

## **CHAPTER 19**

### **SIGNS AND BILLBOARDS**

#### **PART 1**

#### **ERECTION AND MAINTENANCE**

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- §101. Definitions
- §102. Application
- §103. Computations
- §104. Illumination
- §105. Permits Required
- §106. Design, Construction, and Maintenance
- §107. Signs in the Public Right-of-Way
- §108. Signs Exempt from Regulation Under this Part
- §109. Signs Prohibited Under this Part
- §110. General Permit Procedures for a Permanent Sign
- §111. Temporary Sign Permits
- §112. Time of Compliance: Nonconforming Signs
- §113. Unsafe Signs – Notice to Repair, Reconstruct or Remove
- §114. Borough Authorized to do Work
- §115. Inspection of Signs
- §116. Insurance
- §117. Violations
- §118. Penalties for Violation



## PART 1

### ERECTION AND MAINTENANCE

#### §101. Definitions.

**ANIMATED SIGN** – any sign that uses movement or intermittent flashes of light or change of lighting to depict action or create a special effect or scene.

**BANNER** – any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series.

**BEACON** – any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

**BOROUGH** – the Borough of Bedford, Bedford County, Pennsylvania.

**BOROUGH COUNCIL** – the Council of the Borough of Bedford, the Sign Committee of the Borough Council; the Borough Manager; the Zoning Officer; or any other committee of the Borough Council or any other agent of the Borough Council authorized by the Borough Council to act on its behalf with regard to the rights or duties set forth in this Part.

**BUILDING MARKER** – any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a wood or masonry surface or made of bronze or other permanent material.

**BUILDING SIGN** – any sign attached to any part of a building, as contrasted to a freestanding sign.

**CANOPY SIGN** – any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**CHANGEABLE COPY SIGN** – a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Part. A sign on which the only copy that changes is an electronic or mechanical indications of time or temperature shall be considered a “time and temperature” portion of a sign and not changeable copy sign for purposes of this Part.

**COMMERCIAL MESSAGE** – any message or symbol intended to advertise goods, wares or services, etc.

**DOOR OPENING** – any opening in the exterior wall of a building that enables physical access, by humans, animals, or objects, to the interior of the building. A door opening may or may not also allow outside light to enter the interior part of a building.

**FLAG (Flag)** – any fabric or similar material or bunting containing distinctive colors, patterns, or characters used as a symbol of a government, a political subdivision, or other governmental entity. A permit is not required for a Flag.

**FREESTANDING SIGN** – any sign supported by structures or supports that are placed on or anchored in, the ground and that are independent from any building or other structure.

**HOME OCCUPATION** – a business of commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential property. The business or commercial activity must satisfy the following requirements:

- A. Is clearly incidental, accessory, and subordinate to the property's residential use.
- B. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- C. The business shall employ no employees other than family members residing in the dwelling thereon.
- D. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- E. There shall be no outside appearance of a business use, including, but not limited to parking.
- F. Creates no greater traffic volumes or parking demands than would normally be expected in its neighborhood in Bedford.
- G. The business activity may not use any equipment or process which creates noise, vibrations, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- H. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- I. Is not a nursery school, dancing school, exercise or health center, day care center, funeral homes, mortuary, eating or drinking establishment, animal kennel, animal hospital, veterinarian office, boarding house, medical or dental clinic, transportation vehicle repair or rental facility, theater or other commercial recreation facility.

J. The business may not involve any illegal activity.

**INCIDENTAL SIGN** – a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading zone,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

**MARQUEE** – any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**MARQUEE SIGN** – any sign attached to, in any manner, or made a part of a marquee.

**NONCONFORMING SIGN** – any sign that does not conform to the requirements of this Part.

**PENNANT** – any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, or flag of any institution or business, which is fastened to a pole that is attached to a building. Government, political subdivision, or other governmental entity Flags shall not be considered pennants and shall not require permitting.

**PORTABLE SIGN** – any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**PRINCIPAL BUILDING** – the building in which is conducted the principal use of the lot on which it is located. Storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

**PROJECTING SIGN** – any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**ROOF SIGN** – any sign erected and constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

**SETBACK** – the distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

**SUSPENDED SIGN** – a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface; also referred to as Shingle-Type Sign.

**TEMPORARY SIGN** – any sign that is used only temporarily and is not permanently mounted.

**WALL SIGN** – any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**WINDOW OPENING** – any opening in the exterior wall of a building or a door that allows outside light to enter the interior part of a building or any exterior wall of a building made of a transparent material.

**WINDOW SIGN** – any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes, or glass and is visible from the exterior of the window.

## **§102. Application.**

- A. A sign may be erected, placed, established, painted, created, or maintained in the Borough only in conformance with the standards, procedures, exemptions, and other requirements of this Part.
- B. The effect of this Part as more specifically set forth herein, is:
  - 1. To establish a permit system to allow a variety of types of signs in commercial and residential zones, subject to the standards and the permit procedures of this Part.
  - 2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Part but without a requirement for permits.
  - 3. To prohibit all signs not expressly permitted by this Part.
  - 4. To provide for the enforcement of the provisions of this Part.
- C. Signs located within a Historic District shall also be subject to the provisions of §1909, E, (4) of Part 19 Historic District of Chapter 27 Zoning.

## **§103. Computations.**

The following principles shall control the computation of sign area and sign height.

- A. **Computation of Area of Individual Sign.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means

of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop of the structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the Zoning Part regulations and is clearly incidental to the display itself.

- B. Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- C. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign, including any supporting structure, at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filing, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
- D. Computation of Maximum Total Permitted Sign Area per Lot. The permitted sum of the area of all individual signs per lot shall be computed by applying the formula contained in Table A, Maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as appropriate, for the Zoning District in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.
- E. Signs Allowed on Private Property With and Without Permits. Signs shall be allowed on private property in the Borough in accordance with, and only in accordance with, Table A. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the Zoning Districts represented by that column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the Zoning Districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for sign type in a column, such a sign is not allowed in the Zoning Districts represented by that column under any circumstances. A sign designated by an "S" or an "A" in Table A shall be allowed only if:

1. The sum of the area of all building and freestanding signs on the lot conforms with the maximum permitted sign area as determined by the formula for the Zoning District in which the lot is located as specified in Table B.
2. The size, location, and number of signs on the lot conform to the requirements of Tables C and D, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table A.
3. The characteristics of the sign conform to the limitations of Table E, Permitted Sign Characteristics, and with any additional limitations on characteristics listed in Table A.

**§104. Illumination.**

- A. Illuminated signs shall be designed and placed so as not to interfere with, distract, or blind operators of motor vehicles or to create glare on adjacent properties.
- B. Signs may be illuminated either directly or indirectly in accordance with the regulations for the Zoning District in which they are located.
  1. Directly illuminated sign – a sign designed to give forth artificial light directly (or through a transparent or artificial material) from a source of light internal to the sign, including exposed lamp signs.
  2. Indirectly illuminated sign – a sign with a light or lights external to the sign, such that the light shines on or illuminates the sign and in such way that no direct rays there from are visible elsewhere on the property.

**§105. Permits Required.**

- A. If a sign requiring a permit under the provisions of this Part is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of a sign in accordance with the requirements of §110.E of this Part.
- B. No signs shall be erected in the public right-of-way except in accordance with §107 of this Part.
- C. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this Part (including those protecting existing signs).



**§106. Design, Construction, and Maintenance.**

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- A. Except for flags, pennants, temporary signs, and window signs conforming in all respects with the requirements of this Part, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, building, or another structure by direct attachment to a rigid wall, frame, or structure.

**§107. Signs in the Public Right-of-Way.**

No signs shall be allowed in the public right-of-way, except for the following:

- A. Permanent Signs. Permanent signs, including:
  - 1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
  - 2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.
  - 3. Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of Table A of this Part.
- B. Temporary Freestanding Signs. Signs for special events, only as specifically approved by Borough Council.
- C. Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within a public right-of-way.
- D. Flags.
  - 1. However, any Flag attached to the side of a building or structure and overhanging any public sidewalk or walkway shall be secured in a holder with the bottom of said Flag situated at least six and one-half (6.5') feet above the ground/sidewalk surface and positioned so as to not obstruct the view of any vehicle operator.
  - 2. However, any Flag attached to the side of a building or structure and overhanging a roadway shall be secured in a holder with the bottom of said Flag and/or holder situated at least fourteen (14') feet above the roadway surface.
- E. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Borough shall

have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

**§108. Signs Exempt from Regulation Under this Part.**

The following signs shall be exempt from regulation under this Part:

A. Flags.

1. Excepting that any Flag attached to the side of a building or structure and overhanging any public sidewalk or walkway shall be secured in a holder with the bottom of said Flag situated at least six and one-half (6.5') feet above the ground/sidewalk surface and positioned so as to not obstruct the view of any vehicle operator.
2. Excepting that any Flag attached to the side of a building or structure and overhanging a roadway shall be secured in a holder with the bottom of said Flag and/or holder situated at least fourteen (14') feet above the roadway surface.

B. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

C. Any sign inside a building, not attached to a window, window frame, window opening, door, door frame or door opening, which is not legible from a distance of more than ten (10') feet beyond the lot line of the lot or parcel on which such sign is located.

D. Works of art that do not include a commercial message.

E. Holiday lights and decorations with no commercial message.

F. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets Department of Transportation standards and which contain no commercial message of any sort.

G. Campaign/political signs.

1. Excepting that campaign/political signs shall be erected only on private property [behind the sidewalk/ten (10) feet behind the curb or edge of roadway].
2. Shall not create a traffic hazard by obstructing the visibility of a vehicle operator or a pedestrian.
3. Shall be removed within seventy-two (72) hours following the closing of the polls for both the primary and national elections.

**§109. Signs Prohibited Under this Part.**

All signs not expressly permitted under this Part or exempt from regulation hereunder in accordance with the previous section are prohibited in the Borough. Such signs include, but are not limited to:

- A. Beacons.
- B. Animated signs.
- C. Strings of lights not permanently mounted to a rigid background, except those exempted under the previous section.
- D. Portable signs.
- E. Inflatable signs and tethered balloons.
- F. Window signs that obstruct any portion of the window opening or door opening, except signs made of paper, cardboard or vinyl letter/appliqués that are affixed to the interior surface of the window glass or signs painted directly on windows.

**§110. General Permit Procedures for a Permanent Sign.**

The following procedures shall govern the application for, and issuance of, all permanent sign permits under this Part.

- A. Applications. All applications for permanent sign permits of any kind shall be submitted to the Zoning Officer on an application form or in accordance with application specifications published by the Borough.
- B. Fees. Each application for a permanent sign permit shall be accompanied by the applicable fees, which shall be established by the governing body of the Borough from time to time by resolution.
- C. Completeness. Within seven (7) days of receiving an application for a permanent sign permit the Zoning Officer shall review it for completeness. If the Zoning Officer finds that it is complete, the application shall then be processed. If the Zoning Officer finds that it is incomplete, the Zoning Officer shall, within such seven (7) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this Part.
- D. Action. Within seven (7) days of the submission of a complete application for a permanent sign permit, the Zoning Officer shall either:
  - 1. Forward the complete application to the Historical Architectural Review Board (HARB) for review for compliance with applicable provisions of §1909, E, (4) of

Part 19 Historic District of Chapter 27 Zoning at the HARB's next regularly scheduled meeting, if the property is located in the Historic District;

2. Issue the permanent sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this Part; or
  3. Reject the permanent sign permit if the sign(s) that is the subject of the application fails in any way to conform to the requirements of this Part. In case of a rejection, the Zoning Officer shall specify in the rejection the section or sections of the Part or applicable plan with which the sign(s) is inconsistent.
- E. Permit to Construct or Modify Permanent Signs. Signs identified as "S" on Table A shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Zoning Officer. Such permits shall be issued only in accordance with the following requirements and procedures.
1. Permit for New Permanent Sign or Permanent Sign Modification. An application for construction, creation or installation of a new permanent sign or for modification of an existing permanent sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign. One application and permit may include multiple signs on the same lot.
- F. Lapse of Sign Permanent Permit. A sign permit shall lapse if the business activity on the premises is discontinued for a period of 180 days or more.
- G. Assignment of Permanent Sign Permits. A current and valid permanent sign permit shall be freely assignable to a successor as owner of the property.

#### **§111. Temporary Sign Permits.**

Temporary Signs, which shall include any or all types of poster, placard, bill, sticker, banner, pennant, or other advertising device for any person, firm, for-profit corporation, community organization, church, nonprofit corporation, charitable organization or institution, shall be allowed only upon the issuance of a Temporary Sign Permit, which shall be subject to the following requirements:

- A. In the case of all the above types of temporary signs, excepting those commonly termed "yard sale", application is made at least seven (7) days in advance of proposed erection and permission is granted by Borough Council Sign Committee.
  1. The application shall show the number, plans and specifications, including dimensions, material, details of construction and the erection site(s) of the proposed sign(s).

- a. A pennant attached to the side of a building or structure and overhanging any public sidewalk or walkway shall be secured in a holder with the bottom of said pennant situated at least six and one-half (6.5') feet above the ground/sidewalk surface and positioned so as to not obstruct the view of any vehicle operator.
  - b. A pennant attached to the side of a building or structure and overhanging a roadway shall be secured in a holder with the bottom of said pennant and/or holder situated at least fourteen (14') feet above the roadway surface.
2. Maximum sign size.
  - a. Community organization, church, nonprofit corporation, charitable organization or institution: as determined by Borough Council Sign Committee.
  - b. All other entities: twenty-five (25) square feet in aggregated area.
  - c. Pennants: fifteen (15) square feet per side.
3. Maximum time allotted for display.
  - a. Community organization, church, nonprofit corporation, charitable organization or institution: sixty (60) days.
  - b. All other entities: thirty (30) days.
  - c. Informational Pennants: displayed only during business hours.
4. Minimum elapsed time between reapplication for permission to erect signs.
  - a. Community organization, church, nonprofit corporation, charitable organization or institution: sixty (60) days.
  - b. All other entities: one hundred-eighty (180) days.
5. Insurance. No permit to erect or maintain any temporary sign shall be issued to a person, firm, corporation or institution until the owner of the sign shall certify on the permit application that the said owner will obtain and will continue to maintain a policy of public liability insurance, which policy shall be in the minimum limits of \$100,000 for bodily injury to one (1) person or \$300,000 for bodily injury to more than one (1) person and to the extent to \$50,000 for damage to personal property resulting from the negligent construction, erection or maintenance of any such sign for the period of time that the sign is erected.

6. Permit Fee Deposit. A \$10 fee deposit shall be included with the application. The deposit shall be returned to the applicant if the application is rejected or if the application is approved and the sign(s) are removed by the applicant on or before the expiration date of the permit.
- B. In the case of the type of signs commonly termed "yard sale", application is made to and permission is granted by the Zoning Officer or his/her designee.
1. The application shall show the number, dimensions, material, and erection site(s) of the proposed sign(s). Signs must be erected on private property [behind the sidewalk/ten (10) feet behind the curb or edge of roadway].
  2. Maximum Sign Size: four (4) square feet per sign.
  3. Maximum Time Allotted for Display: three (3) days.
  4. Maximum Number of Signs: four (4).
  5. Permit Fee Deposit. A \$10.00 per sign fee deposit shall be included with the application. The deposit shall be returned to the applicant if the application is rejected or if the application is approved and the sign(s) are legally erected and then removed by the applicant on or before the expiration date of the permit.
- C. Other Conditions. A temporary sign shall be allowed only in districts with a letter "S" for "Temporary Signs" on Table A and subject to all of the requirements for temporary signs as noted herein.

**§112. Time of Compliance: Nonconforming Signs.**

Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform to the requirements of this Part shall be obligated to remove such sign or bring it into conformity with the requirements of this Part.

- A. Nonconforming Existing Signs, Permits and Terms. A sign that would be permitted under this Part only with a sign permit, but which was in existence on December 6, 2004, and which was constructed in accordance with the Parts and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Part shall be issued a Nonconforming Sign Permit.

Such permit shall allow the sign(s) subject to such permit, which were made nonconforming by the adoption of this Part, to remain in place and be maintained, provided that no action is taken which increases the degree or extent of the

nonconformity. Such signs are also subject to the provisions of §116.A. However, any nonconforming sign shall:

1. Either be eliminated or made to conform to the requirements of this Part when any proposed change, repair, or maintenance would constitute an expense of more than twenty-five (25%) percent of the lesser of the original value or replacement value of the sign.
  2. Either be eliminated or made to conform to the requirements of this Part when any of the provisions of §115 apply.
- B. Lapse of Nonconforming Sign Permit. A Nonconforming Sign Permit shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.
- C. Sign Removal Required. A sign that was constructed, painted installed, or maintained in conformance with a permit under this Part but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of a nonconforming sign has expired, shall be forthwith removed without notice or action from the Borough.

**§113. UNSAFE SIGNS – NOTICE TO REPAIR, RECONSTRUCT OR REMOVE.**

- A. Borough Council shall give written notice to repair, reconstruct or remove a defective sign to the owner of the sign and the owner of the property by certified mail, personal service or as otherwise provided by law. Except as provided in Subsection (B) of this Section, the owner of the sign and/or the owner of the property shall have ten (10) days to comply with the notice.
- B. Where, in the opinion of Borough Council, a dangerous condition is certified to exist, that can be repaired by an expenditure of \$250 or less, Borough Council shall notify the owner of the sign and the owner of the property to make the repairs within forty-eight (48) hours. Such notice shall be served on the owner of the sign and the owner of the property personally or by certified mail. If the owner of the sign and the owner of the property cannot be served within the County, notice may be served on the agent(s) of the owner of the sign or the owner of the property or the party in possession of the property or, if there is no agent or party in possession, the notice may be served by posting the same upon the premises. If the condition is not remedied within forty-eight (48) hours Borough Council shall cause the sign to be removed with the actual cost to be collected from the owner of the sign or the owner of the property by municipal claim or civil action. The certification of the Borough Council shall be conclusive evidence of the existence of the emergency justifying the removal.

**§114. BOROUGH AUTHORIZED TO DO WORK.**

Upon failure of the owner of the sign or owner of the property to comply with any notice given pursuant to this Part, Borough Council shall have the right to do the work or cause the work to be done at the cost of the owner of the sign or the owner of the property and may collect the cost thereof and ten (10%) percent additional together with all charges and expenses and file a municipal claim therefore or collect the same by civil action.

**§115. INSPECTION OF SIGNS.**

- A. Borough Council may, at its discretion, inspect any sign within the Borough as part of a periodic inspection or at the request of any person.
  
- B. Borough Council shall be notified of any transfer of title in property, change in use at any property upon which a sign has been erected, change in ownership of any business or refinancing of a mortgage or business loan within the Borough. Upon receipt of such notice Borough Council shall cause the property and any existing signs to be inspected and either issue a written certification of compliance with the terms of this Part or issue a notice to construct, repair or reconstruct any signs so that they shall be in accordance with this Part. Such notice to Borough Council of transfer of title, change in use, business interest or refinancing of any mortgage shall be given as follows:
  - 1. At least ten (10) days prior to the transfer of title in property, change in use at any property, change in ownership of any business or refinancing of a mortgage/loan on any property or business the Borough Council shall receive notice of the proposed transfer of title in property, change in use at any property, change in ownership of any business or refinancing of a mortgage/loan on any property or business.
  - 2. Both the transferor and the transferee or the business owner and prospective business owner or the owner and the lending institution shall be responsible for notifying the Borough Council of the proposed transfer of title in property, change in use at any property, change in ownership of any business or refinancing of a mortgage/loan on any property or on any business. Notice given by the transferor, the transferee, the business owner, the prospective business owner, the lending institution or by the authorized agent of any of these shall satisfy the requirements of this Section.
  - 3. In the event that property or business is owned by two or more persons as joint tenants/business owners with a right of survivorship, the death of a joint tenant/business owner shall trigger the notice requirement. The surviving tenant, tenants, business owner or business owners shall notify the Borough within thirty (30) days of the death of the joint tenant/business owner.



4. In the event that property is subject to a life estate, the death of the life tenant shall trigger the notice requirement. The owner or owners of the remainder interest shall notify the Borough within thirty (30) days after the death of the life tenant.
  5. In the event that the sole owner of the property or business shall die, such death shall trigger the notice requirement. The executor, administrator or other personal representative of the estate or the intestate or testamentary heirs shall notify the Borough within thirty (30) days after the death of the owner of the property or business.
  6. In the event that the property or business is owned by a trust, the trustee and beneficiaries shall notify the Borough within (30) days after the death or other termination or transfer of the interest of a beneficiary who has possession of the property or business or who is the recipient of at least fifty (50%) percent of the income from the trust.
  7. In the event that the owner of a property or business is a corporation, the directors, officers and shareholders of the corporation shall notify the Borough within thirty (30) days after the transfer of ownership of stock in the corporation which, when added with any other transfers of stock within a twelve (12) month period, constitutes a transfer of fifty (50%) or more of the issued and outstanding shares of the corporation.
  8. In the event that the owner of a property or sign is a partnership, whether general or limited, the partners shall notify the Borough within thirty (30) days after any change of partnership interest, which when added with any other change of partnership interest within a twelve (12) month period, constitutes a transfer of fifty (50%) percent or more of the ownership of the partnership.
- C. Upon application for a building permit for any property within the Borough, Borough Council shall inspect the property and any existing signs and either issue a written certification of compliance with the terms of this Part or notice to repair or reconstruct in accordance with this Part.

**§116. Insurance.**

- A. No permit to erect or maintain any sign shall be issued to a person, firm, corporation or institution until the owner of the sign shall certify on the permit application that the said owner will obtain and will continue to maintain a policy of public liability insurance, which policy shall be in the minimum limits of \$100,000 for bodily injury to one (1) person or \$300,000 for bodily injury to more than one (1) person and to the extent to \$50,000 for damage to personal property resulting from the negligent construction, erection or maintenance of any such sign.

- B. If such insurance coverage shall be terminated, for whatever reason, the sign so erected or maintained and intended to be covered by such insurance shall at once become an unlawful sign and shall be immediately removed at the owner's expense. If the Zoning Officer shall learn that insurance covering the sign shall have been terminated, for whatever reason, the Zoning Officer shall notify the owner or lessee of the premises where the sign is located, by certified or registered mail or by personal service, at once to renew the insurance or cause the sign to be removed. If the order is not complied with within ten (10) days after being served by certified or registered mail or after being personally served, the Zoning Officer, or such person designated by the Zoning Officer, shall cause the sign to be removed at the expense of the owner or lessee of the premises. Failure to maintain the required insurance coverage on the sign shall be a violation of this Part.

**§117. Violations.**

Any of the following shall be a violation of this Part and shall be subject to the enforcement/remedies and penalties set forth in §118 of this Part:

- A. To install, create, erect, or maintain any sign in a way that is inconsistent with any requirement stated in this Part governing such sign or the lot on which the sign is located.
- B. To install, create, erect, or maintain any sign in a way that is inconsistent with any permit governing such sign or the lot on which the sign is located.
- C. To install, create, erect, or maintain any sign requiring a permit without such a permit.
- D. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Part, or for which the sign permit has lapsed.
- E. To fail, to comply with §113 of this Part.
- F. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this Part.
- G. Each sign installed, created, erected, or maintained in violation of this Part shall be considered a separate violation when applying the penalty portion of this Part.

**§118. Penalties for Violation.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

**KEY TO TABLES  
A THROUGH D**

On the tables in this section of the Part, the headings have the following meanings:

- |   |  |
|---|--|
| R-1 Residential – Single Family                 | C-1 Central Commercial                   |
| R-2 Residential – Single Family                 | C-2 Highway Commercial                   |
| R-3 Residential – Multi Family                  | CMR Commercial/Manufacturing/Residential |
| R-4 Residential & Business/Professional Offices |  |

**TABLE A PERMITTED SIGNS BY TYPE AND ZONING DISTRICT**

**A** = Allowed without a sign permit but must comply with the provisions of this Part.  
**S** = Allowed only with sign permit.  
**N** = Not allowed.

Sign Type	R-1	R-2	R-3	R-4	C-1	C-2	CMR
<i><u>Freestanding</u></i>							
Banner (a) (h) (i)	N	N	N	N	S	S	S
Pennant (a) (h) (i)	N	N	N	N	S	S	S
Incidental (e)	A	A	A	A	A	A	A
Temporary (k)	S	S	S	S	S	S	S
<i><u>Building</u></i>							
Banner (a) (h) (i)	S	S	S	S	S	S	S
Building Marker (d)	A	A	A	A	A	A	A
Canopy (b)	N	N	N	S	S	S	S
Identification (c)	A	A	A	A	A	A	A
Incidental (e)	A	A	A	A	A	A	A
Marquee	N	N	N	N	S	S	S
Pennant (a) (h) (i)	N	N	N	N	S	S	S
Projecting	N	N	N	N	S	S	S
Roof	N	N	N	N	S	S	S
Roof, Integral	N	N	N	N	S	S	S
Suspended (b)	S	S	S	S	S	S	S
Temporary (f)	S	S	S	S	S	S	S
Wall (b)	S	S	S	S	S	S	S
Window	A(b)	A(b)	A(b)	S(b)	S	S	S
<i><u>Miscellaneous</u></i>							
Flag (g)	A	A	A	A	A	A	A
Campaign/Political (j)	A	A	A	A	A	A	A

- a. No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
- b. For commercial type uses per the Chapter 27 Zoning, only the name of the business may be placed on the sign. In areas Zoned for Residential use, only one (1) type of the following may be erected: canopy, suspended, wall, or window.
- c. Only address and name of residential occupant allowed on sign.
- d. May include only building name, date of construction or historical date on historic site; must be cut or etched into wood, bronze, or similar substantial material.
- e. No commercial message or business identification of any kind allowed on sign.
- f. The conditions of §111 of this Part apply.
- g. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction shall not require a permit. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one of these conditions shall be considered a pennant sign and shall be subject to regulation as such.
- h. Permitted on the same terms as a temporary sign, in accordance with §111, except that it may be freestanding.
- i. Churches, libraries, public or private schools or other religious, charitable, nonprofit, or educational institutions, or public parks or playgrounds in any Zoning District may have a banner or pennant.
- j. Campaign/political signs may be erected and maintained in compliance with §108 G.
- k. Temporary Freestanding Signs. Signs for special events, only as specifically approved by Borough Council.

**TABLE B    MAXIMUM TOTAL SIGN AREA PER LOT BY ZONING DISTRICT**

The maximum total area of all signs on a lot except *incidental, building marker, and identification signs* shall not exceed the lesser of the following:

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>CMR</b>
Maximum Total Square Feet	6	6 (b)	6 (b)	6 (b)	100 (a)	150 (a)	200 (a)
Square Feet of Signage Per Linear Foot of Street Frontage	NA	NA	NA	NA	1	1	1

- a. Lots fronting on two (2) or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots fronting on only one (1) street.
- b. Businesses, excepting Home Occupations, existing at the time of adoption of this Part and Business/Professional Offices legally authorized to operate in the R-4 Residential and Business/Professional Offices District may have approved signs to a maximum total of twenty-five (25) square feet.

**TABLE C NUMBER, DIMENSIONS, AND LOCATION OF INDIVIDUAL SIGNS  
BY ZONING DISTRICT**

Individual signs shall not exceed the applicable maximum number, dimensions or setbacks shown on this table and on Table D.

<b>Sign Type</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>CMR</b>
<i><u>Freestanding*</u></i>							
Area (sq.ft.)	1.5(c)	1.5(c)	1.5(c)	1.5(c)	25	25	25
Height (ft.)	4(c)	4(c)	4(c)	4(c)	15	35	35
Setback (ft.) (a)	5(c)	5(c)	5(c)	5(c)	10	10	10
Number permitted per feet of street frontage (b)	1(c)	1(c)	1(c)	1(c)	1 per 60'	1 per 60'	1 per 60'
<i><u>Building</u></i>							
Area (max.sq.ft.)	6	6(d)	6(d)	6(d)	50	50	50
<i><u>Suspended</u></i>							
Area (max.sq.ft.)	3	3	3	3(e)	6	6	6

\* All signs within the Historic District shall comply with the sign regulations which are applicable in the underlying Zoning District, unless excepted under the provisions of §1909, E, (4) of Part 19 Historic District of Chapter 27 Zoning.

- a. In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three (3') feet and ten (10') feet in a triangle formed by the corner and points on the curb thirty (30') feet from the intersection or entranceway.
- b. Lots fronting on two (2) or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots fronting on only one (1) street.
- c. Only incidental type signs allowed.
- d. Businesses, excepting Home Occupations, existing at the time of adoption of this Part and Business/Professional Offices legally authorized to operate in the R-4 Residential and Business/Professional Offices District may have approved signs to a maximum total of

twenty-five (25) square feet.

- e. Businesses, excepting Home Occupations, existing at the time of adoption of this Part and Business/Professional Offices legally authorized to operate in the R-4 Residential and Business/Professional Offices District may have approved signs to a maximum total of six (6) square feet.

**TABLE D PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT**

S=Allowed only with a sign permit N=Not allowed

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>CMR</b>
Changeable (a) Copy	N	N	N	N	S	S	S
Illumination (b) Internal	N	N	N	N	S	S	S
Illumination (b) External	N	N	N	N	S	S	S
Neon	N	N	N	N	S	S	S

- a. Churches, libraries, public, or private schools or other religious charitable, nonprofit, or educational institutions, or public parks or playgrounds in any Zoning District may have a changeable copy sign providing the sign complies with the Zoning District size regulations.
- b. Churches, libraries, public, or private schools or other religious charitable, nonprofit, or educational institutions, or public parks or playgrounds in any Zoning District may have changeable copy signs providing they comply with lighting standards as set forth in §104.