

# **TOWN OF FREEPORT**

## **CHAPTER 23**

### **FREEPORT SIGN ORDINANCE**

#### **Section 1 - Definitions**

- 1.1 **Billboard** - A structure designed, intended or used for advertising a product, property, business, entertainment, service, amusement or the like, and not located where the matter advertised is available or occurs. A billboard is deemed not to be a sign as otherwise defined herein.
- 1.2 **Business or Establishment** - A business or establishment occupying an entire building or a part of a building. A business occupying part of a building must meet the following conditions in order to be eligible for the signage described in Section 5.5 below: accessed by its own separate entrance door; surrounded by permanent floor to ceiling walls and containing a minimum of 500 square feet of interior floor area.
- 1.3 **Directory Board** - A wall sign erected on a building wall at the ground floor level and containing name identification for more than one activity or business located on a single building or a group of buildings. Each listing shall be no larger than one (1) square foot. A directory board shall be considered to be one wall sign.
- 1.4 **Free Standing Sign** - A sign supported by one or more uprights or braces permanently affixed into the ground.
- 1.5 **Ground Sign** - An outdoor sign which is directly and permanently supported and physically separated from any other structure and contains information on activities or businesses. A ground sign shall have a maximum height of 25' from the ground level. It shall not be erected in or project over the public right-of-way.
- 1.6 **Identification Sign** - A sign indicating the location of, or direction to, a separate function performed within one portion of that building. Examples of identification signs are: "entrance", "exit", "auditorium", etc. Identification signs do not name or advertise the activity conducted within or without the premises.
- 1.7 **Kiosk** - A free standing structure erected on a suitable foundation and designed to provide advertising space for a building or a group of buildings containing three or more businesses on a single premises or group of contiguous premises

- 1.8 **Person** - Includes a firm, association, organization, partnership, trust company, or corporation as well as an individual but does not include a governmental unit.
- 1.9 **Premises** - One or more parcels of land which are in the same ownership and are contiguous.
- 1.10 **Public Way** - Any way designed for vehicular or pedestrian use and is maintained with public funds.
- 1.11 **Portable Sign** - A sign not designed or intended to be permanently affixed into the ground or to a structure. Movable directional signs are not considered to be portable signs.
- 1.12 **Projecting Sign** - An outdoor sign which is attached to a wall at an angle. Projecting signs must clear the ground by at least eight (8) feet and contain advertising for no more than two activities or businesses.
- 1.13 **Roof Sign** - A sign located upon or over a roof of a building.
- 1.14 **Sign** - A sign is an object, device or structure, or part thereof, situated outdoors or displayed in a window, visible from a public way, free standing or attached, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, by any means including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each face of a sign shall constitute a separate sign except that a sign with two sign faces shall be counted as one sign.
- 1.15 **Sign Area** - The area of the square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders. The structural supports of a sign are to be excluded in determining the signable area. Where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured. The area of one face of a two-sided sign shall be considered in determining the total area of the sign.
- 1.16 **Sign Face** - The surface of a sign visible from the public way. Each sign face counts as one sign. Each sign face counts as one sign except that a sign with two sign faces shall be counted as one sign.
- 1.17 **Temporary Sign** - A sign or advertising display (such as a political poster) designed, intended to be displayed or displayed for a short period of time.

- 1.18 **Wall Sign** - An outdoor sign which is attached flat to, painted on, or pinned away from a building wall or part thereof, and does not project more than 18 inches from the wall.
- 1.19 **Wall Sign Area** - The area of the facade of a building up to the roof line. The façade includes the gable areas for pitched roofed buildings.
- 1.20 **Visible** - Capable of being seen without visual aid by a person of normal visual acuity.

## **Section 2. General Provisions**

- 2.1 **Purpose** - The purpose of regulating signs is to promote and protect the public health, safety and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to protect property values; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over public right of way; provide more open space, and curb the deterioration of natural beauty and community environment.
- 2.2 **Sign Permits** - Except as otherwise herein provided, no person shall erect, modify or move any signs visible from the public way without first applying for and obtaining from the Codes Enforcement Officer a sign permit. Applications shall be on forms prescribed and provided by the Codes Enforcement Officer setting forth such information as may be required by him for a complete understanding of the proposed work.
- 2.3 **Maintenance and Conformance of Signs** - No sign shall be erected or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents.
- 2.4 **General Safety Standards for Signs** - No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard or results in a nuisance due to illumination, placement, display, or manner of construction.

- 2.5 **Exceptions** - For the purpose of this ordinance, the term "sign" does not include signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulation, nor to a "name sign" not exceeding one (1) square foot in area identifying the name(s) of the residents of the premises where such sign is located.

### **Section 3. - Temporary Signs**

Temporary signs shall be permitted only on the hand railings located on the northernmost side of Main Street in Freeport Village upon issuance of a permit by the Codes Enforcement Officer. Such signs shall be no more than four (4) feet in height and four (4) feet in length.

The following temporary signs are permitted and shall conform to standards within municipal, state or federal ordinances, statutes or regulations:

- 3.1 **Temporary Signs Giving Notice** - Signs of a temporary nature such as advertisements of charitable functions, notices of meetings and other non-commercial signs of a similar nature, are permitted for a period not to exceed twenty-one (21) days and shall be removed by the person(s) who posted the signs within forty-eight (48) hours after fulfilling its function. Temporary signs specified in this section shall not be attached or painted to fences, trees, or other natural features, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.
- 3.2 **Temporary Political Signs** - Temporary political signs on public property or within public rights-of-way (excluding the Town railing) shall be permitted for a period of thirty (30) days before the election date to which the sign refers and must be removed within twenty-four (24) hours after the election has occurred. The maximum size of temporary political signs shall be 4 feet by 4 feet.
- 3.3 **Temporary Political Signs Allowed** - Political candidates will be limited to one (1) Temporary Political Sign on the Town railing and are permitted for a period not to exceed twenty-one (21) days prior to the election and shall be removed by the person(s) who posted the signs within forty-eight (48) hours after fulfilling its function. The Codes Enforcement Officer shall specify the date and time that signs can be placed on the Town railing on each sign permit application.
- 3.4 **Temporary Real Estate Signs** – a real estate sign advertises the lease or sale of land, space or structure. A real estate sign face may not

exceed 2' by 2' for the sale or lease of a residential structure in all zoning districts. For all other uses and vacant land, the sign may not exceed a 4' by 4' sign face in the VC-I, VC-II, VC-III, VC-IV, C-III, V-I and I-I. In all other districts, a 4' by 8' sign face is the maximum size allowed. All real estate signs must be physically located on the actual property for sale or lease, and only one sign can be located per street frontage.

Real estate signs must be removed within ten business days of the date of sale or lease of property. Freeport's Public Works Department will remove signs that remain after the ten-day period, and violators will be charged for the cost of removal. If legal action is necessary to collect fines, violators must also reimburse the Town of Freeport for associated legal and court costs. Additionally, the Town will not issue building permits or permit the erection of new signs in the Town for the property cited for a sign violation until all fines and costs have been paid.

- 3.5 **Temporary Banners** – Temporary banners on the poles provided adjacent to Independence Drive shall be allowed by permit only. Only Freeport non-profit organizations are permitted to apply. Maximum time allowed for banners is 14 days prior to the event advertised or beginning of the promotion. Removal is required within 48 hours after the date of the event. Permits are issued on a first come, first serve basis from the Codes Officer. Maximum size of the banner shall be 42 inches by 30 feet and the minimum size of the banner shall be 32 inches by 20 feet. If there is a product sponsor, logo shall not exceed 10% of the banner.

#### **Section 4. - Regulations Applicable to Signs in All Districts**

The following provisions relating to signs are applicable in all districts.

- 4.1 One sign identifying the name, address and profession of a permitted home occupation or a lawfully existing nonconforming home occupation is allowed provided such sign does not exceed 6 sq. ft. in area.
- 4.2 A bulletin board or similar sign in connection with any church, museum, library, school or similar public structure not exceeding 12 sq. ft. is allowed.
- 4.3 No sign, except traditional barber poles for licensed barber shops, shall have visible moving parts, blinking, moving or glaring illumination, or any part consisting of banners, pennants, ribbons, streamers, spinners or other similar devices. This regulation does not prohibit a wall name sign consisting solely of a rectangular banner made of a flexible cloth-type material, attached at all corners either perpendicular or flat, and

conforming to all provisions of Section 5.4. In addition, “Open” flags are permitted only as described in Section 5.7 below.

- 4.4 A string of lights shall not be used for the purpose of advertising or attracting attention unless as an integral part of a permitted sign.
- 4.5 Any sign which no longer advertises a bonafide business conducted, product sold, activity being conducted, or public notice, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within ten (10) days after the activity has ceased, or if the removal has not occurred, within thirty (30) days after written notification from the Codes Enforcement Officer. Temporary signs shall be removed in accordance with Section 3.
- 4.6 Illuminating signs whose specific purpose is outlining any part of a building, such as a gable, roof, sidewalk or corner, are prohibited.
- 4.7 Illumination of signs shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that this time restriction shall not apply to the illuminated signs of emergency facilities and retail, commercial and industrial establishments during such hours as the establishments are lawfully open to the public or work hours are regularly in effect.
- 4.8 District setback requirements shall not apply to signs; however, no sign shall project over the public right-of-way if it is located in a District which has a front setback building requirement. No ground or portable signs shall be permitted in the public right-of-way.
- 4.9 In addition to the maximum number and size of signs permitted, directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, having a display area not exceeding five (5) square feet, and not extending higher than seven (7) feet above ground level, are permitted with permission of the Codes Enforcement Officer.
- 4.10 Nonconforming signs may continue but may not be altered, rebuilt or relocated on the same premises; however, non-conforming signs located on land which is acquired for governmental purposes by governmental action may be relocated on the same premises. Normal maintenance and repairs are permitted.
- 4.11 In addition to the maximum number and size of permitted signs, identification signs may be erected over or by the doorway or entrance to such portion of the building. The sign area shall not exceed ten percent

(10%) of the area of such doorway or entrance to such portion of the building.

- 4.12 A sign with a double signboard or display area shall be construed to be one sign for the purpose of this Ordinance.
- 4.13 No portable signs shall be permitted.
- 4.14 There shall be no off premises signs except as are regulated by the Town of Freeport Directional Sign Ordinance. This standard shall not apply to businesses on separate lots that share a common access point.
- 4.15 Authorized Town Personnel have the authority to immediately remove any unauthorized off premise sign.

## **Section 5. - Specific Standards**

- 5.0 The standards of this Section 5 for maximum number and maximum square footage of signage are limits which cannot be exceeded, but which do not create any right or entitlement to the maximums. Signage is also regulated by the Freeport Design Review Ordinance and the site plan review provisions of the Freeport Zoning Ordinance, under which the Project Review Board may impose more stringent limits.

The standards of this Section 5 apply on a per building basis. In calculating allowable signage, each principal building together with its accessory buildings or structures, if any, shall count as one building.

- 5.1 The following signs are not regulated by this section:
  - 5.1.1. Temporary signs;
  - 5.1.2. Signs displayed within the interior of a window of a building if the sign or grouping of signs does not occupy more than one-third of the surface area of such window;
  - 5.1.3. Directional signs as described in Section 4.10.
  - 5.1.4. Identification signs as described in Section 4.12.

## **5.2 Kiosk Signs**

- 5.2.1A building or a group of buildings on a single premises or group of contiguous premises containing three or more businesses, may have one kiosk in addition to the signage limitations mandated in 5.5 and

5.6 below. A building or a group of buildings on a single premises or group of contiguous premises containing three or more businesses, which is visible from two or more roads, and whose building setbacks are all greater than 100 feet, may have two kiosks in addition to the signage limitations mandated in 5.5 and 5.6 below. In this situation, kiosks shall be located so that no more than one kiosk is readable from any location. Each business within the plaza or mall may have a sign within the kiosk. They shall all be equal in size and shape.

5.2.2. In the VI, VC I, VC II, VC III, VMU-1, VMU-2, MDR I, LB and MD Districts, the following requirements shall be met:

Each business sign shall not exceed three (3) square feet in size. The total kiosk size may not exceed:

Twenty (20) square feet for five (5) or fewer businesses;  
Thirty-five (35) square feet for six (6) to ten (10) businesses;  
Fifty (50) square feet for more than ten (10) businesses.

5.2.3. In the C I, II, III, and IV, and all Industrial zones, the following requirements shall be met:

Each business sign shall not exceed six (6) square feet in size. The total kiosk size may not exceed:

Fifty (50) square feet for five (5) or fewer businesses;  
Seventy-five (75) square feet for six (6) to ten (10) businesses;  
One hundred (100) square feet for more than ten (10) businesses.

5.2.4. The maximum height shall be twenty-five (25) feet.

### 5.3 **Ground signs**

Unless otherwise provided, all ground signs shall conform to the following:

5.3.1. Small Ground Sign - The maximum gross display area of each sign face for up to two businesses shall not exceed thirty-two (32) square feet measured from the tops of the topmost display elements to the bottom of the lowest display element including any blank space between the elements. Buildings, or lots, or clusters of three or more businesses sharing one access may add an additional twelve square feet per business up to a total of 80 square feet.

5.3.2 Large Ground Sign - Only on Route #1 where the speed limit is 40 mph or more, the maximum gross display area of each sign face for up to two businesses shall not exceed 64 square feet. Buildings, or lots, or clusters of three or more businesses sharing one access may add an additional 12 square feet for each additional business up to



a total of 100 square feet. Notwithstanding the above, signs with changeable letters shall not be permitted on or facing Interstate 95. In addition to any small ground signs, one large ground sign per lot, building, or group of businesses is allowed.

5.3.3. Maximum height is twenty-five (25) feet.

5.3.4. Maximum side dimension is sixteen (16) feet.

#### 5.4 Wall, Projecting and Roof Signs

Unless otherwise provided, wall, projecting and roof signs shall conform to the following:

5.4.1. Maximum gross sign area shall not exceed ten percent (10%) of the wall area to which it is attached. Where two signs are utilized, the gross sign area shall be the area of both signs added together.

5.4.2. Maximum height shall be seven (7) feet above the eaves.

5.4.3. No wall or projecting sign shall extend beyond the wall to which it is attached or party wall separating occupancies into the wall area of other premises.

#### 5.5 Permitted Allowances

5.5.1 No more than eight signs are permitted per building, except that, if more than four businesses or establishments occupy the building, then each additional business or establishment in excess of four may have up to two name signs containing a maximum total sign area of 50 square feet.

5.5.2 The total maximum sign area per building for all ground, wall, projecting and roof signs combined shall be limited as follows:

<u>Building Size</u>	<u>Maximum Sign Area</u>
* Buildings containing 10,000 square feet or less of gross floor area.	200 square feet
* Buildings containing more than 10,000 square feet but less than 20,000 square feet of gross floor area.	200 square feet plus an additional 35 square feet for each 1,000 square feet of gross floor area over 10,000 square feet, but not to exceed 400 square feet of total sign

area.

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| * Buildings containing 20,000 square feet or more of gross floor area: | 400 square feet plus an additional 100 square feet for each 10,000 square feet of additional gross floor area over 20,000 square feet, not to exceed 700 square feet of total sign area. |
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5.5.3 A building which contains 10,000 square feet or less of gross floor area and has at least two facades, a front façade facing a public street and a secondary façade which is visible primarily from a rear street or a rear parking area, may have, in addition to the maximum number and total square footage of signage allowed. The secondary façade may have sign(s) of up to 5% of the wall area of that façade. The 5% shall include the total square footage of all signage on the secondary façade which exists as of June 17 1998.

A building which contains more than 10,000 square feet of gross floor area and has at least two facades, a front façade facing a public street and a secondary façade which is visible primarily from a rear street or a rear parking area, may have, in addition to the maximum number of signs allowed, an additional number of signs on the secondary façade which cover up to 5% of the wall area of the secondary façade. The 5% shall include the total square footage of all signs on the secondary façade which exists as of June 17, 1998. Total sign area of all signs for a building shall meet the requirements for maximum sign area in Section 5.5.1 above. No additional sign area shall be permitted for the additional signs allowed by this provision.

## 5.6 Open Flags

5.6.1 In addition to the maximum number, total square footage per lot and size of permitted signs, “Open” flags are permitted in all districts except on Main Street in the Village Commercial I and Village Commercial II Districts subject to the following conditions:

5.6.2 Only one flag per business establishment shall be permitted.

5.6.3 The flag shall be flown only during open business hours.

5.6.4 The flag area is limited to a maximum of sixteen (16) square feet, except that in the VC-I and VC-II Districts flag area is limited to

twelve (12) square feet.

5.6.5 Flag design shall be limited to the standard “Open” type with red, white and blue coloring only.

5.6.6 Flags that project over a Sidewalk must be at least 6.5 feet above the sidewalk at its lowest hanging point and at a 45 degree or greater angle.

**5.7 Internally illuminated signs**

Internally Illuminated Signs are permitted in all districts except the Village Commercial I, Village Commercial II, Village Commercial III, Village Mixed Use 1, and Village Mixed Use 2 districts, where they are prohibited. Notwithstanding anything to the contrary in 1 M.R.S.A. Section 302, any sign installed after April 1, 2003 must comply with this section, whether or not an application was filed or a permit was issued prior to the effective date of this section. Any internally illuminated sign lawfully existing in the Village Commercial I, Village Commercial II or Village Commercial III districts on April 1, 2003 may continue to be used, maintained, or repaired with no design change but it must be converted to or replaced by a sign which is not internally illuminated if changed or modified in any way. For the purposes of this section, a menu board located at the point where customers place their orders for pickup at a drive-up or drive-through window shall not be considered an internally illuminated sign.

**Section 6. - Fees**

The following fee schedule shall apply to all signs except:

Temporary signs and signs displayed within the border of a window if the sign or grouping of signs does not occupy more than one-third of the surface area of such window.

6.1 Each sign up to twelve (12) square feet - \$28.

6.2 Each sign face between twelve (12) and fifty (50) square feet - \$55.

6.3 Each additional square foot of sign area over fifty (50) square feet - \$1.

**Section 7. - Administration, Enforcement, Penalty and Appeals**

7.1 This Ordinance shall be enforced by the Codes Enforcement Officer.

- 7.2 If the Codes Enforcement Officer finds that any provision of this Ordinance is being violated, he shall notify by registered or certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.
- 7.3 The Town Council may order the removal of any sign which represents a hazard to public safety or which is found to be in such disrepair so that it fails to perform its function. The owner of a sign ordered removed shall have 30 days to conform with this Ordinance before removal of the sign by the Town.
- 7.4 When any violation of any provision of this Ordinance is found to exist, the Codes Enforcement Officer is hereby authorized and directed to institute any actions and proceeding that may be appropriate or necessary to enforce the provision of this Ordinance.
- 7.5 Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and on conviction shall be fined not more than \$100.00. Each day a violation is permitted to exist after notification constitutes a separate offense.
- 7.6 Any person aggrieved by a decision of the Codes Enforcement Officer may appeal to the Board of Appeals within 30 days. The Board of Appeals has the authority to interpret the provisions of the Ordinance which are called into question and to waive the standards included in Section 5 of this Ordinance when a literal enforcement of the provisions of this Ordinance would result in the applicant's ability to reasonably advertise their business. In deciding what is reasonable advertising, the Board shall consider the following: does the shape and size of the lot require additional signs, the number of businesses in a building or on a lot, can the number of overall signs be reduced if the size of some signs are increased, or some other unusual or unique feature of the lot or building. When an appeal is made to the Board of Appeals, the same notification requirements to abutters, as outlined in Section 602 of the Zoning Ordinance, shall apply.

Any person aggrieved by the decision of the Board of Appeals or by an order rendered by the Board of Appeals to remove a sign may appeal said decisions to the Superior Court. The appeal shall be filed within 30 days after the decision of the Board of Appeals.

## **Section 8. - Validity and Severability**

Should any provision of this Ordinance be declared by the courts to be invalid, the decision shall not invalidate any other provision of this Ordinance which

can be given effect without the invalid provision, and to this end the provisions of this Ordinance are severable.

### **Section 9. - Minimum Requirements**

The provisions of this Ordinance are minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted statute, rule, regulation, ordinance, deed restriction or covenant, the most restrictive or that imposing the higher standard shall govern.

### **Section 10. - Effective Date**

This Ordinance shall become effective 30 days after December 6, 1983.

### **Section 11. - Waiver Provision**

Sections of this Ordinance may be waived for holidays and celebrations at the discretion of the Codes Enforcement Officer.