

TOWN COUNCIL
Town of Falmouth, Maine
April ~~May~~ 9~~14~~, 2012

An Ordinance Amending the Code of Ordinances and the Zoning and Site Plan Review Ordinance Regarding Temporary Signs

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Code of Ordinances and the Zoning and Site Plan Review Ordinance be amended as follows:

Code of Ordinances
Part II
Chapter 8 Licenses, Permits and Business Regulations
New Article XI Temporary Signs

8-355. - Purpose

The purpose of this Ordinance is to permit temporary advertising and informational signs while preventing the proliferation of signs and creating hazards to traffic.

8-356. - Definitions

The definitions in Section 2 of the Zoning and Site Plan Review Ordinance apply to this ~~ordinance~~ Article except for “free standing sign.” For purposes of this section, free standing sign refers to any sign placed in or on the ground and includes A-frame signs. Terms not defined shall have the customary dictionary meaning.

8-357. - Applicability

Unless otherwise exempted this Ordinance applies to all exterior temporary signs in the Town of Falmouth. Temporary signs shall not be counted in calculating the maximum number of permanent signs allowed on a lot or the maximum gross display area allowed on a wall which are regulated by Zoning and Site Plan Review Ordinance.

8-358. - Exemptions

Signs on town owned or controlled properties and signs erected or placed by the town are exempt from this article.

8-359. - Authority and Administration

This Ordinance shall be administered and enforced by the Code Division and enforced by the Code Enforcement Officer, except for those signs as regulated in Part II, Chapter 17, Article 1, Section 17-4. Any person who places or causes to be placed a sign in violation of this ordinance commits a civil violation for which a civil penalty of no less than \$100 shall be imposed. Each day a sign remains in violation of this ordinance constitutes a separate violation.

8-360. - Validity and Severability

This ~~ordinance~~ Article XI applies in addition to the restrictions and requirements applicable to signs under the Zoning and Site Plan Review Ordinance of the Town of Falmouth and any other Town ordinance. Should any section or provision of this ~~Ordinance~~ Article XI be declared by any court to

be invalid, such decision shall not invalidate any other section or provision. This ~~Ordinance Article XI~~ shall not be construed to repeal any existing bylaws or ordinances, or to impair the provisions of private restrictions placed upon property.

8-361. - Permit Required

Temporary signs, except temporary advertising signs and new business/business relocation signs do not require a permit but must comply with all provisions of this ordinance.

8-362. - Prohibitions

All temporary signs not expressly permitted by this ~~subsection Article XI~~ are prohibited.

8-363. - General

Temporary signs are permitted and shall conform to standards within municipal, state or federal ordinances, statutes or regulations and the following standards.

- (1) Temporary signs specified in this section shall not be attached to fences, trees, utility poles, or the like, ~~and~~ shall not be placed in a position that will obstruct or impair vision or traffic, either pedestrian or vehicular, ~~does shall~~ not infringe on handicap accessibility, ~~nor~~ in any manner create a hazard or disturbance to the health and welfare of the general public.
- (2) Unless specifically permitted in Section 8-364 below, no signs are permitted in any public right-of-way.
- (3) No digging or excavation shall occur within any public right-of-way. ~~unless permission is expressly granted by the Parks & Public Works Director under Chapter 14-80.~~
- (4) Signs under this section are exempt from setback requirements in the Zoning and Site Plan Review Ordinance.
- (5) No sign may be placed within five feet of street pavement.
- (6) Maximum allowable height for free standing signs is 10 feet, except for signs placed in a street right-of-way between five and fifteen feet from the edge of the street pavement, where signs are limited to thirty-six inches in height.
- (7) Illumination, both internal and external, is prohibited.
- (8) No sign ~~or part of a sign~~ shall ~~have any part consisting of~~ ~~consist of or include~~ visible moving parts, pennants, ribbons, streamers, balloons, spinners or other similar devices ~~intended~~ to attract attention.

8-364. - Types of Temporary Signs Permitted

- (1) **Signs Giving Public Notice.** One sign of a temporary nature such as an advertisement of a charitable function, notice of meeting or other non-commercial sign of a similar nature is permitted on the lot where the event occurs for a period not to exceed thirty days and shall be removed by the organization that posted the sign. Freestanding, A-frame, and wall signs are allowed with a maximum size of 12 square feet of display area in the F, RA, RB & RC Districts and 16 square feet of display area in the SB, BP, MUC, VMU & CO Districts.
- (2) **Real Estate Signs.** One temporary freestanding or wall real estate sign may be erected advertising the sale, lease, or rental of the premises upon which the sign is located for the duration of the availability of the property. Maximum allowed size is 9 square feet of display area in the F, RA, RB & RC Districts and 16 square feet of display area in the SB, BP, MUC, VMU & CO Districts.

- (3) **Development or Construction Site.** One temporary development or construction sign may be erected on the project site provided such sign shall be limited to a general identification of the project and shall be removed within thirty days after completion of the project. Maximum size of a freestanding sign is 16 square feet of display area. Wall signs in the F, RA, RB & RC Districts may be 16 square feet of display area and 32 square feet of display area in the SB, BP, MUC, VMU & CO Districts.
- (4) **Political Signs.** Signs bearing political messages relating to an election, primary or referendum may be placed in any district, except in a floodplain. Political signs may be placed within a right-of-way in such locations as will not create a safety hazard, not prior to six 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 week after Election Day.
- (5) **New Business or Business Relocation Signs.** A maximum of two temporary signs may be erected to announce a new business or a relocated business provided each sign is no larger than eight square feet of display area and is removed within sixty days of installation. Home occupations are not eligible for temporary signs under this ~~section~~ Article XI. Sign types permitted are:
- a. One wall sign which may consist of any material and temporarily cover a permanent wall sign or temporarily attached to a wall, and
 - b. Either a free-standing sign which may utilize existing sign posts or be on new posts that are removed at the end of the time period, or an ~~a~~A-frame which must be removed during non-business hours.
 - c. Location shall be on the same property as the business and shall not interfere with sight distance from any egress.
- (6) **Farm Stand Signs.** Signs erected by growers of fresh fruit and vegetable crops advertising those fresh fruit and vegetable crops are permitted if crops are offered for sale by the grower on the premises on which those crops are grown and if the following requirements are met:
- a. Signs may be erected, maintained and kept in place only from June 1st to December 1st of each year.
 - b. Signs may advertise only those fruits and vegetables that are available for immediate purchase.
 - c. No grower may have more than 6 signs posted or in place within the Town of Falmouth at any one time, not more than 4 of which may be located off the premises on which these crops are grown.
 - d. No signs may exceed six (6) square feet of display area, and all signs must be located within 3 miles, by road of the farm stand.
 - e. Signs may be erected on off premise private property, but only with the landowner's prior, written consent. Signs may also be erected within, but only at the outside edge of, rights of way that receive no federal aid.
- (7) **Temporary Advertising Signs**
- a. **Applicability** - Any individual business owners may place temporary advertising signs in accordance with this ~~section~~ section (7). Home occupations are not eligible for temporary signs under this section ~~(7)~~.

- b. **Exemptions** - Signs permitted under this section ~~(7)~~ are exempt from the Route One and Exit 10 Design Guidelines.
- c. **Standards**
1. One temporary advertising sign ~~per day~~ may be placed for up to seven consecutive days for up to four non-consecutive occurrences per calendar year for each business.
 2. The following types of temporary advertising signs are permitted.
 - i. Wall
 - ii. Freestanding
 - iii. A-Frame
 3. Non-electronic changeable copy is permitted on all sign types.
 4. Maximum allowable size is 16 square feet of sign display area.
 5. Minimum required height for lettering is five inches.
 6. Businesses located on a lot with frontage on a street may place a temporary sign within the right-of-way adjacent to the property boundary if permission is obtained from whoever controls the right-of-way.
 7. Temporary Advertising signs shall not cover existing permanent sign content.
- d. **Registration of Signs**
1. Any business owner intending to use this section shall register all signs with the Code Division on a form provided by the town.
 2. The initial registration shall include the dates of the initial temporary sign occurrence and be accompanied by a \$25.00 fee.
 - ~~2.~~3. The applicant must register thereafter for each additional occurrence declaring specific dates for temporary sign placement with no additional fee charged.
 - ~~3.~~4. The registration period shall be the effective date of this ordinance through December 31, 2013.
- e. **Sunset Clause**
- This ~~provision section (7)~~ for temporary advertising signs ~~shall cease to have effect after~~ is repealed effective December 31, 2013, unless further legislative action is taken to extend the provision.