



**TOWN OF KITTEBY**  
Code Enforcement Office  
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## **SIGN ORDINANCE**

### Article XII. Signs

#### **6.32.570 Purpose.**

The purpose of this section is to balance the need for adequate identification and advertising for land uses to promote the economic well-being of the town with the need to protect the public safety and maintain and enhance the physical appearance of the community. This objective is to be achieved by:

- A. Allowing adequate signage for the effective use of signs as a means of identifying, advertising and communication of land uses;
- B. Establishing the appropriate bounds for location, size, number, type and use of signs to protect traffic safety, preserve property values and to promote visual order and clarity; and
- C. Establishing procedures and regulations for the fair and consistent administration and enforcement of these sign restrictions. (Ord. 6-97 (part))

#### **6.32.575 General requirements.**

- A. No sign shall be erected, posted, enlarged, or substantially changed without a permit issued by the code enforcement officer (CEO), except where Section 16.32.620 provides otherwise.
- B. No exterior sign shall be artificially illuminated except where hooded or shielded or otherwise designed to prevent direct light spilling onto traveled ways or neighboring property.
- C. No sign shall contain a moving message board or intermittent illumination, except where necessary in time/temperature/date signs.
- D. Any sign that interferes with or closely imitates any official traffic sign, signal or device is prohibited.
- E. No sign designed to be transported by means of wheels shall be allowed, unless said vehicle is used in the normal day-to-day transportation operations of the business. All trailer signs are prohibited.
- F. Any changeable message signs shall be integrated into a permanently-mounted sign. Such a changeable message board shall be mounted a minimum of three and one-half feet above ground level.
- G. All signs shall be maintained in a safe and sound structural condition.
- H. Advertising. No advertising or signage is permitted on wireless communication services facilities.
- I. Any sign not expressly permitted herein is prohibited. (Ord. 6-98 (part); Ord. 6-97 (part))

16.32.580

Sign location.

- A. All signs must be permanently installed on the premises of the activity to which the advertising message refers, except where Section 16.32.605 provides otherwise or upon approval by the town council.
- B. All signs must be located outside the full width of the right-of-way of any public way, unless authorized by the town council.
- C. Except for signs authorized in Sections 16.32.605 and 16.32.615, freestanding signs erected after October 1, 1997 must be located at least thirty-three (33) feet from the centerline of any U.S. or state numbered highway less than sixty-six feet (66) feet in width, and at least twenty (20) feet from the outside edge of the paved portion of any travel lane of any U.S. or state numbered highway which has both more than two travel lanes and a total paved portion in excess of twenty-four (24) feet in width.
- D. Signs must not be placed on or above the roof of any building. All signs must be located below the level of the eaves of the portion of building where the sign is to be erected, except as follows:
  - 1. Signage may be located above the eaves on a gable or dormer of a building providing it does not extend above or beyond the roof line of the gable or dormer; and
  - 2. Signage may be located on a parapet wall provided the sign neither extends any more than eight feet above the roof-wall junction of the parapet wall nor extends beyond the height of the parapet wall.

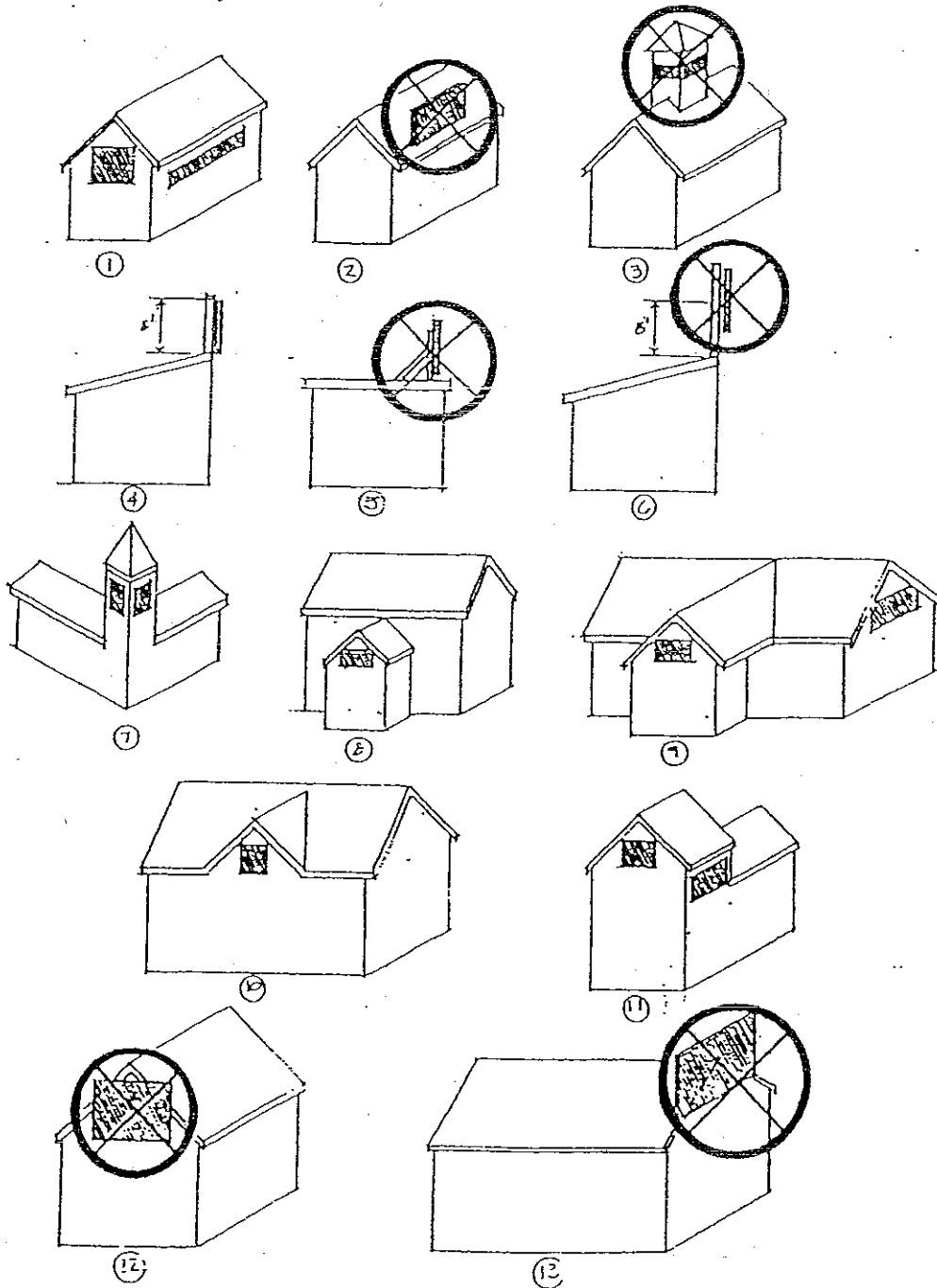
Note: Please see Diagram 16.32.580 at the end of this section to assist the reader in understanding acceptable and unacceptable locations of building-mounted signs according to the terms of Section 16.32.580(D).

- E. Building-mounted signs which extend more than six inches from the surface of the structure must provide a minimum of eight (8) feet of vertical clearance to a walkway, parking area, private drive and ground surface. Such signs must not extend beyond the street right-of-way boundary unless authorized by the town council.
- F. Freestanding signs must not extend higher than twenty (20) feet above the original ground level or the elevation of the centerline of the nearest street measured at the closest point to the sign, whichever is greater.
- G. Signs must not be posted on trees, utility poles, traffic control devices, or unregistered motor vehicles or trailers. Signs posted on fences are treated as a type of freestanding sign. Any unpermitted and unallowed sign located in a public road right-of-way may be caused to be removed by the town without notice to the owner of such sign.
- H. No sign may be located so that it interferes with the safe sight distances necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets, private roads or driveways.
- I. All building-mounted signs must be located only on the building that contains the activities or businesses advertised, except that up to ten (10) percent of the allowed signage for building-mounted signs in Section 16.32.595 may be allocated to signs mounted on fuel pumps and/or fuel pump canopies
- J. In cases where multiple freestanding signs are permitted, any additional allowed smaller freestanding sign must face and be located along a separate publicly maintained street. (Ord. 6-97 (part))

Diagram 16.32.580

Examples of Allowed and Prohibited Sign Placement

These drawings are illustrative and meant to be an aid to the Reader. Please refer to Chapter 16.32 Art. XII for full details.



**16.32.585 Number of freestanding signs.**

- A. Except as otherwise authorized in Sections 16.32.585, 16.32.610 or 16.32.615, each development is prohibited from having more than one freestanding sign.
- B. Multi-sided signs are considered as one sign, however the square footage of each sign face is calculated to determine total sign area.
- C. Where a development fronts on two publicly maintained streets and has designed and approved access onto both those publicly maintained streets, the development is allowed one additional freestanding sign that faces and is located along a second publicly maintained street in accordance with Section 16.32.595.
- D. Where a development fronts on three publicly maintained streets and has designed and approved access onto each publicly maintained street, a third freestanding sign facing and located along the third publicly maintained street may be authorized at the planning board's discretion if it finds that other freestanding signage is not visible from the third street and that there is a need for a third freestanding sign to adequately communicate the business location to travelers on a third road fronted by the business. (Ord. 6-97 (part))

**16.32.590 Number of building-mounted signs.**

To prevent sign clutter, except for those signs authorized by Section 16.32.610 or 16.32.615, each business facility, which is on a site where two or more businesses occupy the same building, lot or development, is prohibited from having more than two building-mounted, non-temporary signs. (Ord. 6-97 (part))

**16.32.595 Sign area.**

- A. Residential Districts. Districts designated rural conservation, rural residence, suburban residence, urban residence, village residence and resource protection on the zoning map are residential districts for the purpose of this section.
  - 1. Accessory uses, including home occupations, are allowed sign area no greater than eight square feet.
  - 2. Other permitted uses are allowed sign area no greater than sixteen (16) square feet, except as otherwise provided. Residential developments are also allowed twenty-four (24) square feet, provided signs are located within the development on premises owned by the developer or owners' association.
- B. All Other Districts.
  - 1. A single business situated on a lot of record is allowed a total sign area no greater than three hundred (300) square feet, or one and one-half square feet for every linear foot of building frontage, whichever is smaller. In any case, a single business on a lot of record is allowed a minimum sign area of seventy-two (72) square feet.
  - 2. Where two or more business facilities occupy the same building, lot or development, allowable sign area is calculated as follows:
    - a. Total building-mounted sign area equals one and one-half square feet per linear foot of building frontage for each business facility. The total allowed building-mounted sign area may be allocated among individual business facilities at the property owner's discretion.
    - b. The development is allowed one freestanding sign not greater than one hundred fifty (150) square feet in sign area. An additional freestanding sign no greater than seventy-two (72) square feet in sign area facing and located along that secondary street is allowed if the development fronts on multiple streets and has designed and approved access onto each publicly

maintained street. A third freestanding sign may be permitted at the planning board's discretion in accordance with Section 16.32.585. (Ord. 6-97 (part))

- 6.32.605 Off-premises signs.
- A. An individual business or service, upon application, may be assigned no more than three off-premises business directional signs (OBDS). An OBDS must be designed and located so as to avoid conflict with other signs and minimize impact on the scenic environment through the following standards:
1. Dimensions: twelve (12) inches by forty-eight (48) inches;
  2. Coloring: state standard blue background, white lettering, logo may be any color;
  3. Reflectorization: optional;
  4. Location: on existing assemblies (posts) where possible. No more than two assemblies per intersection approach;
  5. Restricted areas: An OBDS must not be placed on an inbound leg of the Kittery traffic circle within four hundred (400) feet of its outer perimeter, or adjacent to points of scenic or historical interest, including but not limited to federal, state, and local parks and reserves, recognized historic sites and buildings, water bridges and cemeteries.
- B. An off-premises sign which advertises commercial or other activity without advertising any specific enterprise (generic signs) may be approved by the planning board at size and location to be specified. (Ord. 6-97 (part))

6.32.610 Temporary signs.

All temporary signs must be installed on the premises of the activity to which the advertising message refers. Moveable signs are prohibited as temporary signs. The following types of temporary signs are allowed with an approved sign permit:

- A. The use of one temporary sign, other than a trailer sign, at any one time per business that is mounted to the building or attached to a freestanding sign structure for the purpose of advertising special events, provided that such signs are displayed for no longer than a combined total of twenty-one (21) days in any calendar quarter (January 1 - March 30, etc...) may be permitted. Total sign area for a temporary sign must not exceed seventy-two (72) square feet. The allowed twenty-one (21) day display period may be divided into no more than three separate, nonoverlapping temporary periods of not less than seven days.
- B. One additional temporary sign, other than a trailer sign, mounted to the building or to a freestanding sign structure is permitted per legally participating site for the duration of each town council approved sidewalk sales event. (Ord. 6-97 (part))

6.32.615 Signs allowed without a sign permit.

The following types of signs, in sizes and under conditions stated, are allowed without a town sign permit, but must conform with all other provisions of Article XII of Chapter 16.32 except for the provisions restricting the number of signs (Sections 16.32.585 and 16.32.590) and limiting the total sign area (Section 16.32.595):

- A. Public Information Signs. Signs for the control of traffic and other regulatory purposes, route markers, street signs, warning signs, utility, danger or warning signs, signs which indicate direction to hospitals, churches or other places of worship, or other public facilities;
- B. General Information Signs. Signs which provide direction or instruction such as, location of telephone, rest rooms, parking, automatic teller machines (ATMs), transit stops,

entrances and exits, open and closed signs, where installed entirely upon the property to which they pertain. "Enter" and "exit" signs must not exceed four square feet in size. All other general information signs must not exceed two square feet in size. Except for identifying approved off-premises parking stalls, no logos, trademarks or names of businesses shall be permitted on general information signs. The planning board may approve increased sizes and/or the use of logos or names of businesses on general information signs when considered necessary to promote safety or eliminate confusion;

- C. Memorial Tablets. Grave markers, signs commemorating a historical figure or event, names or dates of buildings to which a sign is attached;
- D. Public Notices and Community Signs. Official notices posted by public employees in performance of their duties, and any sign for town sponsored or supported events or facilities as approved by the town council;
- E. Flags of any Government or Recognized Political Subdivision. The flag of any government or recognized political subdivision is allowed, provided it is displayed no higher than fifty (50) feet above the original ground level or the elevation of the centerline of the nearest street measured at the closest point to the flag, whichever is greater;
- F. Religious Symbols;
- G. Building Street Numbers. In accordance with the street-numbering map on file with the town of Kittery assessing department;
- H. Political Campaign Signs. Signs on behalf of candidates for elective office or ballot issues, provided they are installed no earlier than thirty (30) days before the election or referendum to which they related and are removed within two days thereafter;
- I. Interior Signs. Signs placed inside a building which are located at least ten (10) feet inside the building or otherwise not oriented to be viewed from outside the building;
- J. Vehicular Signs. Signs painted on or affixed to registered motor vehicles or trailers where such signs are clearly incidental to the regular transportation function of the vehicle;
- K. Service Club Signs. Service club signs may be placed within the right-of way of a street with approval of the commissioner of public works. Such signs are encouraged to be consolidated on a single designated assembly structure at major entrance ways to the town. In addition, such signs not exceeding four feet in size may be erected at locations where meetings of such service clubs are convened;
- L. Real Estate Signs. Any sign advertising real estate for sale, lease or rent provided:
  - 1. Each sign does not exceed twelve (12) square feet,
  - 2. Each sign is located on the property being advertised except one sign may be located as an off-premises directional sign provided the sign does not restrict safe sight distances or impair safety,
  - 3. No more than two signs are erected per property being advertised, and
  - 4. Each sign is removed within sixty (60) days of transfer of title;
- M. Window Signs. Any sign that is placed inside a window and is visible from the exterior of the window provided such signage covers no more than fifty (50) percent of the area of any window;
- N. Legally-Required Signs. Any sign required by local, state or federal law with sign area no greater than two square feet or the minimum size required by law, whichever is larger;
- O. Food Menu Signs. Up to two signs advertising food items for sale on the premises at a legally existing restaurant, fast-food outlet, drive-in restaurant, or snack bar are allowed provided that:
  - 1. The total sign area of each such food menu sign on the site must not exceed thirty-two (32) square feet, and

2. Such food menu signs must either be building-mounted or comply with the front yard requirements for structures and be located within seventy-five (75) feet of the restaurant;

P. Under Canopy, Pedestrian-Oriented Signs. One building-mounted business identification sign per business facility not to exceed ten (10) square feet in size per sign where two or more businesses occupy the same building with a pedestrian walkway and canopy that parallels and connects the front entrances of the business facilities. The sign must be oriented toward pedestrians using the walkway, be located under the canopy near the main entrance to the business advertised and solely identify the business name or logo;

Q. Construction Phase and Contractor Signs. Signs, other than trailer signs, identifying the name of a contractor working on the premises or describing a construction project erected only during the construction phase of a development provided each sign does not exceed seventy-five (75) square feet. (Ord. 6-97 (part))

### 16.32.620 Sign permit application procedures.

- A. No person may erect, post, enlarge, relocate, replace or modify a sign except in conformance with a permit issued by the code enforcement officer. Notwithstanding the above statement, the following signs may be erected or modified without a sign permit:
1. Signs authorized in Section 16.32.615;
  2. Changes to nameplates or "shingles" to reflect occupancy changes on an existing approved freestanding sign identifying individual occupants on the site provided no change is made to the shape or size of the sign or sign area;
  3. Characters, letters and numbers may be changed on approved changeable message signs without a sign permit, provided no other change is made to the sign; and
  4. Signs may be maintained, cleaned, or repainted provided no change is made to the shape or size of the sign or to the sign area and provided no new business name is advertised.
- B. A complete sign application submission consists of the following items submitted to the code enforcement officer:
1. A completed sign permit application form provided by the town;
  2. An application fee in accordance with a fee schedule established by the town council; and
  3. A self-addressed, stamped envelope. (SASE).
- C. Complete applications must be reviewed by the CEO for compliance with the code. Complete sign permit application submissions must be returned by the CEO after rendering a decision to the applicant if accompanied by a SASE. Incomplete sign permit application submissions will only be returned to the applicant if accompanied by a SASE.
- D. Unless the proposed sign is located within the shoreland zone, the CEO must issue, deny, or seek a formal planning board opinion within fourteen (14) working days of receiving a complete sign permit application submission. If either a planning board opinion is sought or the proposed sign is located within the shoreland zone, the CEO must issue or deny the application within thirty-five (35) calendar days of receiving a complete sign permit application submission. The sign permit must be approved if the proposed sign conforms in every respect with the requirements of this article. In the CEO's absence, or if no action is taken by the CEO within the above time limits, the town manager, or the town manager's designee, may approve or deny the sign permit application submission.

- E. All new signs approved as of October 1, 1997 must display a numbered sign permit sticker provided by the town in a visible location at the lower right-hand corner of the sign face. Failure to display such sign permit sticker on signs erected as of October 1, 1997 will be considered a violation of this article. Replacement stickers are available from the CEO based on a fee schedule established by the town council. (Ord. 6-97 (part))

**16.32.625 Nonconforming existing signs.**

- A. All signs lawfully existing on October 1, 1997 that do not conform to the terms of this article may be continued and maintained subject to Section 16.32.625(B), but may neither be enlarged nor substantially altered except in conformity with this article.
- B. Lawfully nonconforming signs must be made to conform or shall be removed if any of the following circumstances occur, individually or in combination, for a consecutive three year time period:
  - 1. The sign has ceased to be accurate by reason of vacancy or closure of the business which the sign advertises;
  - 2. The sign face is blank, illegible, obscured, painted over, concealed or otherwise not decipherable.
- C. In no event shall the degree of nonconformity of any sign or type of signage on any lot be increased. (Ord. 6-97 (part))

**16.32.630 Sign violation and appeal.**

- A. The CEO must notify and order the owner to immediately correct any sign that endangers public safety. Signs that endanger public safety include, but are not limited to, those which are dangerous by reason of structural defect or those that interfere or obstruct a driver's safe operation of a motor vehicle.
- B. A nonconforming sign which is required to conform to the sign regulations per Section 16.32.625(B) must be brought into conformity.
- C. Enforcement of the provisions of this article shall be in accordance with Chapter 16.16. (Ord. 6-97 (part))