

404 Sign Regulations

404.1 **Purpose:** A sign or advertising device of any nature may not be erected on or affixed to any building except as specifically permitted by Section 404.

404.2 **Application Process.**

- A. **Permit Required.** Except as otherwise provided herein, a sign or advertising device of any nature may not be erected on a lot or affixed to the exterior of any building or structure without first obtaining a sign permit from the Code Enforcement Officer.
- B. **Computation of Area.** The area of a sign is determined by connecting the exterior points of the signboard or display elements, whichever is larger. It must include any open space between display elements. Unless otherwise stated, each face of a sign shall be counted separately when determining the sign area. Display elements include letters, words, trademarks, medallions, symbols, and other devices intended to advertise or indicate the name of the premises, products or services available.(Ord. 8/21/06)
- C. **Submission Requirements.** All permit applications shall include:
 - 1. A color drawing showing all sign dimensions and building dimensions as necessary, types of materials, wording, colors to be used, along with any proposed illumination and a visual depiction of where the sign would be located on the site.
 - 2. Day and night renderings for illuminated signs may be required.
 - 3. A fee shall be assessed for the review and administration of all sign permits.
- D. **Permit Decision.** Once the CEO is in receipt of a complete application, the CEO shall approve, approved with conditions, or deny the application.
 - 1. Once applicant is notified of the CEO's determination and if Permit is approved, then the applicant can proceed with sign installation.
 - 2. Applicant to contact the Code Enforcement Office once sign is install for verification by CEO that sign was installed per approved plans.

404.3 **General Provisions.**

- A. ~~**Sign Restrictions.** A sign or advertising device of any nature may not be erected on or affixed to any building except as specifically permitted by Sections 404.2 — 404.7.~~
- B. ~~**Computation of Area.** The area of a sign is determined by connecting the exterior points of the signboard or display elements, whichever is larger. It must include any open space between display elements. Each face of a sign shall be counted separately when determining the sign area. Display elements include letters, words, trademarks, medallions, symbols, and other devices intended to advertise or indicate the name of the premises, products or services available.(Ord. 8/21/06)~~
- A. **Illumination.** In all districts, a lighting fixture that directly or indirectly illuminates a sign, must be designed so that the light source itself is shielded from view and does not shine directly into the right-of-way or onto adjacent properties. This does not apply to signs illuminated by neon or illuminated tube type signs.

- B. **Highway Guide Signs.** The City of Westbrook or the Westbrook/Gorham Community

Chamber of Commerce may erect a guide sign on each entrance to Westbrook. Each sign must be placed so as to be in view only from Routes 302, 25, 22, Spring Street, and Stroudwater Street. Maximum size shall be 10" x 20", with directions focused on general areas rather than as advertisement for specific businesses.

C. Consolidated Service Club Sign. Service clubs in the city may have a consolidated sign in any district on each of Routes 25, 302, 22, Spring Street and Stroudwater Street entering the city. Each sign must meet the following requirements:

1. Size. May not exceed a height of ten (10) feet or a width of ten (10) feet. The sign area for each individual club may not exceed ten (10) square feet.
2. Content. May contain only the name, symbol, meeting time, and meeting place of each service club.
3. Illumination. May not be internally illuminated.

D. Temporary Signs on Public Property or within the Public Right-of-Way. Temporary signs shall be permitted on public property or within the public right-of-way for a period of twelve (12) weeks in a calendar year provided the following criteria are met:

1. Only noncommercial signage is permitted on public property or within the public right of way. Signs bearing a commercial message are prohibited.
2. A temporary sign may not exceed 2'x3' in size.
3. A temporary sign shall not result in a sight, traffic, health or welfare hazard to pedestrian or vehicular traffic due to placement, display or manner of construction.
4. Any damage to public property or utilities that is caused by a temporary sign, including but not limited to sign installation, is the responsibility of the sign owner. The Director of Public Services shall determine whether damage has occurred and the cost of repair. The sign owner will then be notified in writing and payment is required within 30-days of the date of notice.
5. A temporary sign may not be placed within 30-feet of another temporary sign bearing the same or substantially the same message.
6. Illumination of a temporary sign is prohibited
7. For the purpose of temporary signs located within the Shoreland Zone, signs shall be considered to be a structure and must comply with all Shoreland Standards, including but not limited to, setbacks and permitting. No signs are permitted below the normal high-water line of a water body or within a wetland.
8. Signs shall not be erected or maintained on the following:
 - a. A traffic control sign or device
 - b. A public utility pole or fixture
 - c. A rotary traffic island

- d. A tree on public property or within a public right-of-way
 - e. A control-of-access right of way area
 - f. A median less than 6-feet wide
9. Temporary Signs are prohibited from being affixed to the grounds of the following locations:
- a. Saccarappa Park, Warren Memorial Sculpture Garden, Riverbank Park, Westbrook Commons.
 - b. Temporary signs located on the Westbrook Community Center parcel (010-029B) must be set back a minimum of 200-feet from Bridge Street.
 - c. Public School grounds.
 - d. Cemeteries.

E. Banner Signs in the Public Right-of-Way.

1. The Director of Public Services may permit a system of decorative banners or banners identifying community events open to the public to be placed by a business group or civic group on light poles on public property along Main Street, William Clark Drive, or Bridge Street. Signage shall not be deemed permanent.
2. The Director of Public Services may permit a person or organization to install a banner sign across a public right-of-way under the following conditions:
 - a. Citywide Interest. The purpose of the banner must be to announce a function of citywide interest, including church events, concerts, fund-raisers or similar activities.
 - b. State and Local Law. The installation of the banner must meet all the requirements of state and local law. The person requesting the installation of the banner must provide a sketch showing the dimensions, method of installation, materials, and text of the banner. The Director of Public Services shall establish the dates of installation and removal.
 - c. See Chapter 29 Art. VII for Process on Banner Signs in the Public Right of Way.

F. Nonconforming Signs. Nonconforming Signs shall be subject to the following provisions

1. **Continuance.** Nonconforming signs may continue to exist, so long as the use remains the same, the business remains open to the public, and if the signs are maintained in a safe, neat and clean conditions.
2. **Discontinuance.** Any sign, along with its supports, which no longer advertises an existing business, primary product sold, activity being conducted, or public notice, shall be taken down and removed by the owner, agent or person having beneficial use of the building or premises upon which such sign may be found within twelve (12) months after the activity has ceased.
3. **Alteration or Relocation.** The Code Enforcement Officer may approve the alteration or relocation of a legally nonconforming sign so long as it is reduced in size by at least 25% of the original sign size. This could be achieved through

eliminating signs or reducing the overall size of the sign. Where there are additional alterations or relocations beyond that there must be an additional reduction in size of at least 25% until such time as the sign size is no longer non-conforming. Alteration could include a change in illumination, or of any component of the sign other than for basic maintenance to ensure a safe, neat and clean condition

- a. The repair or replacement of a panel within a nonconforming sign is permitted without reduction provided no other components of the sign, including but not limited to sign frame, supports, illumination, etc., are altered or relocated.
 - b. The Code Enforcement Officer may permit the repair of a nonconforming sign without reduction provided the repair is to the benefit of public health and safety, or the damage was caused by a weather or other third-party event that is no fault of the property owner.
4. Any entity proposing a development requiring Site Plan Review shall, as a condition of any approval of such development proposal, be required to bring any signs into conformance with the provisions of this ordinance, except as follows:
- a. Individual legally nonconforming signs which are within developments seeking amended Site Plan Review approval and which will not be altered as part of the proposed project are not required to be brought into conformance with this ordinance unless the development proposal involves at least a 20% increase in the total on-site building footprint or a change in use of the property. New and altered signs in such developments shall conform to this Ordinance.

G. Variance. The granting of a variance from the Sign Ordinance provisions is prohibited.

404.2 **404.4 Signs in Residential Residential Growth Area 1, Residential Growth Area 2, Residential Growth Area 3 and Rural Districts.** The following provisions apply to signs in residential zoning districts:

A. Identification Signs

1. ~~Name of Occupant and Street Number.~~ One (1) sign is permitted displaying the name of the occupant of the premises, the street number, or both. A sign may not exceed one square foot in area for each visible face of the sign. It may have not more than two (2) faces. It may be attached to a building, or it may be erected on a rod or post not more ~~that~~ than six (6) feet high and at least three (3) feet away from the street line. The sign may include the identification of an occupation. It may only relate to the person or services available on the premises.
- ~~B. Bulletin Board or Identification Sign.~~ 2. One (1) bulletin board or identification sign for a permitted non-residential building or use, containing not more than six (6) square feet of signboard area. For churches, schools, and public institutions, two (1 2) bulletin boards of identification signs are permitted for each building. Each sign may contain not more than ten (10) square feet of signboard area. It must be set back at least one half (1/2) of the required front yard depth.

~~E. 3. Rental Area. On the premises of an apartment building or rental housing area, there may be one (1) identifying sign containing not more than six (6) square feet of signboard area.~~

~~D. Non-conforming Use. On the premises of a non-conforming use or a conditional use, there may be one (1) sign containing not more than ten (10) square feet of signboard area.~~

B. Temporary Signs on Private Property

~~E. 1. For Sale Signs. One (1) "For Sale," "For Rent," or "For Lease" sign is permitted on the property, containing not more than six (6) square feet of signboard area and advertising only the premises on which the sign is located. Where the property fronts on two streets, one (1) sign is permitted facing each street.~~

~~F. 2. Building Under Construction. On the premises of a building under construction or renovation, one (1) sign not exceeding five (5) square feet of signboard area is permitted per contractor, subcontractor, or architect actually employed on the premises. Total area of all signs shall not exceed thirty-two (32) square feet.~~

G. C. Subdivision Sign.

1. Temporary. A temporary sign is permitted to advertise a **an approved** subdivision site while construction ~~on the sale of the completed homes~~ is under way. The sign may not contain more than twelve (12) square feet of signboard area.
2. Permanent. A permanent sign is permitted to identify a neighborhood that has been created as the result of a subdivision approved by the Planning Board. The sign may not **be placed in enter** the right-of-way, nor block safe sight distances along a road. **Total area of sign shall not exceed 16 sq ft.**

H. D. Business Signs.

(+) 1. Sign Allowance

- a. On the premises of a business which is legally operating in a residential zoning district, other than those described in Section 404.2-4.A, there may be one (1) sign advertising that business containing an area of not more than sixteen (16) square feet. ~~The sign must be attached to the building in which the business is situated.~~ **All signs or advertising devices must be permanently affixed to the structure in which the business is located. Unless otherwise permitted, signs shall not contain any visible moving or movable parts.**
- b. Changeable Message Board. Changeable message board signs are allowed and are calculated within the allowable sign area for the business. Changeable message boards may change not more than once every 5-minutes and shall maintain an unlit background with only the illumination of the lettering or text.

2. Illumination

- a. The lighting of neon or other illuminated tube-type signs or advertising device is not allowed in residential districts.

- a. ~~Temporary. A sign erected under Section 404.2.H is temporary and does not become a non-conforming use. If this ordinance is amended so that such signs become illegal, the owner of the premises on which the sign is constructed must remove it or make it conform to the amended Ordinance.~~
 - b. ~~Stationary. All signs or advertising devices must be permanently affixed to the structure. They may not contain any visible moving or movable parts except as described in Section 404.3.G below. The lighting of neon or other illuminated tube type signs or advertising device is not allowed in residential districts.~~
- ~~2. Legal Non-conforming business. Legally existing non-conforming signs may continue to be used and may be repaired, but the Code Enforcement Officer must find that the sign is not otherwise altered, enlarged or relocated. Where the Code Enforcement Officer finds that such a sign is otherwise altered or relocated:~~
- a. ~~The Code Enforcement Officer may approve the alteration or relocation of a nonconforming free standing sign so long as it is reduced in size by at least 25% of the original sign size. Where there are additional alterations or relocations beyond that there must be an additional reduction in size of at least 25% until such time as the sign size is no longer non-conforming.~~
 - (b) ~~The Code Enforcement Officer may approve the alteration or relocation of nonconforming building mounted signs so long as the sign area is reduced in size by at least 25% of the original sign area. This could be achieved through eliminating signs or reducing the overall size of building mounted signs. Where there are additional alterations or relocations beyond that there must be an additional reduction of at least 25% until such time as the sign size is no longer nonconforming.~~
 - (c) ~~Internally illuminated signs may only be turned on (illuminated) during hours when the business is open to the public and message boards may change not more than once every 24 hours.~~

(Ord. of 9-13-10)

404.3 **404.5 Signs in Highway Services District, Gateway Commercial District, Industrial Park Zoning District, Manufacturing District and Prides Corner Smart Growth Area.** The following provisions apply to signs in the Highway Services District, Gateway Commercial District, Industrial Park District, Manufacturing District and Prides Corner Smart Growth Area: (Ord. of 03-07-05; 05-15-06; 06-22-09)

A. **Stationary General.**

- 1. All signs or advertising devices must be permanently affixed to the real estate. They may only identify the occupant of the premises or advertise the article or services available on the premises on which they are situated.
- B. 2. Number of Signs. Maximum Height. On each lot, not more than two (2) signs are permitted affixed to each exterior face of a building fronting on a public street or parking lot for each occupant. The topmost element of any sign may not be higher than ten (10) feet above the cornice line of the building. (Ord. of 6-22-09)

3. Overhanging Signs. Signs may not overhang the public right-of-way.

~~C. Area of Sign.~~ **B. Total Sign Area** The total area of all signs permitted on the face of a building fronting on a public street or parking lot may not exceed one hundred (100) square feet for each twenty-five (25) feet of building frontage; except that in the Industrial Park District, the total area may not exceed two hundred (200) square feet.

1. Highway Services and Gateway Commercial Districts.

- a. The total area of all signs for a property in the Highway Services District and for properties located in these the Gateway Commercial Districts that are 40,000 square feet or less in land area shall not exceed five hundred (500) square feet.
 - b. The total area of all signs and for properties located in these Districts that are of more than forty thousand (40,000) square feet of land area in the Gateway Commercial district shall not exceed five hundred (500) square feet for the first 40,000 square feet of land area plus one hundred (100) square feet for each additional forty thousand (40,000) square feet of land area.
- 2. Industrial Park District.** The total area of all signs for a property properties in this the Industrial Park District shall not exceed three hundred (300) square feet.
- 3. All Other Districts.** The total area of all signs for a property properties in the remaining districts shall not exceed two hundred and fifty (250) square feet. (Ord. 01-26-06; 05-15-06; 6-22-09; 11-19-12)

C. Sign Types Allowed

1. Building Mounted Signs

- a. The total area of all signs permitted on the face of a building fronting on a public street or parking lot may not exceed one hundred (100) square feet for each twenty-five (25) feet of building frontage; except that in the Industrial Park District, the total area may not exceed two hundred (200) square feet.

~~D.~~ **2. Free-Standing Signs.**

- a. **Sign Allowance.** Where buildings are set back at least forty (40) feet, one (1) free-standing sign may be erected within the open space fronting upon a public street. The topmost element of a free-standing sign may be no more than twenty-five (25) feet above the average level of the ground between the supports of the sign. The sign must not obstruct the view of oncoming pedestrian or motor vehicle traffic.
 - i. **Divided Building.** Where a building is divided by partitions and is occupied by separate entities, and where the building is constructed so that part of it is located within forty (40) feet of a public way and one or more of the entities within is entirely located at least forty (40) feet back from that way, there may be one (1) free-standing sign within the open space fronting upon the way. Only those entities located at least forty (40) feet back may utilize space on this sign.

- b. **Computation of Sign Area of Free-Standing Sign.** A free-standing sign may have an area of not more than one hundred (100) square feet. Any exterior linear dimension of a free-standing sign may not exceed sixteen (16) feet. (Ord. 05-15-06; 08-21-06; 6-22-09)

3. **Changeable Message Boards.**

- a. Message board signs are allowed but must be included in the total square footage allotment for the structure and the message boards is a permanent component of the sign design and module. Messages shall change at intervals of no more than once every five (5) minutes. Changeable message boards shall maintain an unlit background with only the illumination of the lettering or text. The total size of a changeable message board area shall not exceed sixty (60) square feet.

~~E. Illuminated Signs. Illuminated signs are permitted but they may not be intermittently illuminated or animated, with the exception of changeable electronic board signs in which the message changes at intervals of more than once every five (5) minutes and where the sign is a permanent component of the sign design and module. The total size of the changeable board area shall not exceed sixty (60) square feet.~~

~~F. 4. Informational Signs. Informational signs no larger than four (4) square feet, and containing no advertising are permitted on private property to direct traffic flow, indicate parking space, or provide other essential information to guide vehicular or pedestrian traffic flow with respect to that property.~~

- 5. **Time and Temperature Signs.** Time and temperature signs are permitted in these districts, but must be included in the total square footage allotment for the structure.

~~C. Illumination. Illuminated signs are permitted but they may not be intermittently illuminated or animated, with the exception of changeable message board signs which must comply with the standards as stated in this section.~~

~~G. D. Prohibited Materials. Signs can be made of multiple materials. Signs shall be constructed of sturdy material. No sign shall be constructed of banners, ribbons, spinners, feather flags or other similar devices that represent a visual distraction to the motoring public.~~

~~H. Overhanging Signs. Signs may not overhang the public right of way.~~

~~I. Time and Temperature Signs. Time and temperature signs are permitted in these districts, but must be included in the total square footage allotment for the structure.~~

~~J. Sandwich Board Signs (Removed per Ord. of 6-22-09)~~

~~404.3.1~~ **404.6 Signs in the City Center District.** The following provisions apply to signs in the City Center District: (Ord. of 6-1-09; 6-22-09; 4-5-10)

Preamble to District

~~The purpose of the City Center Zoning District is to create a flexible atmosphere for the~~

~~return of the downtown to a prominent regional service center. Flexible setbacks will be balanced with an overlay of design standards to encourage new development that will be consistent with the goals established in the City's Comprehensive Plan, Downtown Revitalization Plan, and Westbrook Riverfront Master Plan.~~

- A. Purpose.** The purpose of regulating signs is to promote and protect the public health, safety, and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to protect property values; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty, and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over public right of way; provide more open space, and curb the deterioration of natural beauty and the community environment.

404.3.1.1 B. General.

- ~~A. Purpose. The purpose of regulating signs is to promote and protect the public health, safety, and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to protect property values; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty, and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over public right of way; provide more open space, and curb the deterioration of natural beauty and the community environment.~~
- B. 1. Traffic safety and illumination.**
- a.** No sign, whether new or existing, shall be permitted that causes a visual obstruction or a traffic, health or welfare hazard or results in a nuisance due to illumination, placement, display, or manner of construction.
- ~~1. District setback requirements do not apply to signs. Any sign setback requirements shall be stated within this section.~~
 - ~~2. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely on the sign without causing glare or by constant internal illumination. Any light source shall be shielded such that bulbs are not directly visible from neighboring properties or public ways. (Ord. of 4-5-10)~~
 - ~~3. In order to conserve energy and reduce light pollution, on property abutting residential development, illumination of signs shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that this time restriction shall not apply to the illuminated signs of emergency facilities and retail, commercial, and industrial establishments during such hours as the establishments are open to the general public.~~
 - b.** No sign, except traditional barber poles for licensed and operating barber shops, shall have visible moving parts, blinking, moving or glaring illumination, or any part consisting of pennants, ribbons, streamers, spinners, feather flags or other similar devices that represent a visual distraction to the motoring public.

- ~~C.~~ **2. Business Signs.** Business signs are allowed and shall be constructed, installed and maintained so as to ensure public safety. Such signs shall be clearly incidental, customary to, and commonly associated with and in the same site as the building or establishment to which it refers and shall be limited in subject matter to name, design, picture or trademark of the establishment. It shall not include any general commercial advertising materials unrelated to a principal business within the building. Signs not directly related to the business shall be prohibited. ~~All such signs shall be appropriate in scale and appearance.~~ Business signs on adjacent buildings located on the same parcel shall be of compatible design and character. Sign types and placement are further described herein.
- ~~D.~~ **Sign Permits.** ~~Except as otherwise provided herein, a sign or advertising devise of any nature may not be erected on a lot or affixed to the exterior of any building or structure without first obtaining a sign permit from the Code Enforcement Officer. All permit applications shall include a color drawing showing all dimensions, types of materials, wording, colors to be used, any proposed illumination and a visual depiction of where the sign would be located on the site.~~
- 3. Insurance.** For any sign proposed to be placed on (sandwich board sign only) or that shall extend into (blade and/or awning only) the public right-of-way a permit is required on an annual basis and shall be accompanied by proof of general liability insurance coverage in the amount of \$100,000.00/\$300,000.00 to protect the City of Westbrook from any and all liability for personal or property damage to the public by reason of the erection and maintenance of such sign on and into the public right-of-way and shall maintain such insurance as long as such sign exists on and into the public right-of-way.
- ~~E.~~ ~~A fee shall be assessed for the review and administration of all sign permits.~~
- ~~E.~~ ~~Awning. (Removed 4-5-10)~~
- ~~F.~~ **4. Sign Area Computation.** Signs shall be measured from the outermost part of the sign, but not to include wall supports. Sign area includes borders or framing not required to affix a sign to a building. Sign area does not include the base for a ground mounted monument sign or the supportive pole(s) of a pylon sign. A sign with a double signboard or display area shall be construed to be one sign for the purpose of this Ordinance.
- ~~G.~~ ~~No sign shall extend above the roofline or parapet of the building on which it is placed.~~
- ~~H.~~ ~~Street Number Signs. All buildings are required to display one (1) street number sign per exterior face of building fronting on a public way or parking lot. Such sign may be no more than one and a half (1.5) square feet in size and must be located on the first floor façade area of a building or on a sign. Such sign shall not count toward the overall sign allowance.~~
- ~~I.~~ **Temporary Signs.** The following signs are allowed on a temporary basis as follows and shall be securely affixed to the ground during the time allowed.

1. ~~Real Estate Signs. One real estate sign of no more than eight (8) square feet is allowed per lot proposed for lease, sale, or rent. The subject sign must be placed on the lot proposed for lease, sale, or rent. Such sign must be moved within two (2) weeks after the transaction. Such sign may be freestanding or building mounted.~~
 2. ~~New Business Sign. One sign is permitted for a new business. Such sign shall be of no more than fifteen (15) square feet and shall not remain on the premises more than thirty (30) days before and after the opening of such business. Such sign shall be building mounted.~~
 3. ~~Construction Signs. One sign relating to construction projects for new or renovated buildings are allowed. Such sign shall be no more than thirty two (32) square feet and may include the name of multiple contractors. Such sign shall be removed one (1) week after issuance of the Certificate of Occupancy. Such sign may be freestanding.~~
 4. ~~Temporary Community Event Signs. As further described in this section, such signs may be allowed by approval of the Code Enforcement Officer and shall not be located in such a manner as to obstruct pedestrian or vehicular traffic.~~
- J. ~~Noneonforming signs. Noneonforming signs shall be subject to the following provisions:~~
1. ~~Noneonforming signs may continue to exist, so long as the use remains the same, the business remains open to the public, and if the signs are maintained in a safe, neat and clean condition.~~
 2. ~~The Code Enforcement Officer may approve the alteration or relocation of a legally noneonforming sign so long as it is reduced in size by at least 25% of the original sign size. This could be achieved through eliminating signs or reducing the overall size of the sign. Where there are additional alterations or relocations beyond that there must be an additional reduction in size of at least 25% until such time as the sign size is no longer non-conforming. Alteration could include a change in color, material illumination, or of any component of the sign other than for basic maintenance to ensure a safe, neat and clean condition.~~
 - i. ~~The repair or replacement of a panel within a nonconforming sign is permitted without reduction provided no other components of the sign are altered or relocated.~~
 - ii. ~~The Code Enforcement Officer may permit the repair of a non-conforming sign without reduction provided the repair is to the benefit of public health and safety, or the damage was caused by a weather or other third party event that is no fault of the property owner.~~
- K. ~~Removal of Signs. Any sign, along with its supports, which no longer advertises a bonafide business conducted, primary product sold, activity being conducted, or public notice, shall be taken down and removed by the owner, agent or person having beneficial use of the building or premises upon which such sign may be found within six (6) months after the activity has~~

ceased, or if the removal has not occurred, within ten (10) days after written notification from the Code Enforcement Officer.

~~L. Definitions. In addition to those provided within Section 201, the following definitions shall apply to this section.~~

- ~~1. Animated sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene that has the result or intent of distracting the eye.~~
- ~~2. Commercial message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, a primary product, service or other commercial activity.~~
- ~~3. Temporary Community Events: Banners located in the public right of way intended to serve a community purpose or convey information of community wide interest.~~
- ~~4. Nonconforming sign: Any sign that was lawful prior to the adoption, amendment, or revision of this Ordinance but that does not conform to the current requirements of this Ordinance.~~
- ~~5. Public way: Any way designed for vehicular or pedestrian use and is maintained with public funds.~~
- ~~6. Sign: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.~~
- ~~7. Visible: Capable of being seen without visual aid by a person of normal visual acuity.~~
- ~~8. Window sign: Any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, placed inside a window, and visible from the exterior of the window.~~

404.3.1.2 B. Illumination.

- 1. Lighting Illumination Methods Allowed:**
 - a. Individual internally lit characters;
 - b. individual backlit characters or “halo” effect;
 - c. gooseneck fixture; ~~or~~
 - d. spotlight fixture.
- 2. Lighting Illumination Types Allowed:**
 - a. LED;
 - b. neon; ~~or~~
 - c. incandescent.
- 3. Illumination Standards:**
 - a. In order to conserve energy and reduce light pollution, on properties abutting residential development, illumination of signs shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that this time restriction shall not

apply to the illuminated signs of emergency facilities and retail, commercial, and industrial establishments during such hours as the establishments are open to the general public.

- b. All lighting must be ~~UL (Underwriters Laboratory)~~ **Nationally Registered Testing Laboratory (NRTL)** listed and stamped.
 - c. Energy efficiency should be considered a priority in sign design and lighting.
4. **External Illumination**
- a. **Signs shall be illuminated only by steady, stationary, shielded light sources.** A lighting fixture that directly or indirectly illuminates a sign must be designed so that the light source itself is shielded from view and does not shine directly into the right-of-way or onto adjacent ~~property~~ **properties under different ownership.** This does not apply to signs illuminated using neon.
5. **Internal Illumination.**
- a. **Sign Cabinets.** Signs may be illuminated from within if the only components illuminated are the characters and limited graphics used to convey the name of the business and its purpose and/or the street number. **The balance of the sign face must be opaque with no light visible except to for the cut face characters and logos.** No other portion of the sign face may be illuminated. See section ~~404.3.1.2~~ **404.6.D** for permitted materials. (Ord. of 4-5-10). **Internally illuminated flex face signs are not allowed.**
 - b. **Internally lit routed faced vinyl characters and/or logos are allowed so long as the characters and/or logos are the sign, they are building mounted, are limited to 12 inches in height and meet the other size requirements of this section.**

404.3.1.3 C. Sign Types Allowed.

- ~~A.~~ **1. Building Mounted.** Building mounted signs include those that are painted or flush-mounted directly on an exterior building façade. Backlit characters and internally lit characters are considered flush mounted for the purpose of this Ordinance.
- a. ~~Commercial Signage~~ **Limitations**
 - i. The total area of all building mounted signs may not exceed 5% of the exterior wall facing a public way or parking lot on which the sign(s) is to be placed.
 - ii. On any exterior wall facing a public way or parking lot, one sign is permitted per individually owned and operated business within the building based on the sign area allowed per this subsection.
 - iii. **No sign shall extend above the roofline of parapet of the building on which it is placed.**
- b. **Identification Sign.**
 - i. All buildings are required to display one (1) street number sign per exterior face of building fronting on a public way or parking lot.
 - ii. Sign may be no more than one and a half (1.5) square feet in size, and
 - iii. Must be located on the first floor façade area of a building or on a sign.

iv. Such Sign shall not count toward the overall sign allowance.

- ~~B~~ 2. Ground Mounted Signs. Sign area for ground mounted signs shall be no more than eighteen (18) square feet including all tenant signage.
- ~~1~~ a. Monument Signs. Ground mounted monument signs are signs mounted to the ground by a solid (opaque) base structure made of wood (painted or varnished and weather treated), brick, or stone. Such sign shall be no taller than six (6) feet including the base.
- ~~2~~ b. Pylon Signs. Pylon signs are signs mounted to the ground by poles made of materials consistent with this section. Such sign shall be no taller than nine (9) feet including the base.
- ~~C~~ 3. Blade. Blade signs are attached directly to the building and extend perpendicular from the building wall ~~and generally extend more than ten (10) inches from the face of the wall.~~
- a. Blade signs may be no more than fifty (50) square feet in size,
- b. Shall be placed no lower than ten (10) feet above the average grade beneath the sign, and
- c. Shall be no higher than twenty (20) feet above the average grade beneath the sign.
- d. Blade signs shall ~~not extend~~ **no further into a right of way than the lessor of more than four (4) feet into a public right of way and shall not extend into or the backside of the** curb abutting a public street.
- e. Blade signs ~~are~~ **may be permitted** ~~allowed~~ every twenty-five (25) feet of linear frontage on a freestanding building.
- ~~D~~ 4. Message Board. A message board sign is a sign attached to and associated with a freestanding (ground mounted or pylon) sign.
- a. Message board signs are allowed where freestanding signs area allowed and are calculated within the allowable sign area for the proposed freestanding sign.
- b. Such signs shall be no taller than twelve (12) inches including framing and shall include no more than two (2) lines of text.
- c. Such sign may include a changeable message but the message may not change more than once every five (5) minutes.
- d. The time and temperature may be posted and are part of the maximum allowable sign area of the message board.
- e. **Message Board shall maintain an unlit background with only the illumination of lettering or text.**
- ~~F~~ 5. Sandwich Board Signs.
- a. One (1) small A-frame sandwich board sign is allowed per twenty-five (25) feet of linear building frontage on Main Street or Bridge Street.
- b. Such sign shall not count toward the number of signs allowed per exterior face of building.
- c. Such signs are allowed when there is at least four (4) feet of clear travel space on a public sidewalk.
- d. Sandwich board signs may be no more than eight (8) square feet in size and shall not extend into the four (4) feet of clear travel space.
- e. Such signs may have writing on both sides,

- f. May not be illuminated,
 - g. Shall have no moving parts,
 - h. Must be placed adjacent to the business which it supports, and
 - i. Shall not block pedestrian movement along a sidewalk or vehicular visibility.
 - j. Such signs shall face on-coming sidewalk traffic and not the street.
 - k. In the event that these provisions are violated or in the event of inclement weather, the Code Enforcement Officer may have such signs removed from the public way.
 - l. Sandwich board signs shall be temporary in nature and shall advertise temporary events.
- ~~G.~~ 6. Entry Point Tenant Listing Sign. One (1) small tenant listing sign is allowed per individual building and may list multiple tenants. Such sign may be no more than one and a half (1.5) square feet.
- ~~H.~~ 7. Directional Signs.
- a. Such signs may be freestanding or building mounted and shall not count toward the number of signs allowed per exterior face of building.
 - b. Directional signs shall contain no business advertising and are permitted on private property in order to direct traffic flow, indicate the location of parking, or provide other essential information necessary to guide vehicular or pedestrian traffic flow within the private property.
 - c. Such signs shall be no larger than two (2) square feet. Tenant listing signs shall not be considered directional signs.
- ~~I.~~ ~~Temporary Community Event Signs. With prior written approval from the Director of Public Services, a system of decorative banners or banners identifying community events open to the public may placed by a business group or civic group on light poles on public property along Main Street, William Clark Drive, or Bridge Street. Such signs shall be temporary.~~
- ~~J.~~ 8. Window Signs.
- a. Window signs shall be permitted on the first or ground floor only.
 - b. In no event shall window signs cover more than twenty-five (25) percent of the area of any individually framed window.
 - c. Window signs shall not be included in the sign area when calculating the total area of all building mounted signs.
- ~~K.~~ 9. Awning.
- a. Awnings may not include illumination on the awning itself.
 - b. Awnings are allowed no lower than nine (9) feet above the average grade of the public sidewalk beneath it, and
 - c. Shall not extend more than four (4) feet into a public right-of-way, and
 - d. Shall not extend into the curb abutting a public street.
 - e. Awnings may include the street address and/or business name only.
 - i. Such information shall be no more than twelve (12) inches in height and shall be placed on the front flap of the awning.
 - f. In addition to these standards, awnings located within the Village Review Overlay Zone shall conform to the standards as outlined in Section 403, Village Review Overlay Zone. (Ord. 4-5-10)

10. Open Flag.
- a. A standard flag, no larger than 3'x5' in size suspended from a pole that is attached to a structure indicating that an establishment is "open for business".
 - b. An Open Flag may not impede pedestrian travel within the public right-of-way.
 - c. One (1) open flag is permitted per individually owned and operating business within a building.
 - d. Open Flags are allowed every twenty-five (25) feet of linear frontage on a freestanding building.

11. Temporary Signs located on Private Property. The following signs are allowed on a temporary basis as follows and, unless otherwise stated, shall be securely affixed to the ground during the time allowed.

- a. Real Estate Signs. One real estate sign of no more than eight (8) square feet is allowed per lot proposed for lease, sale, or rent. The subject sign must be placed on the lot proposed for lease, sale, or rent. Such sign must be moved within two (2) weeks after the transaction. Such sign may be freestanding or building mounted.
- b. New Business Sign. One sign is permitted for a new business. Such sign shall be of no more than fifteen (15) square feet and shall not remain on the premises more than thirty (30) days before and after the opening of such business. Such sign shall be building mounted.
- c. Construction Signs. One sign relating to construction projects for new or renovated buildings are allowed. Such sign shall be no more than thirty-two (32) square feet and may include the name of multiple contractors. Such sign shall be removed one (1) week after issuance of the Certificate of Occupancy. Such sign may be freestanding.

404.3.1.4 D. Sign Materials.

1. Unless otherwise stated, Signs shall be constructed solid in construction and consist of the following materials: including wood (painted or varnished and weather treated), stone, metals, concrete, and/or composite material providing similar texture density.; ~~except that:~~ Signs may incorporate a vinyl wrap, or layer, which displays the graphics proposed, used in lieu of paint. This material standard does not apply to the components of a changeable message board.
 - a. Signs may be constructed of plastic when the sign is used to identify the major tenant of buildings with over three (3) floors, as measured from the street level. Such signs are subject to the following:
 - i. Sign shall be placed at the top floor;
 - ii. Sign may not be placed on facades facing a property line that directly abuts a residentially zoned property; and
 - iii. Sign may be internally illuminated or back lit.
2. Awnings shall be constructed of metal or canvas
3. Internally illuminated signs, as allowed per this section, may consist of an illuminated

vinyl sign face. Internally lit routed faced vinyl characters and/or logos are allowed.
Internally illuminated flex face signs are not permitted.

4. Window signs. Vinyl window decals are permitted.

- 1) Awnings may be constructed of metal or canvas.
- 2) Signs without internal illumination may incorporate a vinyl wrap, or layer, which displays the graphics proposed. This is often used in lieu of paint.
- 3) Internally illuminated flex faced signs are not allowed. Such signs consist of an illuminated vinyl sign face. Internally illuminated sign boxes with cut out characters are allowed. The balance of the sign face must be opaque with no light visible except to for the cut face characters and logos.
- 4) Internally lit routed faced vinyl characters and/or logos are allowed so long as the characters and/or logos are the sign, they are building mounted, are limited to 12 inches in height and meet the other size requirements of this section.
- 5) Signs may also include plastic when:
 - a) The sign is used to identify the major tenant of buildings with over three (3) floors, as measured from the street level;
 - i) Such sign shall be placed at the top floor;
 - ii) Such sign may not be placed on façades facing a property line that directly abuts a residentially zoned property; and
 - iii) Such sign may be internally illuminated or back lit.

(Ord. of 4-5-10)

404.5 **Light Source Regulated.** In all districts, a lighting fixture that directly or indirectly illuminates a sign, must be designed so that the light source itself is shielded from view. This does not apply to signs illuminated by neon or illuminated tube type signs.

404.6 **Highway Guide Signs.** The Westbrook Area Chamber of Commerce may erect a guide sign on each entrance to Westbrook. Each sign must be placed so as to be in view only from Routes 302, 25, 22, Spring Street, and Stroudwater Street. Maximum size shall be 10" x 20", with directions focused on general areas rather than as advertisement for specific businesses.

404.7 **Consolidated Service Club Sign.** Service clubs in the city may have a consolidated sign in any district on each of Routes 25, 302, 22, Spring Street and Stroudwater Street entering the city. Each sign must meet the following requirements:

- D. Size. May not exceed a height of ten (10) feet or a width of ten (10) feet. The sign area for each individual club may not exceed ten (10) square feet.
- E. Content. May contain only the name, symbol, meeting time, and meeting place of each service club.
- F. Illumination. May not be internally illuminated.

404.8 **Installation of Community Event Signs.** On request, the Code Enforcement Officer (CEO) may permit a person or organization to install a banner sign across a public way under the following conditions:

- D. ~~Citywide Interest. The purpose of the banner must be to announce a function of citywide interest, including church events, concerts, fund raisers or similar activities.~~
- E. ~~State and Local Law. The installation of the sign must meet all the requirements of state and local law. The person requesting the installation shall provide the CEO with a sketch showing the dimensions, method of installation, materials, and text of the sign. The CEO shall establish the dates of installation and removal.~~

~~404.9 **Variance and Nonconforming Signs.** The granting of a variance from these sign ordinance provisions is prohibited. Where a sign exists as a nonconforming sign, it shall not be extended, altered or enlarged, except that routine maintenance is permitted unless otherwise specified in Section 404. Any entity proposing a development requiring Site Plan Review shall, as a condition of any approval of such development proposal, be required by the Code Enforcement Officer to bring any signs into conformance with the provisions of this ordinance, except as follows:~~

- ~~1. Individually legally nonconforming signs within the Residential and City Center District. Such nonconforming signs are required to meet the standards as outlined within Section 404.~~
- ~~2. Individual legally nonconforming signs which are within developments seeking amended Site Plan Review approval and which will not be altered as part of the proposed project are not required to be brought into conformance with this ordinance unless the development proposal involves at least a 20% increase in the total on-site building footprint or a change in use of the property. New and altered signs in such developments shall conform to this Ordinance.~~

404 — Reserved (Removed in entirety; Ord. of 3-3-14)

Commentary: Add the following Definitions to Section 201 which were part of Section 404.

201 Definitions.

Commercial Message. Any wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, a primary product or service, or other commercial activity.

Nonconforming sign: Any sign that was lawful prior to the adoption, amendment, or revision of this Ordinance but that does not conform to the current requirements of this Ordinance.

Sign: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.