

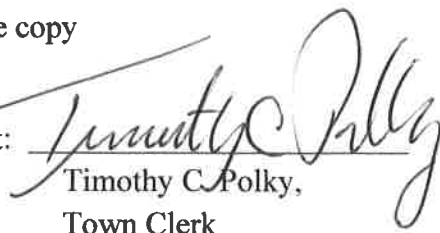
**TOWN OF ST. GEORGE, MAINE**

**SIGN ORDINANCE**

Adopted: August 17, 2020

A true copy

Attest:

  
Timothy C. Polky,  
Town Clerk

# **TOWN OF ST. GEORGE, MAINE**

## **SIGN ORDINANCE**

### **SECTION 1. SCOPE, PURPOSE, AND DEFINITIONS**

This ordinance covers the placement and characteristics of signs in the Town of St. George and, with certain exceptions, requires any person to obtain a permit from the Code Enforcement Officer in order to construct or place any sign on or after the effective date of this ordinance. The purposes of this ordinance are (1) to permit business owners to advertise their businesses, (2) to permit the right of free expression guaranteed by the Constitutions of the United States and the State of Maine, (3) to require Town decisions on signage to be made in a content-neutral manner, and (4) to promote the health, safety, and welfare by providing for signage to be consistent with safe and orderly traffic movement, all while maintaining an attractive and inviting landscape that is consistent with the character of the Town.

Certain terms used in this ordinance are defined in section 12.

### **SECTION 2. PERMIT REQUIRED**

(a) **IN GENERAL.** Except as provided in sections 2(b) and 3, on and after August 17, 2020, no new sign, either on-premises or off-premises, permanent or temporary, shall be erected, attached to a building, physically altered, reconstructed, or relocated until a permit has been issued in accordance with section 8. For this purpose, “alteration” or “reconstruction” does not include (1) repainting or replacing an existing display without changing the message or symbols, (2) changing the contents of a message board, (3) replacing structural parts with like structural parts, or (4) maintaining a sign as required by section 9.

(b) **SEASONAL SIGNS.** Any sign advertising a seasonal business shall be treated as a permanent sign even if it is removed during the part of the year the business is closed and replaced when it reopens. Any such sign may be replaced seasonally without a permit, subject to the provisions of section 2(a) relating to alteration, reconstruction, and relocation of signs.

### **SECTION 3. SIGNS ALLOWED WITHOUT A PERMIT**

(a) **PERMANENT SIGNS.** The following permanent signs shall be allowed without a permit. Upon request of the Code Enforcement Officer, a property owner shall provide an inventory of the number and square footage of signs placed on the property.

(1) Traffic-control signs.

(2) Private traffic-control signs placed on private property by or with the consent of the property occupant. No such sign shall exceed 6 feet in height or 3 square feet in area per exposed face.

(3) A single property address sign placed on private property by or with the consent of the property occupant indicating the street address of the property and the name of the owner or occupant. No such sign shall exceed 3 square feet in area per exposed face.

(4) No-trespassing and no-hunting signs placed on private property by or with the consent of the property occupant. No such sign shall exceed 2 square feet in area per exposed face.

(5) Signs alerting the public to a danger or hazardous condition.

(6) Signs marking access points to, and directions within, recreational trails, and signs posted on kiosks describing features of trails and other nature areas, placed on private property by or with the consent of the property owner. No such sign shall exceed 9 feet in height, 20 square feet in area per exposed face, or 40 square feet in total sign area.

(7) Official business directional signs placed in conformity with chapter 21 of title 23, Maine Revised Statutes, and the rules and regulations of the Maine Department of Transportation thereunder.

(8) A single sign advertising a non-residential use lawfully conducted on a lot primarily used for residential purposes, placed on that lot by or with the consent of the property occupant. No such sign shall exceed 9 feet in height, 7 square feet in area per exposed face, or 14 square feet in total sign area.

(9) Banners permitted by section 4 and awning signs, permanent window displays, and message boards permitted by section 4 or 5.

(b) **TEMPORARY SIGNS ON PRIVATE PROPERTY.** Any person may place a single temporary sign on any privately-owned lot without a permit, but with the consent of the property occupant. No such sign shall exceed 9 feet in height, 7 square feet in area per exposed face, or 14 square feet in total sign area. Every such sign shall include or be marked with the name and address of the individual, entity, or organization that placed the sign and the date the sign was placed.

(c) **TEMPORARY SIGNS ON PUBLIC ROAD RIGHTS-OF-WAY.** Any person may place temporary signs within any public road right-of-way without a permit. No such temporary sign shall be placed within 30 feet of another temporary sign bearing the same or substantially the same message. No such temporary sign shall exceed 9 feet in height, 7 square feet in area per exposed face, or 14 square feet in total sign area. Every such sign shall include or be marked with the name and address of the individual, entity, or organization that placed the sign and the date the sign was placed.

**SECTION 4. SIGN DIMENSIONS OUTSIDE THE SHORELAND ZONE**

Except as otherwise provided in this ordinance, signs on any lot lying entirely outside the shoreland zone shall conform to Table 1 below. The areas and numbers of signs specified in Table 1 pertain separately to each distinct business conducted on such a lot.

**Table 1**

Type of Sign	Maximum Sign Area for Each Exposed Face	Maximum Total Sign Area	Maximum Height	Maximum Number Allowed
Freestanding permanent sign	20 square feet	40 square feet	9 feet	1
Wall sign	20 square feet or 10% of wall area, whichever is smaller	N/A	Height of building	1
Projecting sign	6 square feet	12 square feet	20 feet; bottom of sign at least 8 feet above ground	1
Banner*	15 square feet	30 square feet	20 feet	1
Awning sign*	4 square feet	4 square feet	10 feet bottom at least 8 feet above ground	1 Per building
Window display*	Size of window	N/A	N/A	Number of windows
Sandwich board or message board (not electronic message board)*	12 square feet; no dimension greater than 4 feet	24 square feet	5 feet	1

\* As provided in section 3(a)(9), these do not require a permit.

Two or more distinct businesses conducted on a lot may combine one or more of their permitted signs in Table 1 into a single sign, but the area of any single sign may not exceed the area specified for that type of sign in Table 1.

**SECTION 5. SIGN DIMENSIONS IN THE SHORELAND ZONE**

Except as otherwise provided in this ordinance, signs on any lot lying wholly or partly in the shoreland zone shall conform to the following:

(a) On the portion of such a lot that lies within the shoreland zone, each distinct business conducted on any such lot may have not more than 2 signs (which may be freestanding, wall, or projecting signs, message boards (but not electronic message boards), awning signs, or any combination thereof) relating to goods and services sold on the premises. Each such sign shall not exceed the height specified in Table 1 for the type of sign, 6 square feet in area per exposed face, or 12 square feet in total sign area, except that an awning sign shall not exceed 4 square feet in area. Signage described in this section 5(a) for more than one distinct business may be combined into a single sign, but the area of any single sign shall not exceed 6 square feet per exposed face or 12 square feet in total sign area.

(b) On the portion of such a lot that lies within the shoreland zone, in addition to the signage area allowed under section 5(a), each distinct business conducted on any such lot may have not more than 2 signs (which may be freestanding, wall, or projecting signs, message boards (but not electronic message boards), awning signs, or any combination thereof) displaying only the name of the business. All such signs in the aggregate shall not exceed 12 square feet in area per exposed face, except that an awning sign shall not exceed 4 square feet in area, and the height of any such sign shall not exceed that specified in Table 1 for the kind of sign. Signage described in this section 5(b) for more than one distinct business may be combined into a single sign, but (1) no more than 2 signs shall bear the name of any one distinct business, and (2) all signs bearing the name of the same distinct business shall not in the aggregate exceed 12 square feet in area per exposed face, except that an awning sign shall not exceed 4 square feet in area.

(c) On the portion of such a lot that lies outside the shoreland zone, each distinct business conducted on any such lot may have the signage allowed by section 4, *minus* the total sign area of signs relating to that distinct business placed in the portion of that lot that lies within the shoreland zone and described in section 5(a) and (b).

(d) Banners, pennants, and advertising flags are not permitted in the portion of any such lot that lies within the shoreland zone.

## **SECTION 6. ADDITIONAL PROVISIONS**

(a) **IN GENERAL.** Signs shall meet the State of Maine law regarding setback requirements, where applicable. On streets without sidewalks signs shall be located at least 8 feet from the edge of the pavement (unless the Shoreland Zoning Ordinance requires a greater setback) and shall not be a hazard to traffic or pedestrians. On streets with sidewalks, signs shall not extend past the curb or be placed in the sidewalk. In any event, signs shall be a minimum of 10 feet from side and rear boundary lines, unless the Shoreland Zoning Ordinance requires a greater setback.

### **(b) SUBDIVISION SIGNS**

(1) One sign may be placed at each entrance to an approved subdivision. The height of any such sign shall not exceed 9 feet; each such sign located in the shoreland zone sign shall not exceed 12 square feet in area per exposed face or 24 square feet in total sign area; each such sign located elsewhere shall not exceed 20 square feet in area per exposed face or 40 square feet in total sign area; and the text on any such sign shall be limited to the name of the subdivision.

(2) In addition to the signage allowed by section 6(b)(1), during the sales period, one or more additional signs may be placed at each entrance to an approved subdivision containing sales-related information, including photographs. The height of any such sign shall not exceed 9 feet; each such sign located in the shoreland zone sign shall not exceed 12 square feet in area per exposed face or 24 square feet in total sign area; and each such sign located elsewhere shall not exceed 20 square feet in area per exposed face or 40 square feet in total sign area. "Sales period" means the period from the commencement

of work on the land until the time when 80 percent of the lots in the subdivision have been sold.

(c) **SIGNS ON MOTOR VEHICLES AND OTHER CONVEYANCES.** This ordinance does not apply to any sign displayed on a motor vehicle or other conveyance, such as a boat or trailer, unless the Code Enforcement Officer determines that any such sign has the effect of circumventing the restrictions of this ordinance, in which case such sign shall be subject to the applicable requirements of this ordinance, including permitting, dimensional, and maintenance requirements. A sign on a motor vehicle or other conveyance will be presumed to have the effect of circumventing the restrictions of this ordinance if the motor vehicle or other conveyance is parked or stored in a location visible from a public way and one or more of the following circumstances exist:

- (1) in the case of a motor vehicle, it is unregistered, uninspected, or inoperable;
- (2) the sign is larger in any dimension than or (except for a roof-mounted sign) extends beyond any surface of the conveyance;
- (3) the conveyance is parked or stored continuously in the same location;
- (4) the conveyance is regularly parked or stored in an area not designed, designated, or commonly used for parking or storage;
- (5) the conveyance is regularly parked or stored in a front yard, or in the public right-of-way adjacent to the front yard, when there is parking available in a side or rear yard; or
- (6) the conveyance is regularly parked or stored in a location where a sign would not be permitted under this ordinance.

## **SECTION 7. PROHIBITED SIGNS**

The following signs are prohibited:

- (1) Roof-mounted signs that extend above the ridge line of the roof.
- (2) Banners extending over the public right-of-way.
- (3) Signs that interfere with the visibility of traffic or traffic-control signs.
- (4) Outdoor internally-illuminated signs, including electronic message board signs, but excluding traffic-control signs.
- (5) Indoor internally-illuminated signs visible from the road, except that a business may have one such sign stating "open" or "closed," and one other such sign. No such sign shall have an area greater than 2 square feet, and the lighting of each such sign

shall remain constant in brightness, color, location, text, and other aspects of its appearance.

(6) Signs with visible moving parts or consisting in whole or in part of ribbons, balloons, streamers, spinners, or other similar devices.

(7) Signs lighted by blinking, moving, or glaring illumination.

## **SECTION 8. SIGN PERMIT PROCEDURE**

(a) **APPLICATION.** Before installing any sign that requires a permit, a completed application to install the sign shall be submitted to the Code Enforcement Officer. The application shall include the information listed in section 8(b) and a description of how the standards in section 8(c) are met.

(b) **SUBMISSION OF INFORMATION.** The application shall include the following information:

(1) the name, address and contact information of the applicant;

(2) the proposed location of the sign;

(3) evidence of right, title, or interest in, or permission from the owner of, the sign installation site, if requested by the Code Enforcement Officer;

(4) a drawing of the sign showing dimensions, height as measured from the ground, and all relevant area data for the sign;

(5) the methods and materials to construct and install the sign;

(6) the impact of the sign on sight distance; and

(7) the expected light levels if the sign will be lighted.

(c) **REVIEW STANDARDS.** The Code Enforcement Officer shall issue a permit if and only if the applicant demonstrates compliance with the following standards.

(1) The sign will be installed in a public road right-of-way or an area for which the applicant has right, title, interest, or permission to place a sign.

(2) The sign will comply with the requirements of this ordinance and is not prohibited by section 7.

(3) The sign will be constructed and installed in a manner that is structurally sound, as determined by the Code Enforcement Officer. When the Code Enforcement Officer determines that the sign may not be structurally sound, the sign shall be installed

in a manner consistent with the provisions relating to signs of the International Building Code most recently published by the International Code Council.

(4) If the sign will be lighted, the light source shall be shielded to prevent glare onto rights-of-way or private properties and to direct lighting downward onto the sign. Sign lighting shall not exceed 0.5 foot-candles more than 50 feet from the sign.

(d) **PERMIT DURATION.** Once issued, the sign permit shall be valid for one year, or if the sign is installed within that period, for the life of the sign.

## **SECTION 9. MAINTENANCE**

(a) **STANDARD OF MAINTENANCE.** All signs allowed under this ordinance, whether or not a permit is required, shall be appropriately maintained. Appropriate maintenance consists of no missing lettering, no peeling paint, no cracked or broken glass or plastic, a solid foundation for fixed signs, all lighting being fully operational or discontinued, and no unsafe conditions. Signs not intended to be permanently affixed to the ground shall be weighted or secured to withstand inclement weather.

(b) **FAILURE TO MAINTAIN.** The Code Enforcement Officer shall determine if a sign is adequately maintained. If, the judgment of the Code Enforcement Officer, a sign is not adequately maintained, the Code Enforcement Officer shall give thirty days' notice to have it repaired or removed. The owner of the sign shall have the option to repair or remove the sign. Anyone not complying with the order of the Code Enforcement Officer may be subject to a fine as provided in section 11.

(c) **HAZARD.** Any sign that poses an immediate hazard to public safety may be removed by any authorized municipal agent without prior notice.

## **SECTION 10. NONCONFORMITY**

(a) **NEW SIGNS.** Except as provided in section 10(c), a permanent or temporary sign put in place on or after August 17, 2020, that is not in conformity with this ordinance may be removed by the Code Enforcement Officer or a designee.

(b) **EXISTING NONCONFORMING PERMANENT SIGNS.** Any permanent sign in place before August 17, 2020, that is not in conformity with this ordinance may remain in place, but may not be altered, reconstructed, or relocated unless it is brought into conformity and unless the Code Enforcement Officer issues a permit pursuant to section 8. For this purpose, "alteration" and "reconstruction" do not include (1) repainting or replacing the existing display without changing the message or symbols, (2) changing the contents of a message board, (3) replacing structural parts with like structural parts, or (4) maintaining the sign as required by section 9.

(c) **EXISTING NONCONFORMING SEASONAL SIGNS.** Any sign on the premises of a seasonal business shall be treated as a permanent sign even if it is removed during the part of the year the business is closed and replaced when it reopens. Any such sign that was in place before



August 17, 2020, may be replaced without obtaining a permit, even if it is not in conformity of this ordinance. Any such nonconforming signs are subject to the provisions of section 10(b) relating to alteration and relocation of nonconforming signs.

(d) **EXISTING NONCONFORMING TEMPORARY SIGNS.** Any temporary sign put in place before August 17, 2020, that is not in conformity with this ordinance may remain in place until it is removed by the person who placed it, or until the time specified in the definition of “temporary sign” expires, whichever is earlier. Thereafter, any temporary sign that is to be re-placed must conform to the requirements of this ordinance.

## **SECTION 11. ADMINISTRATION**

(a) **VIOLATIONS AND ENFORCEMENT.** The Code Enforcement Officer shall be responsible for the enforcement of this ordinance and, upon finding a violation of this ordinance, shall notify in writing the person or persons responsible for the violation. The notice shall include the nature of the violation and the action necessary to correct the situation. A copy of the notice shall be provided to the Planning Board. When a person does not correct a violation within 30 days after receiving notice to do so, (1) the Code Enforcement Officer or a designee may remove the noncomplying sign, and (2) the Select Board, after notice from the Code Enforcement Officer, may institute all legal and equitable actions to correct the violation.

(b) **PENALTIES.** Any person who continues to violate any provision of this ordinance after receiving written notice to correct the situation shall be subject to penalties prescribed by section 4452 of title 30-A, Maine Revised Statutes.

(b) **SUBSTITUTION.** A non-commercial sign, except one described in section 3(a)(1) through (7), may be substituted for any sign allowed under this ordinance.

(c) **SEVERABILITY.** Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the ordinance.

(d) **FEEES.** The fee for a permit application under section 8 shall be determined from time to time by the Town’s Select Board, except that there shall be no separate fee for a sign application that is part of an application under the Town’s Site Plan Review Ordinance.

(e) **HOLD HARMLESS.** The Town shall have no liability for, and shall be held harmless from, any damage to signs installed in the public right-of-way, or for any sign removed under this ordinance.

## **SECTION 12. DEFINITIONS**

In this ordinance, the following terms have the following meanings unless the context requires otherwise.

**Area:** With reference to a sign, the entire area within a single continuous perimeter enclosing the extreme limits of the sign surface. For a sign painted on or applied to a structure, the area shall include any background of a different color or finish than the color or finish of the structure. For a sign consisting of individual letters or symbols without a distinguishable background, the area shall be that of the smallest rectangle which encompasses all of the letters and symbols. "Total sign area" is defined below. The area of a sign shall not include supporting structures but shall include any frames.

**Banner:** A sign on a textile or plastic material, which is secured, to a pole or structure in a fashion, which may allow movement by the atmosphere.

**Distinct business:**

(a) In determining whether two or more businesses conducted on a lot or in a building are "distinct" for purposes of section 4 or 5, the Code Enforcement Officer shall consider all relevant factors, including:

- (1) the nature of each business;
- (2) the kinds of goods and services offered by each business;
- (3) whether the businesses are conducted in physically separate spaces, or occupy a common space;
- (4) whether the businesses have common employees;
- (5) whether the businesses hold themselves out to the public as separate from one another, such as by trading under different names;
- (6) the extent to which the businesses are managed by the same persons; and
- (7) the extent of common ownership of the businesses.

(b) In determining the extent of common ownership under paragraph (a)(7) of this definition, the existence of separate legal entities should generally be disregarded in favor of considering the ultimate ownership of the businesses. Common ownership of two or more businesses shall create a presumption that the businesses are not distinct, but the presumption may be overcome by the presence of other factors (including those listed in paragraph (a) of this definition) indicating that the businesses are operated separately from one another.

**Electronic message board:** A message board sign in which copy may be changed other than by manual replacement of letters, numbers, and images. This includes, without limitation, a sign using lights, light emitting diodes, liquid crystal displays, plasma screens, or other similar technology.

**Freestanding sign:** A sign in a fixed location supported by structure, supports, or the ground and not attached to or dependent for support upon any building.

**Height:** With reference to a sign, the distance from the average natural grade of the land beneath the sign to the top of the sign.

**Internally-illuminated sign:** A sign (including only for this purpose a decorative sign described in clause (c) of the last sentence of the definition of “sign”) that has characters, letters, figures, designs, or outlines illuminated by electric lighting or luminous tubes that are part of the sign.

**Lot:** A lot as shown on the official tax map of the Town.

**Message board:** A sign designed for or operated with changeable copy.

**Permanent sign:** A sign other than a temporary sign. The term includes a sign advertising a seasonal business even if it is removed during the part of the year the business is closed and replaced when it reopens.

**Private traffic-control sign:** Any sign, permanent or temporary, placed on private property for the sole purpose of (1) providing direction to entrances and exits, parking, and facilities, (2) promoting the safety of members of the public on the property, and (3) directing persons to keep out of the property, and not including any advertising other than the name of any business conducted at the property.

**Projecting sign:** A sign fixed at an angle or perpendicular to the wall of any building in such a manner as to read perpendicular or at an angle to the wall on which it is mounted.

**Property address sign:** A sign located on private property containing only the property address or street number and the name of the occupant.

**Public road right-of-way:** A strip of land acquired by conveyance, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road.

**Shoreland zone:** The meaning given to that term in the Shoreland Zoning Ordinance of the Town.

**Sign:** A name, word, letter, writing, identification, description, or illustration that is erected, placed upon, affixed to, painted, or represented upon a building or structure, or any part thereof, or in any manner upon a parcel of land, lot, or right-of-way, public or private, and which publicizes an object, product, place, activity, opinion, person, institution, organization, or place of business, or which is used to advertise or promote the interests of any business or person. The term includes banner, pennant, flag, insignia, bulletin board, ground sign, sandwich board, billboard, marquee, yard sign, wall sign, window display, and window sign, in each case wherever placed out of doors in view of the general public or indoors and visible by the general

public from the outside. The term does not include (a) the flag of a national, state, local, or other governmental unit, or an international organization, (b) a flag, banner, name, or logo of a professional or amateur sports team, or (c) a decorative sign (such as a vintage sign) not advertising goods or services sold on the premises.

**Temporary sign:** Any sign placed for a period of 84 days or less in a calendar year, whether or not consecutive. For the purpose of measuring length of time a temporary sign is displayed, use of a sign for any portion of a calendar day shall constitute one day. Examples of temporary signs are those announcing an event such as a farmers' market, a yard, lawn, garage, barn, or similar sale, or directions to an event such as a party or a wedding; those advertising the sale, lease, or rental of real estate; those placed at the site of a construction project to identify the project and contractors; those relating to elections and expressions of opinion; and those placed to announce an event to be held in the Town by a charitable, civic, or religious organization.

**Total sign area:** With reference to a sign, the aggregate area of all exposed faces of the sign.

**Town:** the Town of St. George, Maine.

**Traffic-control sign:** Any sign, permanent or temporary, placed by a state or local government within the public right of way or on municipal property to promote the safety of members of the public on the property or to provide direction or information (wayfinding) to citizens and visitors.

**Wall Sign:** Any sign affixed to a wall or printed on a wall in such a manner as to read parallel to the wall on which it is mounted, including awnings and canopies.

**Window display:** A sign attached to, placed upon or painted on the interior of a window or door of a building, which is intended for viewing from the exterior of a building.

## **SECTION 12. CONFORMING AMENDMENTS TO OTHER ORDINANCES**

(a) **SHORELAND ZONING ORDINANCE.** Section 15.I of the Shoreland Zoning Ordinance of the Town is amended in its entirety to read as follows:

### “Signs

“The use of signs in all Districts shall be governed by the Sign Ordinance of the Town of St. George.”

(b) **SITE PLAN REVIEW ORDINANCE.** Section V.A.7 of the Site Plan Review Ordinance of the Town is amended in its entirety to read:

“Advertising Features:

“Signs and other advertising features shall be governed by the Sign Ordinance of the Town of St. George.”

**SECTION 13. EFFECTIVE DATE**

(a) **IN GENERAL.** Except as provided in section 13(b), this ordinance shall take effect when it is approved by majority vote of the registered voters of the Town present at a regular or special town meeting.

(b) **SHORELAND ZONING ORDINANCE.** Section 12(b) of this ordinance (and other provisions of this ordinance dealing with signs located within the shoreland zone) shall take effect as provided in section 8 of the Shoreland Zoning Ordinance. When section 12(b) of this ordinance (and such other provisions) have taken effect, such provisions shall apply to any application filed with the Planning Board under the Site Plan Review Ordinance after the approval of this ordinance by the voters of the Town and before the actual or automatic approval of this ordinance by the Commissioner of the Maine Department of Environmental Protection.

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