

Appendix H
Sign Ordinance
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Appendix H

Sign Ordinance

SECTION 1 Authority

- 1.1 This ordinance has been prepared and adopted pursuant to authority granted under Title 30-A, M.R.S.A., Section 3001.

SECTION 2 Title

- 2.1 This ordinance shall be known and cited as “Sign Ordinance, Town of Bucksport, Maine” and is referred to herein as “this ordinance”.

SECTION 3 Purpose

- 3.1 The purposes of this ordinance is to regulate the installation and maintenance of signs in order to protect the health, safety, and welfare of the public as they may be affected, to preserve the scenic resources of the town and to protect the benefits derived from the use of business advertising signs.

SECTION 4 Scope

- 4.1 No person may erect, alter, replace or maintain signs visible from a public way except in conformance with this Ordinance.

SECTION 5 Conflict with Other Ordinances and Regulations

- 5.1 Should any section of this ordinance be found to be in conflict with any local, state or federal law, ordinance or regulation, the more stringent shall prevail.

SECTION 6 Validity and Severability

- 6.1 Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance, and to this end the provisions of this ordinance are severable.

SECTION 7 Definitions

Area of Signs: The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface including frames, but excluding any other structural elements outside the limits of such sign and not forming an integral part of the display.

Banner Sign: A sign made from flexible material such as vinyl, plastic or cloth, and which is typically erected for temporary use.

Changeable Sign: A sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side.

Display: That portion of the surface area of a changeable sign that is, or is designed to be or is capable of being periodically altered for the purpose of conveying a message.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

Free Standing Sign: Any sign supported by itself or a structure other than a building.

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

Maintain: To allow or continue to use.

Message: A communication conveyed by means of a visual display of text.

Nudity- Unclothed, uncovered or exposed to the extent that human genitals, pubic area or buttocks, or the nipple and/or areola of the female breast may be seen by the public either in full view or through a less than fully opaque covering, whether displayed as a photographic image or any type of artistic rendering on a sign.

Official Business Directional Sign: A sign erected and maintained in accordance with this chapter and the Maine Traveler Information Services Act, as amended, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial service for the traveling public and points of scenic, historical, cultural, recreational, educational, and religious interest.

Off-Premise Sign: A sign which is erected and maintained upon real property other than where the business, facility, or point of interest identified on the sign is located.

On-Premise Sign: A sign which is erected and maintained upon the same real property that the business, facility or point of interest identified on the sign is located.

Person: An individual, corporation, joint venture, partnership, or any other legal entity.

Premise: The lot or building used for a business, service, profession or other activity.

Private Way: A private road, driveway, or public easement.

Public Way: Any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, county road, unincorporated territory road, or other road dedicated to the public.

Sign: A physical display either attached to a building or free standing, designed to attract the attention of or convey information to the public by means of letters, words, insignia, color, illumination, illustration or logo.

Time and Temperature Sign: A changeable sign that electronically or mechanically displays the time and temperature by complete substitution or replacement of a display showing the time with a display showing the temperature.

Traffic Control Sign or Device: An official route marker, warning sign, sign directing traffic to or from a community, bridge, ferry, or airport, or sign regulating traffic, which has been erected by officers having jurisdiction over the public way.

Visible: Capable of being seen without visual aids by a person of normal visual acuity.

Business Advertising Sign: A sign which is erected and maintained either on or off premises, attached to or supported by the outside of a building, standing by itself or otherwise supported and which advertises products or services or conveys other commercial information, knowledge, or idea.

Rule 80K: A rule which allows a certified and authorized enforcement officer to represent the municipality in District Court in the prosecution of alleged violations of ordinances or laws which the official is authorized to enforce.

SECTION 8 Permits

- 8.1 No person may erect, alter or replace any business advertising sign without first securing a permit from the Code Enforcement Officer. The general repair and maintenance of all signs does not require a permit.
- 8.2 A permit is not required for the following types of signs:
- a. Signs bearing only property numbers, post box numbers, names of occupants of the premises or other non-commercial identification.
 - b. Flags or insignia of any Municipal, County, State or Federal Government.
 - c. Legal notices, including no hunting, no trespassing, and the like.
 - d. Signs erected for the purpose of expressing a political or religious opinion, belief, or sentiment provided that they do not constitute a trespass.
 - e. MDOT Official Business Directional Signs.
 - f. Signs not visible from a public right of way.
 - g. Signs painted on windows.
 - h. Signs installed inside any building.
 - i. Garage or yard sale signs.
 - j. Temporary sidewalk signs.
 - k. Signs erected at a recreational facility in recognition of benefactors of that facility.
 - l. Signs serving as public notice of a community event.
 - m. Municipal and state highway traffic control signs and street identification signs.
 - n. Railroad crossing signs and signals.
 - o. Real estate “for sale”, “for rent” or “for lease” signs.
- 8.3 All applications for permits must be filed with the Code Enforcement Officer on forms furnished by the town and accompanied by plans showing the dimensions and other design features of the sign, the location where the sign is to be erected, the method of illumination, if any, and such other information as the Code Enforcement Officer may require to assure full compliance with the ordinance.
- 8.4 A permit fee of five dollars (\$5.00) per sign is required for a sign permit.
- 8.5 The Code Enforcement Officer shall grant a permit if the proposed sign installation is in conformance with the provisions of this ordinance.
- 8.6 The Code Enforcement Officer may approve the installation of Maine Department of Transportation Official Business Directional Signs except signs proposed for any site on Main Street between the intersection of Bridge Street and Main Street and the intersection of Bagley Avenue and Main Street. Any legally existing business directional sign located within the above described area may be relocated to another location within the above described area upon approval by the Code Enforcement Officer.
- 8.7 Sign permits shall become null and void if authorized work is not completed within one (1) year of the date of the permit.

- 8.8 Approval is required by the Code Enforcement Officer, or his or her designee, before any sign may be erected on the town's banner poles located on town-owned property at the intersection of Main Street and U.S. Route 1. Such signs are subject to compliance with the requirements of Section 9 and Section 11. A request for approval must be submitted to the Code Enforcement Officer on forms provided by the town. Upon approval, the Code Enforcement Officer shall notify the applicant and identify the date on which the sign may be erected.

SECTION 9 General Restrictions

- 9.1 All signs, whether or not a permit is required, are subject to the following restrictions:
- a. No sign may, by reason of position, shape, working, color, or lighting, interfere with pedestrian or vehicular traffic or view.
 - b. No sign may be erected or maintained on any traffic control sign or publicly owned tree.
 - c. No sign may be erected or maintained which is determined to be of unsafe construction.
 - d. All signs and their supporting structures must be properly maintained to prevent rust, rot or similar deterioration.
 - e. No sign may be erected on town-owned property at the intersection of Main Street and U.S. Route 1, or erected on any structure located thereon, except any sign erected by the town, and any sign that may be erected in accordance with State law.

SECTION 10 Standards For Business Advertising Signs

- 10.1 No more than two (2) free standing signs will be allowed.
- 10.2 No free standing sign per premise shall total more than one hundred (100) square feet.
- 10.3 Where more than one business establishment is located on a premise, such as a shopping center or industrial park, each business establishment shall be entitled to one (1) sign, and the entire premise may have one (1) additional, free standing, on-premise sign identifying the businesses and services rendered on the premises, in that development and having a total area of less than three hundred (300) square feet and an elevation of less than twenty-five (25) feet above the level of the ground prevailing around the sign.
- 10.4 No business advertising sign may include any type of image depicting human male or female nudity including, but not limited to, photographs, artwork or silhouettes.

Section 11 Standards for Banner Signs

- 11.1 Banner signs must be securely attached against a supporting structure or securely suspended by one or more supporting structures.
- 11.2 No banner sign may be erected across a public road, except as may be approved by the Town Council.

- 11.3 No banner sign may be erected on town-owned property at the intersection of Main Street and U.S. Route 1, except as may be approved by the Town.
- 11.4 Banner signs may be attached to posts installed and approved by the town for such use at the intersection of Main Street and U.S. Route 1, subject to the following restrictions:
1. The banner material must be vinyl or nylon with a weight of at least 10 ounce per square foot. A metal grommet must be installed at each corner.
 2. Banners may be no longer than 8 feet or wider than 3 feet.
 3. Banners may only convey information about upcoming local public events. Business sponsorship of an event may be identified incidentally and secondary to the primary purpose of the banner message.
 4. Banners may only be erected and removed by the Town.
 5. No banner advertising a public event may be erected more than 14 days prior to the date of the event or remain erected more than 2 days after the event has concluded.
 6. No more than one banner may be erected at the same time with the same or similar message.
 7. Any banner that breaks or deteriorates during its display period will be removed and returned to its owner.

Section 11A Changeable Signs

- 11A.1 Except as provided in this section, changeable signs must comply with all requirements of State law, in particular, but not limited to, 23 M.R.S.A. §1914 (11-A).
- 11A.2 The display on a changeable sign may be changed no more frequently than once every two (2) seconds; and must change as rapidly as technologically practicable, provided, however, that a display may change by phasing, rolling, scrolling or blending. Except for time and temperature signs, electronic or digital changeable signs may not change displays between the hours of 10:00PM and 6:00AM.
- 11A.3 Time and temperature signs are specifically permitted provided that the display changes no more frequently than once every two (2) seconds.
- 11A.4 In no event may a display on any changeable sign flash or display continuous streaming of information or video animation.
- 11A.5 The Town of Bucksport shall administer the provisions of this section, except that the portions of 23 M.R.S.A. §1914(11-A) not specifically addressed herein shall remain under the administration of the Maine Department of Transportation.

SECTION 12 Nonconforming Signs

- 12.1 Any sign lawfully in existence at the time of adoption of or amendment to this ordinance that fails to meet the requirements of this ordinance is a nonconforming sign.

- 12.2 Nonconforming signs may continue subject to the following conditions:
- a. Normal maintenance and repairs are permitted.
 - b. Non-conforming signs may not be altered, enlarged, or rebuilt except in conformance with this ordinance.

SECTION 13 Enforcement

- 13.1 This ordinance shall be enforced by the Code Enforcement Officer.
- 13.2 The Code Enforcement Officer shall give written notice to the owner of any sign that is in violation of the provisions of this ordinance. The notice shall contain a description of the violation and a correction order.
- 13.3 The Code Enforcement Officer may enforce this ordinance through a specific court action pursuant to Rule 80K of the Maine Rules of Civil Procedure upon authorization from the Town Council.
- 13.4 Any person who violates any provision of this ordinance or fails to comply with any of its requirements, may be punished by a fine of not more than one hundred dollars (\$100.00) for each offense. Each day such violation continues shall constitute a separate offense. The maximum fine will not exceed twenty-five hundred dollars (\$2,500.00).
- 13.5 In addition to the fine, the town may seek legal fees and expert witness fees and cost. If the court finds that the violation was willful, the town may ask that the violator be ordered to correct or abate the violation in accordance to Title 30-A M.R.S.A., Section 4452.

SECTION 14 Appeal

- 14.1 Any person aggrieved by a decision of the Code Enforcement Officer, may appeal said decision to the Board of Appeals within thirty (30) days after the date of said decision. The appeal must be in writing on forms provided by the town and returned to the Code Enforcement Office. The Board may affirm, modify, or reverse the decision of the Code Enforcement Officer in accordance with the terms of this ordinance.

SEC. 15 Effective Date

This ordinance or any amendment thereof shall become effective upon thirty (30) days after adoption by the Town Council.

Appendix H Sign Ordinance was originally adopted on September 12, 1985, and amended on: March 12, 1992, July 12, 2001.

Amended June 26, 2003 to add restrictions regarding nudity on signs.

Amended September 25, 2003, Section 8.6 to add relocation allowances for business directional signs on Main Street.

Amended April 8, 2010 to add banner sign regulations in Section 11, a definition for "banner sign" in Section 7, approval for banner signs by CEO in Section 8, and sign installation restrictions in Section 9.

Amended August 27, 2015 to add Section 11A Changeable Signs, and related definitions in Section 7.