matter; provided, however, that such signs: 1) shall not exceed six (6) square feet per face, and 2) shall be removed within seven (7) days after any election for which the sign was erected.

H. Holiday Decorations. Temporary decorative materials in place for a holiday or celebration.

I. Name Plates. Signs indicating the owner or occupant of a residential building, provided that such sign does not exceed two (2) square feet.

J. No Trespassing Signs. Signs prohibiting hunting, fishing, or trespassing provided that such signs are not more than two (2) square feet in size.

K. Home Operated Businesses, having no external commercial appearance. The nature of such business may be displayed on not more than two (2) appropriate signs having an area not greater than five (5) square feet. No sign shall be a neon type or any other type of internally lighted sign nor shall it use any fluorescent, phosphorescent or reflective paint that glows in the dark. Signs are permitted only for owners or occupants of properties for home products or services sold or produced on the premises.

L. Wayfinding. Signs indicating an entrance, exit, parking area, or similar indicators designed solely to control access to a building or site, provided each such sign does not exceed two (2) square feet.

M. Public Works of Art or Acknowledgement. Public works of art or acknowledgement such as statues, sculptures, murals, and other artistic installations, as well as public installations acknowledging individuals, events, historic sites, and the like, created or sponsored by a duly constituted governmental body.

9. Sandwich Signs.

A. Such signs may only be placed on City sidewalks within the Downtown District in front of property owned, leased or rented by the sign owner.

B. No more than one third of the width of the sidewalk shall be used upon which to place the sign, nor shall the sign be placed in front of goods on display, nor in the middle third of the sidewalk. A minimum of two thirds (2/3) of the sidewalk shall remain unencumbered at all times to allow the free passage of pedestrian traffic. In no event shall the sign block, impede or be placed upon any wheel chair ramp.

C. No sign shall be maintained upon a sidewalk during non-business hours, during a snowstorm or after a snowstorm prior to the removal of the snow by the City.

D. Only one sandwich sign, conforming to the standards of A through C, above, is allowed per business public entrance.

10. Flags.

A. One (1) flag, used as a sign or for promotional purposes, and/or indicating that a business is open for business, is permitted per business. In the case where there is more than one business in a building, only one (1) flag is permitted per public business entrance.

B. Flags must be securely fastened to the building with which they are associated so as to prevent swinging, becoming dislodged, or otherwise endangering public safety.

- C. Flags may be on display when the business is open and shall be removed when the business is closed.
- D. Flags shall be mounted at a sufficient height and angle such that they do not impede visibility or movement of pedestrians or motorists. The lowest portion of any flag shall be at least seven (7) feet above the finished grade of the street or sidewalk.

11. Extension Over Sidewalks and Public Ways.

- A. Any sign erected on a building at a height of less than eight (8) feet above the ground level shall be placed flat against the building to which it is affixed and shall not extend more than six inches (6) over any sidewalk or public way.
- B. Any sign erected on a building at a height of eight (8) feet or more above ground level may extend over a sidewalk but may not extend beyond the curb level, if any, nor extend over any public road.

12. Signs to be Securely Constructed and Fastened. All signs and any other awnings, shades, marquees, or other structures extending over a sidewalk or public road or way shall be constructed in a structurally sound manner and if erected above ground level, shall be securely fastened or supported in a manner satisfactory to the Code Enforcement Officer to restrain swinging, oscillation or other movement that would endanger people or property. No such sign, awning, shade, marquee, or structure shall unreasonably obstruct pedestrian or motor vehicle traffic on any sidewalk or public road or way.

13. Proof of Insurance. The Code Enforcement Officer shall not issue a permit under Subsections 11 and 12, above, for an on-premise sign until the owner files with him proof of having obtained public liability insurance covering property damage in the amount not less than five thousand dollars (\$5,000) and bodily injury in an amount not less than fifty thousand dollars (\$50,000). Such insurance shall thereafter be continually maintained by the owner of the sign. Any lapse in such coverage shall necessitate immediate removal of the sign by the owner.

14. Appeals. The Planning Board may reverse the decision of the Code Enforcement Officer and approve signs, provided that the following standards are met. Such appeals shall be subject to the notification requirements of Section 9-184.2.

- A. Within the Historic District, the Board may approve a proposed sign if it determines that the proposed sign's size, shape, texture, color, manner of lighting, materials, and lettering are harmonious with the architectural character and period and the aesthetic appearance of any building to which it may be affixed and/or to adjacent buildings, structures, or areas to which it is visually related.
- B. Outside of the Historic District, the Board may approve a proposed sign if the Board determines that the proposed sign does not represent a safety hazard to pedestrians and motorists, and that the proposed sign, together with any associated landscaping, is compatible with the general character of the neighborhood. All other requirements of this Chapter shall be met.

C. Conditions. The Board may impose reasonable conditions and limitations on any applicant consistent with the purposes and intent of this Chapter.

D. Decisions of the Planning Board pursuant to this section are subject to review for the same purposes and in the same manner as described in Subchapter X. A variance from the Board of Appeals for a sign permit shall be available only for setback requirements applicable to signs.

2. Subsection 2 paragraph A of Section 9-184 is amended to read as follows:

2. Abutter Notification

A. Abutters will be notified for all applications that are reviewed by the Planning Board for a site plan review application, a conditional use application, a Master Plan submittal for a Planned Mixed-Use Development, ~~or for~~ an historic district review application when a change in square footage, or volume of the existing structure is proposed, or for an appeal of the Code Enforcement Officer's denial of a sign permit.

First Reading: August 12, 2019
Public Hearing: September 9, 2019
Second Reading: September 9, 2019
Third Reading: _____

Ordinance No: _____
Effective Date: _____

City Clerk