

Explanation of Changes Proposed to Chapter 1100: Signs and Advertising
For Outside Counsel and Planning Board

The large majority of the proposed changes to Chapter 11 of the Rockport Land Use Ordinances recommended by the Ordinance Review Committee consist of restructuring and editing the current language to make it more understandable and for the various sections to interact properly. New matters are identified below:

1. The Code Enforcement Officer was concerned that he had insufficient authority to remove signs that violated Chapter 11. This has been remedied by § 1103 (3) and (4).
2. Outside counsel had raised the issue of compliance with a 2015 U.S. Supreme Court decision ruling against differing regulation of signs based on content. This has been addressed in § 1104 (4) which is a paraphrase of the Maine statutory solution to this problem.
3. Starting with the intersection of Routes 1 and 90. Rockport has begun to create specific areas for signs in order to protect lines of sight and avoids visual clutter. This has been recognized pursuant to § 1104 (5).
4. The districts in which signs can be displayed have been expanded in § 1113.

CHAPTER 1100 – SIGNS AND ADVERTISING

§ 1101 Purpose The purpose of this chapter is to provide reasonable opportunities to advertise events, goods and services in the Town of Rockport while maintaining an attractive and inviting viewscape for residents and the traveling public.

§ 1102 Signs on Private Property Only All signs must be located on private property, with the exception of (1) official business directional signs as defined in 23 M.R.S.A. §1903; (2) any other traffic, directional, and temporary signs erected by Rockport, the State or Federal Government or as permitted by the Town of Rockport; and (3) the temporary signs described in § 1104 (4) and § 1105 (2) and (3) of this Chapter.

§ 1103 Administration and Maintenance

1. No new sign, either on-premises or off-premises, shall be erected, attached to a building, physically altered, or reconstructed, until the payment of a fee determined by the Select Board and a permit has been issued by the Code Enforcement Officer. The application for a permit shall be accompanied by plans and specifications showing the location, dimensions, materials, and type of sign. Maintenance of or replacement of the exact same size, content and type as an existing permitted sign shall not require a new permit.
2. All signs shall be kept clean, neatly painted, and free of all hazards, such as, but not limited to, faulty wiring or loose fastenings, and shall be maintained in a safe condition.
3. Signs which:
 - A. Are not properly maintained.
 - B. Are not allowed in public ways.
 - C. Have not received a permit from the Code Enforcement Officermay be removed at the direction of the Code Enforcement Officer or Public Works Department and the owner, if known, shall be notified that they have three (3) days to retrieve them from behind the Town Office before they are discarded.
4. Any sign which advertises a business no longer conducted, a product no longer sold, an activity which has ended or a campaign which is over, shall, within thirty (30) days thereafter, be removed by the owner or person having the use of the premises upon which such sign is located. This provision shall not be construed to require the owners of seasonal businesses to remove signs at the end of each season.
5. The Code Enforcement Officer is not required to enter upon private property to remove signs which violate this Ordinance. The Code Enforcement Officer shall give the property owner three (3) days notice to remove the relevant sign. If the property owner fails to remove the relevant sign, the property owner may be fined \$100 per day.

§ 1104 Signs Exempt from Permitting Process The following signs are exempt from the permitting requirements of this Ordinance:

1. House address signs, family name signs, no trespassing signs, no hunting signs, and danger signs. Such signs cannot exceed twelve (12) square

feet in area. With the exception of a temporary hazardous warning sign and signs authorized pursuant to § 1106 no sign can be internally lit, nor can it contain any moving parts.

2. Directional signs indicating ingress and egress placed at entrance locations, containing no advertising material or display area except business name, not exceeding two (2) sq. ft., and not extending higher than four (4) feet above ground level.
3. Traffic control signs, including handicap access signs.
4. Temporary signs placed within a public right-of-way for a maximum of 12 weeks per calendar year except that a temporary sign may not be placed within the Town of Rockport right-of-way for more than six (6) weeks from January 1st to June 30th or for more than six (6) weeks from July 1st to December 31st. A temporary sign may not be placed within thirty (30) feet of another temporary sign bearing the same or substantially the same message. A temporary sign may not exceed six (6) square feet in area must include or be marked with the name and address of the individual, entity or organization that placed the sign within the right-of-way and the date the sign was erected within the public right-of-way.
5. As an alternative to the placement of temporary signs within a public right-of-way pursuant to § 1104 (4), the Town of Rockport may create designated locations and structures for such temporary signs to preserve lines of sight along streets and highways and to avoid visual clutter. Other than location, such signs shall otherwise comply with § 1104(4).
6. Signs showing the time and place of services and meetings of religious and civic organizations.
7. Signs for rent, sale or lease.
8. Signs identifying construction projects.
9. Signs off premise for the seasonal sale of agricultural products. Such signs cannot exceed eight (8) square feet in area.
10. Signs announcing lawn or garage sales. Such signs cannot exceed eight (8) square feet in area and shall be removed within two days after the event.

11. Temporary signs not requiring a permit pursuant to § 1105(1).

§ 1105 Temporary Signs

1. Temporary Signs Not Requiring a Permit

A. One (1) temporary sign, not exceeding twelve (12) square feet in area may be erected advertising the sale, lease or rental of the premises upon which the sign is located and shall be removed by the owner or agent when the property is sold, rented or leased. One (1) additional temporary sign, not exceeding twelve (12) square feet may be located off premises at the intersection of the road on which the premises is located and the more heavily traveled adjacent public way with the adjacent property owner's permission. This sign shall also be removed upon the sale of the premises.

B. One (1) temporary sign, not exceeding twelve (12) square feet in area may be erected at the site of a construction project solely to identify the project and contractors and shall be removed at the completion of the project. One (1) additional temporary sign, not exceeding twelve (12) square feet may be located off premises at the intersection of the road on which the premises is located and the more heavily traveled adjacent public way with the adjacent property owner's permission. This sign shall be removed at the completion of the construction project.

C. One temporary sign less than fifteen (15) square feet may be placed on private property for a period not exceeding thirty (30) days announcing an event to be held in Rockport by charitable public, civic, religious organization(s). Such signs shall be removed within two (2) days after the event.

2. Temporary Signs Requiring a Permit. Temporary signs placed on public land, other than in a right-of-way, shall require a permit. A fee shall be applicable unless the sign is for an event to be held in Rockport by charitable public, civic, or religious organization(s). These signs shall promote only Rockport events or activities. Applications for temporary signs not requiring a fee may be received and permits issued electronically on request.

3. Temporary signs must include or be marked with the name and address

of the individual, entity or organization that placed the sign within the public right-of-way and the date the sign was erected within the public right-of-way.

§ 1106 Internally Illuminated Signs. With respect to any illuminated sign authorized by the Chapter, the intensity of the light shall remain constant in color, location and brightness and shall not constitute a hazard to the flow of traffic. Internally illuminated signs are prohibited except for the following:

1. A hospital may have one internally illuminated sign. Illuminated signs must be illuminated externally and shall be lighted from sources which are shielded from streets and adjoining property with no exposed source of illumination.
2. A single internally illuminated outdoor sign containing only the words “vacancy” or “no vacancy” and limited to a maximum sign area of two (2) square feet (sq. ft.) are permitted for transient accommodations for hotels and bed and breakfasts located in District 907 and 909.
3. Indoor internally illuminated signs that are clearly visible from the road are prohibited, with the exception that in Districts 901, 902, 903, 906, 907, 908, 909, 913, and 916 one internally illuminated sign no greater than two (2) sq. ft. stating “open” or “closed” is allowed.

§ 1107 Off Premises Business Signs. One sign for a business may be located off premises on private property with the property owner’s permission, at the intersection of the road on which the business is located and the immediately adjacent public way. This provision applies only to those businesses located on a private way, dead end street or a cul-de-sac. The size of this additional sign shall count toward the business owner’s total sign allowance for the district in which the business is located.

§ 1108 Subdivision Signs

1. One (1) sign is allowed designating the name of a residential subdivision with a maximum height of nine (9) feet measured from the ground to the top of the sign with a maximum total sign area of thirty-two (32) square feet.
2. One (1) sign is allowed designating the name of a commercial subdivision with a maximum height of sixteen (16) feet measured from the ground to the top of the sign with a maximum total sign area of sixty (60) square feet. The purpose of this sign is to identify the businesses in the commercial subdivision. This sign shall be erected at the subdivision entrance.

§ 1109 Wall Signs Wall signs are allowed and must meet all other requirements of this Chapter. Wall signs are included in determining the maximum amount of size space allowed.

§ 1110 State of Maine Official Business Direction Signs

1. State of Maine Official Business Direction Signs are allowed and shall not exceed forty eight (48) inches in width and nine (9) inches in height.
2. The location of State of Maine Official Business Directional Signs must be approved by the Code Enforcement Officer and the Maine Department of Transportation.

§ 1111 Gasoline and Diesel Price Signs Businesses that sell gasoline and diesel are permitted to have one sign that informs the traveling public of the brand and price of these engine fuels. This brand and price sign shall be limited to a total maximum size of eighty (80) square feet for brand and price combined or maximum total of forty four (44) square feet for price only. This signage is in addition to the maximum allowable signage in the District.

§ 1112 Flags, Banners and Pennants

1. In Districts 906 and 907, flags, banners or pennants are allowed for fifteen (15) square feet or less in size for one business with a maximum of three (3) flags, banners and pennants per property. In addition, one flag, banner or pennant fifteen (15) square feet or less, indicating whether the business is opened or closed is allowed.
2. In all other Districts, flags, banners and pennants are allowed for each location of fifteen (15) square feet or less for one or twelve (12) square feet or less for two (2) flags, banners and pennants.
3. Notwithstanding the above, flags, banners and pennants in place for less than thirty (30) days and those located at hospitals, public schools and recreational facilities shall not require a permit or otherwise be subject to the requirements of this Chapter.

§ 1113 Dimensional Standards for Signs by District

1. Unless otherwise restricted by this Chapter, free standing signs shall not extend more than sixteen (16) feet measured from the ground to the top of the sign.
2. Sign Standards for Districts 906, 907 and 916.

- A. The maximum sign area on each parcel is sixty (60) square feet.
 - B. To improve aesthetics, ladder signs are encouraged for multiple businesses. In addition to the maximum sign area of sixty (60) square feet for the property each business may have one ladder rung on a ladder sign. A maximum size of one and one-half (1.5) feet x six (6) feet is allowed for each rung.
 - C. In addition to the sixty (60) sq. ft., each property may have a total of three banners, pennants, flags, or sandwich boards each of which is limited to fifteen (15) sq. ft. or less.
 - D. Letters identifying the business or owner are permitted on the building, provided the letters do not exceed twelve inches (12") in height. Each building is limited to one (1) row of letters per business. These letters are not counted in determining the sixty (60) square feet maximum allowed sign area.
3. Sign Standards for District 913
- A. The maximum sign area on each parcel within District 913 is twenty (20) square feet total or ten (10) square feet for double-faced signs.
 - B. In addition to the twenty (20) square feet, each parcel may have a total of three banners, pennants, flags, or sandwich boards each of which is limited to fifteen (15) square feet or less.
 - C. In addition, letters identifying the business or owner are permitted on the building, provided the letters do not exceed ten inches (10") in height. Each building is limited to one (1) row of letters per business. These letters are not counted in determining the twenty (20) square foot maximum sign space in this District.
4. Sign Standards for Districts 901, 902, 903, 904, 908 and 910
- A. The maximum sign area on each parcel within these Districts is twelve (12) sq. ft. total.
 - B. In addition to the twelve (12) square feet each parcel may have a total of three banners, pennants, flags, or sandwich boards each of which is limited to fifteen (15) square or less.
 - C. In addition, letters identifying the business or owner are permitted

on the building, provided the letters do not exceed ten inches (10") in height. Each building is limited to one (1) row of letters per business. These letters are not counted in determining the twelve (12) square foot maximum sign space in these Districts.

5. Sign Standards for District 909

A. For signs in this District that are in direct view of a public way:

(1) The maximum sign area for free-standing signs shall be thirty (30) square feet per side;

(2) The maximum sign area for free-standing signs for Hospital Use, may be increased to fifty (50) square feet per side, provided that the universal Hospital symbol (white "H" on blue background) is included as part of the sign; and

(3) The maximum height for free-standing signs shall be twenty (20) feet.

B. Signs in this District that are not in direct view of a public way shall not be subject to the Dimensional Standards of this § 1113.

§ 1114 Sign Prohibitions

1. Roof signs are not allowed.
2. Signs located on private property, relating to goods or services not sold or rendered on that property are not allowed.
3. No sign shall have visible moving parts or have blinking, moving or glaring illumination, or consisting of, in whole or in part, of, ribbons, balloons, streamers, spinners or other similar devices.
4. A string of lights shall not be used for the purpose of advertising, provided, however, that this subsection shall not be construed to prohibit the display of traditional holiday decorations.
5. No sign shall be attached to any tree, utility pole, rock or other natural feature, except that this paragraph shall not be deemed to prohibit metal commemorative plaques attached to rocks.

§ 1115 Miscellaneous

1. Signs shall meet the State law concerning setback requirements where applicable. On streets without sidewalks, signs, shall be located at least eight (8) feet from the edge of the pavement and shall not cause a hazard to traffic or pedestrians. On streets with sidewalks, signs shall not extend past the curb or be placed in the sidewalk. Signs in District 906 and 907 shall be set back at least twenty-five (25) feet from the side property line if abutting a residential district. In other districts signs shall be setback at least eight (8) feet from side and rear property lines.
2. No sign shall be erected, altered, relocated, or moved to another parcel except in conformity with this Ordinance. Non-conforming signs existing on the date of enactment of this provision may remain in place and be maintained but may not be altered, replaced, relocated, or moved except in conformity with this Ordinance.