

SIGN ORDINANCE

**TOWN OF
HOLDEN, MAINE**

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TRUE ATTEST COPY

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TOWN OF HOLDEN SIGN ORDINANCE

ARTICLE 1 STATEMENT OF PURPOSE

The purpose of this ordinance is to protect and promote the health, safety, and general welfare of the public; to regulate signs such that they will not, by reason of their size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety; and to promote the attractive use and placement of signs, as an integral part of the Comprehensive Plan for municipal development, and consistent with the property rights guaranteed to all persons by the Constitutions of the United States and the State of Maine.

ARTICLE 2 DEFINITIONS

Section 201. For the purpose of this Ordinance, the following words and phrases shall have the meaning ascribed to them in this section.

Animated Sign: A sign which has any moving billboard light or lights, or has any moving parts.

Applicant: A person for whom a sign is proposed to be erected, requesting that a sign permit be issued.

Arcade Sign: A sign located within or on the sidewalk of a shopping center and visible from the exterior of the building.

Attached Sign: A sign attached to a building or other structure.

Billboard: A detached or free standing sign having one or more panels designed to contain informative messages of advertisement which are changed from time to time.

Commercial Complex: Commercial premises owned or managed as a single entity, which accommodates more than one retail or service business, including professional offices, and which contains more than twelve thousand (12,000) square feet of gross floor area, including department stores and grocery stores with more than twelve thousand (12,000) square feet of gross floor area.

Detached or Free Standing Sign: A sign supported by itself, by one or more uprights, poles braces or wheels placed in or on the ground or by a structure other than a building.

Electronic Sign: An on-premise freestanding sign with text and/or graphics changeable by electronic signal.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way, bring into being or establish advertising or to change the face of an existing sign other than the remotely changeable portion of an electronic sign, and to include the painting of exterior wall signs or window signs.

Flashing Sign: A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in such light or color effects, including, but not limited to, rotating beacons. Illuminated signs which indicate the time, temperature, weather, or other similar information shall not be considered flashing signs provided that the total surface area does not exceed 66 square feet and the vertical dimensions of any letter or number is not more than 24 inches.

Home Occupation: As defined in the Holden Zoning Ordinance.

Illuminated Sign: A sign which has characters, letters, figures, designs, or outlines illuminated by electric lighting or luminous tubes as part of the sign, or is internally lit.

Indirectly Illuminated Sign: An illuminated, non-flashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into public streets.

Industrial or Commercial Park: An industrial/commercial development on an approved, self-contained subdivision with three or more lots serviced by a cul-de-sac or loop road totally contained within it.

Industrial or Commercial Park Directory Sign: A freestanding sign identifying three or more occupants of the park. No such sign shall advertise goods and services provided on the premises.

Institutional Directional Sign: A sign erected and maintained in accordance with this ordinance designed to indicate to the traveling public the route and distance to points of scenic, historical, cultural, recreational, educational and/or religious interest.

Nameplate Sign: A non-illuminated sign, the area of which does not exceed two square feet, which states one or more of the following: the name of the building, the name of any occupant or the address of the building.

NIT: A measurement of light in candelas per meter square (Cd/m²)

Non-Conforming Sign: A sign that was lawfully erected but which now fails to comply with the requirements of this ordinance.

Non-Functional Sign: A sign displayed after the business or product advertised is no longer located, operating, or available on the premises to which the sign pertains.

Official Business Directional Sign: A sign erected and maintained in accordance with Title 23, M.R.S.A., Sections 1906 et al, designed to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational and/or religious interest.

Off-Premise Sign: A sign which directs attention to a business, profession, product, service, entertainment, merchandise, or goods, not conducted, sold, present, or offered upon the premise or land where such sign is located

On-Premise Sign: A sign which directs attention to a business, profession, product, service, entertainment, merchandise, or goods, conducted, sold, present, or offered upon the premise or land where such sign is located.

Parallel Frontage Roads: Roads developed to access properties within 1000 feet of and running parallel to Route 1A. Property access shall be limited to entrances only on the Parallel Frontage Road.

Permanent Sign: An name, identification, description, display, illustration or device which is intended for a period of display in excess of thirty days. Any sign that is not considered a temporary sign with this Ordinance shall be considered permanent.

Person: Any individual, corporation, joint venture, partnership, or any other legal entity.

Portable Sign: Any sign that is not permanently affixed to a building, structure or the ground, and/or is designed to be moved from place to place, with or without wheels. Specifically included for purposes of description, but not limitation, are signs mounted on trailers, with or without wheels; A-shaped "sandwich board signs"; wind banners; business flags; and inverted T-shaped signs.

Premises: The lot or parcel of land, used in the active conduct of a business, service, profession, or activity, including, but not limited to, structures, driveways, parking lots, storage areas, landscaping and loading areas.

Projecting Sign: A sign which is attached to a building wall and which extends more than fifteen (15) inches from the face of such wall and is eight (8) feet above grade level.

Rotating or Moving Sign: A sign that turns, rolls or otherwise moves, or gives the appearance of turning, rolling or otherwise moving. Signs that electronically or mechanically display the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature are not considered rotating or moving signs.

Setback: The distance from any street, highway, or right-of-way line abutting a lot, and shall also apply to the side and rear lot lines.

Sign: Any name, symbol, trademark, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution, or business. A sign shall include writing, representation, or other fixture of similar character within a building only when, illuminated and located in a window. The supporting structure of signs may be considered to be a part of the sign but shall not be considered to be part of the sign area.

The following shall not be considered signs within the meaning of this Ordinance:

- a. Flags or insignia of any government;
- b. Legal notices, identification, information, traffic-related, or directional signs erected or required by governmental bodies, excluding Official Business Directional Signs;

Sign Area Measurements:

a . Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy;

Sign area is measured as that area contained within the outside dimensions of the background panel or surface.

b. Sign copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structures that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy;

Sign area is measured as the area enclosed by the smallest single rectangle that will enclose all sign copy.

c. Sign copy mounted or painted on an illuminated sign or illuminated architectural element of a building;

The entire illuminated surface or illuminated architectural element which contains sign copy, will be counted as sign area.

d. Number of Sign Faces:

One - area of the single face only.

Two - if the interior angle between the two sign faces is 45 or less, the area will be the area of one face only; if the angle between the two sign faces is greater than 45, the sign area will be the sum of the areas of the two faces.

Three or more - the sign area will be the sum of the areas of the three or more faces.

Spherical, Free Form, Sculptural, Other non-Planar Signs - sign area will be the sum of the areas of the four vertical sides of the smallest polyhedron that will encompass the sign structure.

e. For a sign having more than one component (e.g., a service station identification/price sign combination mounted on the same surface) the sign area will be the area of the smallest rectangle that will encompass the several components of the sign.

Temporary Sign: A display, informational sign, banner, or other advertising device, with or without frame, and intended for a limited period of display.

Wall Sign: Any sign painted on or attached parallel to the wall surface of a building and projecting there from not more than fifteen (15) inches.

ARTICLE 3 GENERAL PROVISIONS

Section 301. This Ordinance shall be known and may be cited as the Holden Sign Ordinance.

Section 302. All New Work to Conform. All signs erected, constructed, or altered in the Town of Holden shall comply with the requirements set forth in this Ordinance.

Section 303. Maintenance. It shall be unlawful to maintain a sign that has been erected or altered in violation of this Ordinance.

Section 304. Authority. This Ordinance is adopted pursuant to Home Rule as provided for in Article VIII-A of the Maine Constitution, Title 30-A, Section 4352 and Title 38, Section 435 et. Seq. of the Maine Revised Statutes Annotated.

Section 305. Conflict with Other Ordinances. Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation and ordinance, the more restrictive requirements shall govern.

Section 306. Supercedure. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, but only to the extent of such conflict. The Sign Ordinance in effect at the time that this Sign Ordinance is enacted is hereby repealed. Provided, however, that all lawfully adopted Ordinances or parts thereof shall remain in full force and effect with respect to any violation thereof in existence at the time of adoption of this Ordinance, and provided further that any such violation shall be deemed a violation of this Ordinance and subject to its terms and provisions.

Section 307. Severability. In the event that any section, subsection or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 308. Amendments. The procedure to be followed in initiating and securing amendments to this Ordinance is as follows:

308.1 Initiation

A proposal to amend this Ordinance may be initiated by:

308.1.1 The Planning Board, by majority vote;

308.1.2 The Town Council, through a request to the Planning Board; or

308.1.3 Any 5 qualified voters may begin initiative proceedings by a request in writing to the Town Clerk. The Clerk shall provide the appropriate petition blanks within 5 days of when they are requested. The complete text of the proposed amendment shall be included in the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed

amendment. These 5 qualified voters shall be referred to as the Requesting Committee during the initiative procedure. The Requesting Committee shall have 30 days from the acceptance date of the request by the Town Clerk to cause the petitions to be signed by 5% of the number of votes cast in the Town at the last gubernatorial election but not fewer than 70 voters. any voter of Holden may circulate the petition. The petition shall be signed only once by qualified voters of the Town and each voter's signature shall be followed by his/her address. An affidavit-of-the-circulator, similar to that which is required in MRSA Title 30-A, Section 2102(3) (b)(3), as amended, will be required.

Petitioners may present their petitions to the Clerk at any time during the circulation period. Within 7 days after the petition circulation period ends, the Clerk shall certify to the Town Council and notify the Requesting Committee that the petition has been signed by 5% of the total of qualified voters who cast votes in the last gubernatorial Election but not fewer than 70 voters.

Should fewer qualified voters than required by this Ordinance sign the petition in the specific time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated. A request to initiate the same amendment may not be accepted by the Clerk until 120 days after the expiration of the previous filing period.

Upon receipt of certification, the Planning Board and the Town Council shall within 30 days hold a joint public hearing, notice of which shall be given at least 7 days in advance by publication in a newspaper having a circulation in the Town of Holden and by posting a notice at the Municipal Building and another public place in Holden, and the Town Council shall within 60 days after said public hearing hold a municipal election for the purpose of submitting to vote the question of adopting such amendment unless, in substance, such ordinance amendment shall be enacted by the Council prior to the call for said municipal election.

Any such proposed amendment shall be examined by the town attorney before being circulated for signatures. The town attorney is authorized to edit the form of such proposed amendment for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references, and clarity and precision in its phraseology, but he/she shall not materially change its meaning and effect. If the town attorney cannot edit or correct the proposed amendment, he/she shall so advise the requesting committee who may revise the proposed amendment. If not revised, the town attorney shall advise the voters at the public hearing of the shortcomings of the proposed amendment.

- 308.1.4 When an amendment is proposed by other than the municipal officers or Planning Board, a fee of one hundred dollars (\$100) shall accompany the proposal to cover the cost of review, hearings, and advertisements. This fee is non-refundable.

308.2. PROCESS OF ADOPTION

Except as provided for an amendment initiated under Section 308.1.3 the process to be followed in adopting an amendment to this Ordinance is as follows:

- 308.2.1. Proposed amendments must first be submitted to the Planning Board for their consideration.
- 308.2.2. The Planning Board shall, within thirty (30) days of receiving a proposed amendment, set a date to hold a public hearing on the proposed amendment.
- 308.2.3 Notice of the public hearing shall be given as required by State Law.
- 308.2.4 The Planning Board shall make its official report at the next regular meeting of the Town Council following the public hearing.
- 308.2. 5. The Town Council shall hold a public hearing, notice of which shall be given at least 7 days in advance by publication in a newspaper having a circulation in the Town of Holden and by posting a notice at the Municipal Building and another public place in Holden. After the hearing, the Town Council may adopt the amendment to this Ordinance, with or without amendment, or reject it. But if it is amended, the Town Council may not adopt it until it has been subjected to all the procedure herein applicable to a newly proposed amendment to this Ordinance.

Section 309. Effective Date. The provisions of this Ordinance shall become effective the day of their enactment.

ARTICLE 4 PERMITS

Section 401. Permit Required. No person shall erect any sign, as herein defined, without first obtaining a permit therefore from the Code Enforcement Office, except those signs exempted from this requirement by Article 5.

Section 402. Filing of Permit. Application for a sign permit shall be made and signed by the applicant or his or her agent using forms prescribed and provided by the Code Enforcement Officer. When the applicant is any person other than the owner or tenant of the property where the sign is to be located, the application shall also be signed by the owner or tenant of that property or his or her agent. The application shall be accompanied by the required application fee; plans drawn to scale showing the dimensions of the sign, the position of the sign in relation to nearby buildings or structures, the location of the premises or land upon which the sign is to be erected and the method of illumination, if any; and such other information as the Code Enforcement Officer shall require to show full compliance with this chapter and all other laws and ordinances of the Town of Holden.

Section 403. Schedule of Fees. The permit fee for erecting, altering, or replacing signs, shall be in the amount found in the Town of Holden fee schedule per sign,

Section 404. Limitation. Should the work authorized by a permit granted under this Ordinance not have commenced within six (6) months, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing, then and in that event, the permit shall become null and void and a new permit shall be required before any work may continue.

ARTICLE 5 RESTRICTIONS

Section 501. Requirements applying to all signs.

The following regulations shall apply to on-premises signs in all districts:

- A. Flashing, rotating, moving signs, foil, streamers, and balloons, are prohibited in the Town of Holden, except signs considered an electronic sign meeting the requirements of Article 9 or wind banners and flags as defined.
- B. A sign shall not obstruct a motorist's vision of an official traffic signal. A sign visible from a public street shall not simulate, by wording or shape and color, any municipal or state highway sign, emergency sign, traffic control sign or railroad crossing sign and shall not be permitted if such sign, in the opinion of the Code Enforcement Officer, will constitute a traffic hazard. No illuminated signs shall be of the intensity or brilliance to cause glare or impair the vision of the operator of any motor vehicle or to otherwise interfere with such operator.
- C. Every projecting sign attached to the wall of any building above a sidewalk, driveway or private or public parking area and every freestanding sign in such area shall be required to maintain a clearance of at least 10 feet between the bottom of such sign and the ground level.
- D. All signs and their supporting structures shall be properly maintained to prevent rust, rot, peeling or similar deterioration.
- E. No sign shall be indirectly illuminated so as to cause light to shine onto adjacent properties or into any public right-of-way.
- F. Business directional signs, as provided for by the Maine Travelers Information Service Act (23 M.R.S.A. §§ 1901 through 1925), are not permitted in any public way of the Town of Holden. Application to the Maine State Department of Transportation for signs within the rights of ways of the State of Maine shall be done through the Town of Holden Code Enforcement Officer. However, Institutional Directional Signs may be erected and maintained in the Town right of way with the permission of the Town of Holden Road Commissioner and in accordance with this ordinance and any Ordinances regulating activities within the Town's right of ways.
- G. On-premises signs shall not extend over or project into any public way.
- H. One arcade sign is permitted per establishment in integrated shopping centers. The face of the sign shall not exceed 12 inches in height, to be measured at right angles to the soffit or ceiling, and such sign shall not exceed eight feet in length and must be mounted at right angles to the nearest face of the building. Arcade signs shall be included in the calculation of allowable sign area.
- I. Wall signs shall not be attached to or obstruct any window, door, stairway or other opening intended for ingress, egress or for ventilation or light.
- J. Signs shall not obstruct access to vehicle stops, benches, fire hydrants or other street furnishings.

- K. Signs on Motor Vehicles. Signs on motor vehicles, boats and/or trailers, which are determined by the Code Enforcement Officer to be circumventing the intent of this Ordinance are prohibited. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle.

Section 502. Off-Premise Signs Prohibited. All off premise signs are prohibited. This provision shall not apply to Official Business Directional Signs or Institutional Directional signs,

Section 503. Signs Painted on Buildings. Any sign painted directly on the surface of a building must conform to the allowable sign area limitations of this ordinance and must be maintained in good repair.

Section 504. Revolving Signs. Revolving signs are prohibited in the Town of Holden except for barbershop poles which are not to exceed four (4) feet in height.

Section 505. Setback.

Section 505.1. Setback from Right-of-Way. No signs except Official Business Directional Signs, shall be erected inside of the public right-of-way of Route 1A and Institutional Directional Signs on Town of Holden right of ways.

In addition, if the paved surface of the road extends to the edge of the right-of-way, signs must be located at least seven (7) feet from such paved surface.

Section 505.2. Setback From Side Lot Lines. All signs shall be set back at least twenty (20) feet from all side lot lines. The setback shall be determined from street or lot lines to that part of the sign that extends nearest to said line, whether it be at ground level or above ground level.

Irregardless of these setback provisions, no sign shall be located such that it interferes with or impairs the vision of the operator of any motor vehicle.

Section 506. Non-functional Signs.

Section 506.1. Non-functional, Non-conforming Signs. It shall be unlawful for any non-conforming sign to remain on display after it ceases to be functional. Any sign which advertises a business, product, activity or campaign no longer conducted on the premises shall be taken down and removed by the owner, agent or person having control of the premises or land upon which such sign is erected within 30 days of the closure of the advertised entity or within 30 days after a written notice from the Code Enforcement Officer stating that such sign must be taken down and removed, whichever occurs first.

Section 506.2 Non-functional, Conforming Signs. If a sign which would otherwise be considered in conformance with this Ordinance becomes non-functional for a period of ninety (90) days or more, that sign shall be considered a non-functional, conforming sign. Non-functional, conforming signs may remain in place for an indefinite period, but must be painted or otherwise colored a solid white, beige, blue, brown, or black color, and may bear no advertising material. This section does not apply to seasonal businesses.

Section 507. Portable Signs.

(a) Portable signs bearing a message designed to advertise or promote a product or service available on premises are only allowed in the General and Limited Commercial Zones, Community Service and Institutional Zone, and the Village Center Zone and shall be limited to one (1) such sign per lot or parcel provided that it be placed in the manner set forth in Section 505 of this Ordinance. In addition, the area of such signs shall not exceed thirty-two (32) square feet. Such signs shall be held in place by stakes, guy wires, or other adequate means. Said signs shall not be considered detached or free standing within the meaning of this Ordinance. A permit shall be required for said signs, but no fee shall be charged.

(b) Portable signs bearing messages other than those designed to advertise or promote a product or service may be placed on private property provided that they be placed in the manner set forth in Section 505 of this ordinance. The sign area shall be limited to four (4) square feet in size.

(c) Additionally, two (2) wind banners, business flags or combination thereof not exceeding 32 square feet in size and with a maximum height of 15 feet per device, may be displayed as per Section 505.

Section 508. Temporary Signs. Temporary signs, as defined in this Ordinance shall be classified in one of the five categories below, and subject to the regulations that pertain there to:

a. **Real Estate Sale, Rental, or Lease.** Temporary signs which pertain to use, sale, or lease of real estate shall be permitted, but must not exceed thirty-two (32) square feet in area in the General Commercial, Limited Commercial, and Community Service and Institutional Zones; and eight (8) square feet in the High Density Residential (R-1 & R-1G), Low Density Residential (R-2), Rural Resource and Rural Residential (R-3), Seasonal Residence (R-4) and Resource Protection (R-P) Zones. One sign shall be allowed for each two hundred (200) feet. In addition, signs shall be placed in the manner set forth in Sections 505.1 and 505.2. A permit shall not be required for said signs.

b. **New Business Openings.** When a new business opens for the first timer, it has a unique need to inform the public that the business is now open. This event warrants additional signage for a limited period, beyond the signage which it will have on a permanent basis. For this reason, temporary banners or other temporary signs for the opening of a new business shall be permitted with a permit from Code Enforcement, subject to the following limitations:

1. The business has all required Town permits, approvals and licenses.
2. A maximum of two (2) temporary signs may be erected to announce a new business or a relocated business.
3. The size of each sign or banner shall not exceed:

A. In all Route 1A zones 32 square feet.

B. In all other zones, 4 square feet.

4. Each sign or banner shall be legible, and shall be maintained in good condition and appearance.
5. No such sign or banner shall be located in a manner which would obstruct sight distance for drivers, bicyclists and pedestrians, and any sign shall be moved upon request if the Holden Police Department finds this standard is not adequately met.
6. Temporary sign display shall begin within 7 days (before or after) of the initial opening of the business to customers, and all such temporary signage shall be removed within 30 days of its first display.

c. **Special Event and/or Announcement Signs.**

1. Business and Commercial

A. Applicability. Any individual business owners may place temporary advertising signs in accordance with this section. Home occupations are not eligible for temporary signs under this section.

B. Standards.

1. One (1) temporary advertising sign may be placed for twenty-one (21) consecutive days for up to three (3) non-consecutive fourteen (14) day special event occurrences per calendar year for each business.

2. The following types of temporary advertising signs are permitted: attached, detached or freestanding, wind banners and flags.

3. Non-electronic changeable copy is permitted on all sign types.

4. Maximum allowable size is thirty two (32) square feet of display area.

5. Minimum required height for lettering is five (5) inches.

6. Temporary signs are not allowed within the right-of-way and shall be at least twenty (20) feet from side and rear property lines.

C. Registration of signs.

1. Any business owner intending to use this section shall register all signs with the Code Enforcement Officer on a form provided by the town.

2. The registration shall include the dates of the temporary sign occurrence.

3. The applicant must register thereafter for each additional occurrence declaring specific dates for the temporary sign placement.

d. **Civic, Philanthropic, Educational, or Religious Organizations.**

Temporary signs totaling not more than thirty two (32) square feet in area on any one lot, appertaining to campaigns, drives, or events of political, civic, philanthropic, educational, or religious organizations are allowed. Such signs must be removed not later than thirty (30) days after they are erected, A permit shall not be required for said signs. All other regulations contained in this ordinance shall apply to said signs.

e. **Political Signs.** Signs bearing a political message relating to an election, primary, or referendum shall be permitted without necessity of a permit and may be placed in the right-of-way provided they are removed by the candidate or political committee not later than one week after the election, primary, or referendum to which they relate. Any signs not removed within this time period shall be removed by the Code Enforcement Officer of the Town of Holden, or his agent. The cost of removal of such signs shall be determined by the Town Manager and a bill for such costs shall be sent to the candidate or committee responsible for the placement of such signs.

Any such sign placed on private property shall also be removed within one week after the election, primary, or referendum to which they relate. The Code Enforcement Officer shall notify any property owner on whose property such signs have been placed if the signs are not removed within the time period set forth above. Failure to remove the sign after notification shall constitute a violation of this ordinance.

f. **Yard Sale Signs.** Signs designating yard sales shall be limited to one sign located on the property permitted to hold the yard sale. The sign shall not exceed four (4) square feet and shall bear the name of the person to whom the permit was issued. Signs must not obstruct traffic view and shall be removed within 48 hours of the expiration of the permit.

Section 509. Signs for Home Occupations. Sign for home occupations shall be limited to one (1) nameplate, which may display the name of the occupant and/or the name of the home occupation(s). Such sign shall not exceed four (4) square feet in area and shall be non-illuminated.

Section 510. Affixed Signs. Signs affixed to any wall or roof of a building or signs composed of individual letters without a background, may be located on the edge of a roof or parapet wall on a flat roof provided it does not project greater than four (4) feet above the edge of the roof, parapet wall of a flat roof or the top of a wall at the roof edge. On other types of roofs, the signs may be affixed to the roof of a structure provided the top of the sign shall be at least 4 feet lower than the ridge of the roof. The maximum dimensions of a roof sign shall be no greater than 12 feet in length by 4 feet in height.

Section 511. Height of Signs. No sign, either attached, detached, or affixed to any wall of a building or roof, shall extend to a height greater than twenty-five (25) feet above the level of the ground upon which it is erected.

Section 512. Free-Standing or Detached Signs. No free-standing or detached sign in the Community Service and Institutional, Limited or General Commercial Zones shall have a maximum area of greater than two hundred (200) square feet. Signs located within the Village Center Zone shall not exceed 150 square feet in maximum area.

Commercial Complex Excepted – Commercial Complexes, as defined in this Ordinance shall not be bound by the provisions of this section. Article 7 of this Ordinance shall govern the placement and size of signs for Commercial Complexes.

ARTICLE 6 ZONE RESTRICTIONS

Section 601. Signs in Limited Commercial and General Commercial Zones.

- A. In Limited Commercial and General Commercial Zones, signs may be located and may be attached, detached, or projecting signs, single or double faced, identifying uses or goods sold or services rendered on the premises.
- B. No lot or parcel in these zones may have more than one detached sign, except as provided in subsection "C" of this section.
- C. Lots or parcels located in these zones with more than three hundred (300) linear feet of frontage along the public way may have two free-standing signs. Lots or parcels with more than five hundred (500) linear feet of frontage along the public way may have up to three (3) free-standing or detached signs. All detached signs on any one lot or parcel shall maintain a minimum separation of one hundred (100) linear feet.
- D. Golf courses and outdoor recreational facilities may have non-advertising signs appropriate to their use, i.e., driving range distance markers and hole numbers.
- E. Industrial and Business Park signs not exceeding four hundred (400) square feet, and which are in compliance with Section 507, are allowed at the entrance to Route 1A, Main Road.
- F. In no case shall the aggregate area of all signs located on any parcel located in these zones exceed six hundred (600) square feet.

Section 602. Signs in the Community Service and Institutional Zone (CS &I) Zone and the Village Center Zone (VC).

- A. In the VC and CS and I Zone, signs may be in accordance with Section 507, and may be attached, detached, or projection signs, single or double faced, identifying uses or goods sold or services rendered on the premises.
- B. No lot or parcel of land located in these zones shall have more than one (1) free-standing or detached sign except as provided in subsection "C" of this section.
- C. Lots or parcels of land located in these zones with more than three hundred (300) linear feet of frontage along the public way may have up to two (2) free-standing or detached signs. Lots with more than five hundred (500) linear feet along a public way may have up to three (3) free-standing or detached signs. All detached signs, except portable signs (see Portable Signs, Section 507) on any one lot or parcel shall maintain a minimum separation of one hundred (100) linear feet.
- D. In no case shall the aggregate area of all signs located on lots or parcels in these zones exceed six hundred (600) square feet.

Section 603. Signs in the High Density Residential (R-1 & R-1G), Low Density Residential (R-2) Zones and the Rural Resource/Residential Zone (R-3).

The following signs are permitted in the R-1, R-1G, R-2 and R-3 Zones:

- a. Signs not exceeding twenty-four (24) square feet in area, which identify a particular residential subdivision, to be located on the subdivision site. No more than two (2) signs may be located on any one subdivision.
- b. Signs, including but not limited to home occupation signs, with an aggregate area not exceeding four (4) square feet directing and guiding traffic on private property, but bearing no advertising matter.
- c. Detached signs, one to a lot of record, which measure not more than eight (8) square feet in size advertising farm produce grown at that location.

Section 604. Signs in the Seasonal Residence (R-4) and Resource Protection (R-P) Zones.

The following signs are permitted in the R-4 and R-P Zones:

- a. Signs not exceeding twenty-four (24) square feet in area, which identify a particular residential subdivision, to be located on the subdivision site. No more than two (2) signs may be located on any one subdivision.
- b. Signs, including but not limited to home occupation signs, with an aggregate area not exceeding four (4) square feet directing and guiding traffic on private property, but bearing no advertising matter.

ARTICLE 7 COMMERCIAL COMPLEXES

Section 701. Applicability. This Article regulates the placement of signs in all commercial complexes as defined in this Ordinance.

Section 702. Attached Signs. In commercial complexes, each store or shop front may have one attached sign aggregating four (4) square feet of area for every running foot of its frontage. However, no attached sign or supporting structure shall extend more than four (4) feet above the level of a flat roof or the level of the eaves on other types of roofs. See Section 512, Affixed Signs.

Section 703. Detached Signs. Each commercial complex may have one detached sign directing the public to the shopping center and identifying use of services rendered on the premises, but not describing goods by brand or trade name, and having a total area not greater than four hundred (400) square feet. Detached signs shall not extend to an height greater than twenty five (25) feet above the level of the ground upon which they are erected. Directional signs, measuring not more than four (4) square feet in area, designed to direct and facilitate the flow of vehicular traffic into and out of a commercial establishment, and containing no advertising matter, shall not be considered detached signs within the meanings of this Ordinance.

Section 704. Parallel roads. Detached signs located in commercial complexes shall be located in front of (or on) the premises on which the enterprise advertised is located, but no sign shall be located between the frontage road and Route 1A.

ARTICLE 8 STRUCTURE AND DESIGN

Section 801. Structure. All signs, except those which are less than eight (8) square feet in size, or those which are temporary signs as defined by this Ordinance shall have a structural frame. All frames shall have corner braces or "gusset plates" or the equivalent at all corners.

Section 802. Structural Rolled Shapes. The minimum thickness of structural rolled shapes shall be one-eighth (1/8) inch if galvanized or three sixteenth (3/16) inch if not galvanized.

Section 803. Light Gauge Steel Members. Structural members of so-call "light gauge" steel must be galvanized and of no less gauge than no. 10 or one-sixteenth (1/16) inch. The latter must be designed in accordance with specifications for the design of "light gauge" steel members of the American Iron and Steel Institute.

Section 804. Welding. All welding of structural frames, whether done in the shop or field, must be done by qualified welders.

Section 805. Guys. Guys shall be required on the following signs:

- a. Project signs of horizontal length of twenty-five (25) inches or greater;
- b. Free-standing signs that cannot be sufficiently anchored or supported.

Section 805.1 Signs without guys shall be figured as "cantilevers" and extra care shall be taken with the effectiveness at the anchor or supporting end.

Section 805.2 Guys, together with the supports on the buildings, establish certain frame members as "simple beams".

Section 805.3 When there is not sufficient room for cable guys at both sides of a sign, angle or side guys may be used. All angle or side guys shall form an angle of no less than forty-five (45) degrees with the face of the sign and the wall of the building.

Section 805.4 With permission of the Code Enforcement Officer, short angle or side guys not reaching to the outer end of frame members, or a gusset plate between members against the wall of a building and the main sign frame member, may be allowed, but the fastening shall be to the continuous, horizontal sign frame member.

Section 805.5 The minimum allowable size of cable guys shall be three-sixteenths (3/16) of an inch.

Section 806. Wind Loads. All projecting signs, roof signs, detached signs, rectangular signs and free standing signs shall be designed and erected to withstand wind load experienced in this area.

Section 807. Foundations. Permanent signs shall be adequately supported by a base that provides protection against frost movement. Materials used in the construction of the sign base shall be of a non-deteriorating nature.

Section 808. Signs with Concealed spaces. Signs having concealed spaces shall be inspected and approved by the Code Enforcement Officer before being erected. If the

size of the sign is such that it could be used as an accessory structure, then the building setback standards for the zone in which it is erected shall be met.

ARTICLE 9 NON-CONFORMING SIGNS

Section 901. Signs legally in existence as of the date of adoption of the amendments to this Ordinance on January, 2010, and which do not conform to the provisions and conditions contained in said amendments to this Ordinance, shall be altered to comply with said amendments, or in lieu of such alterations, shall be removed from the premises upon which located, according to the schedule below. Signs existing on the date of the adoption of this Ordinance, which are placed in non-conformance solely because of Article 6 of this Ordinance shall be allowed to remain without alteration for an indefinite period, except that in no case shall more than two (2) free-standing signs be allowed on lots with less than three hundred (300) feet of frontage; or three (3) free-standing signs on lots with more than three hundred (300) feet, but less than five hundred (500) feet of frontage; or four (4) free-standing signs on lots with more than five hundred (500) feet of frontage.

The Code Enforcement Officer shall determine the value of the sign based on current market values.

Value of Sign	Period for Removal
\$10.00 or less	Immediately upon enactment of Ordinance
\$10.01 to \$100.00	One (1) year after enactment of Ordinance
\$100.01 to \$500.00	2 years after enactment of Ordinance
\$501.00 to \$1,000.00	3 years after enactment of Ordinance
\$1,001.00 to \$2,500.00	4 years after enactment of Ordinance
Over \$2,500.00	5 years after enactment of Ordinance

Section 902. Non-Conforming Flashing and/or Revolving Signs. All flashing and/or revolving signs are prohibited.

Section 903. Non-conforming signs, if destroyed or damaged beyond 50% of replacement cost as determined by the Code Enforcement Officer, must be removed.

ARTICLE 10 ELECTRONIC SIGNS.

Section 1001. Zones Permitted. Electronic Signs are permitted in the General and Limited Commercial Zones, Community Service and Institutional Zone, and the Village Center Zone, provided they meet all standards applicable to all signs. In all other Zones Electronic Signs are prohibited.

Section 1002. Exemptions.

(1) Limited pricing information. Gas stations and other commercial establishments in any district may install an on-premises Electronic Sign provided that the electronic changeable portion of the sign does not exceed three feet in height or three feet in width and is used solely to display price information for products with frequently-changing prices. The display for such a sign may change no more than twice in any twenty-four hour period.

(2) Drive-through business exemption. Electronic Signs not facing public roads or residential properties and used by drive-through restaurants, pharmacies, and similar establishments serving motorists shall be exempt from the provisions of this section provided the electronic changeable portion of the sign does not exceed one foot in height or two feet in width or extend more than five feet above the ground.

Section 1003. Location. Only on-premises Electronic Signs are allowed. Messages identifying or advertising products, services, or events not available, offered, or held on the site of the sign are prohibited.

Section 1004. Size. The electronic changeable portion of a sign is limited to a maximum square foot size of 50% of the sign area allowed in the General Commercial, Limited Commercial, Community Service and Institutional Zones and 30% in the Village Center Zone.

Section 1005. Limitations. One Electronic Sign is allowed per lot of record.

Section 1006. Setback. Electronic Signs must be located within 100 feet of Route 1A.

Section 1007. Duration. A message must have a minimum display duration of no less than 20 seconds.

Section 1008. Messages. Only text, corporate logos, and similar logos for non-corporate entities may be displayed on the sign. Messages must be static for the duration of each individual message. No part of the Electronic Sign shall blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance except when the electronic message is changed to another message. The transition from one message to another must take one second or less.

Section 1009. Malfunction. Every Electronic Sign must be designed and equipped to automatically freeze the sign in a static display if a malfunction occurs. The Electronic Sign must also be equipped with a means to immediately discontinue the display if it malfunctions and the automatic device fails to freeze the sign. The sign owner must stop the display when notified by the Town that it is not complying with the standards of this ordinance. Failure to stop the display within thirty minutes of an attempt by the Town to contact the owner shall be considered a violation under this section.

Section 1010. Contact information. The owner of an Electronic Sign must provide telephone information sufficient to allow the Town to contact, at any day and time, the owner or a representative with the authority and ability to stop an Electronic Sign display in the event of a malfunction.

Section 1011. Brightness.

- (1) No Electronic Sign may be of such location, intensity, and/or brilliance so as to adversely impact the vision of a motor vehicle driver or otherwise interfere with the driver's operation of a motor vehicle.
- (2) No Electronic Sign may be of such location, intensity, and/or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
- (3) The message area of an Electronic Sign may be illuminated by incandescent lamps, LEDs (light emitting diodes), or magnetic discs.
- (4) Undue brightness is prohibited. For purposes of this provision, "undue brightness" means illumination of any portion of the sign in excess of 7500 nits during the day, or 500 nits at night.
- (5) An Electronic Sign capable of producing brightness levels in excess of 500 nits must have a phased proportional dimmer, which must automatically reduce nighttime brightness levels to 500 nits or below. Prior to the issuance of a permit for an Electronic Sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above, and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Code Enforcement Officer.

ARTICLE 11 ENFORCEMENT

Section 1101. Enforcement Procedures.

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, including signs, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the Municipal Officers and be maintained as a permanent record. Any such notice is not a prerequisite to bringing any legal action noted in Section 1002 below, and the failure to give notice shall not in anyway affect such legal action.
- B. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- C. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, violations investigated, violations found, and fees collected.

Section 1102. Legal Action. The Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions, and proceedings, either legal or equitable, including seeking injunctions or violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Holden. The Municipal Officers, or their authorized agent, are hereby authorized to enter into consent agreements for the purpose of eliminating violations of this Ordinance and recording fines without court action. Such agreements should not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Municipal Officer and there is no evidence that the owner acted in bad faith.

Section 1103. Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, M.R.S.A., Section 4452.

Section 1104. Validity. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

ARTICLE 12 APPEALS AND VARIANCES

Section 1201. Administrative Appeals. The Zoning Board of Appeals shall hear and decide matters where written appeal alleges an error in any interpretation, order, requirement, decision or determination of the Code Enforcement Officer in the enforcement of this Ordinance. The action of the Code Enforcement Office may be modified or reversed by the Board by a concurring vote of a majority of the Board members present.

Section 1202. Variances. The Zoning Board of Appeals shall decide upon written requests for variances from the terms of this Ordinance. Variances shall be limited to variations in the dimensions and placement of signs. Before the Board may grant a variance, it must find that a relaxation of the terms of this Ordinance and that literal enforcement of this Ordinance would result in undue hardship. The burden of showing undue hardship is on the applicant. Before the Board may exercise its discretion and grant a variance on the grounds of undue hardship, the applicant must show that:

- a. The plight of the applicant is due to unique circumstances arising out of conditions peculiar to the property in question, and not due to the general conditions in the neighborhood.
- b. The alleged hardship includes substantially more than mere inconvenience or inability to attain a higher financial return or both.
- c. The sign to be authorized by the variance will not alter the essential character of the neighborhood.
- d. The alleged hardship is not the result of action taken by the applicant or a prior owner of the property.

The Board shall grant a variance only upon the concurring vote of a majority of Board members present, and in so doing, may prescribe conditions and safeguards as are appropriate for carrying out the intent and purposes of this Ordinance.

Section 1203. Appeal Procedure. Persons appealing the decision of the Code Enforcement Officer shall first file a form for such purposes with the Code Enforcement Officer together with an administrative processing fee of One Hundred Dollars (\$100.00). Such appeal must be commenced and required administrative fee received by the Code Enforcement Officer within thirty (30) days after the decision to be appealed. All forms for appeals shall specifically set forth the grounds for the basis for the appeal. The Code Enforcement Officer shall immediately refer the appeal, together with all materials relative thereto, to the Chairman of the Board of Appeals for consideration by the Board, as provided herein. Before taking any action on the appeal, the Board of Appeals shall hold a public hearing. The Board shall notify by U.S. mail, the owners of all abutting property and/or owners of properties within one hundred (100) feet of the exterior boundaries of the property involved, at least ten (10) days in advance of the hearing, the nature of the appeal, the time and place of the public hearing, in accordance with the following:

- a. The owners of the property shall be considered to be those against whom taxes are assessed. Failure of any person owning property within said one hundred (100) feet to receive notice of said public hearing shall not

necessitate another hearing or invalidate any action by the Board of Appeals;

- b. Following the filing of the appeal, the Board of Appeals shall hold a public hearing on the appeal within sixty (60) days. A notice of said hearing shall be published in a newspaper of general circulation in the area specifying the date, time, and place of said hearing at least ten (10) days in advance of the hearing;
- c. At any hearing, a party may be represented by an agent or an attorney. A hearing shall not be continued to another time except for good cause;
- d. The Code Enforcement Officer, or his designated agent, shall attend all hearings and shall present to the Board of Appeals all plans, photographs or other materials he deems appropriate for an understanding of the appeal;
- e. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the chair. All persons at the hearing shall abide by the order of the Chairman;
- f. Within twenty (20) days of the public hearing, the Board of Appeals shall reach a decision on the requested appeal, and shall inform, in writing, the appellant, the Code Enforcement Officer, and the Board of Selectmen of its decision;
- g. Upon notification of the decision of the Board of Appeals, the Code Enforcement Officer shall take all necessary action as instructed by said Board.
- h. Reconsideration

In accordance with 30-A M.R.S.A. section 2691 (3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed with the Town Clerk within ten (10) days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony. Notwithstanding Section 1204, appeal of a reconsidered decision must be made within fifteen (15) days after the decision on reconsideration.

Section 1204. APPEAL TO SUPERIOR COURT. Any party may take an appeal, within 45 days of the date of the vote on the original decision of the Board of Appeals, to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.