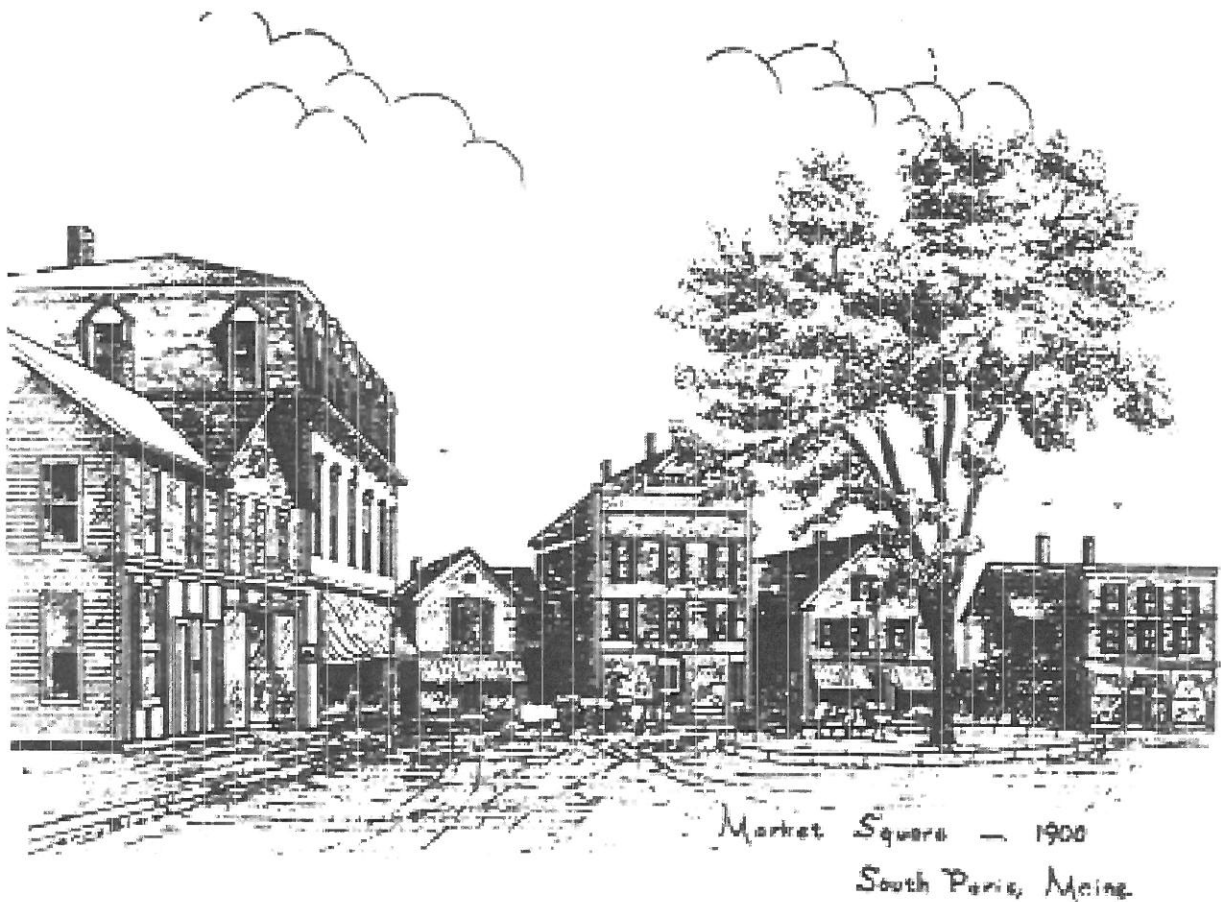


Town of Paris



Sign Ordinance

Adopted on June 14, 2016

**SIGN ORDINANCE
OF THE
TOWN OF PARIS, MAINE**

ENACTED: June 14, 2016

EFFECTIVE: June 14, 2016

CERTIFIED BY: Elizabeth J. Knox
Signature

CERTIFIED BY: Elizabeth J. Knox, Town Clerk

**SIGN ORDINANCE
OF THE
TOWN OF PARIS, MAINE**

ARTICLE 1 –PURPOSE

1.1 THE PURPOSES OF THIS ORDINANCE ARE:

- A. To provide for an expeditious and efficient process for the review of proposals for new signs or the alterations of existing signs;
- B. To clarify the Sign Ordinance approval process and criteria within applicable statutes and ordinances;
- C. To assure that development in the Town of Paris meets the goals and conforms to the policies of the Town of Paris and Maine State Law;
- D. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Paris; and
- E. To minimize potential negative impacts of signs on properties and on the municipality.

**ARTICLE 2 – AUTHORITY, EFFECTIVE DATE, ADMINISTRATION, AND
REPEAL OF EXISTING ORDINANCE**

2.1 AUTHORITY

- A. This Ordinance has been prepared in accordance with the provisions of MRSA Title 30-A, §3001.
- B. This Ordinance shall be known and cited as “Sign Ordinance” of the Town of Paris, Maine
- C. The effective date of this Ordinance shall be the day of adoption by the town (June 14, 2016).

2.2 ADMINISTRATION

- A. The Code Enforcement Officer of the Town of Paris, shall administer this Ordinance.
- B. The Code Enforcement Officer shall be responsible for enforcing this Ordinance.
- C. The provisions of this Ordinance shall pertain to all proposed work within the scope of this Ordinance in the Town of Paris.
- D. No permit shall be issued by the Code Enforcement Officer for any sign within the scope of this Ordinance until a Sign Application has been reviewed and approved.
- E. All sign permit approvals shall expire one (1) year after the date of approval and a new application must be made and approved. There will be no additional fees.

F. All signs shall comply with the ordinances of the Town and statutes including but not limited to MRSA Title 23, §1153.

2.3 AMENDMENTS

A. This Ordinance may be amended by the legislative body of the Town of Paris. Amendments may be initiated as follows

1. Recommended by a majority vote of Planning Board to the Board of Select Board; or
2. By a majority vote of the Board of Select Board; or
3. On petition of at least 10% of the number of votes cast in the last gubernatorial election in town.

B. A public hearing shall be held by the Board of Select Board prior to the adoption of any amendment. Notice of the hearing shall be provided as established by MRSA, Title 30-A, §4352.9.

2.4 REPEAL OF EXISTING ORDINANCE

Adoption of this Ordinance shall repeal any and all previously adopted sign ordinances Changeable Sign Ordinances and applicable sections of the Site Plan Ordinance. This shall not prevent the enforcement of repealed ordinances or regulations with respect to time periods in which they were in effect.

2.5 CONFLICT WITH OTHER ORDINANCES

This ordinance shall not be construed to repeal any existing bylaws or ordinances, other than those specifically identified, or to impair the provisions of private restrictions placed upon property, provided that where this Ordinance imposes greater restrictions, its provisions shall control.

2.6 VALIDITY AND SEVERABILITY

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

ARTICLE 3 – APPLICABILITY

Except as provided in Article 3.A.1-20, no sign may be erected, replaced, enlarged, illuminated or substantially altered without a Sign Permit issued by the Code Enforcement Officer after he/she finds that the sign is in accordance with the provisions of this Ordinance.

A. The following types of signs are permitted, except where otherwise prohibited by Article 7 or by other law and shall not require a Sign Permit issued by the Code Enforcement Officer.

1. All permanent on premise signs erected prior to the effective date of this Ordinance, (ordinary maintenance and upkeep shall be allowed).
2. Any sign approved by the Planning Board, as an element of Site Plan Review, prior to the effective date of this Ordinance or as proposed in a pending application.

3. One sign not exceeding two (2) square feet used to display the street number and/or name of the occupants of the premises.
4. One non-illuminated non-internally lit sign not exceeding six (6) square feet used to describe a home occupation.
5. One sign not exceeding thirty-two (32) square feet on the premises of public or semi-public buildings, and charitable or religious institutions. These signs may incorporate a bulletin board.
6. Temporary signs displayed for thirty (30) days or less to advertise school, non-profit, civic, church and like events and garage sales, auctions and like events.
7. Temporary movable signs are allowed without permit for the following uses.
 - a. To call attention to and/or to advertise the name of a new business and the products sold or activities to be carried on in connection with a new business. In such cases, no sign shall remain at a premises for more than 90 days in any calendar year.
 - b. To advertise a special sale or sales. In such cases, a sign shall be allowed for a period not to exceed 90 days in any calendar year.
 - c. To promote community or civic activities. In such cases, no sign shall remain in place for more than ninety (90) days in any calendar year.
8. One real estate sign not exceeding sixteen (16) square feet relating to the sale, rental or lease of the premises. Such sign shall be removed within one (1) week after the property transaction.
9. One sign each for a building contractor, architect or engineer; each sign shall not exceed sixteen (16) square feet relating to construction projects. Such sign shall be removed within one (1) week after construction is complete.
10. One sign not exceeding thirty-two (32) square feet identifying the name of a farm.
11. Sign(s) not exceeding thirty-two (32) square feet in total describing farm products for sale on the premise.
12. Signs erected by growers of fresh fruit and vegetable crops advertising those fresh fruits and vegetable crops when crops are offered for sale on premises where those crops are grown. Signs may advertise only those fruits and vegetables that are available for immediate purchase. A grower may not erect more than 4 signs. A sign may not exceed 8 square feet in size and must be located within 5 miles of the farm stand. The signs must be erected on private property with the landowner's written consent except that the signs may be erected within but at the edge of the right-of-ways of highways that receive no federal aid.
13. Political signs, not exceeding thirty-two (32) square feet in total area for single faced signs, or sixteen (16) square feet on each side of double-faced signs, provided that:
 - a. Such signs shall not be erected more than six (6) weeks prior to the election to which they pertain; and

- b. Such signs are removed within seven (7) days after the election to which they refer.
- 14. Subdivisions may have one non-internally lit sign at each public entrance to the development not to exceed thirty-two (32) square feet per sign.
- 15. Any sign(s) placed by the State or Federal Governments or Town of Paris that comply with the Department of Transportation standards.
- 16. Outdoor signs identifying restrooms, parking, entrance and similar information.
- 17. Four (4) or less Flags or insignia per commercial lot or business. Flags or insignia in excess of four per commercial lot or use shall comply with the provisions of this Ordinance.
- 18. Memorial signs or tablets, names of buildings and date of construction, or historic markers when cut into masonry, bronze or other permanent material affixed to the structure or placed on the property.
- 19. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- 20. Signs not exceeding eight (8) square feet per sign which identify entrances and exit to parking and service areas.

ARTICLE 4 SIGN PERMIT APPLICATION PROCEEDURE

4.1 PROCEDURE FOR ADMINISTERING PERMITS

A. Permit Application

- 1. Every applicant for a Sign Permit shall submit a written application, on a form provided by the municipality, to the Code Enforcement Officer.
- 2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- 3. All applications shall be dated, and the Code Enforcement Officer, shall note upon each application the date and time of its receipt.

B Procedure for Administering Permits

- 1. Within ten (10) days of the date of receiving a written application, the Code Enforcement Officer, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Code Enforcement Officer shall approve, approve with conditions, or deny all permit applications in writing within ten (10) days of receiving a completed application.

2. All fees and payments required by this Ordinance shall be made payable to the “Town of Paris”. The Code Enforcement Officer shall not consider an application complete until the fees have been received by the Town.
3. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.
4. If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing.

4.2 SUBMISSION REQUIREMENTS

The Sign Permit Application shall contain the following.

- A. The name, address and phone number of the applicant or authorized agent.
- B. Sign location (street address) if different than applicant address.
- C. Evidence of right, title or interest in the property where the sign is to be located.
- D. Tax Map and Lot number of property on which sign is to be located.
- E. A colored rendering of the proposed sign(s) that includes the following.
 1. Dimensions;
 2. Sign(s) and supporting structure materials; and
 3. Height of sign(s) above ground.
- F. A sketch plan drawn to scale depicting the following:
 1. Lot size and shape.
 2. Location of building(s) on the lot.
 3. The footprint and proposed location of sign(s).
 4. Distance of proposed sign(s) from road travel way and side lot lines.
- G. If the sign(s) will be lit the type of fixtures and bulb output.

ARTICLE 5 – PERFORMANCE STANDARDS

The Code Enforcement Officer shall review the applications for conformance with the following performance standards and make findings that each has been met prior to the approval of a Sign Permit. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

5.1 ERECTING A SIGN

- A. A person may not erect, display or maintain a sign, upon or above, any road right-of way or so situated with respect to a road as to obstruct clear vision of an intersecting road or roads or otherwise so situated as to prevent safe use or obstruct the maintenance of the road except that non-freestanding signs may be placed in the right of way but may not interfere with vehicular or pedestrian traffic.
- B. A person, firm or corporation, while working on, under, over, or immediately adjacent to a highway, may erect temporary warning or directional signs or signals for the propose of safeguarding or protecting its workers and facilitating and protecting travel along the highway by the traveling public.

5.2 SIGNAGE - FIRST TIME SIGNS AND SIGNS THAT REPLACE EXISTING SIGNS

- A. In the case of multi-tenant development it shall be the responsibility of the owner or property manager of such premise to allocate sign space upon the premise, under the terms of this section.
- B. On each premise, there shall be permitted a maximum of two (2) wall or roof signs affixed to the exterior of the structure for each tenant under common ownership, operation or control therein. Such signs shall not occupy more than twenty (20) percent of the wall to which it is attached or is above. For the purpose of this section, wall is defined as the façade of the building up to the roof line excluding windows, doors and major architectural features.
- C. Window and door signs are allowed without regard to the percentage of the door or window in which they are displayed.
- D. One projecting sign is permitted per structure. Projecting signs shall extend no lower than ten (10) feet above ground level projecting from the wall at an angle of ninety (90) degrees. No sign shall exceed thirty-two (32) square feet.
- E. One free standing sign is permitted per lot. No free standing sign shall be greater than one hundred (100) square feet.
- F. Awning and canopy signs are permitted. Canopies over fuel islands shall only advertise fuel and the store or corporate name.
- G. Signs shall be illuminated only by the following means:
 - 1. A steady, stationery light(s) of single color shielded and directed solely at the sign and not casting light off the premises.
 - 2. Interior, non-exposed, white lights of reasonable intensity.
- H. Sign with two sides, designed to be seen from two different directions, shall be permitted to double the permissible sign area.

5.3 CHANGEABLE SIGNS

A. The display on each side of a changeable sign:

1. May be changed no more frequently than once every five (5) seconds.
2. May change as rapidly as technologically practicable, provided that the display changes by scrolling.

B. In no event shall a Changeable Sign flash

C. Except as provided herein, changeable signs within the Town of Paris shall comply with all requirements of State Law, in particular, but not limited to, Title 23 MRSA §1914 (11-A)

5.4 EXTERIOR LIGHTING

All exterior lighting shall be designed to minimize adverse impact on neighboring properties and the safe flow of pedestrian and vehicular traffic.

ARTICLE 6 – REMOVAL AND PENALTIES

6.1 REMOVAL

A. If upon inspection, the Code Enforcement Officer, Town Manager or other qualified individual authorized by the Select Board or Town Manager, finds that the sign or signs have not been constructed or placed in accordance with the requirements of this or other applicable ordinances, he or she shall notify the owner and require the items removal: or

B. Upon notification, A person who unlawfully maintains this sign must remove it within 24 hours.

C. Signs placed in protected areas identified in Article 7, excluding public ways may be removed by the police or other individuals authorized by the Select Board or Town Manager.

1. The items removed may be disposed of immediately.

D. The Select Board shall take any steps necessary to preserve the municipality's rights.

6.2 PENALTIES

A. The following penalties apply to violations of this section.

1. The Select Board may impose a fine of not less than \$5 and not more than \$500 to a person who violates this ordinance.

2. A person who unlawfully maintains any sign for 5 days after written notification for the violation has been sent is subject to an additional fine of not more than \$50 for each day (plus Attorney fees), for each sign, upon which such sign is maintained.

ARTICLE 7 – PROTECTED AREAS

Signage is not allowed in certain protected areas of the Town including the Town's public parks, roadways and other public lands.

7.1 PROTECTED AREAS IN WHICH SIGNS ARE PROHIBITED INCLUDEING, BUT NOT LIMITED TO, THE FOLLOWING

- A. Moore Park
- B. Billings Dam Park
- C. The town's traffic islands, including, but not limited to, the traffic islands located at Market Square and the intersection of Route 26 and Paris Hill Road.
- d. Exceptions
 - 1. Signs may be placed on public property (2 sign maximum) with the written permission of the Select Board.

ARTICLE 8– APPEALS

8.1 APPEALS – PLANNING BOARD

An aggrieved party may appeal any decision of the Code Enforcement Officer under this Ordinance to the Planning Board, within thirty days of the date of the decision by the Code Enforcement Officer.

8.2 APPEALS – APPEALS BOARD

An aggrieved party may appeal any decision of the Planning Board under this Ordinance to the Board of Appeals, within thirty days of the date of the decision by the Planning Board.

ARTICLE 9– DEFINITIONS

Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular, the word “lot” includes the word “plot”; the word “Building” includes the word “structure”; the word “may” shall be permissive; the word “shall” is always mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied”.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit under this Ordinance; a person whose land abuts land for which as permit has been granted; or any person or group of persons who have suffered particularized injury as a result of granting or denial of such permit.

Appeal: An action by an aggrieved party challenging a decision of the Code Enforcement Officer in the administration or enforcement of this Ordinance.

Applicant: The person or entity submitting a Sign Permit Application.

Building: Any structure, having one or more floors and a roof which is used for the housing or enclosure of animals or property such as a garage, barn or workshop.

Changeable sign: Means an on-premises sign created designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on one or every side.

Code Enforcement Officer: A person appointed by the Select Board to perform the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

Development: Means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to filling, grading, paving, signage, remodeling or excavation or the construction of buildings or other structures.

Display: Means that portion of the surface area of a changeable sign that is or is deigned to be or is capable of being periodically altered for the purpose of conveying a Message.

Final Plan: The final drawings on which the applicant's plan is presented to the Code Enforcement Officer for approval.

Finding of Fact and Conclusion of Law: A written statement prepared and signed by the Code Enforcement Officer that summarizes the basic facts of the application review and statements linking the specific facts to the list of criteria that the applicant must meet in order to receive approval.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Home Occupation or Enterprise: means an occupation, enterprise or profession which is carried on in a dwelling unit or accessory structure by a person residing in the dwelling unit, incidental and secondary to the use of the dwelling unit for residential purposes, which conforms to the following performance standards:

A. Not more than 2 full-time employees or the equivalent thereof not living on the premises shall be employed in the home occupation or enterprise.

B. All exterior signs and displays shall comply with the performance standards of this Ordinance.

Lot: A parcel of land in single ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in County registry of Deeds.

Message: A communication conveyed by means of a visual display.

Municipality: The Town of Paris

Proposal: The collection of all changes being proposed for new or renovated signs.

Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

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.

Road: A way maintained by the State of Maine or the Town of Paris or Privately owned way meeting the standards of the Town of Paris Minimum Road Standards.

Roof Sign: Any sign erected and constructed wholly on and over the roof a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Scrolling: A mode of message transition on a changeable message sign where the message appears to move vertically across the display surface.

Sign: Any structure, display, logo, device or representation which is designed or used to advertise or call attention to anything, person, business, activity or place and is visible from any public way. It does not include the flag, pennant or insignia of any nation, state or town. Whenever dimensions of a sign are specified they shall include frames.

Signs include but are not limited to the following:

Billboard - A large panel designed to carry outdoor advertising.
(Billboards are prohibited in Maine)

Panel - A thin flat piece of wood on which a picture or words are placed.

Placard - A notice posted in a public place; poster; a small card or metal plaque.

Poster - A billboard or placard for posting often in a public place; that is decorative or pictorial.

Street: See Road.

Structure: See Building.

Substantially Altered: Any increase in the area of the sign(s) and/or the method of affixing it to a structure or ground.

Temporary Movable Sign: Any sign not permanently attached to the ground, a building, or other permanent structure by direct attachment to a rigid well, frame or structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; and balloons used as signs.

Time and Temperature Sign: A changeable sign that electronically or mechanically displays the time and temperature by complete substitution or replacement of a display showing the time with a display showing the temperature.

Wall Sign: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.