

CHAPTER 9

SIGN ORDINANCE

CITY OF ELLSWORTH, MAINE

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CHAPTER 9

SIGN ORDINANCE

CITY OF ELLSWORTH, MAINE

Section 1. **Authority**

This ordinance has been prepared and adapted pursuant to authority granted under Title 30, M.R.S.A., Section 1917.

Section 2. **Title**

This ordinance shall be known and cited as the 'Sign Ordinance, City of Ellsworth, Maine".

Section 3. **Purpose**

The purposes of this ordinance are to protect the health, safety and welfare of the inhabitants of the City of Ellsworth and that of travelers passing through the City and to preserve the scenic resources of the City and the benefits derived from them, through the control and regulation of outdoor advertising.

Section 4. **Scope**

No person shall erect, alter, replace or maintain signs visible to the public from a public way except as provided on this ordinance.

Section 5. **Conflict with other ordinances and regulations**

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**

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**

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. **Area of Signs**. "Area of signs" shall mean 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.
2. **Erect**. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.
3. **Logo**. "Logo" means a single or multicolored symbol or design used by a business as a means of identifying its products or services.
4. **Maintain**. "Maintain" means to allow to exist.

5. Official business directional sign. "Official business directional sign" shall mean a sign erected and maintained in accordance with this chapter, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public and points of scenic historical, cultural, recreational, educational and religious interest.

6. On-Premise Sign. "On-premise sign" means a sign which is erected and maintained upon the same real property that the business, facility or point of interest is located. The signs shall only advertise the business, facility or point of interest conducted thereon or the sale, rent or lease of the property upon which it is located.

7. Person. "Person" means an individual, corporation, joint venture, partnership or any other legal entity.

8. Private way. "Private way" means a private road, driveway or public easement.

9. Public way. "Public way" means 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.

10. Residential directional sign. "Residential directional sign" means an off-premise sign erected and maintained by an individual to indicate the location of his residence.

11. Secondary system or secondary highway. "Secondary system" or "secondary highway" means any state highway, but which is not part of the interstate or primary systems.

12. Sign. A structure or part of a structure, either attached to a building or standing by itself, designed to convey to persons not on the premises some information, knowledge, or idea by means of letters, words, insignia, color, illuminated, or nonilluminated device or illustration provided, however, that the following shall not be included in the application of the regulations of this ordinance.

a. Signs not exceeding two square feet in area and bearing only property numbers, post box numbers, names of occupants of the premises or other noncommercial identification.

b. Window display signs which take up less than 25 percent of the window area.

c. Flags or insignia of any government.

d. Legal notices, including no hunting, no trespassing and the like.

13. Sign Area. For the purpose of this ordinance, the area of a sign shall be construed to be that part of a surface used to convey a message but shall not include poles, standards or other parts which perform solely a weight bearing function.

14. Traffic control sign or device. "Traffic control sign or device means 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 and these signs shall be exempt from the requirements of this chapter.

15. Visible. "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

Section 8. Permits *

A. Permit Required

No person shall erect, alter or replace any sign without first securing a permit from the Building Inspector. The general repair and maintenance of signs shall not require a permit. The following signs may be erected and maintained without a permit:

*Section 8 repealed and replaced by Council action August 15, 1983

1. Signs of a duly constituted governmental body or a soil and water conservation district.
2. Signs located on or in the rolling stock of common carriers, except those which are determined by the Building Inspector to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width, or length of the vehicle.
3. Signs on registered and inspected motor vehicles, except those which are determined by the Building Inspector to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle.
4. Signs identifying stops or fare zone limits of public transportation services of not more than 260 square inches.
5. Signs showing the place and time of service or meetings of churches and civic organizations in the municipality or township. Each church or civic organization

may erect no more than 4 signs. No sign shall exceed in size 24 inches by 30 inches.

6. Memorial signs or tablets.

7. Signs bearing political messages relating to an election, primary or referendum, provided that these signs may not be placed within the right-of-way prior to 6 weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week thereafter.

8. Signs erected by the State Department of Transportation or the City of Ellsworth for purposes of traffic safety.

9. Signs of not more than 12 square feet in area, one to a property, advertising the sale, lease or rental of the property.

B. Types of signs outside the Right-of-Way. The following signs may be erected and maintained outside of the public right-of-way without license or permit under this chapter as follows:

1. Signs erected by a public, civic, philanthropic, charitable or religious organization announcing an auction, public supper, lawn sale, campaign or drive or other like event or soliciting contributions;

2. Signs erected by fairs and expositions within the county where the activity is located;

3. Signs bearing religious messages and signs showing the time and place of services or meetings of religious and civic organizations;

4. Signs erected by nonprofit historical and cultural institutions. Each institution, which has certified its nonprofit status with the commissioner, may erect not more than 2 signs with a surface area not to exceed 50 square feet per sign; and

5. Signs bearing political messages.

C: Permit Application

All applications for permits shall be filed with the Building Inspector on forms furnished by the City, and shall be accompanied by plans, to scale, showing the area of the sign, the position of the sign in relation to adjoining buildings or structures, the location of the building, structure or lot to which or upon which the sign is to be erected, the method of illumination, if any, and such other information as the Inspector of Buildings may require to assure full compliance with the ordinance.

D. Granting of Permits

The Building Inspector shall grant a permit, as applied for, subject to the regulations of the Ordinance, if the proposed sign is in conformance with the provisions of this Ordinance.

E. Limitation of Permits

Sign permits shall become null and void if authorized work is not commenced within six (6) months or if authorized work is abandoned or suspended for a period of six

(6) months after the time it was commenced.

Section 9. General Restrictions

* A. Only on-premise signs shall be permitted, except that "official business directional signs" shall be permitted in conformance with Maine Department of Transportation regulations, excepting the following locations:

- (1) Main Street between the intersections of Union and Grant Streets;
- (2) State Street between the intersections of Main and Church Streets;
- (3) Water Street between the intersections of Main and Franklin Streets;
- (4) Franklin Street between the intersections of Main and Pine Streets;
- (5) Hancock Street between the intersections of Main and Pine Streets;

* Repealed and replaced 12/17/84

- (6) Spruce and Church Streets;
- (7) High Street and Oak Street between the intersections of Spruce and Church Streets;
- (8) School Street between the intersections of Church and Main Streets;
- (9) Spring Street between the intersections of Church and Main Streets
- (10) High Street between the intersections of East Maple Street and Beechland Road.

B. No sign shall revolve, move or have animated or moving parts.

C. No free standing sign shall extend more than 25 feet above grade, nor shall any sign extend more than six feet above the roof line of a building.

D. No illuminated sign shall be of the flashing, blinking, alternately or intermittent type.

E. No sign shall be erected or maintained on any traffic control sign or device, public utility pole or fixture, or upon any tree, rock or other natural feature.

F. No sign shall be erected at any location where, by reason of position, shape, wording, color, or lighting, it interferes with or obstructs pedestrian or vehicular traffic or view.

G. All signs and their supporting structures shall be properly maintained to prevent rust, rot, peeling, or similar deterioration.

H. On-premise signs shall be located within 1,000 feet of the principal building where the business or facility is carried on or practiced or within 1,000 feet of the point of interest. Storage areas, warehouses, and other auxiliary structures and fixtures shall not be deemed to be buildings where the business, facility, or point of interest is carried on or practiced.

I. All on-premise signs outside of the compact urban area, as defined by the Maine Department of Transportation, shall conform to M.R.S.A., Title 23, Section 1914.

Section 10. Standards

A. Not more than one sign per premise shall be allowed in the R-P, R-1, and

R-2 zones, and not more than 2 signs per premise shall be allowed in the C-1, C-2, C-LI, I-1 and I-2 zones.

B. Signs shall not be larger than that permitted in the zoning district according to the following schedule:

R-P, R-1 12 square feet

R-2 24 square feet

C-1, C-2, C-LI, I-1, I-2 100 square feet

C. 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 sign, and the entire premise may have one additional, detached, on-premise sign identifying the businesses and services rendered on the premises, and having

a total area of less than 300 square feet and an elevation of less than 25 feet above the level of the ground prevailing around the sign.

Section 11. **Nonconforming Signs**

The use of any sign lawfully in existence at the time of the adoption of this ordinance may continue although the sign does not conform to the provisions of the ordinance. Normal maintenance and repairs are permitted but the sign shall not be altered, enlarged, or rebuilt except in conformance with this ordinance.

Section 12. **Enforcement**

This ordinance shall be enforced by the Building Inspector. If the Building Inspector finds that any sign is erected or maintained in violation of the provisions of this ordinance, he shall give written notice to the owner to remove or alter the structure to comply with the provisions of the ordinance.

Written notice may be given in the following manners:

- a. In hand by the Building Inspector or his agent; -
- b. By certified mail, return receipt requested. For purposes of this paragraph, the time when notice is given shall be the date the owner signs the receipt or, if the notice is undeliverable, the date the post office last attempts to deliver it; or
- c. By ordinary mail. For purposes of this paragraph, the time when notice is given shall be the date the owner receives it. A post office department certificate of mailing to the owner shall be conclusive proof of receipt on the third calendar day after mailing.

If the owner refuses or neglects to comply with the order of the Building Inspector within ten (10) days, the owner shall be deemed to be in violation of this ordinance and subject to the penalty provision hereinafter provided.

Section 13: **Appeal**

Any person aggrieved by a decision of the Building Inspector, except for the notice of enforcement provided in Section 12, may appeal from said decision to the Board of Appeals within five (5) days after said determination or before the issuing of the permit. The Board may affirm, modify, or reverse the decision of the Building Inspector in accordance with the terms of this ordinance.

Section 14: **Penalty**

Any person who violates any provision of this ordinance or fails to comply with any of its requirements, shall be punishable by a fine of not more than \$100.00 for each offense. Each day such violation continues after ten (10) days following notification shall constitute a separate offense.

Section 15: Effective Date

This ordinance shall become effective upon adoption by the City Council.

Adopted by Ellsworth City Council on April 25, 1983. Updated with revisions through December 15, 1984.

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