

# Welcome Code Enforcement Officials

## Understanding the Recent Changes to Maine Sign Law

# Why make changes within the Maine sign statutes, M.S.R.A. 23, §1901-1925?

- Maine sign statutes needs to reflect how MaineDOT actually enforces the law. Shore up perceived “inconsistencies” within the law.
- MaineDOT must rely on crew personnel for field work, information gathering. Crews need training and statute uniformity.
- Original statutes were passed in 1977, within certain sections of the law, VMS, etc., technology has outpaced the law.

# Specific areas of change...

- Review of how MaineDOT interprets specific sections of the Maine sign statutes...
- Variable message signs...the passage of local ordinances that allow a more rapid rate of message change than what Maine sign law allows.
- Interstate system signs-Maine Logo, LLC signs now allowed within the urban sections of I-95 & I-295 Bangor-Portland.
- “Continuity” signs on “off-system” roads...within urban sections (Urban Compact Areas)
- Licensing...the role of municipalities within the process of MaineDOT granting “limited use licenses”.

# Variable Message Signs and local ordinances...

M.S.R.S. 23, §1914, 11-A,

B. The display on each side of a changeable sign:

(1) May be changed no more than once every 20 minutes, *unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance;*

# Restrictions with respect to how the variable message may change...

- (2) Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending, *unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance.*

# Restrictions regarding what is allowed within the message...

- (3) May consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial or photographic images *unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance.*

# Video animation...?

- § 1914, 6. On-premises signs prohibited. An on-premises sign is prohibited if it:
  - A. Attempts or appears to attempt to direct the movement of traffic or interferes with, imitates or resembles any official traffic sign, signal or device;
  - B. Prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic;
  - C. Contains, includes or is illuminated by a flashing, intermittent or moving light or lights, except as provided in subsection 11-A;
  - D. Uses lighting in any way unless the light is in the opinion of the commissioner effectively shielded to prevent beams or rays of light from being directed at any portion of the public way or is of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle; or
  - E. Moves, has any animated or moving parts or has the appearance of movement, except as provided in subsection 11-A.

# Creation of local ordinances with regard to variable message signs...

- The local ordinance only has jurisdiction over those specific provisions listed within the ordinance, for example...
- A municipality that creates an ordinance which allows a VMS to change message every 5 seconds...but does NOT contain language that allows a sign to phase, roll, scroll or blend, see §1914, 11-A. B., 2., is required to change message as rapidly as technologically practicable.
- If a local sign ordinance exists and provides a specific allowance for VMS within a municipality, MaineDOT will still enforce Maine sign law in any situation in which the VMS is functioning in a way that is not specifically allowed within the local ordinance.
- It is the hope of MaineDOT to work WITH the municipal code enforcement offices to achieve voluntary compliance from businesses that are in violation of the law.



# Additional changes...

M.S.R.A. 23, §1914, 11-A., Changeable Signs,

D. Only one changeable sign with 2 sides is allowed for each public way that provides direct vehicular access to the business, facility or point of interest.

# Maine Logo Signs...signs are now allowed within the urban sections of I-95/I-295

- Maine Logos, LLC administers the sign program that provides directional/destination logo type signs to businesses along Maine's interstate system.
- Signs were allowed only within the rural sections of the interstate system.
- The creation of guidelines for the placement of supplemental guide signs erected within Maine's interstate system by MaineDOT and the MTA necessitated the expansion of the Maine Logos program into the urban sections of the interstate.

## A sign program that provides directional signs both on...and off...of the interstate system.

- If a local business arranges to have Maine Logo signs installed within the interstate system...
- Maine Logos will provide an additional directional sign that will direct the traveler to either turn to the left or to the right...when leaving the off-ramp.
- What if the business is not located on the street that immediately connects with the nearest off-ramp?

# MaineDOT Official Business Directional Signs...to be used as “continuity” signs.

- OBDS will provide additional signage for businesses that are not located on streets that immediately connect with I-95, I-295 interchanges.
- Before processing, MaineDOT will usually require a “municipal signature” from local CEO’s on submitted OBDS applications.
- MaineDOT is NOT required by statute to obtain municipal approval from municipalities for an OBDS sign that is designated as “continuity” signage for supplemental guide signs or for interstate logo signs.

# When considering local sign ordinances, over which roads within a municipality does MaineDOT have jurisdiction?

- Maine sign law provides jurisdiction to MaineDOT over every public way:
- M.S.R.A. 23, §1908. Regulation of Outdoor Advertising: No person may erect or maintain signs visible to the traveling public from a “public way” except as provided in this chapter.
- M.S.R.A. 23, §1903, 11. Definitions: "Public way" means any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, county road, unincorporated territory road or other road dedicated to the public.

# Local directional sign programs...

- **§1913-A. Categorical signs**
- 1. Types of signs. The following signs may be erected and maintained without license or permit under this chapter as follows:
  - A. Signs of a duly constituted governmental body, a soil and water conservation district or regional planning district;
  - Within this section of the law, MaineDOT will allow “way finding” signs that direct traffic to general areas within the town/city...Business District, Water Front, Arts District...however, MaineDOT does not consider directional signs for specific businesses to be “way finding” signs.
  - If a municipality chooses to create and administer a directional sign program that is separate from the MaineDOT OBDS program...the municipality should create an ordinance that will establish the directional sign program as a part of their overall municipal sign ordinance.

# MaineDOT and Limited Use Licenses...

- A limited use license may be granted by MaineDOT as a means of allowing qualifying businesses to place a sign within the state controlled right of way.
- A business may qualify for a license if there is an inequity created by the legal placement of an on-premises sign.
- A business may qualify if MaineDOT controls an exceptionally large portion of right of way that may cause the business a hardship when installing the on-premises sign.
- The license gives NO permanent property rights to the sign owner, MaineDOT may require the sign to be removed at any time at the sign owner's expense.

# Municipalities and limited use licenses...

- MaineDOT will require that a business submit a “letter of no objection” from the Codes Office before it will grant a license...inside or outside of the compact areas.
- This letter allows the Code Office to review any local ordinances that may prohibit the installation of the sign.
- The letter should be submitted on Town/City letterhead and should be signed by the Code Enforcement Officer.



# OBDS applications...

- On which roads are OBDS signs allowed to be installed within a municipality? **Signs are allowed on every public way unless an ordinance prohibits the placement of OBDS on in certain areas.**
- When should CEO's provide municipal signatures to OBDS applicants? **CEO's have the ability to sign applications on both state routes and town roads.**
- Do municipalities have any say as to where signs are installed within its borders? **They do, but towns must create ordinances to outline any restrictions regarding the placement of OBDS signs.**
- Do municipalities have any say as to what OBDS will look like within its borders? **They do, but towns must create ordinances to outline any restrictions regarding the layout or the size of OBDS signs.**

# Why should MaineDOT and municipal code enforcement offices work together?

- Communication...the exchange of information and consistent enforcement of the law is invaluable.
- Information...has MaineDOT been notified of any new ordinances? Sign ordinances, restricted areas regarding sign placement, etc.
- Right of way encroachments...knowledge of local rules.
- We are on the same team...

# Summary...

- Please use MaineDOT as a resource.
- MaineDOT can be helpful in many ways, advice when creating ordinances...does the ordinance comply with Maine sign law?
- MaineDOT can also be helpful when enforcing the law.
- Municipalities are an invaluable resource to MaineDOT when enforcing Maine sign law.
- There are tremendous benefits for both entities when MaineDOT and municipalities work together.

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