

TOWN OF MACHIAS SIGN ORDINANCE

ARTICLE 1 AUTHORITY

This Ordinance is adopted pursuant to and consistent with Maine Home Rule Powers as provided for in Article VIII, Part 2, §1 of the State of Maine Constitution; Title 30-A M.R.S.A. § 3001.

ARTICLE 2 GENERAL REQUIREMENTS

2.1 Purpose:

This Ordinance relates to the erection, construction or maintenance of signs erected or to be erected in the Town of Machias.

2.2 Conformity:

No sign shall be hereinafter erected, altered, relocated, removed or replaced except in conformity with the provisions of this Ordinance, except where a recognizable hardship is identified by the Code Enforcement Officer. Hardship requests shall conform with Section 3.7 of this Ordinance.

2.3 Legal Non-Conforming:

Any sign that was lawfully erected and which fails to comply with the requirements of this Ordinance or any sign which legally exists but fails to meet the requirement of this Ordinance as the result of a future amendment to this Ordinance is a legal non-conforming sign. It is the intent of this section to strongly disfavor non-conformities and to encourage their elimination; however, it is also the intent of this section to treat non-conformities fairly and realistically by allowing certain improvements.

Therefore, nothing in this Ordinance shall exclude the ability of a business to properly maintain or improve a legal non-conforming sign so long as they do not make said sign any more non-conforming.

If any non-conforming sign is destroyed, or if any sign is discontinued for Ninety (90) days, the right to continue it shall terminate, regardless of the owners intent to retain the non-conforming sign.

2.4 Alterations:

No sign shall be altered in any manner that would be in violation of this Ordinance or of any authorized rule(s) or approval of the Code Enforcement Officer made and issued thereunder.

2.5 Maintenance:

It shall be unlawful to maintain a sign that has been erected or altered in violation of this Ordinance.

2.6 Signs Affected:

The provisions of this Ordinance shall apply to signs on buildings, land or over water and to street encroachments.

Exempt:

The provisions of this Ordinance shall not apply to warning, or directional signs on or near highway erected by the State or the Town of Machias or other signs erected or intended exclusively for the safety of persons using such highways but none of these shall be painted upon or annexed to any rock or tree and are subject to regulations and supervision by the Code Enforcement Officer to prevent or remove whatsoever will injuriously affect the public interest or public safety.

ARTICLE 3 ADMINISTRATION AND ENFORCEMENT**3.1 Enforcement:**

This Ordinance shall be enforced by the Code Enforcement Officer in such manner and with the same powers as now or hereafter are practiced or provided under the ordinances of the Town of Machias.

3.2 Unsafe or Unlawful Signs:

If the Code Enforcement Officer shall find that any sign or sign structure regulated herein is unsafe or insecure, or is being maintained in violation of the provisions of this Ordinance, the Code Enforcement Officer shall give written notice to the owner thereof to remove or alter the structure within ten days after receipt of said notice in order to comply with the provisions of this Ordinance. If the owner refuses or neglects to comply with the order of the Code Enforcement Officer, then the Code Enforcement Officer shall order such sign or structure to be removed or altered in order to comply with this Ordinance, and if the owner fails to comply, the Town shall remove the sign and all expenses thereof shall be repaid to the Town by the owner within thirty (30) days after demand. Said removals shall take place at such time as any and all appeals, as defined in Section 3.4 of this Article, have been exhausted.

3.3 Non-Functional Signs:

It shall be unlawful for any sign to remain on display after it ceases to be functional. If a sign is found to be non-functional for a period of Ninety (90) days, the owner shall be given written notice by the Code Enforcement Officer to remove the sign within ten (10) days after receipt of said notice.

If the owner refuses or neglects to comply with the order, the Code Enforcement Officer may order such sign to be removed by Town personnel, and the owner thereof shall repay all expenses to the Town within thirty (30) days after demand. Non-functional sign shall mean a sign displayed after the business or product advertised is no longer located, operating, or available on the premises to which the sign pertains.

3.4 Appeal:

Any person aggrieved by a decision of the Code Enforcement Officer may appeal from said decision to the Planning Board 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 Code Enforcement Officer in accordance with the terms of this Ordinance. Any person aggrieved by the decision of the Planning Board may appeal from said decision to the Superior Court. The appeal to the Superior Court shall be within forty-five (45) days after the decision of the Board of Appeals as provided by law.

3.5 Penalty:

Any person(s) who violate any provision of this Ordinance or fails to comply with any of its requirements, shall, upon being determined to be in violation, thereof, be fined not more than one hundred dollars (\$100.00). A period of seven (7) days will be given for the violation to be corrected. Each day that such violation(s) continue after the seven day period shall earn a daily penalty of ten dollars (\$10) per day until the violation is resolved. The Town shall also be entitled to its reasonable attorney fees and costs, if it successfully prosecutes a violation under this Ordinance.

3.6 Validity:

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

3.7 Hardship:

A property owner, or authorized designee, may request an expanded use of a legal non-conforming sign, which if relocated to meet existing sign standards would create a practical difficulty for the property owner. Hardship requests shall be made in writing and reviewed by the Code Enforcement Officer. The Code Enforcement Officer shall base all approvals or denials upon the following criteria:

The presently existing, and any expansion of the, legally non-conforming sign does not create a visual obstruction for motor vehicles; and the present location of the legal non-conforming sign does not create a public hazard or a public nuisance, as defined in this Ordinance; and

1. The existing standards do not allow a sign to be placed in a location that allows for proper clearance of buildings and/or power lines in the event the sign falls down; or
2. The necessary sign relocation creates a traffic flow problem that if properly resolved would create a financial cost, greater than the cost of the new sign; or
3. The necessary sign relocation creates a parking design problem that if properly resolved would create a financial cost, greater than the cost of the new sign; or
4. The necessary sign relocation would create a public hazard or public nuisance.

If the Code Enforcement Officer determines that there is a Hardship then they shall be authorized the expanded use of the legal non-conforming sign, so long as the dimensions of the sign do not exceed the maximum size sign for the zone in which the existing legal non-conforming sign is located and all other sign regulations in the Codes and Ordinances of the Town of Machias are met.

3.8 Prohibited Locations:

No signage is permitted in the Veteran's Memorial Park located at the base of Dublin Hill, other than the Blue Star Highway sign, and the memorial signage at the park.

ARTICLE 4 SIGN STANDARDS

4.1 Projecting Signs:

No sign shall project over any lot line, public sidewalk, street, or right-of-way line. No projecting sign shall be less than seven (7) feet above grade level.

Exception: Projecting signs are allowed over public sidewalks or right of ways in Machias provided that the following provisions are met:

1. Each building may have one projecting sign oriented to each street on which the premises has frontage, identifying the building as a whole or it's, predominate use.
2. Projecting signs must clear sidewalks by at least seven (7) feet above grade level, and shall project no more than four (4) feet from the building or to a point two (2) feet of the curb line, whichever is less.
3. Projecting signs are not permitted at the corners, except at right angles to a building front.
4. Projecting signs may extend to the bottom of the eaves of a building.

4.2 Set Back:

All signs, except directional signs and except advertising signs permitted under Article 7 of this Ordinance and those projecting signs allowed in Article 6, Section 6.4 of this Ordinance shall set back at least two (2) feet from property or street right-of-way lines. The setback shall be determined from highway right-of-way, street or lot lines to that part of the sign that extends nearest to the said line, whether it be at ground level or above ground level. Guy wires may be located at the property right-of-way line but shall not project over any lot line, public sidewalk, street or right-of-way line.

4.3 Temporary Non-Permanent Signs:

Business may have the use of temporary non-permanent signs as defined in the below categories, so long as the business seeking the sign meets all standards and requirements for regulation. Failure to comply with the requirements governing the use of temporary non-permanent signs will result in the following:

- First Violation – Written warning to business
- Second Violation – Revocation of sign for 1 year
- Third Violation – Revocation of sign for 3 years

4.4 Changeable Signs:

Signs which are created, designed, manufactured, or modified in order to display a message that may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side and are subject to the following:

1. May be changed no more than once every three (3) minutes
2. Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending
3. May consist of alphabetic or numeric text on a plain or colored background
And may include graphic, pictorial or photographic images
4. Date, temperature and time may be changed no more than once every ten (10) seconds.

ARTICLE 5 POLITICAL SIGNS AND POSTERS

Signs and posters bearing political messages relating to an election, primary or referendum, are permitted providing that these signs and posters may not be placed within any public right-of-way prior to six (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 (1) week thereafter.

Such signs and posters located in public rights-of-way shall not be affixed to any utility pole, traffic sign or device. Political signs and posters may not be placed in or on any

traffic islands or on the grounds of any cemetery. Signs or posters erected outside of the Right-of-Way limits of public ways shall be limited to a maximum of 50 square feet. Any Machias Police Officer and the Code Enforcement Officer are empowered to enforce this Article.

Notwithstanding the above, nothing in this Article shall be interpreted as to prohibit any person from holding a political sign or banner on any traffic island provided such signs or banners do not, in the opinion of the Machias Police Chief, or his or her designee, interfere with the visibility of motorists traveling on any public highway.

No political signage will be permitted within 250 feet of the voting place (21-A M.R.S.A., § 682, 3.).

No political signage is permitted in the Veteran's Memorial Park located at the base of Dublin Hill.

ARTICLE 6 DEFINITIONS

ADVERTISING SIGN:

Advertising sign shall mean a sign which directs attention to a business, product, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located, but shall not include billboards.

ANIMATED SIGN:

Animated sign shall mean a sign, which has any moving light or lights, or has any moving parts.

AREA OF SIGNS:

Area of signs shall mean the total area, whether it is in one (1) sign or a number of signs. The area of signs composed of individual letters without background shall be taken as that enclosed by a series of lines jointed to form a perimeter bounding all parts of the display.

ATTACHED SIGNS:

Attached sign shall mean a sign attached to a building or other structure.

BUILDING FAÇADE SIGNS:

Building Façade signs shall mean may sign that is located on the front of a building or part of building facing that is visible from the street.

CHANGEABLE SIGNS:

Changeable sign shall mean an on-premise sign which is created, designed, manufactured, or modified in order to display a message that may be electronically, digitally, or mechanically altered by the complete substitution or replacement of one display by another on each side.

DETACHED OR FREE-STANDING SIGN:

Detached or free-standing sign shall mean a sign that is not attached to any building or structure and is self-supporting structure.

DIRECTIONAL SIGN:

Directional sign shall mean an off-premise sign providing the traveling public information where a change of direction from a highway of regional significance to another public way must be made so as to reach a business or service.

ERECT:

Erect shall mean to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way, bring into being or establish. It shall not include any of the foregoing activities when performed as an incident to the change of advertising.

FLASHING SIGN:

Flashing sign shall mean a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in such light or color effects. Illuminated signs, which indicate the time, temperature, weather or other similar information shall not be considered flashing signs.

ILLUMINATED SIGN:

Illuminated sign shall mean a sign which has character, letter, figures, designs or luminous tubes as part of the sign or is internally lit. All illuminated signs erected or maintained shall be illuminated by non-flashing and non-intermittent light or lights. All such signs shall be illuminated to prevent beams or rays of light from being direct at any portion of the public street or highway and shall not be of the intensity or brilliance to cause glare or impair the vision of the operator of any motor vehicle or to otherwise interfere with such operator.

INDIRECTLY ILLUMINATED SIGN:

Indirectly illuminated sign shall mean an illuminated, non-flashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light be projected from such artificial source into residential zones or public streets.

PROJECTING SIGNS:

Projecting sign shall mean a sign which is attached to the building wall and which extends more than fifteen (15) inches from the face of such wall and is eight (8) feet above grade level.

PUBLIC HAZARD:

A condition which places the general public or individuals in a dangerous situation or which creates the potential for a dangerous situation.

REVOLVING SIGN:

Revolving sign shall mean a sign that rotates on an axis, turns, rolls or otherwise moves. A revolving sign shall not revolve more than once every three minutes.

SETBACK:

Setback shall mean the distance from any street, highway or right-of-way line abutting a lot and shall also apply to the side and rear lot lines.

SHOPPING CENTER:

A group of architecturally unified commercial establishments build on a site which is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to one trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

TRAFFIC DIRECTIONAL SIGN:

A Traffic Directional sign shall be used to direct the flow of traffic into and out of a lot to ensure safe vehicle movement.

Adopted: _____

Signature Planning Board members:

William Thompson

David Barker

Arthur McCurdy

Ed Pellon

Joseph Gurney