

# Business Directional Sign Ordinance



Town of York, Maine

**Most Recently Amended: November 6, 2018**

Prior Dates of Amendment: May 21, 2011

November 7, 1995

Dates of earlier amendments and original enactment are uncertain at this time.

## ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to enact/amend this Ordinance:

11/6/2018

Certified by the Town Clerk:

*[Signature]*  
(signature)

on 8/12/2021  
(date)

## Business Directional Sign Ordinance

### **SECTION 1. GENERAL PROVISIONS**

#### **A. Purpose**

The purpose of this Ordinance is to promote the health, safety, and general welfare by (1) providing tourists, travelers, and other users of public ways in the Town of York with information and guidance concerning public accommodations, facilities, commercial services and points of scenic, cultural, historic, educational, recreational and religious interest; (2) reducing visual distractions which pose a hazard to drivers of motor vehicles and other users of public ways; and (3) preserving, enhancing and protecting the natural scenic beauty and other aesthetic features of the Town.

#### **B. Exemption from Zoning Ordinance Sign Controls**

Business directional signs permitted under the standards of this Ordinance shall not be subject to the Sign Standards of Article Sixteen of the Town of York Zoning Ordinance, which regulates all other permitting of signs in the Town of York.

### **SECTION 2. DEFINITIONS**

- A. **Business Directional Sign:** A business directional sign erected and maintained in accordance with the Maine Traveler Information Services Act (Title 23 M.R.S.A., Chapter 21) and this Ordinance 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 religious interest. Use of the term “sign” in this Ordinance shall be interpreted as being a business directional sign unless otherwise specified.
- B. **Logo:** A single or multicolored symbolic design unique to a business or product, service facility, or point of interest and used to identify its project or services.
- C. **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 or other road dedicated to the public.
- D. **Sign Assembly:** A sign assembly is the tiering of more than one official business directional sign on a support assembly.
- E. **Symbol:** A symbol is a design used to identify traveler services and published in the Manual of Uniform Traffic Control Devices, Chapter 2I, General Service Signs.

F. **Traffic Control Sign or Device:** An official route marker, warning sign, sign directing traffic to or from a community, bridge, ferry, or airport or sign regulating traffic which has been erected by officials having jurisdiction over the public way.

### **SECTION 3. LOCATION**

#### **A. General Requirements**

1. Business directional signs shall be located within the highway right-of-way on approaches to intersections where travelers must change direction from one public way to another to reach the advertised destination.
2. The Board of Selectmen may authorize the installation of a sign which indicates the location of a business or service being straight ahead only if the Board should find that the lack of such a sign causes confusion to the motoring public. The burden of proof that sufficient confusion exists shall be with the applicant.
3. A business, service, facility or point of interest shall not be permitted more than one sign at any one intersection approach.
4. There shall be no more than two business directional signs per establishment.
5. To qualify for an official business directional sign, the destination represented on the sign must be within a five mile radius of the proposed location of the sign and located within the Town of York.
6. Business directional signs shall be located so as to avoid visual conflict with other signs, to have the least impact on the scenic environment, and to take advantage of the natural terrain. Official business directional signs shall not be permitted at locations where the directional information contained thereon may be misinterpreted, misleading, or otherwise confusing to the traveling public.
7. Whenever the Selectmen determine that a proposed sign assembly at a particular approach to an intersection will adversely affect highway safety or the visual quality of the immediate neighborhood, the Selectmen may impose more stringent standards including prohibition. Whenever the Selectmen determine that a change in the distances, number of signs per assembly, and number of assemblies at an approach to an intersection will not interfere with highway safety nor adversely impact the visual quality of the immediate neighborhood, the Selectmen may waive the requirements contained in Sections 3.D and 3.E.

**B. Prohibited Locations**

1. Business directional signs shall not be permitted within the right-of-way of the interstate highway system or fully controlled access highways.
2. Business directional signs shall not be permitted for businesses located on US Route One.
3. New business directional signs shall not be permitted in the intersection of Routes 1 and 1A at York Corner.
4. New business directional signs shall not be permitted at the intersection of Short Sands Road and Route One, at the intersection of Short Sands Road and Ridge Road, nor anywhere along Short Sands Road. This amendment shall be effective as of April 23, 2018, this being the date of the first public hearing on this proposed prohibition. No permits shall be issued in these locations prior to the public vote in November 2018.

**C. Lateral Clearances**

The near edge of official business directional signs shall be located at least ten feet outside the highway shoulder except that in areas where insufficient right-of-way exists to maintain this clearance, or where physical obstructions make such a distance impossible, the near edge shall be located the maximum practical lateral distance from the edge of the traveled way. In urban areas signs shall be at least one foot from the curb face.

**D. Distance**

Business directional signs must be within 1600 feet of the intersection where a change in direction is required unless otherwise permitted under Section 3.A.7. In general, business directional signs shall be at least 200 feet from traffic control signs or devices. Business directional signs shall be located so as not to interfere with, obstruct, or divert a driver's attention from a traffic control sign or device. Traffic control signs or devices placed at intersection approaches subsequent to the placement of business directional signs shall have precedence as to location and may require the relocation of business directional signs. Successive business directional sign assemblies shall be spaced sufficiently apart for drivers to comprehend the message contained thereon. In general and where practicable, the minimum distance between sign assemblies shall be 200 feet.

**E. Sign Assemblies**

There shall be a maximum 6 business directional signs per assembly and a maximum of 2 assemblies to each approach to an intersection unless otherwise modified as provided in Section 3.A.7.

**F. Vertical Distances**

Sign Assemblies shall be erected so as to provide a minimum of 3 feet vertical clearance between the lower edge of the bottom sign and the surface of the highway. Signboard

located near pedestrian and parking areas may be required to have a vertical clearance of 7 feet.

## **SECTION 4. DESIGN, COLOR AND REFLECTORIZATION**

### **A. General**

1. Signs permitted under these regulations shall be uniform and standard in design, color, font and reflectorization.
2. Sign legends shall be specific in identifying the name of the appropriate business or their service.
3. Messages, symbols, and logos which interfere with, imitate, or resemble any official traffic control device or serve to advertise rather than identify a business are prohibited.

### **B. Size**

1. Sign sizes, layout, and letter sizes shall conform to the dimensions and details shown in Figures 1 and 1a.
2. All signs in a sign assembly shall be the same size. Each sign will be 10" high x 42" wide with a pair of galvanized #10 screw eyes and a pair of #10 galvanized rings attached.

### **C. Color and Lettering**

1. Each sign will be lettered in black on a white background. Letters will be 4 inches high, minimum, in Helvetica font.
2. A directional legend shall be printed on the sign, on the far left side when a left turn is required, and on the far right side when a right turn is required. Signs that indicate a location straight ahead shall indicate distance/mileage on the far right side.
3. The back of each individual sign will be painted a dark green unless it is a double faced sign.

### **D. Symbols and Logos**

A symbol or logo may be used at the owner's option. If a symbol or logo is used it shall be located on the opposite end of the sign from the directional legend.

### **E. Reflectorization**

The background, sign legend, and border of all official business directional signs may be reflectorized with reflective sheeting (See Section 5, MATERIALS) to show the same shape and color for both day and night.

**F. Illumination**

Illumination is prohibited.

**G. Double Faced Signs**

If a sign has two sides, only one side of the sign shall be counted towards a calculation of the total allowed area of the sign per Section 4.B and number of signs per §3.A.4.

**SECTION 5. MATERIALS**

1. Sign panel material shall be constructed from durable wood composite of one-half inch thickness, or other material of similar appearance and quality, suitable for the application of reflective sheeting, and sufficiently stable not to deform under normal conditions of weather and use.
2. Signboards furnished by the applicant shall be installed by the Town on sign posts and mountings so constructed as to hold signs in a proper and permanent position.
3. Reflective sheeting shall consist of a smooth, flat, exterior film with spherical glass lens elements embedded beneath the surface and a pre-coated adhesive backing protected by a removable liner. Reflective sheeting shall meet the detailed requirements of Federal specifications LS-300B available at the office of the Maine Department of Transportation.
4. All material furnished under this Section shall be durable and weather resistant.

**SECTION 6. INSTALLATION AND MAINTENANCE**

**A. General**

Business directional signs shall be furnished by the owner or the applicant. The signs shall be installed by the Town at approved locations on sign posts furnished by the Town. The Town shall be responsible for the maintenance of the sign supports. The Department of Public Works is responsible for installation and removal of signs as necessary.

Signboards which become lost, stolen, defaced, or otherwise damaged or deteriorated shall be replaced by the owner and reinstalled by the Town.

The owners of business directional signs which represent businesses, service facilities, or point of interest no longer offering such traveler assistance, or signs which are no longer

applicable because of business name changes, business relocations, or for any other reason, shall notify the Town to have such signs removed. Applicants/Owners who fail to do so within 6 months of change will be subject to fines not to exceed \$100. Each day of violation of this Ordinance shall constitute a separate offence.

Failure to properly maintain the sign panel by the owner, including covering seasonal signs and notifying the Town that signs are no longer applicable, may result in removal of such signs by the Town.

**B. Seasonal Basis**

The owner of a business, service, or point of interest closed for 60 or more consecutive days at any one time shall be required to cover the directional legend (mileage and arrow) of official business directional signs during the off-season. The cover shall be held firmly in place so as not to injure or deface the signboard.

Applicants for a business directional sign for a seasonal business shall state the beginning and ending of the operating season and shall notify the Town of any changes to the operating season.

**SECTION 7. APPLICATION PROCESS**

**A. Review Authority**

All applications for a business directional sign shall be reviewed by the Board of Selectmen. The Board shall have final responsibility and authority to interpret and administer all aspects of this Ordinance. Signs which do not meet the intent and purpose of the law or the criteria established in this Ordinance shall not be approved or erected.

**B. Application Submittal**

Application for a business directional sign shall be made on forms furnished by the Town and shall be submitted to the Department of Public Works. Applications will be processed and permits issued in the order of receipt of the application by the Town. An existing business directional sign approval is valid for one year, unless renewed by the applicant. Applicants that wish to extend their existing business directional sign approval shall submit an application and fee for renewal before January 1<sup>st</sup>. Failure to submit a complete application and associated fee before January 1<sup>st</sup> will result in removal of signs by the Town.

**C. Conformity with Laws**

Business directional signs shall be allowed only for a destination which is in conformity with all applicable laws concerning licensing, zoning, and non-discrimination. Each application for a new sign or renewal of an existing sign shall include written assurance or

relevant documentation to the Town that the subject site is in conformity with all applicable laws concerning licensing, zoning, and non-discrimination.

The applicant for a business directional sign shall obtain and provide a written opinion from the Superintendent of Public Works, or their designee, that the proposed sign is in conformity with all applicable standards of this Ordinance and any other applicable public regulations.

**D. Decision**

1. **Approval.** Applications reviewed by the Board of Selectmen for a Business Directional Sign that meet the requirements of this Ordinance shall be approved.
2. **Reconsideration.** In instances where an application is not approved, the Selectmen shall state the reasons for refusal and give the applicant an opportunity to correct any defects and then be reheard by the Selectmen within 30 days.

**E. Appeals**

Any person aggrieved by the decision of the Selectmen may, within 30 days of the Board's vote, appeal to the Board of Appeals.

**F. Variances**

The Selectmen may alter the specific requirements for the number and location of signs as set forth in Section 3A if an applicant for a license can show unusual hardship due to conditions of topography, access or other physical characteristics.

**G. Fees**

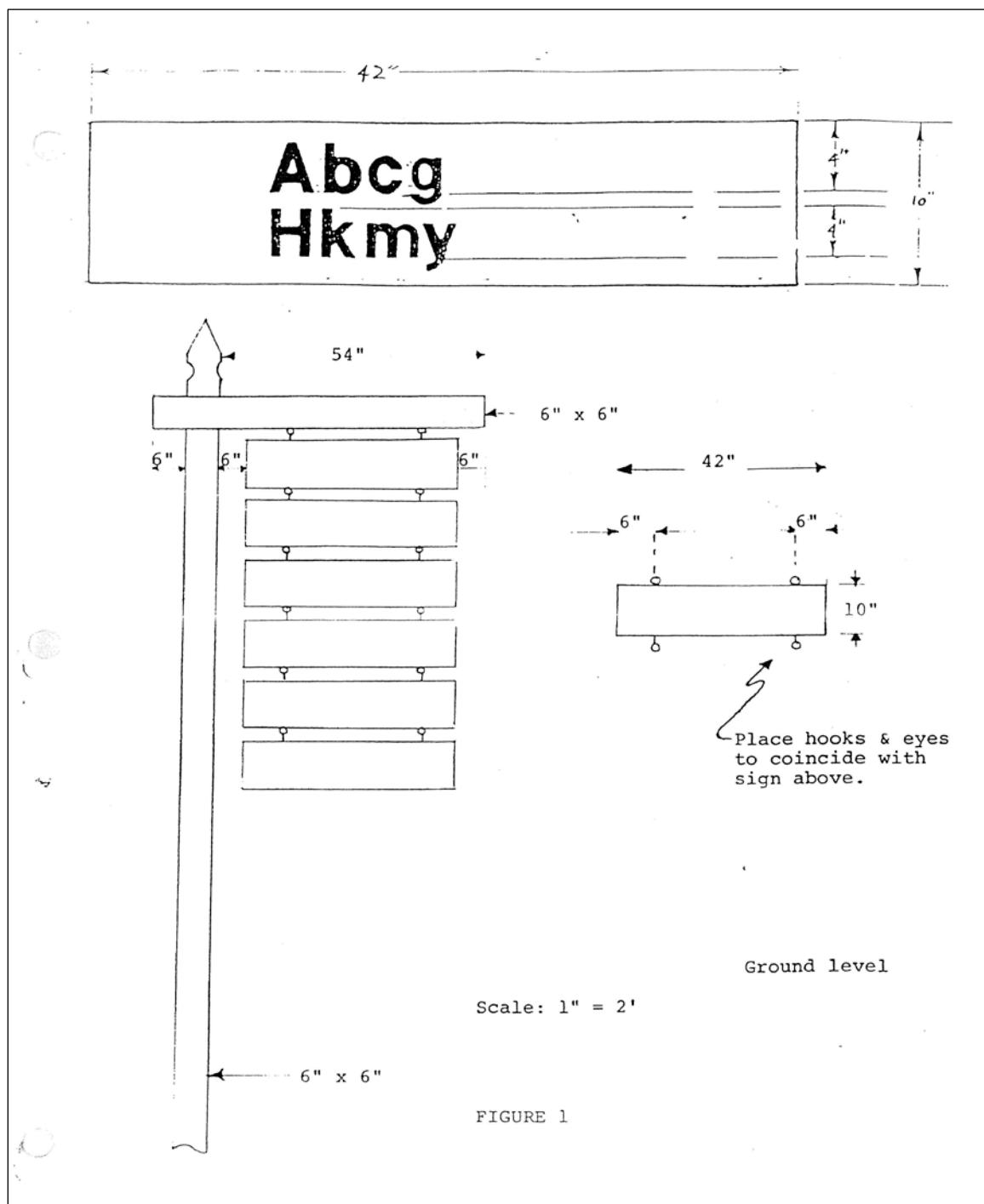
1. **Application Fees.** Application shall be accompanied by an initial permit fee of \$30.00 per sign installation. The initial permit fee will apply to installation for the remainder of the calendar year, but will not be pro-rated for any fraction of a year.
2. **Renewal Fees.** Renewal fees are \$10.00 per sign, per year.
3. **Fees Not Refundable.** The initial application fee and any annual renewal fees are not refundable for any reason.

**H. Non-Transferability**

Permits for the installation of business directional signs are not transferable. Any change in ownership of a business, service, or point of interest shall require reapplication and approval of the sign.

**SECTION 8. NON-CONFORMING OFFICIAL BUSINESS DIRECTIONAL SIGNS**

- A. Existing official business directional signs in York that do not conform to this Ordinance will have one year from the date of passage of this Ordinance to conform with the Ordinance. Failure to bring signs into conformity shall result in Town removal of the sign and forfeiture of the existing approval.
- B. Annual Reporting. It shall be the responsibility of the Director of the Department of Public Works to annually inventory all business directional signs, and to file a report with the Board of Selectmen. This report shall identify all non-conformities found and shall recommend necessary actions required to achieve full compliance. The Board of Selectmen may either concur with the recommendations of the Department of Public Works, or propose alternative actions to insure that all non-conforming signs are brought into compliance within one year of the date of report.



Town of York, Maine

