

Town of Boothbay Harbor and is to be removed, corrected or abated at the time of such discovery or notice thereof.

- C. Penalties. Any act made unlawful by this article or any violation of this article is punishable as set forth in Maine Law, 30-A M.R.S.A. § 4452, for each offense. Each day that such unlawful act or violation is allowed to exist or continue is a separate offense.

§ 146-5.4. Appeals.

In all cases, a party aggrieved by a decision of the enforcing offices, said party may file an appeal to the Board of Appeals within 30 days of the action complained of. The request for an appeal shall be filed with the Code Enforcement Officer. The appeals process shall be as prescribed in Chapter 170, Article XV, Section 109 of the Codes. It is not intended that the appeals process involving signs that cause a hazard to public safety delay or stay the removal requirement. The hazard must be removed while the appeal is being filed or is in process.

ARTICLE II

Business Directional Signs

[Adopted 3-7-1983 by ATM Art. 58 (Art. 25 of the 1958 Ordinances)]

§ 146-6. Purpose.

This article is adopted for the regulation and restriction of business directional signs within the Town on public ways or on private property within view of a public way, in order to promote the safety, comfort and well-being of the users of public ways, both vehicular and pedestrian; to reduce distractions and traffic congestion; and to preserve or enhance the natural scenic beauty and other aesthetic features of town.

§ 146-7. Scope.

- A. This article controls all business direction signs within the Town of Boothbay Harbor.
- B. For the purpose of this article, a "business directional sign" is one which is located off the premises of the business and whose function is to direct the public to the specific location of the business.
- C. Effective June 1, 1983 all business directional signs in Boothbay Harbor shall conform with this article. The Town of Boothbay Harbor shall have the right and responsibility to remove any business directional sign not in compliance after this date following 30 days' written notice to its owner.

§ 146-8. Specifications.

All business directional signs erected or in place after June 1, 1983, shall meet the following specifications:

- A. The size shall be 36 inches long by six inches wide.
- B. The lettering shall be three and three-eighths (33/8) inches high, three-eighths (3/8) inches wide, helvetica type.
- C. The base shall be one-half-inch plywood overlay.
- D. The color shall be dark green Signpainters Lettering Enamel in accordance with National Outdoor Advertising standards.
- E. Paint. Green color is to be applied to all sides and edges of base (three coats) and used also for lettering.
- F. Visibility. A four-and-five-eighths-inch wide reflectorized sheet (white) is to be used for the lettering background. This sheet will be tapered two and one-half (21/2) inches from the appropriate end to form the arrow at the left or right end where appropriate.

§ 146-9. Location.

- A. Business directional signs shall be located within the highway right-of-way on approaches to intersections where travelers must change direction from one public way to another to reach the particular business.
- B. A business shall not be permitted more than one sign at any one intersection approach.
- C. Each place of business shall be eligible for a maximum of four business directional signs. A variance for more may be granted only on proof of undue hardship.
- D. To qualify for a business directional sign, the business must be within 10 miles of the proposed location of the sign.
- E. Business directional signs shall be located so as to avoid conflict with other signs, to have the least impact on the scenic environment and to take advantage of the natural terrain.
- F. Business directional signs shall not be permitted where the directional information contained thereon may be misinterpreted, misleading or otherwise confusing to the traveling public.

§ 146-10. Installation and maintenance.

- A. All business directional signs shall be provided by the business owner or applicant.
- B. The signs shall be installed by the Town at locations approved by the Board of Selectmen and on signposts provided by the town.
- C. Signs which become lost, stolen, defaced or otherwise damaged shall be replaced by the owner and installed by the town.

- D. Owners of business directional signs which are no longer applicable because of business name changes, business relocations or any other reason shall notify the Town to have such signs removed.
- E. Failure to properly maintain the sign by the owner and to notify the Town when signs are no longer applicable may result in removal of such signs by the town.

§ 146-11. Application for permit.

- A. A business owner who wishes to have business directional signs erected shall make application on a prescribed form and submit the same to the Town Office for each location where a sign is desired.
- B. The Town Manager shall approve said application within 14 days of its submission, provided that it meets all the requirements of this article. The application will be denied within 14 days if Article requirements are not met.
- C. Any person aggrieved by the Town Manager's decision regarding the application may appeal to the Board of Selectmen, which shall consider the same at its next regularly scheduled meeting. The Selectmen's decision is final.
- D. Following approval of sign application, the Town Manager shall have the appropriate sign erected on the designated sign posts promptly.

§ 146-12. Fees.

- A. The fee, which shall be submitted with the application, shall be \$50 per sign. This fee and the application is good for a period of five years, at the end of which period renewals are required.
- B. Initial applications and fees may be made at any time. Thenceforth, all renewals will become due on April 1. The Town shall have the authority to remove any sign the following May 1 whose application/fee is delinquent.
- C. All sign fees will be placed in the town's general account.

§ 146-13. Violations and penalties. [Amended 5-1-1995 by ATM Art. 63])

Any violation of this article shall constitute a nuisance. Any person, firm or corporation having control or use of any buildings or premises who or which violates any provisions hereof, shall be fined as set forth in Chapter 1; General Provisions, Article II, General Penalty, for each day such violation is permitted to exist after notification. All fines collected hereunder shall inure to the town.