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**TABLE OF CONTENTS
CHAPTER 3
ADVERTISING**

ARTICLE 1 - RESERVED	
3.101 - 3.200 Reserved	2
ARTICLE 2 - SIGNS	
3.201 Purpose	2
3.202 Compliance	3
3.203 Permits	3
3.204 Definitions	6
3.205 General Standards	7
3.206 Zoning District Standards	11
3.207 Sign Types Prohibited	15
3.208 Maintenance, Obsolescence and Removal	16
3.209 Wayfinding	17
3.210 Advertising on City of Bath Recreation Department Facilities	18
3.211 Administrative Appeals and Variances	18
3.212 Penalties	19
ARTICLE 3. - MURALS, ARTISTIC RENDERINGS, AND SIMILAR	
STREET GRAPHICS	
3.301 Applicability	20
3.302 Permits Required	20
3.303 Application	20
3.304 Dimensional and Location Restrictions	20
3.305 Maintenance	21
3.306 Historic District	21
3.307 Exemption	21
3.308 Administrative Appeals and Variances	21
3.309 Penalties	22

CHAPTER 3 ADVERTISING

ARTICLE 1. RESERVED

3.101 - 3.200 Reserved

ARTICLE 2. SIGNS

3.201 Purpose

I. Purpose.

The purpose of this sign ordinance is to provide a set of regulations that balances the need to effective sign design control criteria consistent with what we describe as the "Heritage of Bath", with the need and right of individuals to display sign advertising for their business. In achieving this purpose, the following factors provide the foundation for this ordinance's development:

- A. The ordinance gives greater attention to the period detail of Bath experienced throughout this century, acknowledging the more diverse sign activity that existed during Bath's evolution into a small City;**
- B. The ordinance reflects a more flexible approach for basic sign control parameters using scale and size of building to determine sign size and number, rather than specific square foot restrictions irrespective of scale; and**
- C. With this flexible approach the ordinance then focuses in on basic aesthetic issues (sign type, texture, materials) as appropriate for specific zoning districts.**

In molding all of these factors into one ordinance package, this sign ordinance embodies a proactive consensus that balances the interests of business, individual citizens and the community at large. That consensus, as its theme, is ultimately concerned with the long term aesthetic appearance of Bath as we move into the next century.

3.202 Compliance.

Compliance with this article required. No signs of any kind or nature shall be installed or placed on any premises or affixed to the outside of any structure in the city unless in accordance with this ordinance.

3.203 Permits

I. Required: Permanent signs as specified in this article shall require a permit. An application for such permit shall be obtained from the Codes Enforcement Office. The Codes Enforcement Officer shall examine the application, insure that the proposed sign is in accordance with this ordinance and shall grant a permit. If the work authorized under a permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void. (Also Sec. VII and IX.)

II. Permit fees: The permit fee shall be set by resolution of City Council.

III. Application content: Application for sign permits shall be made upon forms provided by the Codes Enforcement Officer, and shall contain at least the following:

A. Name, address and telephone number of the applicant.

B. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.

C. Details of the proposed sign, including at least the location.

D. Location of other signage on the property, and lighting.

E. Two drawings of the plans and specifications and method of construction and attachment to the building or location in the ground.

F. Name of person, firm, corporation or association installing the sign.

G. Any electrical permit required and issued for the sign.

IV. Existing signs. Permanent signs in existence prior to 6-3-87 and signs erected between 6-3-87 and the date of adoption of this ordinance that conform to the physical requirements of the 6-3-87 ordinance shall be considered legally existing signs and shall be grandfathered as of the date of the passage of this ordinance and may continue to be used in conformance with the terms of this article. The existing signs at The Inn of Bath; The Chocolate Church mural; Barbara T's Tanning Salon; and Frosty's Donuts, are grandfathered. Also, Sec. VII

V. Exemptions. The following signs are not regulated by this article and require no sign permit: municipal and state road signs, highway and emergency signs and traffic control signals in accordance with the Manual On Uniform Traffic Control Devices. Responsibility for installation shall be left to the Department of Public Works.

The following regulated signs do not require a permit(unless otherwise specified), provided they are erected and maintained in accordance with the following specified requirements:

A. Real Estate signs which advertise the sale, rental or lease of the premises upon which said signs are located, which do not exceed six (6) square feet in area and where only one sign per premises is permitted, except that where a property borders two (2) or more streets, one (1) sign facing each street is permitted. Such sign shall be removed when the sale or rental is consummated.

1. Banners composed of a lightweight fabric or woven material displaying a for sale or for lease shall be limited to 30 square feet in size with a maximum of 10 feet in length in size and shall require a permit by the Codes Enforcement Officer. The display of such banner shall be permitted for 30 days, with one application for a 30 day renewal permitted. No permit shall be granted for more than 60 days in any 6 month period.

B. One Development/construction Site Sign denoting the architect, engineer, contractor or subcontractor to be placed upon a premises under construction, not exceeding sixteen (16) square feet in area. Subcontractors may also have a sign, not to exceed 6 square feet nor be on display for more than 10 days.

C. Memorial signs or tablets containing names of buildings or date of installation.

D. Danger/safety signs and such temporary, emergency or non-advertising signs necessary or approved by the City Council.

E. Home street number or name of the occupant signs for residential properties, or both, not exceeding one (1) square foot in area or resident's names and street numbers on mailboxes or the house.

F. Flags and banners across streets, highways, alleys, sidewalks or other public rights-of-way are permitted only for special occasions with the specific approval of the City Manager. The City Manager, prior to approval, shall be satisfied that the following criteria are met:

G. The subject matter displayed on the flag or banner shall reflect a community or civic oriented, non-profit, charitable or public purpose or event.

2. The placement of the flag or banner shall be in a manner not to affect the public use of the right-of-way or cause diminished visibility or other similar limitation.

3. The banner shall be limited to 30 consecutive days of display.

Any person aggrieved by denial or approval by the City Manager may appeal the Manager's decision to the City Council.

H. Flags having a generic logo or design and composed of a lightweight fabric or woven material, restricted to a maximum size of 3' x 5'. However, flags directly advertising a store name or product are not exempt from permitting and shall be included in the total sign area and items of information determination.

I. Banners composed of a lightweight fabric or woven material and secured to the side of a building, where the banner does not to exceed 3' x 10' in size, and is limited to 30 days of display.

1. Any Yard Sale sign, provided such sign shall not exceed 4 square feet and shall be removed within 2 days of being displayed.

J. Going out of business sign, where such activity has been approved by City Council. Said sign shall be limited to 60 days of display, unless renewed by City Council.

K. Tent or Truck Load Sales. There shall be no permit requirement provisions for tent or truck load sales provided that such an event does not last for more than 2 weeks and is not repeated more than 3 times in one year. Although a permit is not required for such activities, the Codes Enforcement Officer shall be notified of when the event will occur. Also See Sec. VI (13)

L. Ice Vending Machines. Ice Vending Machines are exempt from the provisions of this ordinance, including any internally lit signage denoting ice machines, provided that such signage does not note the name of the business.

M. Outdoor product dispensers/vending machines. Outdoor product dispensers/vending machines are permitted without a required permit subject to the following conditions:

1. In the C1 Zone and all residential zones as defined by the Land Use Code the maximum number of such machines installed after the date of this ordinance shall be 1 per establishment;

2. In the C2, C3, C4, and C5 zones, the maximum number of such machines installed after the date of this ordinance shall be 3 per establishment;

3. Internal lighting for such machines shall be exempt from these requirements.

N. Temporary Signs. Temporary signs are permitted as freestanding signs, signs attached to buildings, or signs in windows, subject to the following: (6-1-11)

- 1. Size:** No temporary sign shall exceed sixteen (16) square feet.
- 2. Duration:**
 - (a) Generally:** No temporary signs shall be erected for a period longer than six (6) weeks, within a three (3) month period.
 - (b) Event Signs:** If the temporary sign is intended to advertise a particular event such as a sale, theatre production, or political election, then the sign may be erected six (6) weeks prior to the event and must be removed one (1) week after the conclusion of the event.
- 3. Location:** Where the sign is to be erected on private property, the person erecting the sign shall obtain the permission of the owner or appropriate agent of the private property. No such signs shall be posted or erected on any City of Bath property.

3.204 Definitions.

I. Sign: The term "sign" shall mean any character, letter, figure, symbol, design, model, advertising device or combination of these used to attract attention or convey a message. Such displays are further defined as follows: (see also Sec. VI-(1))

A. Freestanding sign: A sign not attached to any building. (see also Sec IV-(3))

B. Projecting sign: A wall-mounted sign projecting from or perpendicular to the building surface.

C. Parallel sign: A wall-mounted sign parallel to the building surface projecting not more than six (6) inches from that surface.

D. Applied sign: A sign painted or applied to the exterior building surface or walls only, including all lettering and symbols together with any background coloring other than the natural color of the building. Applied signing may also include building construction materials as opposed to paint or application and can become part of the architectural treatment of the building or be decorative in nature.

E. Awning or Canopy sign: A cloth, other woven or wood material that either is permanently attached to a building and immobile or can be raised or retracted to a position against the building when not in use. also Sec. IV-(9)

F. Marquee sign: A sign on or attached to a permanent overhanging shelter other than a roof, attached to, supported by, and projecting from a building and providing protection from the elements as well as providing space for signage.

G. Window Sign: A sign painted or applied to the glass portion of a store front or window area.

H. Multiple sign: A group of signs clustered together in a single structure or compositional unit. Multiple signs are used to advertise several occupants of the same building or building complex.

I. Iconic sign: Those signs which are traditionally accepted pictorial symbols conveying the nature of the business shall be defined as iconic signs, such as barber pole, eyeglasses, boots, or mortar and pestle.

J. Temporary signs: Signs of a limited duration and purpose, which advertise sales, products, events, theatre productions, or similar activity, including political signs. Such signs are subject to the standards in Section 3.203(V)(N) Temporary Signs. (6-1-11)

K. Wall Sign. A sign, similar to a parallel sign, but placed flat against the wall and not projecting away from the structure more than 8".

L. Historic marker: A permanent sign whose purpose is to indicate some significant facts about the building or site. Plaques or historic markers are subject to review on an individual basis, but their area will not be figured in the allowable sign area for the building.

M. Bulletin Showcase: An enclosed sign typically with changeable copy.

I. Total Sign Area.

The total square footage of permitted sign area per building side is expressed as a percentage of the building street frontage times a specified height factor for each building side facing a public Right of Way or parking area, as described specifically for each zoning district. Total area covered per side facing a right of way, unless specifically exempted, includes all signs outlined in the above definitions and regulated for each zoning district. Signs exempt from the tabulation of total sign area include directional signs, hours of operation, credit card notification, temporary window signs, security information and or other similar information signs. Once calculated, an applicant may borrow from the total permissible sign area or number of signs permitted and place such signs on one or more building side not facing the public right of way. also Sec. IV-1(f)

II. Temporary Signs-Changeable Copy. Signs where copy within the signs changes with messages related to price and products.

III. Sidewalk sandwich signs. Signs consisting of one wooden sign not larger than a total of six (6) square feet per side with permanent lettering or with blackboard surface which opens in an inverted "v" and can be written upon on both sides. Sec. IV, (5).

3.205 General standards.

I. Signs generally:

A. No display sign shall be so placed as to obstruct or interfere with a required doorway or other required means of egress.

B. All signs shall be so constructed of metal, wood, or other approved material, except where specifically noted, and shall be so supported and braced such that it will not be adversely effected by the weather and shall be consistent with other appropriate building codes.

C. All electrical work on electrically illuminated signs shall conform with the requirements of the National Electric Code of the National Fire Protection Association.

D. Permanent sign content may include the official business name and limited additional information that explains the nature of the business or profession.

E. No person shall place signage on safety or fire protection equipment or structures. No regulated sign herein shall simulate traffic or pedestrian control signs.

F. Measurement of sign area. The area of a sign is determined by computing the space within the exterior limits of the face of a sign, whatever the geometrical shape, including the official business name, limited additional information and other associated details such as background, dead space, symbols or trademarks. Such area shall include supports, posts and the dead space between them, for the area above the bottom-most display elements. Where a supporting structure bears more than one sign, all signs shall be considered one sign and be so measured.

G. Number of signs per business/building. The number of signs that are permitted per each building side facing a public right of way or public parking area, as described for each district. Signs exempt from the tabulation of items of information include directional signs, hours of operation, credit card notification, temporary window signs, security information and/or other similar information signs.

For a shopping center or plaza of 1000 square feet or more of connected building space, items of information per building side shall be applied to each business face as opposed to the entire building.

Also Section VI, Prohibited Signs

II. Freestanding signs.

A. No freestanding sign shall have a sign area exceeding one hundred (100) square feet, except that identification or multiple signs for shopping centers may be one hundred and fifty (150) square feet as allowed in Section V.

B. No single dimension of a freestanding sign shall exceed sixteen (16) feet.

C. For traffic safety, any freestanding sign display area shall not block driver site distance. No freestanding sign shall be located within 20 feet of an intersection corner.

IV. Illuminated signs. Illuminated signs are permitted, subject to the following conditions:

A. No sign shall be intermittently illuminated or of a traveling or flashing light type, except those devices which offer time and weather conditions.

B. Each steadily illuminated sign shall not exceed one hundred (100) square feet total sign area except for shopping centers signs which may be up to (150) square feet.

C. Sign illumination, in residential districts only, is permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that signs of retail and service establishments may be illuminated during any hours these establishments are open to the public.

D. As a further point of clarification, illuminated signs are described as follows:

1. Internal Illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

2. Indirect Illumination: A light source concealed or not seen directly.

3. Tube Lighting: A light source supplied by a tube that is not concealed and is filled with gasses, forming letters, symbols or other shapes. Such signs/lighting is allowed only on the inside of the building; that is, in the window. Any wording, logo or other representation that directly or indirectly names, advertises, or calls attention to a product line or trademark is prohibited. Tube illumination of the business is permitted. However, pre-existing non-conforming "product" tube lighting may be maintained and replaced with "produce" tube signs provided that the size and number are not larger or greater.

E. Sidewalk Sandwich Signs. Such signs may be permitted on the premises or on a public sidewalk in front of the premises provided that its position will not interfere with pedestrian or vehicle traffic or with emergency equipment. Such sign usage will be restricted to daylight hours only and is subject to the following:

1. Permits are required for such signs; such signs are to be included in the total sign area calculations.

2. Width of Sandwich signs on public sidewalks shall be restricted in width to 40% of the width of the sidewalk, where sidewalk width is at least 5 feet, and shall be no taller than 5 feet.

3. Any off-premise sandwich sign owner/permittee shall demonstrate that there is adequate liability insurance for the placement of that sign and indemnification for any accident that might occur as a result of that sign placement.

F. Private outdoor fixtures; visibility of light source restricted. In all zoning districts, for safety reasons, any private outdoor lighting fixtures, whether temporary or permanent, other than internal lighting, shall be so placed or hooded such that the light source shall not be directly visible to passing motorists or pedestrians.

G. Projection and height of signs for safety purposes. A sign may be installed flat against a wall or at an angle thereto, but no sign shall project more than three (3) feet beyond a line from the face of the building, nor within one (1) foot of the established curb line. The bottom of a sign, projecting from a wall, shall not be less than 7 feet above the sidewalk, alley or parking area.

H. Murals, artistic renderings or similar street graphics. Artistic renderings such as murals, paintings, wood carvings or similar art are not considered signs unless the piece is designed to convey a verbal message for the business in question.

I. Awning and Canopy Signs. Lettering shall be limited to the valances or gable end of the awning or canopy. Measurement of the sign size shall be restricted to the area of lettering and not the entire valance; this shall be included in the sign area calculations. In addition, the following shall apply:

1. No awning or canopy shall be any less than 7 feet above the ground surface nor may it extend more than eight (8) feet, or into a road right of way.

J. Service Station Canopies. Service Station Canopies shall be considered structures for sign calculation purposes.

K. Bulletin Showcase. The following requirements are applicable to bulletin showcase signs:

1. In the C1 Zone, Bulletin Showcase signs are permitted providing that the changeable copy is chalk on slate, specials on paper, menu samples, etc. and that the showcase

is constructed of wood and glass materials or other traditional or simulated traditional materials. Such signs shall be exempted from sign area and items of information limitations and shall be limited in size to 20" by 30".

2. In all zones except the C1 and C4 zones, bulletin showcases are permitted. These may allow changes in lettering that are not of a flashing or intermittent nature or internally lit. The showcase shall be constructed of wood and glass or simulated materials, be consistent with sign area and items of information limitations and have letters no more than 2 inches in height. See special district conditions for additional limitations.

3. In the C4 zone, bulletin showcase signs may be of metal or plastic construction, must be included in the total signs area and items of information limitations, and shall not be of a flashing or intermittent material/lighting. Nor shall the lettering be internally lit.

L. Commercial Message Sign. Any wording, logo or other representation that directly or indirectly names, advertises or calls attention to a product line other than name of the business for which the sign is designed is permitted provided that the brand name is secondary to the business name and that the square footage dedicated to the brand name does not exceed the square footage dedicated to the establishment's name.

M. Brackets. Any use of metal, wire cable supports, braces and all bolts as part of the support used to attach signs to buildings shall be of galvanized or equal material, shall be consistent with the character of the sign and shall, in the C1 Zone in particular, be consistent with the character of the district.

3.206 The following standards are applicable to each zoning district in Bath:

I. C1 Zone.

Total Sign Area: 2 feet * 75% per building face plus 2'x 3' for each upper level tenant.

Number of Signs: 2 per building face per occupant.

Permitted Signs: Parallel Sign, Window Signs, Wall Sign, Projecting Sign, Freestanding sign, Awning or Canopy, Applied Sign and Multiple sign.

Special Conditions:

A. Freestanding signs shall be no higher than ten feet and multiple signs shall be no higher than 6 feet.

B. Maximum area of any individual sign shall not exceed total sign area except that projecting signs shall not be larger than 10 square feet, freestanding shall be restricted to 5 maximum height and 4 feet maximum width, and multiple signs shall be no larger than 44"x18".

C. Each upper floor tenant may display two Signs per building face and be included in a directional multiple sign at the entrances to the upper floors.

D. Materials. The following requirements are applied to the control of material use in the C1 Zone:

1. Materials such as plastic, natural aluminum, bulbous plastic letters, synthetics and gloss tile are prohibited unless they simulate natural materials.

2. Traditional materials, such as wood and brass or bronze are appropriate on historical buildings or in historic areas.

Design Factors: Surface color, colored light, indirect and tube lighting are permitted. Internally lighted signs are prohibited.

Special Graphics: Banners, flags, time and temperature, sidewalk sandwich signs, bulletin showcase, Iconic, Historic marker, and street number are permitted.

II. C2, C5 & I Districts.

Total Sign Area: 2 feet * 75% per building face plus 2'x 3' for each upper level tenant

Number of Signs: 2 per building face

Permitted Signs: Parallel Sign, Window Signs, Wall Sign, Projecting Sign, Awning or Canopy, Applied Sign and Multiple sign.

Special Conditions:

A. All permitted signs shall be below the second floor level except multiple signs shall be no higher than 6 feet.

B. Maximum area of any individual sign shall not exceed total sign area except that projecting signs shall not be larger than 10 square feet and multiple signs shall be no larger than 44"x18".

C. Each occupant in an upper level of a building may be included in a multiple sign at the entrance to their building. One sign per business above the second floor is permitted and shall be restricted to 2' by 3' in size.

D. No projecting sign shall be mounted above the second story window of a building unless it is determined that from a safety or structural perspective, that no reasonable alternative exists.

Design Factors: Surface color, colored light, indirect and tube lighting are permitted. Internally lighted signs are prohibited.

Special Graphics: Banners, flags, time and temperature, sidewalk sandwich signs, bulletin

showcase, Iconic, Historic marker, and street number are permitted.

III. C3 District; lots in the C2 District, which abut Congress Avenue,; and other lots in the C2 District, if the principal building is no closer than 250 feet to the street that provides access to the site.

Total Sign Area: 4 feet * 75% per building face.

Number of Signs: 4 per building face or occupant where there are multiple first floor occupants.

Permitted Signs: Parallel Sign, Window Signs, Wall Sign, Projecting Sign, Awning or Canopy, Applied Sign, Freestanding Sign, and Multiple Sign.

Special Conditions:

A. All permitted signs shall be below the second floor level except freestanding or multiple signs shall be no higher than 20 feet.

B. Maximum area of any individual sign shall not exceed total sign area except that projecting and free standing signs shall not be larger than 100 square feet and multiple signs shall be no larger than 150 square feet.

C. No projecting sign shall be mounted above the second story window of a building unless it is determined that from a safety or structural perspective that no reasonable alternative exists.

D. Setback. Freestanding signs are permitted only where a building(s) is set back forty (40) feet or more from the front property line. One (1) free-standing sign per individual building is permitted. Any such free-standing sign may be located within the front yard space. Multiple signs are permitted for shopping centers having at least 1000 square feet in floor space, consisting of five (5) or more separate businesses and having a continuous street frontage of at least 200 feet.

E. Signs advertising the acts or features to be given in a theater may be displayed on permanent frames erected on theater buildings or as a bulletin board sign in accordance with the provisions of this article as to permitted status, size and location; provided, that the bottom of any such frame erected flat against a wall may be not less than eight (8) feet above the sidewalk, alley or parking area; provided further, that when the area of any such frame facing a street, alley or parking area does not exceed 24 square feet and the area of all such frames facing such street, alley or parking area does not exceed 48 square feet, the area of the signs displayed thereon shall not be included in determining the total area of signs erected or displayed.

Design Factors: Surface color, colored light, internal, indirect and tube lighting are permitted.

Special Graphics: Banners, flags, time and temperature, bulletin showcase, Iconic, Historic

marker, service station canopy signs and street number are permitted.

IV. C4 District.

Total Sign Area: 4 feet * 75% per building face.

Number of Signs: 4 per building face or occupant where there are multiple first floor occupants.

Permitted Signs: Parallel Sign, Window Signs, Wall Sign, Projecting Sign, Awning or Canopy, Applied Sign, Freestanding Sign, and Multiple Sign.

Special Conditions:

A. All permitted signs shall be below the second floor level except freestanding or multiple signs shall be no higher than 25 feet.

B. Maximum area of any individual sign shall not exceed total sign area except that projecting free standing signs shall not be larger than 100 square feet and multiple signs shall be no larger than 150 square feet.

C. No projecting sign shall be mounted above the second story window of a building unless it is determined that from a safety or structural perspective, that there exist no reasonable alternative.

D. Setback. Freestanding or multiple signs are permitted only where a building(s) is set back forty (40) feet or more from the front property line. One (1) free-standing sign per individual building is permitted. Any such free-standing sign may be located within the front yard space. One Multiple sign per Center is permitted for shopping centers having at least 1000 square feet in floor space, consisting of five (5) or more separate businesses and having a continuous street frontage of at least 200 feet.

E. Signs advertising the acts or features to be given in a theater may be displayed on permanent frames erected on theater buildings or as a bulletin board sign in accordance with the provisions of this article as to permitted status, size and location; provided, that the bottom of any such frame erected flat against a wall may be not less than eight (8) feet above the sidewalk, alley or parking area; provided further, that when the area of any such frame facing a street, alley or parking area does not exceed 24 square feet and the area of all such frames facing such street, alley or parking area does not exceed 48 square feet, the area of the signs displayed thereon shall not be included in determining the total area of signs erected or displayed.

Design Factors: Surface color, colored light, internal, indirect and tube lighting are permitted.

Special Graphics: Banners, flags, time and temperature, bulletin showcase, Iconic, Historic marker, service center canopy signs and street numbers are permitted.

V. All Residential zones as defined by the Land Use Code.

Total Sign Area: 6 square feet

Number of Signs: 1 per assessment unit

Permitted Signs: Parallel Sign, Window Signs, Wall Sign, Projecting Signs, and Freestanding Signs.

Special Conditions:

A. All permitted signs shall be below the second floor level, except freestanding signs which shall be no higher than 6 feet.

B. Maximum area of any individual sign shall not exceed total sign area.

C. Materials. Materials such as plastic, natural aluminum, bulbous plastic letters, synthetics and gloss tile are prohibited unless they simulate natural materials. Traditional or natural materials, such as wood and glass are permitted.

D. One (1) sign identifying an accessory studio or professional office in the dwelling or on the premises, or identifying other permitted accessory uses, including home occupations.

E. One (1) bulletin showcase for a permitted nonresidential building or use, not more than six (6) square feet of signboard area. For churches and institutions, two (2) bulletin showcases are permitted for each site. Each such church or institution sign shall be no more than ten (10) square feet of signboard area.

F. A sign will be permitted to advertise a legal subdivision site while construction or selling of completed homes is under way. No such sign shall exceed twelve (12) square feet. No sign shall be permitted after three (3) years from the date of issue of the first building permit or after sale of the last lot, whichever is earliest, unless a different time frame is approved by the Planning Board.

Design Factors: Surface color and indirect lighting are permitted. Tube lit and Internally lighted signs are prohibited.

Special Graphics: Flags, bulletin showcase, historic marker, and street number are permitted.

3.207 Sign Types Prohibited

The following sign types are prohibited in the City of Bath:

I. Off premises signs: A sign that advertises activities, goods, products, etc. that are available elsewhere than within the building or on the lot where the sign is located, except as

permitted in Section 3.209 – Wayfinding, and 3.210 Advertising on City of Bath Recreation Department Facilities. (5/7/03)

II. Billboards: A free-standing or roof mounted sign, either on or off the premises of billboard or sign structure.

III. Roof signs: A sign installed, constructed or maintained upon or over the roof of any building, or above the cornice line, whichever is lower. Any sign which extends wholly or in part above exterior walls, which is located in front of or on any roof surface, or which is located wholly or in part above the highest point of a roof. Painting on any roof as a means of advertising or direction is prohibited.

IV. Flashing, rotating or animated signs. This includes signs with visible moving, revolving or rotating parts; visible mechanical movement of any description; or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for time-temperature-date signs, and gauges/dials etc. which may be animated to the extent necessary to display correct measurement.

V. Signs with optical illusion of movement by means of design which present a pattern capable of reversible perspective, giving the illusion of motion or changing of copy, are prohibited.

VI. Signs which incorporate projected images, emit any sound which is intended to attract attention, or involve the use of live animals.

VII. Signs or other advertising structure incorporating any obscene material as defined in Section 5-40.1 of the Code of the City of Bath.

VIII. Portable or mobile marquee type signs.

IX. Vehicular and non-vehicular signs, where vehicles are positioned such that are being utilized as on or off-site signs to advertise a particular business.

X. Permanent signs incorporating chemical/florescent colors other than tube lighting.

3.208 Maintenance, Obsolescence and Removal

I. Review of existing signs. The Office of Codes and Planning shall keep an up to date pictorial record for all commercial signage associated with each business. Each sign shall be reviewed for safety, condition, appearance and consistency with legal approvals/grandfathered status from the City.

II. Permit revocable at any time: It is the responsibility of the business owner to insure that approved signs, whether grandfathered or by permit, shall be kept in good repair and in safe condition. The Codes Enforcement Officer shall give written notice to the business and/or building owner where there is disrepair or an unsafe condition. If the needed improvements are not made within 10 days of the notice, such sign or other advertising structure may be removed or altered to comply with these codes by the Codes Enforcement Officer at the expense of the permittee or owner of the property upon which it is located. The Codes Officer may relax the 10 day provision, provided that the delay is related to timing for the repair.

III. Conformance with the provisions of this ordinance: Where the Codes Enforcement Officer finds that a sign must be removed and/or replaced with a new sign, said owner/applicant shall bring the sign into conformance with these provisions. Failure to do so will subject the applicant to penalties consistent with Maine State law and the Ordinances of the City of Bath.

IV. Obsolete signs: A sign which ceases to advertise a bona fide business conducted or product sold on the premises after three (3) months from the close of business shall be removed upon notification to the building owner from the Codes Enforcement Officer. If the sign is not removed, the Codes Enforcement Officer shall have it removed. The owner of the property on which the sign is located is liable for the costs of removal, which costs may be assessed and collected in any same manner available under law.

V. Nonconforming Signs and change of name: Where an existing sign is non-conforming, changes in sign titles shall require that the sign be brought into compliance with these regulations.

3.209 Wayfinding

I. Except as permitted in II. Below, all off-premises, directional signs must conform to the location and design standards of the Bath Wayfinding System adopted, and amended from time to time, by City Council Resolution.

II. The Codes Enforcement Office may approve independent directional signs for a business or organization provided the following criteria are met:

A. The business or organization must be located one half mile or more outside the Downtown Commercial (C1) Zoning District.

B. The business or organization is permitted more than one such sign only if the additional sign locations are associated with an intersection or directional change;

C. The cost of construction, placement and ongoing maintenance is borne by the business or organization.

- D. A business or organization located within the one-half-mile- designation area may apply for a waiver for the installation of an independent sign subject to the conditions of this article.**
- E. The design of the sign must meet the standards adopted by City Council Resolution.**
- 1. 4 feet by 12 inches in size. (12/18/02)**
 - 2. Constructed to Maine DOT standards.**
 - 3. Painted with a dark blue background with a red border, and ivory letters.**
 - 4. Be mounted on a black post. (09/04/02)**
- F. Signs for Goods and Services in the Downtown (6-1-11)**

The City may erect, or have erected, signs that indicate the direction to goods and services, which are offered for sale in the downtown, provided the following standards are met:

- 1. The signs are erected on the sidewalk near the corner of Centre and Front Streets and near the corner of Front and Elm Streets near the corner of Vine and Water Streets and near the corner of Elm and Water Streets.**
- 2. The signs do not block sight distance for pedestrians or motorists.**
- 3. The signs meet the requirements of 23 MRSA, Sections 1901 through 1925 (Maine Traveler Information Services Act).**
- 4. The signs are Sidewalk Sandwich Signs, as defined in Section 3.204.**
- 5. The City Council must approve the design and colors of the signs.**
- 6. The City Council may approve additional locations.**

3.210 Advertising on City of Bath Recreation Department Facilities.(5/7/03)

I. Signs are allowed on certain City of Bath Recreation Department Facilities with the approval in advance of the Recreation Commission and subject to the following restrictions:

- A. Location: Signs may be located only on the following facilities:**
- 1. Chain link fencing, facing the playing area, except backstops, at Legion, Kelley, McMann, Kimball, and Hawkes fields.**
 - 2. The north side of the Congress Avenue basketball and tennis court fencing, facing Kelley Field.**
- B. Size Limitation: No sign shall be larger than 32 square feet and two or more signs may not be connected to provide a larger square footage.**
- C. Text and Contents: The information on the sign shall refer only to the business name, address, company logo, and identifying information as to how the enterprise can be accessed, such as telephone numbers, faxes, e-mails etc. The text of the sign may not advertise any specific good, product, activity or service.**

3.211 Administrative Appeals and Variances

I. Administrative Appeals.

The Zoning Board of Appeals shall hear and decide matters where written appeal by an aggrieved party alleges an error in any interpretation, order, requirement, decision or determination of the Codes Enforcement Officer, in the enforcement of this Article. The action of the Codes Enforcement Officer may be affirmed, modified or reversed by the Board.

II. Waivers.

"The Zoning Board of Appeals shall decide upon written requests for waivers from the terms of this Article. Waivers shall be limited to variations in the lighting, dimensions, placement, type of placement, in the placement of an independent directional sign or in the addition to a KIOSK sign, provided there is room. Before the Board may grant a waiver, it must find that relaxation of the terms of this Article would not substantially depart from the intent and purposes of this Article and that literal enforcement of this article would result in a hardship that can stand a test of the following factors:

A. That the need for the waiver is due to the unique circumstances of the property, its location or unusual configuration of structure or property boundaries, and is not due to the general characteristics of the neighborhood;

B. That the granting of the waiver will not alter the essential character of the neighborhood or impact in a negative fashion surrounding properties particularly as impact relates to lighting, additional pedestrian and vehicle traffic as a result of signing, screening of pedestrian or vehicle traffic, noise or similar types of impact;

C. That the hardship is not the result of action taken by the applicant or prior owner on their own to create the hardship; and,

D. That the design of the sign is generally consistent with the sign design standards for the district in which the sign is to be located.

"The Board, in granting a waiver, may prescribe conditions and safeguards as are appropriate for carrying out the intent and purposes of this Article. Abutters shall be notified of any such waiver coming before the Zoning Board of Appeals as to the time and date, said notification the responsibility of the applicant, utilizing return receipt letters or abutter signatures as appropriate methods of notification." (Ord. 10-13-93)

III. Appeal to Court A person aggrieved by the Board may appeal to the Superior Court. The appeal must be filed within 30 days after notice of the decision under Title 80(B) of the Maine Rules of Civil Procedure.

3.212 Penalties

Any violation of the terms and conditions of this ordinance shall be punishable by a fine of up to \$1000. Each day that a violation continues to exist shall constitute a separate violation. all fines collected hereunder shall be for the benefit of the City of Bath.

ARTICLE 3. MURALS, ARTISTIC RENDERINGS, AND SIMILAR STREET GRAPHICS

Section 3.301. Applicability

This Article shall be applicable to all murals, artistic renderings, or similar street graphics that are excluded from the definition of signs as appears in Article 2, Section 3-204.

Section 3.302. Permits Required

A permit, prior to the establishment of any mural, artistic rendering, or similar street graphic, shall be obtained from the Codes Enforcement Office. The Codes Enforcement Officer shall examine the application and ensure that the proposed mural, artistic rendering, or similar street graphic is in conformance with the terms and conditions of this Article.

Section 3.303. Application

Application for murals, artistic renderings, and similar street graphics shall be made on forms provided by the Codes Enforcement Office and shall contain at least the following:

- A. Name, address and telephone number of applicant.**
- B. Location of the proposed mural, artistic rendering, or similar street graphic specifying the area where it is to be painted, attached or erected.**
- C. A general outline of the proposed mural, artistic rendering, or similar street graphic.**
- D. The location and dimension of any other murals, artistic renderings, or similar street graphics or signage on the property.**

Section 3.304. Dimensional and Location Restrictions

Any mural, artistic rendering, or similar street graphic shall be subject to the dimensional and location requirements found in Article 2, Section 3-205 of the Sign Ordinance of the City of Bath and Article 2, Section 3-206 of the Sign of the Ordinance of the City of Bath. For purposes of applying these location and dimensional standards, a mural shall be considered as a sign and shall be subject to all size and number calculations in terms of permitted numbers of signs and size of signs/area covered. Murals, artistic renderings, and similar street graphics are included with signage in terms of location and dimensional standards and not in addition to those standards.

Section 3.305. Maintenance

All murals, artistic renderings, and similar street graphics shall be properly and appropriately maintained and shall not be allowed to become a nuisance or safety hazard. The responsibility for maintenance shall be on the property owner. The Codes Enforcement Officer may order removal of any mural, artistic rendering, or similar street graphic that is not maintained in good order or that constitutes a nuisance, or a safety hazard.

Section 3.306. Historic District

Any mural, artistic rendering, or similar street graphic proposed to be established in the Historic District of the City of Bath, as that area is defined in the Land Use Code of the City of Bath, shall be subject to Historic District Review under the terms, conditions and standards contained in Article 8, Section 8.12 of the Land Use Code of the City of Bath.

In instances where the scale and design of the mural, the space it is to occupy, and its compatibility with neighboring structures make it appropriate that a mural cover an area larger than the maximum allowed, a larger mural may be permitted by the Planning Board as part of the Historic District review. Such mural in excess of the maximum square footage requirement may be allowed without the necessity of acquiring a variance from the Zoning Board of Appeals.

Section 3.307. Exemption

The south wall of the building owned by the Bath Area Young Men's Christian Association shall be exempted from the restrictions imposed in this Article for the purposes of establishing a children's wall. This shall be an area that will be available for the painting of murals by children. The structure may be utilized up to the base of the windows. The Bath Area Y.M.C.A. shall make all determinations with regard to the design and concept of this children's wall. Exemption shall cease if ownership of the building is transferred from the Bath Area Y.M.C.A.

Section 3.308. Administrative Appeals and Variances

Administrative appeals and variances shall be in accordance with the provisions of Article 2, Section 3-210 of the Sign Ordinance of the City of Bath.

Section 3.309. Penalties

Any violation of the terms and conditions of this Ordinance shall be punishable by a fine of up to \$1,000.00. Each day that a violation continues to exist shall constitute a separate violation. All fines assessed hereunder shall be for the benefit of the City of Bath.

This within Ordinance supersedes a previous Ordinance enacted by the Bath City Council regarding murals and specifically deletes Section 3.301.