

**An Ordinance to Amend Chapter 145 (Land Use)
of the Code of the Town of Wells to Clarify and Amend
Sign Regulations**

**NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~crossed-out~~.
Other sections of the Ordinance are unchanged.**

The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapters 145 (Land use) of the Code of the Town of Wells to Clarify Requirements Regarding Signs” to read as follows:

Part 1: Section 145-40, entitled “Signs” is hereby amended as follows:

A. Purpose. The purpose of this section is to balance the need for adequate identification, communication, advertising of allowed land uses, and activities within the Town of Wells, with the need to protect public safety, ensure the orderly flow of vehicular traffic, and both protect and enhance the aesthetic environment of the Town of Wells.

B. Definitions. For definitions relevant to this Section 145-40, see Section 145-10, as amended of this Code of Ordinances.

C. Sign Standards. All signs within the Town of Wells shall comply with all of the standards of Subsection C-1 below, as well as any other standard(s) applicable due to the nature of the sign’s size, construction, or method of illumination.

A- C-1. Standards for all signs. All signs shall comply with the following regulations regardless of whether or not a permit is required:

1. No sign shall cover any architectural details of a building, as defined by this ordinance.
2. Signs shall be attached to the ground, to an object attached to the ground, or to a building.
3. No sign shall project beyond the lot line(s) of the lot on which it is located.
4. No sign shall obstruct a driveway or required parking space.
5. No sign shall obstruct or impair the vision of vehicular and pedestrian traffic or otherwise constitute a hazard to the same. No sign shall reduce the sight distance from any driveway, road or street below a distance of 10 feet for every mile per hour of the posted speed limit on the street. Sight distance shall be measured at a point on the driver's side of the exit lane 10 feet behind the curb or edge of shoulder line with the height of the eye ranging from 3.5 to 6.0 feet above the pavement to an object having a height of 4.25 feet located within all of the travel lanes of the intersecting street.
6. No sign shall be attached to utility poles, trees or traffic control signs or devices, except for banners or flags approved by the Board of Selectmen, pursuant to Subsection I(1), below.
7. External illumination of signs may only be provided by a white light. The source of the illumination for any sign shall not be visible beyond any lot line.
8. No ground sign (monument or pole) shall exceed a height of 20 feet.
9. No ground sign shall be located within the street right-of-way.
10. A ground sign shall not be located within 400 feet, measured along the street frontage

- of the lot, from any other ground sign advertising the same business(es).
11. Awning signs shall be limited only to placement on the valance of the awning. Awning signs shall be opaque, and shall not be backlit.
 12. Signs may be located within the required setback from any street right-of-way, but shall not be located within the required setback from any other lot line.
 13. No wall sign shall cover more than 25% of the total signable area of any facade on which it is affixed.
 14. All signs shall be maintained in good condition.

A-1. C-2. Standards for internally lit signs. All internally lit signs shall comply with the regulations contained in Subsection A C-1 above, as well as the following regulations:

1. Pole and/or monument internally lit signs shall be placed no lower than 10 feet above grade of the road on which the lot has frontage if the sign is within 25 feet of the edge of road pavement.
2. The display on any internally lit sign may not change more often than one time per 10 minutes.
3. The internal lighting shall be designed to minimize glare and to minimize the illumination of abutting lots or streets.

A-2. C-3. Standards for electronic message centers. All electronic message centers shall comply with the regulations contained in Subsection A C-1 above, as well as the following regulations:

1. Pole and/or monument electronic message centers shall be placed no lower than 10 feet above grade of the road on which the lot has frontage if the sign is within 25 feet of the edge of road pavement.
2. The display on any electronic message center may not change more often than one time per 10 minutes. However, an electronic message center that consists solely of indicators of time and/or temperature may change more often, provided that the change is accomplished as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending.
3. The electronic message center portion of the sign shall be designed to minimize glare and to minimize the illumination of abutting lots or streets.
4. No electronic message center may exceed 40 square feet and the maximum width or height may not exceed 10 feet.
5. On a single lot, no more than one electronic message center shall be permitted.
6. The message on the electronic message center must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending.
7. The message on the electronic message center may consist of alphabetic or numeric text on a plain background and may include graphic, pictorial or photographic images. However, continuous streaming of information or video animation is prohibited.
8. All electronic message centers shall be designed and operated with automatic dimming features and the ability that the owner/operator of the sign has the capability to reduce the illumination and/or brightness to adjust to background and ambient light conditions. These controls may include an auxiliary photocell on or near the sign.
9. All electronic message centers within the Town of Wells shall meet the following standard with regard to luminance. The eye illuminance limit is 0.3 footcandles (fc);

which means that the increase above ambient levels of lighting caused by switching on the sign shall not exceed 0.3 fc measured at 100 feet from the sign standing as near as perpendicular to the sign as possible or at the edge of the pavement no more than 100 feet using a footcandle meter held five feet above grade. Typically, the maximum illuminance will be at a right (90°) angle to the face of the sign.

B D. Prohibited signs.

1. The following types of signs are prohibited:
 - a. Animated signs, ~~except for a traditional striped, rotating barber's pole, accessory to a barber shop.~~
 - b. Portable signs and trailer-mounted signs, unless expressly allowed by Subsection ~~H~~(2) below.
 - c. Above-roof signs.
 - d. Signs with internal illumination are prohibited in the following districts: Residential A, Residential B, Residential – Commercial, Residential D, Rural, Aquifer Protection, and Resource Protection. Signs with internal illumination are permitted in all other districts.
 - e. Electronic message centers are prohibited in the following districts: Residential A, Residential B, Residential – Commercial, Residential D, Rural, Beach Business, Harbor District, Light Industrial, Transportation Center, Quarry Manufacturing, Aquifer Protection, and Resource Protection Districts. Electronic message centers are permitted in all other districts.
 - f. Signs attached, drawn or painted upon rock outcroppings or other natural features.
 - g. Off-premises signs, other than official business directional signs erected pursuant to Title 23 M.R.S.A. § 1906, and as regulated in Subsection ~~I~~ K(3) below, or other than those signs listed in Subsection ~~G~~ E, for which a permit is not required.
 - h. Any sign containing obscene language.
 - i. Any other sign not permitted by this chapter.

G E. Signs for which a permit is not required. The following signs may be erected without a permit from the Code Enforcement Officer, but nonetheless, shall comply with the requirements of Subsection ~~A and B C-1 and D~~ above:

1. Signs of less than two square feet located adjacent to the entrance or exist to a public parking area, located adjacent to the entrance to a public or private rest room, or located adjacent the entrance to private property. Informational or directional signs of less than two square feet, such as "entrance," "exit," "rest rooms," "no parking," "no trespassing" and "private property."

2. Signs of less than six square feet affixed to the side of a commercial building, giving the name of a building and/or date of its construction.
3. Signs placed or otherwise affixed by public officials in the performance of their official duties. Building permit placards and official notices posted by public officials in the performance of their official duties.
4. Flags of any nation or political subdivision not exceeding a total area of 50 square feet, provided that such flags be affixed to an upright flag pole.
5. Flags. One "OPEN" flag for each individual tenant or business premises, not to exceed three feet by five feet. Only one such flag may be displayed or affixed by an individual tenant, residence, or business premise.
6. ~~Religious symbols and insignia.~~
7. ~~Decorations customary in the observance of any secular or religious holiday.~~
8. ~~Signs bearing political messages relating to an election, primary or referendum, provided that these signs may not be erected prior to six weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee no later than one week thereafter.~~
9. ~~Signs for the control of traffic.~~
10. 6. Signs placed either at the beginning or intersection of a public or private way, provided that the height of said sign (independent of any pole or other mounting) shall not exceed 12 inches. Street name signs.
11. ~~Signs indicating danger.~~
12. 7. Signs within a building.
13. 8. Signs designed to be directed at customer once they have arrived on the premises, which that are too small to be easily discerned by off-premises passers-by, such as logos or brand names on gas pumps, or table cards placed on outdoor dining tables, and the like.
14. 9. Signs printed on or affixed to registered motor vehicles, provided that the vehicles are used regularly as a means of transportation and not used for circumventing the requirements of this chapter.
15. 10. Plaques of less than six square feet, at historic site or buildings recognized by the Wells Historical Society.
16. 11. Signs placed on identifying public school and government buildings, by an employee of the school or the applicable local governmental entity, or by a designee.

17. Signs which communicate a political, personal, social, or religious message and which have neither the purpose nor the effect of advertising, promoting or drawing attention to any business, product or service, when such signs are erected by a resident of the dwelling unit.
18. Signs owned by the Town of Wells containing message which do not advertise for private business or industry. These may include messages which advertise philanthropic, municipal, or public events or places. Such signs shall not exceed 32 square feet and may be located off-premises.
19. ~~12.~~ Temporary signs, not exceeding 32 square feet, provided that:
- A. A temporary sign may be placed in a single location for a maximum of 6 weeks per calendar year;
 - B. A temporary sign may not be placed within 30 feet of another temporary sign;
 - C. A temporary sign must be labeled with the name and address of the individual, entity, or organization that placed the sign and the designated time period the sign will be maintained;
 - D. No more than one temporary sign may be placed on a single lot, as defined by the Tax Maps of the Town of Wells, at any one time;
- announcing an auction, public supper, yard sale, campaign, or drive, or other like event, or soliciting contributions for a public, civil, philanthropic, charitable, or religious organization, shall be permitted for a period of 10 days prior to the event, but shall comply with all the requirements of Subsection B.
20. ~~13.~~ One nonilluminated, sign of less than six square feet placed on a lot designated as a single-family residence by the Town of Wells, identifying the name and/or occupation of the residents of the dwelling.
21. ~~14. A~~ One nonilluminated, contractor sign per contractor or subcontractor on a job site of less than six square feet, placed on property for which there is an active building permit or demolition permit, as issued by the Town of Wells, at a work location which identifies the contractor's name, address and telephone number and services provided and which shall be removed within one day of the completion of the work.
22. On a single lot, no more than two, nonilluminated real estate signs, each of less than six square feet in area, indicating that the property is for sale, lease or rent, which shall be removed within one day after the closing or signing of a rental agreement.
23. ~~Yard sale signs as regulated in § 145-37D~~
24. ~~15.~~ Individual signs located on the transportation center platform billboard structure or structures, provided they are not visible from a public way.

25. Signs erected between May 1st and December 31st by a producer of agricultural products or Christmas trees, as long as those signs advertise products that are grown, produced and sold on the producer's premises. For the purposes of this section, firewood shall not be considered an agricultural product. Signs must be directional in nature and may advertise only the agricultural product or Christmas trees that are available for immediate purchase. The producer erecting the sign shall remove the sign once the product advertised on the sign is no longer available, or by December 31, whichever is sooner. A sign may not exceed eight square feet in size and must be located within five miles of where the product is sold. A sign may only be erected on private property after the producer erecting the sign has obtained the landowner's written consent. A sign must be a minimum of 33 feet from the center of a road. A producer may not erect more than four signs pursuant to this paragraph.

D. F. Signs for which a permit is required. Any sign not specifically exempted from obtaining a sign permit in Subsection E above shall not be erected until a sign permit is approved by the Code Enforcement Officer, pursuant to the procedures of Subsection F H below.

E. G. Permitted sign types and maximum sign area. The permitted sign types and maximum sign area, for any one sign or combination of signs, for which permits are required, shall comply with the requirements of the chart and text below, as well as all of the other requirements of this section. If there is any conflict between the standards of Subsection A C-1 and this subsection, the stricter standard shall apply. In no even shall the total sign area for any principal building exceed the total amount indicated in the table below.

Table 145-40 – Permitted Sign Types, Applicable Zones, and Maximum Sign Areas

	A. Monument Sign	B. Projecting Sign	C. Wall Sign	D. Pole Sign	E. Roof Sign	F. Awning Sign	G. Portable Sign	Total Sign Area of Types A through F
Identification of Residential Development or Subdivision—All zones	Yes/ 20 sf	NO	NO	Yes/20 sf	NO	NO	NO	20 sf
Institutional Uses, Such as Public and Private Schools, Public Buildings, Hospitals, Congregate Housing—All Zones	Yes/20 sf	NO	Yes/25% of signable area available on façade on which it is placed.	Yes/20 sf	NO	NO	Yes	100 sf, or 1.5 sf for each linear foot of front façade on principal building, whichever is less.
Commercial or Industrial Uses— in Zones Rural, RA, RB, RC, RD	Yes/32 sf	Yes/20 sf	Yes/25% of signable area available	Yes/32 sf	Yes/20 sf	Yes/ 20 sf	Yes	52 sf

			on façade on which it is placed					
Commercial or Industrial Uses— in Zones GB, BB, LI, Harbor, Transportation	Yes/150 sf	Yes/50 sf	Yes/25% of signable area available on façade on which it is placed.	Yes/150 sf	Yes/50 sf	Yes/30 sf	Yes	500 sf, or 1.5 sf for each linear foot of front façade, on principal building, whoever is less.

The following principles shall control the computation of sign area and sign height:

1. **Computation of area of individual signs.** The area of a sign face, including a wall sign, shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative wall or fence incidental to the display.

2. **Computation of area of multifaced signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces.

3. **Exclusions from computations.** Signs exempted in Subsection C E shall not be included in the calculations of total sign area.

4. **Principal structures with more than one tenant or operator.** Multitenant properties with multiple leased or condominium spaces shall be allowed the same amount and types of signage as the same sized building if it were in unified ownership and operation. The landlord or condominium association shall be responsible for allocating sign area among the tenants or owners.

F. H. Permitting procedure. No sign which requires a permit shall be erected or installed without obtaining a permit from the Code Enforcement Officer.

1. An application form provided by the Town of Wells shall be completed and submitted to the Code Enforcement Office. The application shall include the following information:

- a. Name and location of the premises/use that the sign is to advertise;
- b. Zoning district of the lot on which the sign is to be placed;

- c. Name, address and daytime telephone number of the applicant;
- d. Name, address and daytime telephone number of the owner of the lot on which the sign is to be placed;
- e. Written permission of the owner of the land to erect the sign if the owner is not the same as the applicant;
- f. A scale drawing of the sign and its supports which indicates its size, color and illumination; and
- g. A survey or scale drawing of the lot which shows the structures on the lot and the locations and square footage area of all signs.

2. Each application for a sign permit shall be accompanied by the applicable fees which shall be established by the Board of Selectmen.

3. Within 10 business days of the receipt of an application, the Code Enforcement Officer shall review the application for completeness, and if the application is not complete, the Officer shall notify the applicant of the specific ways in which the application is deficient.

4. Within five business days of finding an application to be complete, the Code Enforcement Officer shall either issue the sign permit if the subject of the application conforms in every respect to the requirements of this chapter or deny the sign permit if the subject of the sign permit application fails to conform to the requirements of this chapter. Failure of the Code Enforcement Officer to act upon a complete application within five business days of finding the application to be complete shall constitute a denial of the application.

5. The Code Enforcement Officer shall maintain a permanent public record of all sign permit applications.

G. I. Removal of signs. The signs or any messages thereon advertising a permanently closed business shall be removed by the business owner or the owner of the lot on which the signs are located within six months of the closing.

H. J. Nonconformity.

- 1. Modification toward conformity. Whenever a nonconforming sign is removed, modified, altered, reconstructed, replaced, ore relocated, the Code Enforcement Officer shall not issue a permit for such work, unless one of the following conditions is met.
 - a. The sign is modified to comply with this ordinance in all respects; or
 - b. At least one of the existing area or dimension nonconformities of the sign is reduced by at least 20% or is reduced to conformity with the ordinance, whichever is less; or
 - c. At least one of the existing setback nonconformities of the sign is reduced by at least 20% or is reduced to conformity with the ordinance, whichever is less; or

- d. If the sign is not permitted under this ordinance is reduced by 20%

Merely a change in sign copy shall not be considered a modification, alteration or requiring a reduction or relocation of a nonconforming sign as set forth above, but nonetheless shall require a sign permit.

2. Maintenance. Nonconforming signs must be maintained in good condition. Maintenance required by this subsection shall include replacing or repairing of worn or damaged parts of a sign in order to return it to its original state, and is not a change requiring a modification toward conformity as set out in Subsection H(1).
3. Removal. Removal of a nonconforming sign, and replacement with a less nonconforming sign or conforming sign, pursuant to Subsection H(1) above, is required when:
 - a. A nonconforming sign, or a substantial part of a nonconforming sign, is destroyed, or for any reason or by any means taken down, altered, or removed by the owner. As used in this subsection, "substantial" means 50% of the entire sign structure; or
 - b. The condition of a nonconforming sign or nonconforming sign structure has deteriorated and the cost of restoration of the sign to its condition immediately prior to such deterioration exceeds 50% of the value of the sign or sign structure prior to its deterioration; or
 - c. The use of the nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of 180 consecutive days or more. An intent to abandon is not required as the basis for removal under this subsection.

I K. Special sign types.

1. Banners or flags hung from public utility poles.
 - a. Notwithstanding any of the other requirements of this section, banners or flags may be hung from public utility poles along any public street right-of-way with the approval of the Board of Selectmen, provided that:
 - 1.No banner or flag exceeds 20 square feet in size; and
 - 2.They are hung in accordance with the license from and the requirements of the public utility companies; ~~and~~
 - 3.~~Their purpose is to recognize or advertise community events sponsored by the Town of Wells, the Wells Ogunquit School District, or community-based nonprofit organizations.~~
 - b. The Board of Selectmen shall specifically approve ~~the design of the banner(s) or~~

flag(s), the location of the banner(s) or flag(s) on the utility poles, the method by which they will be attached to the utility poles and the duration of their display. Any banners or flags that are torn or in disrepair may be removed by the Town of Wells Road Commissioner or his/her appointee.

2. Portable signs. Portable Signs shall meet, in addition to other requirements of this section, the following requirements:

a. Number of signs. There shall be no more than one portable sign on any lot at any time.

b. Term. A portable sign permit shall allow the use of a particular portable sign ~~only during the hours the business is open~~, for a specified period during each calendar year. In no event shall any lot have a portable sign located on it for more than 60 days in one calendar year.

c. Other conditions.

1. A portable ~~or a temporary~~ sign shall be allowed only in the following districts: BB, GB, RC, R, LI, and Harbor.

2. No portable sign shall interfere with the sight distance of traffic, passing the site, as defined in Subsection A(5) above.

3. No portable ~~or temporary~~ sign shall exceed three feet by four feet in size.

d. Calculations. Portable signs shall not be included in calculations for maximum sign area.

3. Off-premises official business directional signs. Only businesses located in the Town of Wells may obtain an off-premises sign or signs, under the State Official Business Directional Sign Program. A business permitted to have off-premises signs may have no more than four such signs, each of which shall comply with the provisions of 23 M.R.S.A.

§§ 1906 to 1925. An off-premises sign may be located only at intersections where turns are required to access the business.

J. L. Violations. Violators of any of the above provisions of § 145-40, Subsections A ~~C-1~~ through ~~K~~, shall be prosecuted and subject to fines and penalties, according to the terms of §§ 145-63 and 145-64 of this ordinance.

Part 2: Effective Date.

This Ordinance shall take effect 30 days after adoption by the Board of Selectmen.

Given under our hands this _____ day of _____, 2017.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

Karl Ekstedt

Daniel Hobbs

John Howarth

Tim Roche

Kathleen Chase