

## Chapter 484. Site Review

### Article V. General Performance Standards

#### § 484-28 Signs.

##### **A. PURPOSE**

The purpose of this ordinance is to regulate the placement of business and institutional signs within the Town of Madison to protect the health, safety, and general welfare of residents and travelers within the town.

##### **B. AUTHORITY**

This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A., § 3001. Provisions within this ordinance are authorized under the Maine Traveler Information Services Act, 23 M.R.S.A. § 1914.

##### **C. DEFINITIONS**

Words and terms used in this ordinance shall have their ordinary dictionary meaning, except as provided below.

**CHANGEABLE MESSAGE SIGN:** An on-premises sign containing a text or graphic display which changes on a regular or periodic basis on each side, whether electronically, digitally, mechanically or by other means.

**COMMUNITY EVENT:** An organized gathering of limited duration sponsored by a governmental or non-profit organization and located within the Town of Madison.

**DOWNTOWN DISTRICT:** From the Madison/Anson Bridge to the intersection of Maine Street and Garden Street, and from Old Point School to the Madison Town Office.

**FREE STANDING SIGN:** A sign which is physically separated and not attached to a building. **PUBLIC**

**WAY-** The locally maintained public roads of the Town of Madison, both asphalt and gravel that are used by the motoring public for operation of registered vehicles.

**NIT:** A unit of luminance commonly used in sign illumination, which is equal to one candela (one candle) per square meter.

**SIGN:** Any structure, fixture, graphics, illustration, statue, or other device visible from off the premises designed or intended to advertise, identify, attract attention to, or convey information regarding any goods, product, service, business, location, institution, or activity.

##### **D. APPLICABILITY**

1. This ordinance shall apply to signs erected or placed within the Town of Madison for commercial or institutional purposes, except as provided in subsection (3) below. This includes replacement of signs where the replacement includes relocation, addition or expansion of sign area. Repair or repainting of

existing signs to the extent that the signs remain in the same location and size as they existed, is not subject to the requirements of this ordinance.

2. This ordinance shall apply to all changeable message signs, regardless of whether they were in existence on the effective date of this ordinance.
3. This ordinance shall not apply to the following categories of sign:
  - a. Flags and insignia of any government.
  - b. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
  - c. Traffic and parking signs on private property bearing no advertising matter or commercial identification.
  - d. Displays and signs placed in, on, or behind windows.
  - e. Flags, banners, sidewalk sandwich boards, or other displays commonly removed at the end of a business day.
  - f. Signs which are in place for fewer than sixty (60) days per year.
  - g. Signs in support of a political candidate or election issue.
  - h. Others as per the discretion of the Code Enforcement Officer.

#### **E. PERMIT REQUIRED**

A permit from the Town of Madison is required for all signs subject to the provisions of this ordinance, and there shall be no fee imposed. The permit shall be issued by the Code Enforcement Officer, subject to the procedures in Section VI of this Article,

A permit shall not be required for signs and displays placed on structures adjacent to private roads and private driveways provided the standards of Sections XII, XIII and IX of this Ordinance and section 1914(6) of the Maine Traveler Information Services Act are fully satisfied. The Code Enforcement Officer shall have the authority to enforce sections XII, XIII and IX of this Ordinance and section 1914(6) of the Maine Traveler Information Services Act for signs and displays exempt from the permit requirement.

#### **F. PERMITTING PROCEDURE**

1. An applicant for a permit shall submit an application to the office of the Code Enforcement Officer. The application shall contain an image of the sign or signs to be placed, a rough site lay-out showing the placement of the sign(s), and a brief narrative description of the proposed sign(s).
2. The Code Enforcement Officer shall approve or reject the application for a sign permit and issue the permit if approved within five (5) working days of its submittal. Any conditions applying to the approval of the permit shall be stated in writing. If an application is rejected, the reasons for rejection shall be stated in writing.
3. The Code Enforcement Officer shall approve an application and issue a permit for any signs which comply with the standards set forth in Section VII, VIII and IX of this Ordinance.
4. Signs shall be erected in substantially the manner described in the application.

## **G. GENERAL STANDARDS**

All signs shall conform to the standards of the *Maine Traveler Information Services Act*, 23 M.R.S.A. §1901 et seq. or successor statute, except as provided below. Unless licensed as an Official Business Directional Sign in accordance with 23 M.R.S.A. §1918, or successor statute, signs must be located on the property of the business or institution offering the goods or service being advertised, except that signs are permitted to advertise community events provided that the owner of the sign receives no compensation for the advertising.

## **H. LOCATION AND PLACEMENT OF FREE-STANDING SIGNS**

1. In order to maintain vehicle and pedestrian safety, signs shall not be placed at a height or location which obstructs views from a public way of any sidewalks or driveway entrances.
2. Signs shall not be placed within five (5) feet of a property line and shall not be erected more than twenty (20) feet in height as measured from the elevation of the centerline of a public way.
3. Signs shall be sufficiently affixed to the ground to withstand strong winds.
4. Free-standing signs are not permitted in the Downtown District. The Code Enforcement Officer is authorized to waive this prohibition upon a showing that visibility is not affected, sidewalk access is not impeded, and a freestanding sign is the best option.

## **I. CHANGEABLE MESSAGE SIGNS**

1. The message displayed on a sign shall not change more often than once every ten (10) seconds.
2. Signs which display exclusively time and temperature may change once every four (4) seconds.
3. No lighting element within a changeable message sign may flash, blink, or change color with a duration of less than one-half (1/2) second. This means that messages are not permitted to scroll, travel, or be otherwise animated. Video or graphic animation is prohibited. Messages are permitted to dissolve, or blend provided they do so without flashing.
4. Illumination between the hours of sunset and sunrise shall not exceed five hundred (500) nits.
  - a. Sign capable of producing more than 500 nits shall be equipped with a daylight sensor or timer so that illumination will be reduced during regulated hours.

## **J. APPEALS AND VARIANCE**

1. The applicant for a sign permit or any party aggrieved by the decision of the Code Enforcement Officer may appeal the decision of the Code Enforcement Officer to the Town of Madison Board of Appeals. Appeals shall be heard as administrative appeals.
2. An applicant for a sign permit may request a variance from dimensional standards in Article III of this ordinance. Variance requests shall be heard by the Town of Madison Board of Appeals under the conditions provided for in 30-A M.R.S.A. §2691.

## **K. PENALTY AND ENFORCEMENT**

Any person, firm, or corporation being the owner or having control over a structure found to be in violation of this ordinance shall be subject to a civil penalty in accordance with 30-A M.R.S.A. §4452(3). Each day such a violation is in existence shall constitute a separate offense.

#### **L. VALIDITY AND SEVERABILITY**

Should any section or provision of this ordinance be declared by a court of law to be invalid, such decision shall not invalidate any other section.

#### **M. CONFLICT WITH OTHER ORDINANCES**

Whenever a provision of this ordinance conflicts with, or is inconsistent with, another provision of this ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control.

#### **N. EFFECTIVE DATE**

This ordinance shall become effective on **(DATE NEEDED)**.