



TOWN OF WINTER HARBOR

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DIRECTIONAL & ON-PREMISE SIGN ORDINANCE

PART 1 - DIRECTIONAL SIGNS

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**Town of Winter Harbor
Directional & On-Premise Sign Ordinance**

SECTION 101: TITLE

This Ordinance shall be known as the Directional Sign Ordinance of the Town of Winter Harbor, Maine.

SECTION 102: PURPOSE

The purpose of this part of the Ordinance is to promote the health, safety and general welfare by:

- A. Providing tourists, travelers and other users of the public ways in the Town of Winter Harbor with information and guidance concerning public accommodations, facilities, commercial services and points of scenic, cultural, historic, educational, recreational and religious interest.
- B. Reducing visual distractions which pose a hazard to drivers of motor vehicles and other users of public ways.
- C. Preserving, enhancing, and protecting the natural scenic beauty and other aesthetic features of the Town.

SECTION 103: AUTHORITY

This Ordinance is enacted pursuant to 30 MRSA, Sections 1917 and 2151, and 23 MRSA, Section 1922.

SECTION 104: DEFINITIONS

- A. **SIGN**: Sign means any structure, display, logo, device or representation which is designed or used to advertise or call attention to anything, person, activity or place and is visible from any public way.
- B. **DIRECTIONAL SIGN**: Directional sign means an Official Public Directional Sign or Official Business Directional Sign as defined herein.
- C. **OFFICIAL PUBLIC DIRECTIONAL SIGN**: Official Public Directional sign means a sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 MRSA, Sections 1901-1925, which provides a welcome to Winter Harbor.
- D. **OFFICIAL BUSINESS DIRECTIONAL SIGN**: Official Business Directional Sign means a sign erected and maintained in accordance with the Maine Traveler Informational Services Act, 23 MRSA, Sections 1901-1925, which points the way to public accommodations and facilities, commercial services for the traveling public, and points of scenic, historic, cultural, recreational, educational and religious interest. All such accommodations, facilities, services and points of interest must be located within the Town of Winter Harbor, seven (7) miles radius of said sign if the business is located outside the corporate boundaries of Winter Harbor.

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E. GROUP SIGN BOARD: Group Sign Board means an Official Business Directional Sign which consists of two or more Component Signs.

F. COMPONENT SIGN: Component Sign means an Official Business Directional Sign which points the way to only one public accommodation, facility, commercial service or point of interest, and is placed within a Group Sign Board.

G. INDIVIDUAL DIRECTIONAL SIGN: Individual Directional Sign means an Official Business Directional Sign which points the way to only one public accommodation, facility, commercial service or point of interest, and which is not placed within a Group Sign Board.

SECTION 105: SIGN REGULATIONS

A. COMPLIANCE WITH ORDINANCE, STATUTE AND REGULATIONS

No person may erect or maintain any Directional Sign visible from a public way in the Town of Winter Harbor except as provided in this Ordinance. All Directional Signs erected or maintained in the Town of Winter Harbor shall also comply with the provisions of the Maine Traveler Information Act, 23 MRSA, Sections 1901-1925 and any regulations of the Maine Department of Transportation promulgated there under.

B. SIZE, SHAPE, AND COLOR

1. The size, shape and color of the official Public Directional Signs shall be of a size, shape and color to be appointed by the Downtown revitalization committee and Planning Board.
2. The Group Sign Board at the intersection of Main and Newman Streets shall be limited to Town businesses only. Component Signs should not extend above ninety-six (96) inches nor below twenty-four (24) inches from the ground. A Group Sign Board contains two or more Component Signs, which shall comply with subsection 3 of this section.
3. Individual Directional Signs and Component Signs in all districts shall be eight (8) inches tall by forty-eight (48) inches wide. They shall bear the name of one public accommodation, facility, service, or point of interest and directions pointing the way to such. Lettering shall be black on a white background. No logos allowed.

C. LOCATION: All Directional Signs shall be located on public property. The location of Directional Signs shall be determined by the Planning Board. Individual Directional and Component Signs shall only be located where the traveler must change directions from one public way to another to reach the business.

D. INSTALLATION AND REMOVAL: The Town of Winter Harbor will be responsible for the installation and removal of Directional Signs in accordance with this Ordinance. All Directional Signs which do not conform with the provisions of this Ordinance shall be removed within one year of the enactment of this Ordinance.

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E. INSPECTION: The Code Enforcement Officer is responsible for the inspection of all Directional Signs.

F. REPAIR AND REPLACEMENT: Any Directional Sign erected pursuant to this Ordinance which is lost, stolen, defaced, or deteriorated shall be repaired or replaced by the owner upon notification by the Planning Board. The cost of such repair or replacement shall be charged as provided in Section 110 of this Ordinance.

SECTION 106: PERMITS

A. APPLICATION: Any person wishing to have an Official Business Directional Sign erected shall make application for a permit to the Code Enforcement Officer on an approved form.

B. ISSUANCE OF PERMITS, STANDARDS: The Planning Board shall issue a permit if it determines there is a need for such Official Business Directional Sign to guide the traveling public, to avoid confusion, or to reduce or eliminate a safety risk. If the Planning Board determines that there is no such need, then the Board shall deny the application and notify the applicant in writing and inform the applicant of the right to appeal in accordance with the provisions of Section 12-312, C.3. of the Winter Harbor Zoning Ordinance.

C. LIMITATION ON NUMBER OF SIGNS: The Planning Board shall issue no more than three (3) permits for Directional Signs for any one public accommodation, facility, service or point of interest.

SECTION 107: FEES

The Town of Winter Harbor shall collect an annual fee as follows for each permit issued pursuant to this Ordinance.

- A. Thirty dollars (\$30) for each Component Sign of a Group Sign for the initial year.
- B. Fifty dollars (\$50) for each Individual Directional Sign for the initial year.
- C. Twenty dollars (\$20) per sign annual fee thereafter.

The appropriate fee shall be submitted with each application for a permit or renewal of a permit under this Ordinance.

SECTION 108: RENEWAL

Permits issued pursuant to this Ordinance shall be valid through the 31st day of December of the year of issuance and may be renewed by submitting a renewal application on a form approved by the Planning Board together with the appropriate application fee. If upon the receipt of any renewal application, the Planning Board determines that there is no longer a need for the sign or signs to guide the traveling public, to avoid confusion or to reduce or eliminate a safety risk, then the Planning Board shall deny the renewal request and notify the applicant in writing of the denial and his right to appeal. Any permit which is not renewed shall expire on the first day of January of the following year.

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SECTION 109: COSTS

The Planning Board shall collect all fees and provide and pay for Official Public Directional Signs and the posts and frames of group Sign Boards. Applicants for permits for Official Business Directional Signs shall pay for the Component Signs to be placed within Group Sign Boards and for Individual Directional Signs. The costs of erecting Individual Directional Sign posts and placing Component Signs within a Group Sign Board shall be paid by the Applicant.

SECTION 110: VALIDITY AND SEVERABILITY

In the event that any provision of this Ordinance shall be declared by any court to be invalid for any reason, such decision shall not effect the validity of the other provisions or this Ordinance.

SECTION 111: PENALTY

Whoever violates any of the provisions of this Ordinance shall upon conviction thereof, be punished by a civil penalty not to exceed one hundred dollars (\$100). Each day of a violation of this Ordinance shall constitute a separate offense.

SECTION 112: REMOVAL OF UNLAWFUL SIGNS

The owner of any sign existing in violation of this Ordinance shall be in violation of this Ordinance until said sign is removed. The owner of the sign shall remove the sign within thirty (30) days after receipt of notice to remove, sent by certified mail, return receipt requested, by the Planning Board. If the identity of the owner of the sign is not known or not reasonably ascertainable by the Planning Board such notice may instead be sent to the owner of the land on which the sign is placed. If the owner fails to remove the sign as required, the Planning Board shall cause the sign to be removed without further notice or proceeding and the Town may recover the cost of such removal from the owner.

SECTION 113: EXCEPTIONS

The Acadia National Park sign at the entrance to the Moore Road is excepted from the provisions of this ordinance. No other off-premise sign belonging to the National Park Service or any other organization either private or public, is to be construed as being permissible under the provisions of this section.

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PART 2 - ON PREMISE SIGNS

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SECTION 114: PURPOSE

The Town, after due and careful consideration, finds and declares that it desires to preserve the natural and scenic beauty of the Town, its rural area and water ways, where a proliferation of advertising and other signs would despoil the beauty of the Town and create hazards to vehicular and pedestrian traffic.

It is the intent and purpose of this Article to preserve the beauty of the Town and the safety and well being of the inhabitants while at the same time allowing reasonable advertising and informational signs by regulating the type, number, location, and size of such signs.

SECTION 115: DEFINITIONS

A. **BANNER:** Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National, state, or municipal flags, or the official flag of any institution or business, shall not be considered banners.

B. **FLAG:** Any fabric or bunting containing distinctive colors, patterns, or symbols.

C. **PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

D. **SIGN:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public, including a sign located inside a window or door so that it is visible from the exterior of the building. Brand names and logos that are integral parts of a good to be sold are not considered signs under this Ordinance.

E. **SIGN AREA:** The area on one side of the smallest simple geometric shape exemplified by a square, rectangle, triangle, circle, etc., encompassing all lettering, wording, design, or symbols, together with any background which is distinguishable from the building. For the purpose of calculating the area of a sign, an inconspicuous support exemplified by a slim post is not part of the sign.

F. **SIGN, CANOPY:** A sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

G. **SIGN, CONSOLIDATED:** A single on-premise sign that serves two or more businesses or entities, all of which are located on the same lot of record, which sign is on a single device, fixture, placard, or structure.

H. **SIGN, FREESTANDING:** A sign supported by one or more upright poles, columns, braces or structure anchored in the ground and not attached to any building or other structure.

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- I. **SIGN, ILLUMINATED:** A sign lit in any manner by an artificial source of light.
- J. **SIGN, EXTERNALLY ILLUMINATED:** A sign that is lit entirely from an external source, such as flood or spotlights, and is so arranged that no direct rays of light are projected from the external source into adjoining properties or public streets.
- K. **SIGN, INTERNALLY ILLUMINATED:** A sign whose lighting is integral to the sign and/or shines through a plastic or other translucent covering.
- L. **SIGN, OFF-PREMISE:** A sign that is not located on the same lot of record that the business, facility, or point of interest is located.
- M. **SIGN, ON-BUILDING:** A sign that is attached to the building wall and extends not more than six inches from the face of such wall.
- N. **SIGN, ON-PREMISE:** A sign that is located on the same lot of record that the business, facility, or point of interest is located.
- O. **SIGN, PORTABLE:** A sign that is not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels or trailer, balloons used as signs, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. For the purpose of this Ordinance, menu and sandwich board signs are not considered portable signs.
- P. **SIGN, PROJECTING:** A sign that is attached to the building wall and extends more than six inches from the face of such wall.
- Q. **SIGN, TEMPORARY:** A sign of a temporary nature, erected less than 90 days within any 12-month period, including the following: political signs, charitable signs, fundraising signs, carnival signs, garage sales, lawn sales, rummage sales, and sale of personal property. Any exterior sign displayed by an ongoing business on the business" premises in which the written or printed message changes while the structure of the sign remains unchanged shall not be considered as a temporary sign. For example, chalkboards and signs with removable lettering shall not be considered temporary signs.

SECTION 116: PERMIT REQUIRED

No person, firm or corporation shall hereafter erect, hang, place, or alter a sign or sign structure of any kind without a permit having been issued by the Code Enforcement Officer, upon payment of a \$5.00 permit fee. Any permit obtained subsequent to the erecting, hanging, placing, or altering a sign or structure shall be subject to a permit fee five times the scheduled fee. Every application for a sign permit shall be accompanied by plans to scale, showing the area of the sign, the position of the building structure or lot to which or upon which the sign is to be attached or erected, the method of illumination if any, and such other information as the Code Enforcement Officer shall require to show full compliance with this and all other laws and Ordinances of the Town. If it appears that the proposed sign is in compliance with all such requirements and laws, the permit shall be issued.

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SECTION 117: ON-PREMISE SIGNS

A. Purpose - The following provisions shall govern the use of signs in all zones except Shoreland areas.

B. Name signs will not exceed two (2) per premises.

C. One additional sign shall be permitted if the building fronts upon more than one thoroughfare (including the harbor), said additional sign to front on said thoroughfare or waterfront.

D. Property Owners may display a single sign, not to exceed four (4) square feet in area, relating to the sale, rental, or lease of the premises or land. Such signs do not require a permit.

E. On Building signs will not exceed one (1) square foot per two (2) feet of the Primary Building frontage to a maximum of fifty (50) square feet in area.

F. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

G. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, product sold, or activity or campaign being conducted shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or lot upon which such sign may be found within 10 days after written notification from the Code Enforcement Officer. Failure to comply with such notice constitutes a violation of the terms of this Ordinance.

H. Illuminated signs must be illuminated externally only, lighted from sources which are shielded from streets and adjoining property. There shall be no exposed source of illumination. The intensity of light shall remain constant in color, location and brightness. No sign shall constitute a hazard to the flow of vehicular safety.

I. Signs on public buildings and lands will conform to the same parameters as those on privately owned properties.

J. Signs relating to public safety shall be permitted without restriction.

K. Flags, banners, and pennants may be used for the promotion of an event by a civic group, organization, or arts group, provided they are displayed for no longer than fourteen (14) consecutive days. For uses of more than fourteen (14) days, Planning Board Approval must be obtained. A permit from the Code Enforcement Officer for such flags, banners, and pennants shall be required for each event. All other use of flags, banners, and pennants as signs is prohibited; however, nothing in this Ordinance shall prohibit the flying of national, state, or municipal flags, or the official flag of any institution or business.

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L. Freestanding signs: One sign with a maximum height of 9 feet measured from the ground to top of the highest support or top of sign, with a maximum sign area of 16 square feet per side (max of 2 sides).

M. The following signs are exempted from the provisions of this Ordinance:

- (1) Any sign which was lawfully in existence prior to the date of the adoption of this Ordinance. However, any change in lettering, size, construction, wording, location, or lighting of said sign shall constitute a new sign and such change shall be governed by the terms of this Ordinance;
- (2) House addresses, family name signs and no trespassing signs;
- (3) Traffic control signs and safety signs including handicapped access signs
- (4) Construction signs
- (5) "OPEN" flags

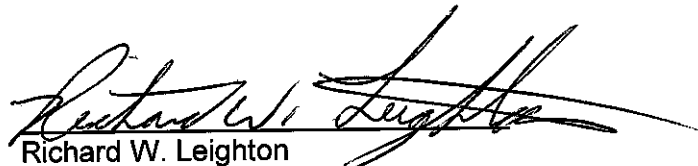
This Part 2 supersedes section 8 (see 12-313) titled On-Premise Signs in the Zoning Ordinance dated 10/28/04.

Revision of this Ordinance adopted and accepted on **May 3, 2011**.

BOARD OF SELECTMEN


Terry D. Bickford


Benjamin G. Newman


Richard W. Leighton