

**Town of Naples Sign Ordinance
Adopted at Town Meeting**

Attested by Town Clerk

ARTICLE I. TITLE, AUTHORITY & PURPOSE

Section 1.1 Title.

This ordinance shall be known and may be cited as the “Town of Naples Sign Ordinance.” It is referred to herein as “this ordinance.”

Section 1.2 Authority.

This ordinance is enacted pursuant to the home rule power conferred by Article VIII, part Second of the Maine Constitution and Title 30-A, Section 3001 of the Maine Revised Statutes.

Section 1.3 Purpose.

The purpose of this ordinance is to regulate signs in order to promote and protect the public health, safety, and welfare; to protect property values; enhance and protect the physical appearance of the community; preserve scenic and natural beauty; reduce distractions and obstructions caused by signs that may contribute to traffic hazards and accidents; and implement the Naples Comprehensive Plan’s objective to protect and enhance the rural character of the Town of Naples, by requiring new and replacement signage to be:

- A. In keeping with Naples’ unique small-town Maine character and the historic New England character of its Village District by (i) complementing, to the greatest extent possible, the unique aesthetics of the Naples location, with emphasis on natural materials and color schemes and traditional New England designs, and (ii) reflecting the Town’s character, history, and its Western Maine lakes and mountains aesthetic;
- B. Creative and distinctive in a way that is expressive of the individual identity of the proprietors and enhances an attractive economic and business climate;
- C. In keeping with the use of intimate, traditional New England materials and finishes such as gold leaf, carved signs, wrought iron, stone and natural materials that invoke a historic look; and
- D. Compatible with its surroundings and without adverse effects to nearby properties or the environment, including Naples’ Dark Sky rural character.

ARTICLE II. STANDARDS

Section 2.1 Applicability.

All signs within the geographic boundary of the Town of Naples must be designed, installed, and maintained in accordance with the provisions of this ordinance.

Section 2.2 Sign Permits.

- A. Except as otherwise expressly provided herein, no person shall erect, display, enlarge, replace, relocate, physically reword, redesign, alter, or substantially repair a sign without first applying for and obtaining a permit from the Code Enforcement Officer.
- B. Applications for a sign permit shall be on forms prescribed and provided by the Code Enforcement Officer and shall be submitted to the Code Enforcement Officer. Applications shall be accompanied by scaled drawing(s) and specifications. The drawing(s) shall include a rendering of the proposed sign and shall show the location of the sign on the premises, and the specifications shall include sufficient information to demonstrate compliance with the provisions of this ordinance. A record of such applications, drawings and specifications shall be kept on file in the Town Office. No sign permit shall be issued unless the application, drawings and specifications are in all respects in conformance with this ordinance.
- C. All signs requiring a sign permit shall be properly maintained and shall not be erected within any State or Town right of way.
- D. A sign permit shall lapse if the permitted sign is not installed within one (1) year of the permit date of issue.
- E. The fee for sign permits, inspections and certificates shall be established by the Board of Selectmen.
- F. The Code Enforcement Officer shall, within thirty (30) days from the date of filing a complete application for a sign permit, grant or deny the sign permit application in writing. In the case of denials, the Code Enforcement Officer shall provide, in writing, the basis for said denial.

Section 2.3 Maximum Sign Area.

For purposes of calculating the maximum size of a sign, the sign area shall be calculated as follows: Sign area shall include all sign surfaces that communicate a sign's message, except that sign area shall include only one side of a double-faced sign. Sign area shall not include any structural supporting elements, except if such elements are visually prominent, designed to attract attention, or otherwise integral to communicating the sign's message. Any physical address that is required to be an integral part of a freestanding sign shall not be counted as part of the maximum size of a sign.

Section 2.4 Exempt Signs.

The following signs are allowed in all zoning districts without a permit from the Code Enforcement Officer:

- A. Temporary signs, not greater than 6 square feet in sign area and not displayed for more than six weeks per calendar year. Temporary signs shall not be attached or painted onto any fences, trees or other natural features, utility poles, or the like. Temporary signs shall not be placed so as to impair vision or traffic or in any manner create a hazard or disturbance to the health and safety of the public. All temporary event signs must be approved by the Board of Selectmen.
- B. DIRECTIONAL, TRAFFIC SAFETY SIGN and GAS STATION RATE SIGN – A **sign** identifying entrances, exits, parking areas or other operational features of premises and/or providing directions for the safe and/or efficient flow of vehicular or pedestrian traffic. This includes municipal informational kiosks and signs.
- C. Signs identifying the name, address, and profession of a permitted residence or a home occupation, provided such sign does not exceed six square feet in sign area.
- D. Signs located on or in the rolling stock of common carriers, or on registered motor vehicles, except vehicle signs.

Section 2.5. Prohibited Signs.

The following signs and illuminations are prohibited in every zoning district:

- A. Off-premise signs (also known as billboards).
- B. Abandoned signs.
- C. Beacon lighting.
- D. Balloon signs.
- E. Signs attached to utility poles, public benches, streetlights, rails, or fences.
- F. Signs that obstruct pedestrian traffic or visibility.
- G. Signs that limit motor vehicle drivers' or bicyclists' sight distance, that could be confused with official highway signs or signals, that unduly distract motor vehicle drivers' or bicyclists' attention, or that otherwise impair public safety.
- H. Signs illuminated by, composed of, or containing flashing, intermittent, rotating, or moving lights, except for electronic message signs.

- I. Signs that move or that incorporate any pennant, ribbon, streamer, spinner, balloon, inflatable, or other similar moving, fluttering, or revolving device.
- J. Signs, flags, or banners greater than 35 feet in height or, if building-mounted, extending above the building's roofline.
- K. Vehicle signs.
- L. Any sign emitting sound, except drive-through menu signs.
- M. Animated signs.
- N. Roof signs.
- O. Changeable copy signs.
- P. Signs painted on a sidewalk or stairs.

Section 2.6 Preexisting Nonconforming Signs.

- A. Preexisting nonconforming signs, other than preexisting nonconforming temporary signs, are allowed in all zoning districts without a permit, subject to the requirements of this Section 2.5.
- B. Maintaining and removing preexisting nonconforming signs. Except as set forth in Section 2.5.E. below, preexisting nonconforming signs may be maintained in their preexisting size, configuration, design, and location. Preexisting nonconforming signs which are altered, relocated, or replaced must comply with all provisions of this ordinance; provided, however, that if a preexisting nonconforming sign is involuntarily destroyed by any cause then the sign must be replaced, in-kind, within 12 months of the date of involuntary destruction in order to maintain its preexisting nonconforming status; otherwise, the sign shall be subject to all provisions of this ordinance. Preexisting roof signs, however, must be replaced, in-kind within 6 months of the date of involuntary destruction; otherwise, the roof sign shall be prohibited.
- C. Documentation of preexisting nonconforming signs. To qualify as a preexisting nonconforming sign, documentation showing the existence of the sign before the effective date of this ordinance must be submitted to the Code Enforcement Officer within 1 (one) year of the effective date of this ordinance. Any person or entity owning or controlling any preexisting nonconforming sign shall be responsible for providing such documentation to the Code Enforcement Officer. Documentation shall include photographs, plans, drawings, news clippings, correspondence, affidavits, sworn statements, or other materials sufficient to establish, to the satisfaction of the Code Enforcement Officer, the legal existence of a sign.
- D. The Code Enforcement Officer shall maintain files of preexisting nonconforming signs, as follows:
 - 1. Files of signs erected prior to the effective date of this ordinance shall contain documentation evidencing the legal existence of such signs.

2. Files of sign erected after the effective date of this ordinance shall contain records of, or documentation evidencing, the issuance of a sign permit for such sign.
- E. Notwithstanding the above Section 2.5.B. any sign existing as of the date of enactment of this ordinance is grandfathered in its existing configuration and therefore not subject to the provisions of this ordinance until such time as the primary use of the parcel changes or there is a change of ownership at which time the sign(s) must be replaced pursuant to a valid permit issued in conformance with the maximum size and all other requirements of this ordinance. All grandfathered signs must meet the lighting standards in Section 2.10.
- F. Any existing business sign in the Rural Area and Residential Growth, outside of the commercial and village district, are grandfathered for their existing configuration and therefore not subject to the provisions of this ordinance until such time as the primary use of the parcel changes or there is a change of ownership at which time the sign(s) must be replaced pursuant to a valid permit issued in conformance with the Village District Standards.

Section 2.7 Abandoned Signs.

Abandoned signs in disrepair shall be removed by the sign permit holder and/or the owner of the building or premises at which the abandoned sign is located within ninety (90) days from the date the sign was abandoned. Where the owner of the property on which an abandoned sign is located fails to timely remove the sign, the Town may remove the sign.

Section 2.8 Village District Sign Standards.

Objective: In keeping with the goals of the Sign Ordinance and preserve Naples Character, freestanding sign structures should employ materials and finishes with natural color schemes, styles and materials (timber, stone, etc.) that invoke a “Maine” look. To complement sign installations, traditional, native/non-invasive landscaping is recommended to accompany the installation and enhance the intimate town appearance.

- A. Freestanding Signs within the Village District. The following standards shall apply to any freestanding sign located within the Village District:
 1. No more than one freestanding sign, not to exceed 24 square feet in size, shall be allowed on any parcel, except that a freestanding sign advertising multiple businesses or operations that are co-located on a parcel or in a building shall not exceed 32 square feet in size.
 2. The structural supporting elements for a freestanding sign shall not exceed 8 feet in width or 10 feet in height.
 3. In addition to the freestanding sign:
 - a. No more than a total of two banners or flags shall be allowed on any parcel, except that multiple businesses or operations co-located on a parcel or in a building may display up to four banners or flags. Each banner or flag shall not to exceed 16 square feet in size. Banners and flags may only display during hours of operation. Banners and flags must be placed no farther than 10 feet from the primary structure on the parcel.

- b. Per business: During business hours, no more than one sandwich board or one A-frame sign, not to exceed 6 square feet in size and 4 feet in height, shall be allowed on any parcel and are not allowed within the right of ways.
4. No sign shall be internally illuminated externally lit signs shall employ warm white lighting.
5. The physical address of the property where a freestanding sign is displayed must be an integral part of the freestanding sign and may not exceed two square feet in size. The physical address element of the sign shall not be counted in determining the maximum size of the sign.
6. Changeable copy signs and electronic message signs are prohibited.

B. Wall, projecting and Awning Signs within the Village District. The following standards shall apply to any wall or awning sign located within the Village District:

1. No more than one wall or projecting sign, not to exceed 24 square feet in size, shall be allowed on any parcel, except that a wall sign advertising multiple businesses or operations that are co-located in a building shall not exceed 24 square feet in size or 5% of the size of any exterior wall of the building, whichever is greater. No wall sign shall extend above the eaves of a building. All wall signs must be firmly attached to building.
2. Awning signs shall contain lettering no larger than 6 inches in height and shall only contain name and address of business.

Section 2.9 Commercial and Light Industrial District Sign Standards.

Objective: In keeping with the goals of the Sign Ordinance and preserve Naples Character, freestanding sign structures should employ materials and finishes with natural color schemes, styles and materials (timber, stone, etc.) that invoke a “Maine” look. To complement sign installations, traditional, native/non- invasive landscaping is recommended to accompany the installation and enhance the intimate town appearance.

A. Freestanding Signs within the Commercial or Light Industrial District. The following standards shall apply to any freestanding sign located within the Commercial District or Light Industrial District:

1. No more than one freestanding sign, not to exceed 32 square feet in size, shall be allowed on any parcel, except that a freestanding sign advertising multiple businesses or operations that are co-located on a parcel or in a building shall not exceed the following maximum sign size: two businesses or operations – 48 square feet; three or more businesses or operations – 64 square feet. Directional or traffic safety signs containing logos or other advertising features shall count against the maximum sign area.
2. The structural supporting elements for a freestanding sign shall not exceed 12 feet in width and 20 feet in height.
3. In addition to the freestanding sign:

- a. No more than a total of two banners or flags shall be allowed on any parcel, except that multiple businesses or operations co-located on a parcel or in a building may display up to four banners or flags. Each banner or flag shall not to exceed 16 square feet in size. Banners and flags may only display during hours of operation. Banners and flags must be placed no farther than 10 feet from the primary structure on the parcel.
 - b. No more than one drive-through menu sign, not to exceed 24 square feet in size, 20 feet in height, and 12 feet in width shall be allowed on any parcel.
 - c. Per business: During business hours, no more than one sandwich board or one A-frame sign, not to exceed 6 square feet in size and 4 feet in height, shall be allowed on any parcel and are not allowed within the right of ways.
 - d. No more than one electronic message sign, not to exceed 12 square feet in sign and co-located on the freestanding sign, shall be allowed on any parcel.
- 4. Signs may be internally illuminated.
 - 5. The physical address of the property where a freestanding sign is displayed must be an integral part of the freestanding sign and may not exceed two square feet in size. The physical address element of the sign shall not be counted in determining the maximum size of the sign.
 - 6. Freestanding changeable copy signs are prohibited.
- B. Wall, projecting and Awning Signs within Commercial or Light Industrial District. The following standards shall apply to any wall or awning sign located within the Commercial District or Light Industrial District:
- 1. No more than one wall or projecting sign, not to exceed 32 square feet in size, shall be allowed on any parcel, except that multiple businesses or operations co-located on a parcel or in a building may each display a wall sign not to exceed 32 square feet in size. No wall sign shall extend above the eaves of a building. All wall signs much be firmly attached to building.
 - 2. Awning signs shall contain lettering no larger than 6 inches in height and shall only contain name and address of business.

Section 2.10 Reserved.

Section 2.11 Illumination of Signs.

Within the Village District, internally illuminated signs and electronic message centers are prohibited, except grandfathered signs in Section 2.5 (E). All illuminated signs must meet the following standards:

- A. No sign shall be illuminated more than 0.3-foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance. Brightness shall be controlled to be in keeping with an intimate small town, in scale with its surroundings and other signage. In accordance with

ISA illuminance and/or Veridian luminance brightness specifications may be employed and enforced at the discretion of the Code Enforcement Officer pursuant to Article III.

- B. Internally lit signs shall not exceed 0.3-foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance.
- C. Any externally lit sign shall be warm white and shall be downward lit and must be fully shielded.
- D. All lighting and illumination shall:
 - a. Be effectively shielded so as to illuminate the sign surface only and prevent beams or rays of light from being directed at any portion of the traveled way of a public roadway skyward or onto any residential property;
 - b. Be of such low intensity or brilliance so as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.
- E. All illuminated freestanding ground signs shall have underground electrical service unless the local electric utility will not permit such underground service.
- F. The display on each side of the changeable sign may be changed no more frequently than once every one (1) minute.
- G. All electronic signs must be shut off no later than 10:00 p.m. and may be turned on no earlier than 7:00 a.m. the following day in the Village District.
- H. No live or pre-recorded videos, transitions, scrolling or animations are allowed.
- I. Upon power reset or malfunction, electronic message signs must return to the proper program and correct brightness or go to blackout.
- J. Certification of the illuminated sign by a certified brightness compliance tester must be submitted to the Code Enforcement Officer after installation, or upon request from the Code Enforcement Officer.

Section 2.12 General Sign Standards.

The following sign standards shall apply to all signs allowed, with or without a permit, under this ordinance:

- A. Signs must be kept clean, neatly painted, and free from hazards (including, without limitation, faulty wiring and loose fastenings).
- B. Signs must be designed, installed, and maintained at all times in such safe condition so as to not be detrimental to the public health, safety, and welfare; not be detrimental to the physical appearance or scenic or natural beauty of the community; or constitute a distraction or obstruction, or impair vision or traffic; or results in a nuisance due to illumination, placement, display, or manner of construction.

ARTICLE III. ENFORCEMENT, APPEALS, VARIANCES, MISCELLANEOUS

Section 3.1 Enforcement.

- A. This ordinance shall be administered and enforced by the Code Enforcement Officer or such other individual as designated by the Town of Naples Board of Selectmen.
- B. Violations and penalties. If the Code Enforcement Officer finds that any provision of this ordinance is being violated, the Code Enforcement Officer shall notify by registered or certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. Any person, corporation or entity found in violation of any provisions of this ordinance shall be punished by a fine pursuant to 30-A M.R.S. § 4452, and each day that the violation continues shall constitute a separate offense.
- C. The Board of Selectmen may order the removal of any sign which represents a hazard to public health or safety, or which is found to be in such disrepair that it fails to perform its function. The owner of a sign ordered removed shall have 30 days to conform with this ordinance before removal of the sign by the Town. In the event a sign poses a serious and imminent threat to the public health and safety, the Town may remove the sign immediately and promptly thereafter shall provide notice to the owner of the sign.

Section 3.2 Appeals; Variances.

- A. Appeals. Any party aggrieved by a decision of the Code Enforcement Officer may appeal to the Board of Appeals within 30 days after the Code Enforcement Officer's decision is rendered by filing an appeal at the Town Office on forms approved by the Board of Appeals and accompanied by a fee as established by the Board of Selectmen. Appeals from decisions of the Code Enforcement Officer shall be de novo. The Code Enforcement Officer shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based, which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of this ordinance. The burden of proof shall be upon the applicant for the permit. The Board of Appeals shall have authority to grant or deny a permit or to remand the matter to the Code Enforcement Officer for further proceedings. The Board of Appeals shall not continue a public hearing except for good cause. Any aggrieved party may appeal a decision of the Board of Appeals to the Maine Superior Court in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.
- B. Variances. Upon application therefor, the Board of Appeals may grant a variance upon making a finding of undue hardship as defined in 30-A M.R.S.A. § 4353(4).

Section 3.3. Miscellaneous.

- A. Amendment. This ordinance may be amended from time to time by a majority vote at any Town Meeting.

- B. Validity; Severability. The invalidation of any section or provision of this ordinance by a court of competent jurisdiction shall not invalidate any other section or provision thereof.
- C. Conflicting Provisions. The provisions of this ordinance are minimum requirements. Whenever the application of this ordinance is at variance with the requirements of any other statute, rule, regulation, ordinance, deed restriction or covenant, the more restrictive provision shall govern.
- D. Substitution. Notwithstanding any provision of this ordinance to the contrary, to the extent that this ordinance allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent.
- E. Effective Date. This ordinance shall become effective on the date of adoption at Town Meeting.

ARTICLE IV. DEFINITIONS

Section 4.1 Definitions.

ABANDONED SIGN — A sign that identifies or provides information pertaining to a business, lessor, lessee, service, owner, product, event, or other activity, and which no longer exists at the premises where the sign is located or for which no legal owner can be found.

A-FRAME SIGN -- A sandwich board sign that is connected at the top or bottom.

ANIMATED SIGN: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

AWNING SIGN – A sign that is painted on or affixed to an awning structure. An awning is a non-structural covering that projects from a wall, usually for the purpose of shielding a doorway or window.

BALLOON SIGN – A lighter-than-air, gas-filled balloon tethered in a fixed location that contains a message on its surface or attached to the balloon in any manner.

BANNER OR FLAG – Any fabric or similar flexible material, usually attached to a staff or pole, which contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices.

BEACON LIGHTING – Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location.

CHANGEABLE COPY SIGN — A sign on which the characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign. Also known as a reader board.

DIRECTIONAL OR TRAFFIC SAFETY SIGN – A sign identifying entrances, exits, parking areas, or other operational features of premises and/or providing directions for the safe and/or efficient flow of vehicular or pedestrian traffic. This includes municipal informational kiosks and signs.

DOUBLE-FACED SIGN – A sign with two faces or panels, neither of which is visible at the same time.

DRIVE-THROUGH MENU SIGN – A sign associated with drive-through windows or kiosks, typically illustrating the menu or specials for an establishment, and directed to drive-through traffic.

ELECTRONIC MESSAGE SIGN – A sign on which the characters, letters, or illustrations can be changed automatically or through electronics. An electronic sign, typically comprising a liquid crystal diode (LCD), light-emitting diode (LED), plasma, or other digital illuminated display that contains one or more messages. An electronic message sign is different from an illuminated sign in that the illumination of the display creates the message, rather than an internal or external light source illuminating the message.

EVENT SIGN – A sign associated with an event being held in the Town of Naples or an event in a neighboring town which must be approved through the Event Ordinance by the Board of Selectmen.

FREESTANDING SIGN: A sign that is not attached to a building.

HEIGHT – The vertical distance including landscape features and mounding measured from the highest point of a sign to the mean ground grade beneath the sign.

INTERNALLY ILLUMINATED SIGN: A sign with an artificial light source incorporated internally for the purpose of illuminating the sign; includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes.

OFF-PREMISES SIGN – A sign which directs attention to a business, organization, product, service, event, cause, entertainment, or other activity conducted, sold, or offered at a location other than the premises on which the sign is located.

PREEXISTING NONCONFORMING SIGN – Any sign which was lawfully in existence prior to the effective date of this ordinance or conformed to the provisions of this ordinance at the time it was erected but does not conform to the provisions of this ordinance.

ROOF SIGN – A sign painted on or attached to the roof of a building.

SANDWICH BOARD – A self-supporting, double-paneled sign, whose panels are not parallel but are connected along one edge and separated along the opposite edge. If connected at the top or bottom, it is an A-frame sign.

SIGN – Any permanent or temporary device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. For purposes of this ordinance, the term “sign” does not include (i) signs located completely within an enclosed building and not exposed to view from the exterior of the building is not a sign for purposes of this ordinance, or (ii) signs erected and maintained for public safety and welfare, or pursuant to and in discharge of any governmental function, or required by law, ordinance, or governmental regulation.

TEMPORARY SIGN – A sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like material and that appears to be intended to be displayed for a limited period of time.

VEHICLE SIGN – A sign on or affixed to an inoperative bus, car, boat, trailer, or other motor vehicle that is used primarily for the purpose of advertising or messaging and not for the regular function of a motor vehicle. (Also known as mobile billboards.)

This provision is not intended to prohibit signs painted upon or applied directly to a vehicle which is actively used in the regular function of a business, as long as it is parked within a legal parking space on the site

WALL SIGN – A sign attached parallel to or painted on the wall of a building.

WINDOW OR DOOR SIGN – Any sign placed on, inside or enclosed within a window or door facing the outside and which is visible from the exterior.