

ORDINANCE NO. 531

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF WORMLEYSBURG, CUMBERLAND COUNTY, PENNSYLVANIA, REPEALING AND REPLACING CHAPTER 19 OF THE CODE OF ORDINANCES OF THE BOROUGH OF WORMLEYSBURG ENTITLED "SIGNS."

WHEREAS, the Borough Council of the Borough of Wormleysburg has determined that it is in the best interests of the Borough, its residents to repeal and replace Chapter 19 of the Code of Ordinances of the Borough of Wormleysburg entitled "Signs."

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Mayor and Borough Council of the Borough of Wormleysburg, Cumberland County, Pennsylvania, and it is enacted and ordained as follows:

SECTION I: Chapter 19 of the Code of Ordinances of the Borough of Wormleysburg entitled "Signs" is hereby repealed and replaced and shall read as follows:

PART 1 GENERAL

§19-101. Short Title.

This Part shall be known and may be cited as the "Wormleysburg Signage Regulation Ordinance," or "Signs" for short.

§19-102. Legislative Intent

It is the intent and purpose of this ordinance to acknowledge that visual communications through signs is important to people living in and traveling through the Borough. Depending on their size, purpose and location (identified herein by Zoning Districts), signs address a wide array of needs and public interests including: traffic control; safety augmentation; wayfinding; branding and promotional advertising for businesses; a means to promote activities, events, elections, historical landmarks and public recreational outlets; and as a way to express Constitutionally-protected free speech.

Borough Council recognizes that sign types, sign technology, and sign materials, along with the marketing skills needed to design, create and install them, can be complex, expensive and subject to rapid change. They often represent significant investments by their owners and, over time, impact the community aesthetic.

This ordinance is not intended to capture every possible type, use, or definition of every sign or their placement, but to provide clarification of the Borough's basic standards and expectations for common types and uses of signs by zone.

The Borough's overall goal in regulating signs is to preserve the character of residential neighborhoods and promote the placement of similarly-sized commercial signs within any one or compatible zoning districts underpinned by the following objectives.

- Protect and promote public health, safety and general welfare.
- Improve wayfinding and road safety balanced in favor of minimizing distraction to pedestrians and drivers for all modes of transportation.
- Maintain or enhance community standards for quality-of-life issues and uphold private property values.
- Establish reasonable standards that promote commercial activity.
- Minimize blight and message clutter, and reduce excessive signage.
- Lessen light pollution, especially during overnight hours, and
- Uphold and preserve the Borough's scenic waterways and views, historical character and architectural integrity.

§19-103. General Requirements and Provisions

Any sign erected, altered or modified (See C below.) after the effective date of this Ordinance shall conform to the following regulations.

A permit is required in the Borough of Wormleysburg prior to erecting a new sign or altering or modifying an existing sign (See C below.) in all zoning districts whether on or off-premise of the owner, except where specifically exempted in this Chapter, in keeping with the following specifications.

- A. Application and Permit. Signs may not be erected, altered or modified (See C. below) unless and until an application has been filed and accepted, fees have been paid in full, and a permit has been issued by the Borough Manager, Codes Enforcement Officer, or their designee.
- B. Legal Compliance. Signs shall be in keeping with appropriate Borough ordinances, standards and requirements set forth by the Pennsylvania Department of Transportation (PADOT) and the Commonwealth of Pennsylvania, and applicable Federal statutes with allowances for provisions based on court decisions that involve changing standards or best practice related to signage.
- C. Hereinafter, the use of the words “erect(ed),” “alter(ed),” “modify” or “modified” as it relates to the General Requirements and Provisions and regulations within the Chapter shall include but not be limited to the following actions: construct, reconstruct, demolish, move, relocate, rebuild, enlarge, reduce, add to (such as adding a digital sign), or alter existing size, shape, mechanical structures, electrical display, or directional alignment.
- D. Exemptions. Certain signs in specific zones and alterations shall be allowed without a sign permit provided they comply with the regulations or conditions contained herein. See Section §19-105.1 for specifics.
- E. Inspection. In general, signs may be subject to initial and then annual inspection by the Codes Enforcement Officer or their designee.
- F. Interpretation. In this Chapter, terms and definitions shall be used and interpreted as follows: (1) to include current and future tenses; (2) the word “should” means strongly encouraged and “shall” means mandatory; (3) references to single, plural or multiple persons or organizations shall include all persons and all parties; (4) references to numbers of days [such as 30 days] shall be calendar days, unless otherwise specified, (5) examples are provided using the words: “such as,” “including,” and “typically,” to enhance the user’s understanding, and (6) words not defined herein shall have their plain and ordinary meaning as appropriate to the situation or context.

- G. Non-Conforming Sign. A sign legally in existence at the time of the adoption of this Ordinance, which does not conform to the requirements of this Ordinance, shall be considered non-conforming. See §205.4 for specifics.
- H. Obstruction. No sign, frame, structure, manner of illumination, landscaping, waste, or other enduring factors shall interfere with visual lines of sight, distract, or obstruct the view of motor vehicle operators, or hinder pedestrian access in any form.
- I. Safety Standards. All signs must be safely secured to the ground or their placement locations using Universal Construction Codes (UCC) appropriate to materials use, placement and function.
- J. Setbacks and Placement Buffers. See Zoning Code.
- K. Size. The specifics of horizontal width, vertical height, and depth of permitted signs; how to measure dimensions for permitting purposes, and maximum signage allowances by zone are addressed in Section §19-202 and its sub-sections.

§19-104. Definitions.

In the construction of this Chapter, and any subsequent amendment, the definitions, rules, and clarifications contained herein shall be observed and applied except when the context clearly indicates otherwise.

ABANDONED OR DAMAGED SIGN – A sign that has remained without a bona fide purpose or an active advertising message for a period of at least ninety (90) days, and/or is or has become damaged, unsightly, unsafe, or deemed a nuisance so that it contributes to the degradation of the Borough’s visual character or commercial viability. Said sign may be determined as such by the Codes Enforcement Officer, Borough Manager or the Public Works Department staff. See Section §19-205.3 for additional detail.

ADVERTISING SIGN – A permanent on or off-premises outdoor sign intended to promote commercial activity, communicate promotional information, and/or invite attention to a product, service, sale, event, or cause. Advertising signs may be placed in various locations such as attached to or perpendicular to buildings and walls, on billboards and canopies, marquees and other architectural structures. They should not be combined with business information signs. Additional definitions and guidance are available for Perpendicular, Roof and Window signs.

AESTHETICS AND COMMUNITY IMPACT – Elements of signs can impact the community in various ways, which may be positive or negative depending on the situation. Those elements include but are not limited to the following considerations: (1) appearance, size, location, orientation, color, function, brightness, movement of messages, readability, visibility, cost, term or length of use, and material/structural components; (2) placement in relationship to other signs, residential dwellings, neighborhoods, roads, sidewalks, clear site triangles, near-by structures, and scenic view; (3) creation of light pollution or glare (too bright), or clutter (too many signs for an area), and (4) transportation data such as from traffic observation, near miss, or crash studies.

APPROPRIATE-SCALE – The act of apportioning and scaling the relative size of the property compared to the proportional size or length of plot frontage. This is to avoid signs that are too large or too near other signs. Generally used in zones with businesses, commercial, mixed use or waterfront attributes.

APPLICANT – A landowner, developer, signage provider, or other person or agent authorized by an owner who makes application for a signage permit.

APPLICATION – A form developed by the Borough of Wormleysburg on which applicants may request in writing the opportunity to: (1) erect a new sign, (2) alter or modify an existing sign, or (3) request review of special circumstances regarding a sign. Application information is outlined in Section and sub-sections of §19-105. Permit applications may include attachments as needed to complete the form.

ARTISTIC ELEMENT(S) – A graphic or decorative display or mural that contains only colors, designs, pictures, seasonal, ornamental and/or artistic elements that are affixed, applied or painted on and that are without advertising, logos, commercial names or promotional information. Artistic elements may include historical markers placed by authorized agencies, info-graphics placed at parks and open spaces, or designs used as stand-alone or complementary artwork. The sign area of an artistic element shall not be charged against the total sign area from the property owner’s maximum allowable signage, if applicable. Graphics and/or graphic design elements that are an integral part of a logo or other branding elements shall not be considered an artistic element and shall be permitted accordingly.

AWNING – An awning or marquee is an accessory device or structure, generally fabricated of metal, construction-grade materials, or a wooden frame with heavy-duty polyester, vinyl or other weather-proof materials added to the outside of a building or business for the purpose of providing shade or protection from weather. May be temporary, retractable using a mechanism, or mounted permanently as an addition. Awnings are not considered signs and should not be illuminated except for pedestrian safety. It is permissible to affix the name or other identifying information on an awning or canopy edge without a sign permit. Temporary banners placed on an awning may not extend vertically or horizontally beyond its existing edges.

BANNER—Banners are available in almost unlimited sizes, shapes and types; often used as temporary signs; generally made of cloth, plastic, canvas, vinyl, paper or similar non-rigid material, and attached to a pole or structure with tacks, brackets, stakes, seam and pole pockets, grommets and wire or rope, or similar framing. Banners shall be anchored securely to a stationery object, such as building, awning, roof edge, fences or railings, between utility poles, from doorways, arches or bridges using one, two or four sides or corners, depending on location and function, such as:

- Generally, banners shall be considered temporary unless they exceed size or setback and placement limitations, when they shall be permitted only by approved application.
- Banners placed on awnings may not extend in any dimension, vertically or horizontally, beyond the existing awning.
- Pennants, which are usually in the shape of a triangle or a tag and hanging in line on a rope or string, to convey a message or add color and movement are exempt.
- Feather flags, which are a type of banner, are exempt. (See Feather Flags.)

BILLBOARDS – Off-premises outdoor display boards containing advertising consistent with customary placement and uses as defined by the Commonwealth of Pennsylvania

Outdoor Advertising Control Act, 36 Pa. Statute § 2718.105(c) (control criteria) and any applicable federal highway regulations, specifically excludes digital signs. Billboards are only permitted in the General Commercial Zone. Excludes digital signs used for this purpose.

BOROUGH – The Borough of Wormleysburg, Cumberland County, Pennsylvania, United States of America.

BOROUGH COUNCIL OR COUNCIL – The current and duly-elected Council of Wormleysburg Borough, Cumberland County, Pennsylvania.

BUSINESS – A viable commercial endeavor or enterprise; a building used for an operating commercial, professional, administrative, or for-profit purpose.

BUSINESS INFORMATION SIGN – Incidental signs typically used in or near a door, window or entrance of a commercial site to instruct customers or indicate its status—by example, “open” or “closed”—and/or to display hours of operation, credit cards and civic affiliations, such as Chamber memberships. Business information signs shall not be charged against the total area of the sign owner’s maximum allowable signage, if applicable.

CLEAR-SITE TRIANGLES – The proposed area within which the view of a driver in a typical motor vehicle—when at a driveway, corner or road intersection—shall not be obstructed. See Section §19-103, General Requirements and Provisions, Obstruction of View.

COMBINATION SIGN – A sign that combines various elements, such as ground bases, poles, cabinets and faces, etc. See Free-Standing Signs.

CODES ENFORCEMENT OFFICER – References to this title shall include the Borough Manager, the Administrative Assistant, persons designated as Codes and/or Zoning Enforcement Officers, Assistant Codes and/or Zoning Enforcement Officers, their designees or representatives, or members of Borough Council serving in that capacity.

COMMERCIAL COMPLEX – A Commercial Complex is a single parcel of property (zone lot) in single ownership with more than one principal or distinct business or commercial enterprise within one contiguous structure or structures located on that lot. A Complex may share entrances, access points, and/or common parking areas. It provides a location for a mix of commercial uses including professional, medical, clinical or business offices, stores, restaurants, retail shops, services, sales, rentals or other non-residential uses. A complex may have more than one street number as differentiated by the United States Postal Service for mail delivery. Commercial complexes are permitted only in the General Commercial and Waterfront Zoning Districts.

The following lots shall be exempt from designation as a Commercial Complex.

- Empty or undeveloped lots.
- Lots not occupied by a business, commercial buildings or structures.
- Lots that contain only garages, storage, buffers and/or parking areas.
- Lots within twenty (20) linear feet of a residential dwelling or that abut or share lot lines with residential properties in any direction.

COMMERCIAL SIGNS – Commercial signs shall singly and collectively include any permanent, on-premises advertising, free-standing, identification, letters, office building, and other signs used for business purposes within one or more compatible zoning districts (zones) that share similar specifications. Commercial signs are permitted in the Office, General Commercial and Waterfront Zoning Districts. Off-premises billboards are excluded from this definition of Commercial Signs.

CONDITIONAL USE – A use that is only permitted under this Chapter which has been duly reviewed and approved by (1) the Planning Commission, and/or (2) Borough Council. (See Appeal Process in Sub-section §19-105.4.) Not to be confused with Conditional Use process in the Zoning Ordinance.

CONDITIONAL APPROVAL – An application that is pending an approval from another involved party, such as a state agency, utility right-of-way request, review of specific conditions in a neighboring property, or other such circumstances.

CORNER – A geographical point at which two or more streets, roads, alleys, or other road surfaces meet or intersect. (See Clear Site Triangles.)

DIGITAL SIGNS – For this purpose, digital signs shall encompass all computer-controlled electronic display signs that allow fixed, sequential, changeable or variable images and messages to appear in a slide-show manner regardless of the technology or lighting used. Such signs, which are subject to primary federal and state highway regulation and oversight, are not permitted in residential areas and are limited in other zones.

DIRECTIONAL SIGN — A permanent but incidental wayfinding sign that provides directions or instructions to the public and identifies the property owner. This includes but is not limited to steering the public toward specific buildings, parking lots, facility entrances, walkways, or similar indicators. Such signs may include universal symbols (arrows, etc.), logos, or names required to identify the business or service, but no advertising.

- Directional signs shall not exceed six (6) square feet in sign area nor three (3) feet in height and shall not distract, interfere with visual lines of sight, or obstruct the view or transit of vehicles, bicycles or pedestrian traffic.
- The sign area of an approved directional sign shall not be charged against the total area of the sign owner's maximum allowable signage, if applicable.
- A sign that contains both directions and advertising shall be considered advertising and shall be treated as such. The total square footage shall be reported in the Maximum Allowable Signage consideration, if applicable, and permitted accordingly.

FACE OR FACING – Refers to the side, surface or façade of a sign that contains the message that is meant to be seen and read by the public. Signs may be single faced or double faced (sided) depending on their location and purpose. Excludes any free-standing framework (base, pillar, pylon, pole, etc.) on which the message is placed. Each sign face shall be calculated separately and multiplied by two in the case of double-sided signs. Or may refer to a lot face, which is the side of a zone lot or property that abuts a road, street, right of way or other property line. A corner lot usually has two lot faces per corner.

FEATHER FLAG – Feather flags are a type of temporary banner anchored vertically in the ground by a pole, spike, brace or weighted base that stand perpendicular to the ground. In general, feather flags measure six (6) to ten (10) feet in height, one (1) to three (3) feet in width, and are constructed of weather-proof materials, placed on poles that are bent to catch natural wind, and feature messages on one or both sides.

- Feather Flags may be placed in the setback provided they are placed half-way between the relevant buffer edges, such as a sidewalk and a parking lot.
- Only one feather flag may be placed for every eight (8) linear feet of frontage.

FEE SCHEDULE – The Borough maintains a separate Schedule of Fees for permit applications, fees, and fines, which is adopted by resolution by Borough Council from time to time. No application or appeal shall be considered filed until all related fees are paid in advance. Fees are non-refundable.

FLAGS – Flags are typically made of fabric and rectangular in shape featuring a distinctive or iconic design. Flags may be used to symbolize government, political subdivisions, or other religious or charitable entities. Flags are limited to 5' x 8' (or 40 square feet) in dimension and may be flown from poles that: (1) may not exceed the roof line of the nearest building in height or are no higher than 15' from ground to tip, or (2) are no more than 8' out horizontally from the side of a building or wall. National, State, municipal or official flags are not considered a sign and are exempt from permit requirements unless they exceed the size and height limitations. Flying the flag of the United States of American shall be done in accordance with federal regulations and flag etiquette.

FREE-STANDING SIGNS – A general classification of permanent signs to be used for the purpose of designating specific sign types in an application. It includes an on-premises sign near but detached from the building or business it identifies or a sign placed in the ground with a permanent base. A free-standing sign shall have no more than two faces or sides. In the application, a free-standing sign shall further be defined as one of the following styles of signs:

- Ground Signs – are affixed to the ground and supported or anchored entirely by a base structure. Sometimes called a monument sign.
- Pole Signs – are supported by a structure of one or more poles, posts, pillars, pylons, braces that is anchored using a base hidden underground, such as a cement footer. Includes post-and-panel signs when the sign face rests on or between upright posts or poles.
- Billboard – an off-premises non-digital advertising sign.
- Digital Signs – are computer-controlled electronic display signs.
- Combination Sign – one that blends elements or types of signs.
- Other – Applicants should specify the proposed sign type in the application.
- Detached directional signs – See Directional Signs definition.

For example, a simple post-and-panel sign would be noted on the application as a “free-standing pole sign” or “free-standing post and panel sign.” A sign proposed to rest on a monument base would be noted on the application as a “free-standing ground sign with monument base.”

GROUND SIGN – A sign affixed to the ground and supported or anchored by a base structure. Sometimes called a monument sign. See free-standing signs.

HEIGHT OF SIGN – The measurement of the entire free-standing sign indicating the height in feet and inches from the actual grade of the premises (ground base) directly below the face of the sign to its highest point. Any integral framework or additions to the grade, such as mounds, berms or monument bases, shall be indicated in the description and calculations.

HISTORICAL CHARACTER – Wormleysburg was founded in 1815 and has numerous buildings, public monuments and markers acknowledging the Borough's history and contributions to Central Pennsylvania. Efforts have been expended by many people to maintain, enhance and preserve the town's historic buildings, scenic views and amenities for future generations.

HOME OCCUPATION SIGN – A sign that identifies a legal work-at-home business or occupation being conducted at the premises where the owner or renter is also living. This sign type is typically reserved for practitioners of professional and technical services such as accounting, tax preparation, engineering, salons, health specialists (such as dentists, psychiatrists, etc.), transcription services, home products sales, or other drop-off/pick up vocations that have low impact on road traffic and parking. Home occupation signs: (1) may be attached or detached, (2) shall contain only the name, address and/or contact information of the business and/or name(s) and titles of the practitioners, (3) shall be one sign per lot face, and (4) shall not exceed four [4] square feet in area for each face. If lighted, shall be subject to the relevant parts of §19-203.

IDENTIFICATION SIGN – An on-premises sign or plaque that indicates the name or other identifying information of a commercial building, apartment house, condominium, residential complex or development, subdivision, rental office location, or Commercial Complex. May also identify a government agency, such as an icon using a seal; to remember or honor a person, persons, groups or a location in an historical or community service context; or a plaque to denote the date or year a building is erected. When displayed at a residence, it shall be referred to as a home occupation sign. Specifically excludes advertising messages.

ILLUMINATION – Encompasses all forms of artificial light connected to a sign, whether internally or back-lit through a transparent or translucent materials or from an external light source directed upon the relative confines of a sign surface. Includes UCC electrical specifications appropriate to placement, use and purpose.

INFLATABLE SIGNS – A sign made of flexible fabric, vinyl or material that uses fans to blow air across its surface to make it move or retain air under pressure to keep it upright. Inflatable signs must be anchored securely and set back not less than half the distances in feet from the edge of a property line or roadway to the business entrance to avoid the likelihood of disproportionate distraction of drivers. No inflatable signs are permitted within 20 feet of a street or roadway, nor can they block sidewalks or right-of-way.

INSPECTION – The act of evaluating a newly-completed sign for compliance with its application or the ongoing examination or review of signs to identify usage, safety, lighting and other maintenance issues.

LETTERS OR LETTER SIGNS – Letter signs are constructed from individual letters and numbers—depending on the style, sometimes called channel letters—and combined to form a name, logo or message placed on a background that is not integral to the sign, such as a free-standing frame or brick wall. They may be cut out, cast, punched, molded, pre-formed or manufactured from a variety of weather-proof materials. Letters may not be reflective or mirrored in nature. Letters may be lighted from within (such as with neon or an electrical raceway), uplit, and/or flood lighted externally so long as the lighting is narrowly cast upon the letters and the light source is protected from direct view.

LIGHT POLLUTION – Sometimes called visual clutter or glare, light pollution can be created by too many signs or light-emitting sources in a given location. Light pollution can become a safety issue by distracting drivers or adversely impacting residents, animals, and plants in that location by interfering with natural cycles of light and darkness. Reducing light pollution is an important goal in maintaining the community aesthetic and enhancing quality of life. Whenever possible and practical, the Borough encourages efficient energy consumption through the general reduction of illumination from all sources, and the use of new LED (and other) technologies and timing devices to reduce glare, maintain safety and assure visibility, especially after regular business hours.

MAXIMUM ALLOWABLE SIGNAGE – The cumulative total in square feet of all eligible sign faces on one zone lot or one Commercial Complex when added together. Maximum allowable signage is set by zone.

MONUMENT SIGN – A type of Free-Standing Ground Sign typically located in front of a business, or between a business front, parking lots and right of way, and formed on a solid masonry-style base, often low to the ground, using materials such as cement, bricks, blocks, rocks, decorative stones, metal, stucco or other hardscape materials as a means of permanent placement. Usually combined with other forms of signage, such as digital signs, letters or cabinets with lighted acrylic faces, etc. (See Free-Standing Ground Sign.)

NON-CONFORMING SIGN – Signs legally in existence at the time of adoption of this Ordinance that do not confirm to the requirements of this Ordinance, shall be considered non-confirming sign. See §205.4 for specifics.

NONPROFIT SIGN – A classification of signs that indicates the name and/or identifying information of a not-for-profit entity such as a church, place of worship, library, public charity, service organization, club, educational institution, or other federal tax-exempt organizations occupying the location upon which the sign is placed. An organization's federal nonprofit status comes in the form of a current Internal Revenue Service document such as those provided broadly under Section 501, for public and charitable purposes. May be combined with other sign types as appropriate.

NO PARKING SIGN – Signs placed along roads that indicate no vehicle parking is permitted. These shall be placed by act of the Borough Manager, approval of Borough Council, the property owner or agent, or by State or Federal transportation and traffic laws or during emergencies.

PRIVATE PROPERTY SIGNS – Signs placed by the owners on private property—such as No Trespassing, No Hunting, No Fishing, No Solicitations, No Loitering, No Parking, Private

Drive, Security Cameras in Use, etc.—shall not exceed two (2) square feet in sign area and are permitted in all zones without permit applications.

OFFICE BUILDING SIGN — A permanent on-premises sign placed at a professional office building for the purpose of identifying the address number and street, name of the building, and/or the businesses, tenants, or occupants located in the building. May include logos or other identifying information but no advertising. Generally, it is placed near a driveway, parking lot or building entrance area. It may combine types of signs, such as a monument base acting as a foundation for a post and panel sign, cabinet sign or combined with a digital sign. Office building signs are limited to the Office, Waterfront and General Commercial zones.

OFF-PREMISES SIGNS—An outdoor sign of any configuration that is not located on the lot or location at which the related business or activity is situated. The term off-premises includes outdoor advertising signs, commonly referred to as billboards or digital signs, on which space is used to convey a commercial or advertising message. It may be owned by the advertiser and/or leased or rented to third-parties, and, once constructed, may change messages but not location.

ON-PREMISES SIGNS – A sign located on the premises or on the site at which the related business, service, or activity is situated.

PENNANTS – See Banners.

PERMIT – See Sign Permit.

PERMIT FEES – Permit fees can be found in the Fee Schedule.

PERMIT WITHDRAWAL – The Borough takes many factors into account when issuing a sign permit. Factors can change over time. By example, signs can become abandoned, damaged, non-conforming, deemed a nuisance, or be affected by road safety characteristics (such as nearness to traffic lanes, overhead lighting, proximity of traffic lights and turning lanes, a change in public right-of-way, or the review of applicable crash data). The Borough reserves the right to withdraw a permit once issued should it be determined that safety or another's use of their property has been impacted negatively. The appeal process outlined for applications shall be used regarding a permit withdrawal appeal.

PERPENDICULAR OR PROJECTING SIGN – A perpendicular or projecting sign (sometimes called a blade sign) is a double-sided sign typically mounted at a 90-degree angle to a building, exterior wall or other support surface, placed at a height equal to the bottom of a second story window sill, to avoid contact with pedestrians and improve visibility. Perpendicular signs shall not exceed nine (9) square feet per side. Such signs shall be treated as a type of advertising sign.

POLE SIGN – A type of detached Free-Standing sign supported by a structure of one or more poles, posts, pillars, pylons, braces anchored using a base that is hidden underground, such as a cement footer. Includes post-and-panel signs when the sign cabinet face rests on upright posts or poles. See Free-Standing Signs.

REAL ESTATE SIGN — A temporary on-premises sign used by a real estate agent or seller to:
(1) offer for sale, lease, or rent the property or a portion thereof upon which the sign is placed,
(2) to promote the upcoming availability of rental space, housing or buildings while under

construction or renovation where the sign is placed, or (3) to indicate a sale is pending or has occurred (sold). Typically, these signs are removed at the conclusion of the sale. The sign area permitted is set by zoning district.

ROAD AND TRAFFIC SIGNS – This category includes any sign placed by the U. S. Government, Department of Transportation; the Commonwealth of Pennsylvania, Department of Transportation (PADOT); Cumberland County, the Borough or other authorized entities to inform and direct drivers in accordance with transportation-related situations or law.

These signs inform the driving public about road regulations, provide warnings and guidance, identify travel and tourism assets, and encompass a myriad of signs approved by various levels of government and their agencies. Examples include: interstate highway and road directions, distance-to-destination signs, commercial truck and bus instructions, speed limits, traffic signals, stop and turn signs, railroad crossings, bridges and waterways, passing zones, curves, clearances, work zones and changes related to traffic patterns, repair, closings, mile and state route markers, and more.

ROOF LINE – The architectural line that indicates the top, peak or highest point of a roof. If a building or complex has more than one roof, peak, ridge, and/or apex, the peak of the lowest roof line nearest to the proposed position of a sign shall be designated the top of the roof line for determining placement.

ROOF SIGN — A sign that is in whole or in part against or directly attached to a roof or the parapet line of the building. No portion of any sign may project above a roofline or be silhouetted against the skyline without obtaining the recommendation of the Planning Commission and action by Borough Council.

ROW – An abbreviation for right-of-way, which is the public’s right to travel on roads, sidewalks and areas of public transit without restriction. Also, the right to pass over land to move from one place to another, as in driveways or private roads. Includes right-of-way and easements owned by public utility companies and other entities or agencies.

SAFETY ISSUES – Safety issues include a broad range of situations or circumstances that potentially impact anyone in the vicinity of a sign. Safety issues will be identified from the perspective of the potential danger(s), actions or repairs needed, or other issues to be addressed.

SIGN — Any structure, identification, description, banner, device or object, including the ground itself or any device attached thereto—illuminated or non-illuminated—which is visible to the general public and convey information or directs attention to: a business, restaurant, public place, service or collection of services, product or collection of products, professional activity or person, or institution. It includes permanently installed letters, logos, and/or placards designed to advertise, identify, take a position, or promote action. A sign shall not include flags, badges or insignias of government or governmental agencies.

SIGN AREA – The area in square feet and inches (horizontal width by vertical height) created by one continuous line connecting the outer-most points or edges of a sign face including any attaching trim that is integral to the sign.

- For example, a proposed sign that is 4 feet wide by 3 feet high creates a sign area that is 12 square feet in sign area.

- If oddly shaped, show the sign areas in as near to basic geometric shapes as possible and add the individual calculations together.

SIGN PERMIT – A permit issued by the Codes Enforcement Officer to authorize action related to a specific sign application.

SIGN SIZE – The measurements of a sign, its elemental parts, and relative location shall be made in standard feet and inches by horizontal width (or length side to side), vertical height (top to bottom), and depth from front to back (or the three-dimensional space between faces of a double-sided sign or a base), and/or square feet where required.

SNIPE SIGN – A snipe sign, sometimes called a bandit sign, is any unauthorized sign made of any material when painted, tacked, nailed, posted, pasted, glued or otherwise attached to trees, rocks, poles, utility poles, hydrants, fences, posts, bridges, sidewalks, curbs, railings, or near public right-of-way with a promotional message that is not approved by the property owner nor applicable to the premises upon which it is located, except when placed by an authorized government entity or public utility, such as temporary no-parking signs. Generally, these are less than six (6) square feet of sign area.

STREET NUMBERS – The numbers and letters that are typically placed on a dwelling, business, office or structure to indicate its physical address or location in relation to its neighbors. When used on residential, nonprofit and non-commercial properties, street numbers are not considered signs. When incorporated into commercial signs, such as advertising, free standing, or office building signs, they shall be included in sign area calculations. See Chapter 4, Buildings, in the Codes Book for additional specifications on numberings.

TEMPORARY SIGN—A non-permanent, non-illuminated sign erected, affixed, or maintained on a premise for a period of time not to exceed ninety (90) days. See Section §19-205.2 for additional information.

WALL SIGN — A flat sign directly attached to an exterior wall of a building, a canopy edge, or dependent upon a building, wall, frame, fence or structure for support with the exposed face of the sign placed flush or located substantially parallel to such exterior wall or structure. Three-dimensional images are permitted but no wall sign shall project more than twelve (12) inches from, nor extend beyond the edge or boundaries of the wall upon which it is mounted or attached. Generally limited to signs or plaques four (4) square feet or less in size for the purpose of identifying a function or subgroup within a larger grouping.

WINDOW SIGN — A sign attached to, placed upon, or painted on the interior of a window intended for viewing from the exterior of such building.

WRITING – References in this Chapter regarding conducting business in writing shall include domestic mail, certified mail, electronic communication including email and other forms which (in the course of actions duly undertaken) are sent to or received from process participants at their last known address.

YARD SIGN – A detached temporary yard sign, commonly 16” x 26”, made of plastic or paper, placed in the ground using an H-frame or U-frame holder. Sizes vary and are typically used for short-term promotions on private property such as yard sales, events, elections or other messages.

ZONE – A Zoning District as defined by the current Borough Zoning Map.

ZONE LOT OR LOT – A single, contiguous tract of land, plot, or designated parcel of private property in single ownership established by the Cumberland County Property Mapper application (or its successor application). Single ownership consists of any legal entity that operates as the tax-paying, decision-making unit for that parcel including but not limited to individual(s), groups, partnerships, companies, corporations, limited liability concerns, unincorporated associations, property managers, etc.

§19-105. Permit Overview and Procedures.

§19-105.1 Permit Exemptions.

- A. A sign permit shall generally not be required for signs that meet the following criteria and/or definition; however, size, placement and other specifications noted elsewhere still apply.
 - a. Artistic elements.
 - b. Business information.
 - c. Flags.
 - d. Free-standing information signs, infographics, and scoreboards on Borough property, parks or open spaces.
 - e. Historical markers.
 - f. Holiday or seasonal lights and temporary decorations.
 - g. Memorial signs or plaques.
 - h. Numbers placed on residential housing, apartments, buildings, and other structures to identify them in relation to their neighbors.
 - i. Personal expressions of free speech.
 - j. Private property or similar signs.
 - k. Real estate. (See applicable zone for size restrictions.)
 - l. Road and traffic signs placed by official agencies.
 - m. Signs carried by a person.
 - n. Signs inside buildings.
 - o. Temporary signs in accordance with this Chapter.
 - p. Yard signs.
 - q. Other specific exemptions in this Chapter.
- B. A sign permit shall generally not be required for existing signs as follows:
 - a. Changes or alterations to a sign face, such as fresh paint, new cabinet panels, new messages, regular mechanical or servicing updates, or informational updates in the normal course of business for new or additional tenants or owners, or changes in names or logos, etc.
 - b. The normal rotational messages that change on a digital sign or changeable message board.

§19-105.2 Permit Applications.

Prior to the issuance of any sign permit, an application shall be made on the form provided by the Borough Office or the Code Enforcement Officer, and shall contain or have attached thereto the following information as applicable:

- A. Full name, mailing address, day-time telephone number, and email of the owner of the land or property on which the sign is to be erected, altered or modified together with the owner's signature authorizing the application.

a. If the application is for a sign being erected by an authorized agent (such as a tenant, lessee, contractor, or signage provider) then include written permission of the landowner.

B. Name of person, firm, corporation or association designing, making, erecting, altering or modifying said sign.

C. The nature of the sign: permanent or temporary; attached or detached; on or off-premises, etc.

D. The classification or type of sign being requested using, whenever possible, the definitions provided in this Part (See Section §19-104, Definitions.) or provide a thorough description appropriate to the project.

E. The appropriate payment in full as a non-refundable fee as determined by the Fee Schedule, Signs. See Borough Manager.

F. A site plan drawn to scale or a computer-aided draft drawing showing the following information:

a. The full name and information of the company, designer or signage professional making the installation including relevant certifications, licenses and registrations.

b. A dated description and/or rendering of the overall appearance or design of the sign in its entirety with elevations, or if a sign grouping, each sign and all signs in relation to the grouping.

c. Photographs (taken within 180 days of submission) of the proposed or existing site.

d. If the sign is detached or free-standing, clearly indicate:

(1) The sign size [dimensions of horizontal width, vertical height from grade to highest point, and depth from front to back] in linear feet and inches.

(2) The sign face area in square feet and inches (horizontal width by vertical height) in its entirety,

(3) The specific location (where sign is to be placed) such as on a building, wall or structure, in a parking lot, or on the ground including distance from the nearest road, street, curb or right of way.

(4) If composed of more than one sign, face or element, then also each sign and element separately.

e. If the sign is attached to an existing structure, include the dimensions of horizontal width and vertical height of the relevant wall to determine the percentage of coverage and the exact points of placement. See Section §19-202.2, Measurement of Signs, for additional information.

f. The sign's orientation or direction stated using the perspective from which the viewer must look to see the full sign straight on, such as facing north, east, west or south.

g. The material(s) to be used in the various elements of construction, including use of paint, vinyl or other

h. The type of illumination, location of lighting, the power source, and proposed hours of operation. In the case of a digital sign, the manufacturer's specifications to include the source of message generation, such as LED bulbs.

i. The type and location of electrical supply (including underground cables) as set forth in applicable UCC Electrical Codes.

j. If application is for a digital sign, include the relevant federal, state or county approvals and the certificate showing compliance with brightness controls.

- k. Method of construction and/or means of attachment which may include structural, foundational, or fastening drawings certified by a licensed engineer or a certified inspector.
- l. If the sign is to be mounted on a frame or scaffold, such as free-standing letters, include the completed size of the frame, materials proposed, and means of attachment used to place the sign.
- m. If free-standing letters and numbers are used to form a sign, the design should include the exact outside dimensions of the complete message as it would appear in situ (after placement). Applicant may make note of minor protrusions from the main sign area, such as apostrophes, letter tails, etc. See Section §19-202.2, Measurement of Signs, for additional information.
- n. The description should include specifics if a placement location has unique physical characteristics or unusual topographical conditions.
- o. If a sign contains artistic elements, those elements should be presented separately from the sign with the information noted, including location, size, shape, colors, lighting, etc.
- p. If the application represents an additional sign for a lot with existing signage, also provide the sizes of all existing signs with reference to the sign owner's maximum allowable signage on that zone lot.
- q. Applicant may include any necessary and appropriate attachments.

G. Permit Applications Specific Banners and Pennants

- a. Banners and pennants are exempt from permit unless the owner intends to display them in excess of ninety (90) days or the proposed banner exceeds size limitations.
- b. Persons wishing to hang banners longer than ninety (90) days are required to submit a permit application.
- c. Persons wishing to hang any banner in a public right of way are required to submit a permit application.

H. Permit Applications Specific to Feather Flags

- a. Feather flags are exempt from permit unless owner intends to display them in excess of ninety (90) days.
- b. Persons wishing to hang Feather Flags longer than ninety (90) days are required to submit a permit application.

I. Any other information as the Code Enforcement Officer shall require in order to show full compliance with this and all other applicable ordinances of the Borough.

§19-105.3 Permit Review Procedure.

After receiving a completed application, the Codes Enforcement Officer shall have thirty (30) days approve, deny or make conditional the permit in writing, unless the application engages additional regulations or Zoning Ordinances, when the Codes Enforcement Officer shall have an additional thirty (30) days to assure compliance with all regulations.

- A. If another organization or State agency is required to complete the approval, then the application will automatically be considered conditional until such approval or other permit has been secured, such as the issuance of a PennDOT highway occupancy permit, or access to railroad or public utility right of way. The permit shall remain open until that time.
- B. If the Codes Enforcement Officer issues a permit, the applicant may undertake the action specified in the permit at the risk of the applicant.
- C. The applicant shall have a maximum of ninety (90) days to complete the sign in compliance with the permit.
- D. The applicant shall be granted an automatic ninety (90) days extension if required to complete the work.
- E. The owner will notify the Code Enforcement Officer within ten (10) days of completion that the sign has been completed.
- F. The Codes Officer shall inspect the sign within thirty (30) days of notice.
- G. If the sign is finished in accordance with the issued permit, the permit shall be validated by a dated signature from the Code Enforcement Officer.
- H. If the sign is not finished in accordance with the issued permit, the Code Enforcement Officer shall within thirty (30) days provide written notice of any remedial action required before the sign can operate and repeat the process as noted until compliance is fulfilled.
- I. If the applicant fails to comply with the notice within thirty (30) days, the Codes Enforcement Officer shall notify the Borough Manager and Borough Council, which may institute action as appropriate.

§19-105.4 Appeal of Denial or Notice Process.

Should the Codes Enforcement Officer: (1) decline a permit application or a request for variance, or (2) propose to revoke or withdraw an existing sign, a party with legal standing may appeal the decisions using the following appeal process.

- A. Within thirty (30) days, the Codes Officer shall provide the applicant with a letter stating the reasons for the decline or denial of the action requested, the steps that need to be taken, and the appeal process herein stated.
- B. Within thirty (30) days of that letter, applicant must request in writing a public hearing with the Zoning Hearing Board, which shall act within sixty (60) days to schedule a hearing, review the situation, and make a recommendation.
- C. The applicant is responsible for any fees associated with an appeal or appeals.
- D. The Borough shall have the responsibility of presenting its evidence or reasoning by citation or standard of practice.
- E. If the applicant is unable to resolve the issue to their satisfaction at the Zoning Hearing Board, the applicant may appeal that action to Pennsylvania Court of Common Pleas.
- F. The ruling of that Court will be final.

PART 2

FEES, ADMINISTRATION AND TYPES OF SIGNS

§19-201. Fees.

- A. The Borough maintains a Schedule of Fees available by request.
- B. Each sign application permit shall be accompanied by payment in full as a nonrefundable fee as set forth in the current Fee Schedule,
- C. Non-conforming signs shall be brought into conformance with current regulations when signs are erected, altered or modified as broadly defined.
- D. Fines may result from failure to remedy a non-conforming sign in keeping with the Fee Schedule.

§19-202. Administration.

The following sub-sections provide additional provisions that clarify the administration and oversight of signs as noted.

§19-202.1. Maintenance.

- A. Every sign shall be kept in a state of good repair from the standpoint of safety, fire prevention, and appearance.
- B. All signs not owned by the person, firm or organization advertising thereon shall carry a clearly legible imprint showing the sign owner's name and contact information.
 - a. Signs with no such imprint will be presumed to be owned by the advertiser thereon.
- C. In the event that a sign is considered abandoned, damaged or dilapidated, see §19-205.3.

§19-202.2. Measurement of Signs.

- A. A proposed sign shall be described (illustrated and measured) in the following ways, germane to the sign type, and shall include: (1) the sign in its entirety, and (2) each specific element that makes up a sign such as a double-sided sign cabinet that holds the sign faces, poles, bases, etc.
 - a. The sign face(s) shall be shown in linear feet and inches by horizontal width (or length side to side) by vertical height (top to bottom) using the outer-most points or edges and any contiguous background or connecting trim that is integral to the sign, or using other appropriate outline measurements, such as for Letter signs.
 - b. The sign face(s) in square feet using the horizontal width by vertical height.
 - c. If oddly shaped, show the sign areas in as near to basic geometric shapes as possible and add the individual calculations together.

- d. External structures such as poles or frames shall be measured by width or depth (front to back or the three-dimensional space between two faces of a double-sided sign) or, if round, by circumference, and vertical height.
 - e. Underground foundations shall be measured by vertical depth in the ground in feet and inches.
 - f. For example, a proposed sign that is 4 feet wide by 3 feet high creates a sign area that is 12 square feet. Adding a 2-foot pole creates a five-foot-high sign but does not change square footage of the face. A square underground cement base at ground level would be shown, by example, as 1 square foot in width x 1 foot in depth.
- B. Maximum allowable signage shall be calculated by adding together the square feet of all eligible sign faces on one zone lot or one Commercial Complex. Maximum allowable signage is set by zone.
- C. In the case of signs created from individual letters and numbers, the sign shall be measured using the outside edges of the full and entire message as it will appear in situ (after placement) encompassing all letters, logos, numbers, graphics, design elements, and frames if integral to the sign.
- a. The measurements of individual letters shall not be considered in the calculation.
 - b. The sign area calculation shall encompass blank spaces and punctuation.
 - b. In the case of signs mounted on an external frame, brace, or scaffold behind the sign face, show measurements but exclude them in the sign face calculation. This applies to metal support frames holding a billboard.
- D. The size and placement of detached directional signs and business information signs, such as those that direct the public to parking areas or indicate whether an establish is open or closed, should be included in the application but shall not be charged against the total sign area of the owner's maximum allowable signage, if applicable.

§19-202.3. Height.

- A. The height of free-standing signs shall be determined by the vertical height measured at grade (ground base) directly below the sign to its highest point.
- B. Any integral framework outside the sign face or additions to the grade (ground base) elevation, such as mounds, berms, or monument bases, should be indicated in the description and calculations.
- C. The maximum height limit of a free-standing sign shall be determined by its Zoning District, and the Size and Scope Limitations Section §19-202.4.

§19-202.4. Size and Scope Limitations.

The size and scope of some signs may be set by Zoning District. However, notwithstanding any limits noted elsewhere, in no case shall the following specifications be exceeded anywhere in the Borough, excepting when the Planning Commission may grant exceptions and accommodations related to special circumstances, which must be clearly outlined in the application.

- A. In no case shall a single-sided digital sign exceed fifty (50) square feet in sign area; nor a double-sided sign exceed sixty (60) total square feet (not to exceed 30 square feet per face).
- B. In no case shall the horizontal width (length side to side) of a detached free-standing sign face exceed twelve (12) linear feet in width.
- C. In no case shall the height of a detached free-standing sign located anywhere exceed eighteen (18) feet.
- D. The three-dimensional space between sign faces (such as in a cabinet, case or frame) shall not exceed three (3) feet.
- E. In no case shall a monument sign base exceed sixteen (16) feet in horizontal width from side to side nor exceed a depth of five (5) feet from front to back.
- F. In no case shall a Banner, temporary or permanent, exceed fifty (50) square feet on its face.
- G. In no case shall Directional signs exceed six (6) square feet in sign area nor three (3) feet in height and they shall not distract or interfere with visual lines of sight, or obstruct the view or transit of any method of traffic.
- H. Where permitted, wall signs shall not exceed four (4) square feet; project more than twelve (12) inches from the wall upon which it is mounted; extend beyond or project above the roof line, or be silhouetted against the skyline.
- I. In no case shall the Maximum Allowable Signage exceed more than two hundred fifty (250) square feet in total sign faces on any one zone lot or one distinct business in a Commercial Complex. (See Commercial Complex Accommodation in Section §19-304.)

§19-203. Illumination of Signs.

- A. A sign lighted by any means shall have a light-sensing device, timer or other technology that will allow the adjustment of brightness as natural light conditions change from day to evening.
- B. A sign lighted by any means, including a search light used for commercial purposes, shall not be of such brightness that it causes light pollution; is a hazard to public safety or a distraction from any road or traffic signs; or obscures the view of a pedestrian, cyclist, driver or vehicle operator to approaching or merging traffic or changing conditions.
- C. A sign lighted by any means, including digital signs, shall not constitute a nuisance to neighbors, nor affect the aesthetics or normal enjoyment of adjacent or neighboring properties, nor shine directly onto or into adjacent residential properties.
 - a. Lighted signs in zones that include neighboring residential dwellings shall be turned off or dimmed overnight to reduce light pollution. For this purpose, overnight shall be defined as the timeframe between the close of the relevant business and its opening the next day.
- D. Any external light source that casts light upon a sign or structure shall be keep the lighting within the relative confines of the sign and be shielded from direct view (using angle of orientation, screens, baffles, opaque materials or other means) to hide bulbs, lamps or light sources from view off the property on which the sign is located.
- E. Intermittently lighted bulbs or tube lights may not give the effect of motion. This restriction shall not apply to official traffic lights of any nature designed

to regulate the flow of traffic or to provide safety warning for hazards on highways or streets.

- F. Specific to digital signs (et al) and beginning with the revision dated 2022, permits for new or replacement digital signs shall incorporate the capacity to control the brightness, color, and timing of the display.
 - a. Applicants should include any relevant federal, state or county documentation and approvals required prior to municipal approval, this includes but is not limited to distance from roadways, etc.
 - b. Display messages may not flash, strobe, blink or change messages at intervals more frequently than once every ten (10) seconds.
 - c. Transitions between messages shall be instantaneous without use of animations such as dissolving, fading, scrolling, blinking, or other effect.
 - d. Permit holders shall be required to dim signs overnight to reduce light pollution. For this purpose, overnight shall be defined as the timeframe between the close of business and its opening the next day.
 - e. Modifications to timing are permitted for changes in hours of operation, daylight savings time, and other environmental impacts.
 - f. Owners shall permit message access for local, regional, state or national emergency services during emergency situations when needed.
- G. Temporary signs may not be illuminated.
- H. The Codes Enforcement Officer is responsible to determine whether the lighting produced constitutes light pollution, is a distraction or safety hazard, or affects the aesthetics or normal enjoyment of adjacent or neighboring properties.
 - a. The Codes Enforcement Officer shall advise the sign owner regarding violations or safety issues along and appropriate remedial actions.
 - b. If needed, owners may use the appeal process outlined in Section §19-105.4 to request review of compliance with use of lighting.

§19-205 Types of Signs.

The following sub-sections provide specifications related to the type of sign noted.

§19-205.1. Prohibited Signs.

No signs that fit the following criteria shall be permitted in any zoning district.

- A. A sign that constitutes a hazard to traffic, interferes with visual lines of sight, obstructs the view of, or causes distraction to motor vehicle operators.
- B. A sign that projects into or overhangs public property, roads, sidewalks or right of way, except as herein specifically provided for and permitted by an authorized public agency or required by law.
- C. A sign that would be located on an existing right-of-way, including sewer, water lines, electric, petroleum pipelines or other underground utility.
- D. A sign or message that simulates (in shape, color or form) an authorized Road or Traffic sign, such as a stop or yield sign; uses red, green and amber lights that resemble a traffic light; revolves, moves, or creates the appearance of movement; flashes in a way that emulates lighting on emergency vehicles or at a railroad crossing, emits smoke or vapor, or uses laser lights.
- E. A sign, banner or artwork that: (1) interferes with the ingress or egress from buildings or structures, including steps, landings, doors, fire escapes, access

ramps, bicycle tethering posts, or other required entry and exit points; or (2) impedes or hinders access by emergency personnel, such as interfering with the laying of ladders on window sills in case of fire.

- F. No signs shall be mounted on any part of a fire escape.
- G. Signs that exhibit statements, words or pictures of obscene or pornographic subjects as determined by the Borough.
- H. A sign that promotes an illegal activity.
- I. A snipe sign, sometimes called a bandit sign, except when placed by a property owner (as in private property or yard signs), or an authorized government entity or public utility, such as temporary no-parking signs.
- J. No portion of any free-standing (all types), roof or wall sign may project above the relevant roof line, on or near the structure, or be silhouetted against the skyline without obtaining the recommendation of the Planning Commission and action by Borough Council.
- K. The Codes Enforcement Officer, the Borough Public Works or Police Departments, or a designee, has the authority to remove and dispose of prohibited signs without permission of the property owner.

§19-205.2. Temporary Signs.

On-premises, non-illuminated temporary signs placed for up to ninety (90) days or less shall be permitted only if in conformance with the following conditions:

- A. Failure to submit a temporary sign permit when required will be considered a violation under this Part.
- B. Temporary signs may be erected or placed for up to ninety (90) days without a permit application, except when:
 - a. That sign is to be used for ninety-one (91) or more days and would otherwise be considered a permanent sign under this Chapter.
 - b. A sign would not otherwise be approved, such as a sign that is too large; too high; too near a right of way, road or sidewalk, or impedes traffic, constitutes a safety issue, or causes distraction.
 - c. A temporary sign is to be used as a placeholder prior to installing a permanent sign. In that case, the application should outline the temporary and permanent signage to follow.
 - d. Should a temporary sign permit be issued, the sign shall be labeled visibly with the date upon which the temporary sign permit expires. The permit will be deemed expired at the end of the approved period and it shall be removed at that time.
- C. Temporary signs shall have no more than two sides or faces.
- D. Total advertising on a temporary sign shall not exceed twenty-four (24) square feet in sign area, except where such signs are further restricted by other sections, or approved by temporary permit application.

E. A business, nonprofit organization or Commercial Complex shall be limited to no more than two temporary signs for commercial purposes at any one time on any one zone lot.

a. This may include two-sided, portable A-frame signs (sometimes called sandwich boards) placed outside during operating hours and stored away daily, usually for the purpose of presenting a temporary message, provided they are properly secured and there is a minimum of 36" in clearances sufficient to allow access and safe passage of pedestrians around the sign.

b. Such portable signs shall not exceed two (2) sides, a maximum width of three (3) feet per face, and maximum height of four (4) feet in total.

F. If promoting a date-specific event, sale or activity, such as a yard sale or vehicle for sale, temporary signs shall be removed within two (2) days of the conclusion of the event, sale or activity.

G. Temporary signs shall not be included in the total square footage of permanent signs allowed per property.

H. Temporary signs placed in grass or landscaped areas between curbs or roads and sidewalks shall be placed in the middle of the area available and may not extend into the right of way on either side.

I. Borough Council reserves the option to limit the number of temporary signs on one zone lot or Commercial Complex if issues of driver distraction, safety, aesthetics, community impact, or light pollution or clutter arise.

§19-205.3. Abandoned or Damaged Signs.

A. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove it promptly and completely (all parts) when it no longer serves its purpose, was or had been unlawfully erected in violation of this Chapter, becomes damaged or dilapidated due to accident or weather, or is considered a nuisance, such as remaining on an abandoned or closed property. Promptly in this case shall be deemed as ninety (90) days or fewer.

B. When a property owner fails to remove a sign promptly, they are subject to a Notice of Violation from the Codes Enforcement Officer who is authorized to take appropriate action, depending on the situation, as noted in this Section.

C. Non-emergency removal. Once a sign is determined to have met the definition of abandoned or damaged, and the Codes Enforcement Officer has determined that the sign may safely remain until removed by the owner, the Codes Enforcement Officer will:

a. Send written notice in the form of a letter to the sign owner indicating: (1) the initial date of the finding from which the ninety (90) days has been calculated, (2) details of the specific finding or situation including photographs when appropriate, (3) the remedial action required [repair or removal], (4) the statement of the time period to act, which shall be thirty (30) days, (5) the option to request one thirty (30) day extension to act, and (6) consequences of failing to act in the time allotted.

b. If owner fails or refuses to repair or remove said sign after one notice period and one automatic extension, the Code Enforcement Officer may order the sign removed and impose costs, fines and/or fees.

c. See Part 4 for Penalties and Remedies.

- D. Urgent or emergency removal. Should a sign be determined to meet the definition of abandoned or damaged and also present a clear danger or immediate emergency for any reason, the grace periods to act are waived and the Codes Enforcement Officer, another Borough Official, or an Emergency Services Person (such as police or fire bureau) are hereby authorized to take immediate action in keeping with the nature of the danger.
 - a. Should immediate action be taken, the Codes Enforcement Officer will within fifteen (15) working days send written notice in the form of a letter to the sign owner indicating: (1) the dates pertinent to the finding, (2) situational specifics (such as urgent, emergent, safety issue or failure to act finding), (3) the remedial actions taken, (4) the official authorizing the actions, (5) an estimate of costs and expenses incurred, and (6) initial notification regarding the potential imposition of relevant fines, fees, or penalties.
 - b. Within sixty (60) days, the Codes Enforcement Officer will provide an invoice payable upon receipt with an accounting of expenses, fines or fees incurred as a follow-up to the original notice.
 - c. In addition, the findings and associated data shall be presented and recorded as a Codes violation in the Borough's tracking reports.
 - d. The Borough shall not be liable for any fiscal loss or property damage caused by such emergency removal
- E. In the event that a sign requires action and no responsible party can be identified after a reasonable search, the last owner of record shall be responsible for such repair or removal unless another responsible party is found or designated.
- F. Temporary signs—such as banners, yard signs or feather flags—that become loose from their moorings or pose a hazard shall be removed promptly or may be subject to a violation notice and/or fees.
- G. If the Borough must remove the sign, due to an emergency, public utility concern, or a failure to act as outlined above, the property owner is responsible to pay any direct costs incurred as a result and, in addition, any associated costs, fines or fees as determined by the Borough Manager. This may include charges incurred from the use of Borough resources, including police and fire, and external vendors such as utilities, if warranted.
- H. See Part 4 for Penalties and Remedies.

§19-205.4. Non-Conforming Sign

Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.

- A. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if the following occurs: (a) the sign is removed, relocated, or significantly altered (including changes in the size or dimension of the sign); (b) if more than 50% of the sign area is damaged, it shall be repaired to conform to this Ordinance; (c) an alteration in the structure of a sign support; (d) a change in the mechanical facilities or type of illumination; (e) a material change in the sign face [such as a cabinet to a digital sign]; (f) the property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal

review and approval; (g) the property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit.

- B. Non-conforming signs shall be exempt from the provisions of Section §205.4 under the following conditions: (a) the conforming sign possesses documented historic value; (b) the conforming sign is of a unique nature or type by virtue of its architectural value or design, as determined by the National Park Service, Pennsylvania Historical and Museum Commission, or local historical commission; (c) when a non-conforming sign is required to be moved because of public right-of-way improvements.
- C. All non-conforming temporary signs, portable signs, and banners must be permanently removed within ninety (90) days of the effective date of this Article, unless specific approval is granted as provided for herein.

PART 3

SIGNS BY ZONES

§19-301. Restricted Residential-1 (RR-1) Zoning District.

All on-premises signs in the RR-1 Zoning District must be erected and maintained in accordance with the provisions of this Part and the Chapter in general, and only the following signs are allowed in RR-1 Zone.

- A. Artistic elements.
- B. Home occupation sign.
 - a. No more than one such sign per lot face or front, and a single sign shall not exceed four (4) square feet in area.
- C. Illuminated signs are not permitted.
- D. Nonprofit signs for nonprofits located within the zone.
 - a. No more than one on-premises nonprofit sign per lot face, and a single sign face shall not exceed twelve (12) square feet in area.
- E. Private property or similar signs.
- F. Real estate signs.
 - a. No lot may contain more than one real estate sign per lot front, which shall not exceed more than six (6) square feet in area.
- G. Road and traffic signs.
- H. Street numbers.
- I. Temporary signs.
- J. Yard signs.
- K. Not permitted: Commercial signs as noted in RR-2, VMU-1, VMU-2, and MFR and off-premises signs and billboards are not permitted because promotional advertising is not consistent with the character of this zone.

§19-302. Restricted Residential Development 2 (RR-2), Village Mixed Use 1 and 2 (VMU-1 and VMU-2), Multi-Family Residential (MFR) Zoning Districts and Borough Parks.

All on-premises signs in the RR-2, VMU-I, VMU-2, MFR Zoning Districts and Borough Parks must be erected and maintained in accordance with the provisions of this Section and the Chapter in general, and only the following specifications and signs are permitted in these zoning districts.

- A. Advertising signs.
 - a. Advertising signs shall be permitted.
 - b. See commercial signs for specifications.
- B. Artistic elements.
- C. Banners.
 - a. A banner (temporary or permanent) shall not exceed fifty (50) square feet.
- D. Billboards.
 - a. Billboards are not permitted.
- E. Business Information Signs.
- F. Commercial Signs.
 - a. For the purposes of the zones delineated in this Section, commercial signs shall collectively encompass: advertising, free-standing signs by type, identification, nonprofit, and office building signs.
 - b. One commercial sign shall be permitted per lot face.
 - c. Commercial signs may be single or double sided, and shall not exceed twenty-five (25) square feet if single-sided nor exceed fifty (50) square feet in sign area if double sided.
 - d. Commercial signs may include the name and number of a building or sub-division, the business(es) therein, the names of tenants, occupants and other pertinent information necessary for these signs.
 - e. Commercial signs shall not exceed five (5) feet in total height from the actual grade at ground level to its highest point including its base, regardless of form.
 - f. A masonry anchor used as a sign base (as in a monument sign) shall not exceed five (5) linear feet of horizontal width from side to side nor five (5) feet in depth from front to back.
 - g. Wall signs are permitted but shall not exceed four (4) square feet, project more than twelve (12) inches from the wall placement, extend beyond or project above a roof line, or be silhouetted against the skyline.
 - h. Commercial signs shall be located no closer to the curb than one-half the distance from the curb to the building setback line and no closer than five (5) feet to either side property line.
- G. Directional signs.
 - a. On-premises directional signs shall not exceed six (6) square feet in sign area nor three (3) feet in height and shall not distract, interfere with or obstruct traffic.
 - b. Directional signs shall be centrally located between the relevant right of way and any sidewalk or entrance to the relevant building, and be no closer than five (5) feet from side property lines or nearest right of way or road access.
- H. Free-standing signs for office buildings.
 - a. Free-standing signs shall be permitted.
 - b. See commercial signs for specifications.
- I. Home occupation signs.

- a. No more than one such sign per lot face is permitted and the sign shall not exceed four (4) square feet in area for each face.
- J. Identification sign.
 - a. Identification signs shall be permitted.
 - b. See commercial signs for specifications.
- K. Lighted signs are permitted.
 - a. Illumination, if any, shall be provided in keeping with §19-203.
- L. Nonprofit signs.
 - a. Nonprofit signs shall be permitted.
 - b. See commercial signs for specifications.
- M. Private property or similar signs.
- N. Office building signs.
 - a. Office building signs shall be permitted.
 - b. See commercial signs for specifications.
- O. Real estate marketing signs.
 - a. No more than two signs per lot face are permitted.
 - b. A real estate sign in this zone may be single or double sided, and shall not exceed sixteen (16) square feet if single sided, nor exceed thirty-two (32) square feet in area if double sided.
 - c. A second sign may represent the realtor, seller, bank or financing institution associated with the sale using the same size limits.
- P. Road and traffic signs.
- Q. Street numbers.
- R. Temporary signs.
 - a. No more than two temporary signs for each zone lot are permitted.
 - b. See temporary signs for specifications.
- S. Wall signs.
 - a. See commercial signs for specifications.
- T. Yard signs.
- U. Not permitted: Off-premises and roof signs.

§19-303. Office District (O).

General Provisions in the Office District.

- A. Because of the specific geographical layout of the Office District area, all sign bases shall orient their width (from side to side) as north to south so that their faces are visible when driving east and west on the Harvey Taylor By-Pass and to preserve the architectural unity of existing signs along the Bypass.
- B. Except for signs located on or near existing commercial buildings, on-premises outdoor advertising and identification signs (detached free-standing signs) shall be limited to placement along the northern edge of Mumma Road, which is primarily used for secondary parking between a two-way drive aisle and the landscape verge facing the Harvey Taylor By-Pass.
- C. Other than directional and temporary signs, no commercial signs are permitted in the small triangular area bordering the access road from the Borough line on Mumma Road to the first parking space for the property at 1043 Mumma Road.

All on-premises signs in the Office (O) Zoning District must be erected and maintained in accordance with the provisions of this Part and the Chapter in general, and only the following signs are permitted in the O Zone.

- A. Advertising Signs. See Commercial Signs in E.
- B. Artistic Elements.
- C. Banner.
 - a. A banner (temporary or permanent) shall not exceed fifty (50) square feet.
- D. Business Identification Signs.
 - a. A business identification or wall sign may be placed externally on a building or on or near its doors or access points with the name and number of a specific office(s), business(es), tenants or occupants therein, and other pertinent information necessary to facilitate pedestrian traffic. Identification signs should not exceed six (6) square feet and wall signs should not exceed four (4) feet.
- E. Commercial Signs. In addition to one (1) Free-Standing Business Office sign (See §19-303, I), each zone lot shall have no more than four (4) external on-premises signs from the following list of permitted signs:
 - a. For the purposes of the Office zone delineated in this Section, permitted uses include advertising, identification, letters, nonprofit, office building, roof, wall or window signs.
 - b. Real estate signs may include signs for the purposes of marketing available spaces within buildings.
 - c. Commercial signs in the Office Zone shall adhere to the following limitations.
 - (1) Commercial signs may be single or double sided and no one sign face shall exceed forty (40) square feet in sign area unless otherwise specified by sign type.
 - (2) Commercial signs may include the name and number of a building or subdivision, the business(es) therein, the names of tenants, occupants and other pertinent information as generally necessary for differentiation.
 - (3) Wall signs are permitted but shall not exceed four (4) square feet; project more than twelve (12) inches from the wall upon which it is mounted; extend beyond or project above the roof line, or be silhouetted against the skyline.
 - (4) No commercial sign shall be located closer than ten (10) linear feet from the right of way of the nearest road, side property lines or clear site triangles.
 - (5) Signs made of individual letters shall be measured in keeping with the guidance found in Section §19-202.2.
 - (6) No portion of any roof sign may project above its relevant roof line or be silhouetted against the skyline without obtaining the recommendation of the Planning Commission and action by Borough Council,
 - (7) No portion of a window sign may extend beyond the window boundaries.
- F. One (1) Free-Standing Office Building Sign, which shall bear the name and building number of the business(es) or tenant(s), shall be permitted on the ground occupied by any one zone lot regardless of the number of distinct businesses within the building.
 - a. Zone lots in excess of two (2) acres may request one additional sign.
 - b. Office Building signs may be double sided.
 - c. Signs shall be placed along the road or right-of-way from which the public will access or view the sign.
 - d. A complete sign (in its entirety) shall not exceed sixteen (16) feet in total height (from ground level to its highest point).

- e. A sign face shall not exceed twelve (12) linear feet of horizontal width from side to side nor eighty (80) square feet per face in total sign area, or one-hundred sixty (160) square feet if double-sided.
 - f. A sign shall not project over the public roadway buffer or parking areas.
 - g. A sign base (or anchor as in a monument base) shall not exceed sixteen (16) linear feet of horizontal width from side to side nor five (5) feet in depth from front to back.
 - h. Sign shall be constructed in a manner so as not to obstruct the view of pedestrians or motorists, and shall comply with all electrical safety standards relative to any nearby utility poles or electrical lines.
 - i. Sign shall not be located within five (5) feet of side property lines or within fifty (50) feet of signs located on other properties.
- G. One digital sign per zone lot is permitted.
- a. A single-sided digital sign shall not exceed fifty (50) square feet in sign area.
 - b. A double-sided sign shall not exceed forty (40) square feet per face or eighty (80) total square feet in total.
 - c. A digital sign is used in combination with a Free-Standing Office Building Sign shall be measured separately and combined to make total sign area in keeping with Section F.
 - d. The addition of a digital sign to an existing sign requires a permit for the alteration.
 - e. See additional specifications under Illumination of Signs in Section §19-203, and other sections.
- H. Directional signs to point vehicle traffic to parking lots or buildings shall be limited to one per zone lot regardless of the number of distinct businesses located thereon.
- a. Directional signs shall not exceed six (6) square feet in sign area nor three (3) feet in height and shall not distract, interfere with, or obstruct traffic.
 - b. Directional signs shall be set back from the nearest corner or curb at least five (5) feet and shall be no closer than five (5) feet from side property lines, or, in the case of signs between sidewalks and parking lots, shall be no less than five (5) feet from the nearest corner, provided they do not obstruct view or traffic.
- I. Feather Flags.
- J. Lighting.
- a. Illumination, if any, shall be provided in keeping with §19-203.
- K. Measurement and Height.
- L. Measurements of sign area shall be determined as set forth in Part 2, Section §19-202, by the relevant sub-sections.
- M. Private Property or similar signs.
- N. Real Estate Marketing Signs for Buildings.
- a. Real estate signs may include signs for the purposes of marketing available spaces within buildings.
 - b. No more than two (2) signs per lot face are permitted.
 - c. A real estate sign in the Office Zone may be single or double sided, and shall not exceed sixteen (16) square feet if single sided, nor exceed thirty-two (32) square feet in area if double sided.
 - d. A second sign is permitted to represent the realtor, seller, bank, financing or another institution associated with a sale using the same size limits.

- e. Signs shall not exceed ten (10) feet in height and shall not block visibility of existing signs.
- O. Road and traffic signs.
- P. Temporary signs.
 - c. A banner shall not exceed fifty (50) square feet on its face.
 - d. A two-sided, portable A-frame sign (sometimes called a sandwich board) is permitted provided it is placed outside during business hours and stored away daily. Sign must be properly secured and allow sufficient clearance for access and safe passage of pedestrians around the sign.
 - e. Portable signs shall not exceed two (2) sides, a maximum width of three (3) feet per face, and maximum height of four (4) feet in total.
- Q. Wall signs. See Commercial.
- R. Yard signs.

§19-304. General Commercial (GC) District and Waterfront (WF) Zoning Districts.

All on-premises signs in the General Commercial (GC) and Waterfront (WF) Zones, which may also contain properties designated as Commercial Complexes, shall be erected and maintained in accordance with the provisions of this Chapter, and only the following signs under these specifications are permitted in the GC and WF Zoning Districts.

- A. Advertising Signs. See Commercial Signs in E.
- B. Artistic Elements.
- C. Banner.
 - a. A banner (temporary or permanent) shall not exceed fifty (50) square feet.
- D. Billboards
 - a. In keeping with the Pennsylvania Outdoor Advertising Control Act of 1971, billboards shall only be permitted in the General Commercial Zone subject to the criteria of 36 Pa. Statute §2718.105(c) (except where it diverges from Borough specifications) and/or current Pennsylvania Department of Transportation (PennDOT) permitting requirements.
 - b. Billboards are not permitted in the Waterfront Zone.
- E. Business Identification Signs.
- F. Commercial Signs. In addition to one (1) free-standing sign, each zone lot or each Commercial Complex shall have no more than four (4) signs from the following list of permitted signs.
 - a. For the purposes of the zones delineated in this Section, commercial signs permitted include identification, letters, nonprofit, office building, roof, temporary messages, wall or window signs.
 - b. Commercial signs may be single or double sided and no one sign face shall exceed sixty (60) square feet in sign area unless otherwise specified by sign type.
 - c. Commercial signs may include the name and number of a building or subdivision, the business(es) therein, the names of tenants, occupants and other pertinent information as generally necessary for differentiation.
 - d. Wall signs are permitted but shall not exceed four (4) square feet; project more than twelve (12) inches from the wall upon which it is mounted; extend beyond or project above the roof line, or be silhouetted against the skyline.
 - e. No commercial sign shall be located closer than ten (10) linear feet from the right of way of the nearest road, side property lines or clear site triangle.

- f. Signs made of individual letters shall be measured in keeping with the guidance found in Section §19-202.2.
- g. No portion of any roof sign may project above its relevant roof line or be silhouetted against the skyline without obtaining the recommendation of the Planning Commission and action by Borough Council.
- h. No portion of a window sign may extend beyond the window boundaries.
- G. One digital sign per zone lot or per distinct business in a Commercial Complex is permitted, provided that a single-sided digital sign shall not exceed fifty (50) square feet in sign area; nor a double-sided sign exceed sixty (60) total square feet (not to exceed 30 square feet per face).
 - a. The sign area shall be included in the maximum total area calculation.
 - b. If a digital sign is used in combination with a free-standing sign, the sign area shall be measured separately by individual elements and combined to make total sign area.
 - c. See additional specifications under Illumination of Signs §19-203, and other sections.
- H. Directional signs to point pedestrians and traffic to parking lots or buildings shall be limited to one per zone lot regardless of the number of distinct businesses located thereon.
 - a. Directional signs shall not exceed six (6) square feet in sign area nor three (3) feet in height and shall not distract, interfere with, or obstruct traffic.
 - b. Directional signs shall be set back from the nearest corner or curb at least ten (10) feet and shall be no closer than five (5) feet from side property lines, or, in the case of signs between sidewalks and parking lots, shall be no less than five (5) feet from the nearest corner, provided they do not obstruct view or traffic.
- I. Feather flags.
- J. Only one (1) free-standing sign, which shall bear the name of the business(es) or tenant(s), shall be permitted on the ground occupied by any one zone lot or any one Commercial Complex regardless of the number of distinct businesses.
 - a. Sign shall be placed along the road or right-of-way from which the public will access the business.
 - b. Sign shall not exceed eighteen (18) feet in total height (from ground level to its highest point), twelve (12) feet in linear width from side to side, nor thirty-six (36) inches in depth from front to back,
 - c. Sign shall be constructed in a manner so as not to obstruct the view of pedestrians or motorists, and shall comply with all electrical safety standards relative to any nearby utility poles or electrical lines.
 - d. Sign shall be located in the area half the distance from the curb to the building setback line, or no closer than five (5) feet to the right of way of the nearest road or side property lines.
- K. Lighting.
 - a. Illumination, if any, shall be provided in keeping with Section §19-203.
- L. Maximum Allowable Signage. Notwithstanding anything else in this Part, the maximum allowable signage for any one (1) zone lot or any one (1) distinct business in a Commercial Complex within the General Commercial or Waterfront Zones shall not exceed a total of two hundred fifty (250) square feet in aggregate sign area for all signs, either proposed to be placed or already existing, on that parcel, unless otherwise exempted in this

Chapter. See Section §19-304 regarding Commercial Complex Accommodations if more there is than one distinct business on one lot.

- a. Measurements of sign area shall be determined as set forth in Part 2, Section §19-202.2, Measurement of Signs.
 - b. The sign area of the following signs shall not be charged against the total sign area from the property owner's maximum allowable signage, if applicable: artistic elements, business information signs, feather flags, flags, inflatable signs, signs facing inward to the business or toward an inner court, real estate, temporary signs and banners (provided they otherwise meet the standards herein).
- M. Real estate marketing signs.
- a. No more than two (2) signs per lot face are permitted.
 - b. A real estate sign in the General Commercial or Waterfront Zones may be single or double sided, and shall not exceed sixteen (16) square feet if single sided, nor exceed thirty-two (32) square feet in area if double sided.
 - c. A second sign may represent the realtor, seller, bank or financing institution associated with the sale using the same size limits.
 - d. Signs shall not exceed six (6) feet in height and shall not block visibility.
- N. Road and traffic signs.
- O. Temporary signs, including banners, shall be limited to no more than two (2) temporary signs on any one lot face.
- f. Banners shall not exceed fifty (50) square feet on its face.
 - g. This may include two-sided, portable A-frame signs (sometimes called sandwich boards) placed outside during business hours and stored away daily, usually for the purpose of promoting a temporary message, provided they are properly secured and there is sufficient clearance to allow access and safe passage of pedestrians around the sign.
 - h. Such portable signs shall not exceed two (2) sides, a maximum width of three (3) feet per face, and maximum height of four (4) feet in total.
- P. Wall signs.
- a. See commercial signs for more information.
- Q. Yard signs.

§19-304.1. Commercial Complex Accommodations.

A Commercial Complex in the General Commercial or Waterfront Zoning District may be designated upon request when one Zone Lot* has: (1) more than one distinct business or commercial entity within a contiguous building or in separate structures, (2) shared or multiple entrances or access points, and/or (3) shared or common parking areas.

*The following lots shall be exempt from designation as a Commercial Complex: (1) empty or undeveloped lots, (2) lots that are not occupied by businesses, building or structures, (3) lots that contain only garages, storage, buffers, and/or parking areas, and (4) lots that are within twenty (20) linear feet of a residential dwelling or that abut or share lot lines with residential properties in any direction.

Once designated, a Commercial Complex shall be permitted the following additional accommodations.

- A. A commercial complex with two (2) distinct businesses on one zone lot shall be considered two businesses for this purpose and entitled to maximum allowable signage of five hundred (500) square feet for all permitted signage when sign areas are tallied. (See Section §19-304.)
- B. If three (3) or more distinct businesses, maximum allowable signage of six hundred (600) square feet shall be shared equally among each and all distinctive businesses, regardless of number.
- C. In no case shall any commercial complex exceed six hundred (600) square feet for all permitted signage regardless of the number of distinct businesses located on the lot.
- D. In no case shall separate or individual signs be joined or connected to form a continuous or contiguous message.

PART 4 PENALTIES AND OTHER REMEDIES

§19-401. Civil Penalties.

- A. Any violation of this Chapter that also violates any state law shall be prosecuted under that Pennsylvania state law and not under this Chapter.
- B. It shall be unlawful to fail to secure a permit in advance, erect, alter or modify any sign in violation of any provision of this Chapter, or amendments thereto.
- C. It shall be unlawful to provide false statements regarding required information, or present erroneous specifications on a sign application—including sign size(s), sign area(s), height, or other measurements. The application shall represent the true and complete placement and final dimensions of the actual sign upon which the permit is issued.
 - a. The Borough reserves the right to measure or inspect any aspect of any sign during or after the installation process to assure compliance with the permit as issued.
 - b. The Borough reserves the right to assess fees, non-conforming fines, up to or including the issuance of an injunction or order of removal directed at an owner if a sign is proven (by actual measurement during or after installation) to be out of conformity with information in the application and/or permit.

§19-402. Failure to Act Upon Notices.

Initially, the Borough Council, Borough Manager or the Code Enforcement Officer: (1) has the option, but is not required, to informally request compliance or remediation from the owner, and/or (2) institute in the name of the Borough appropriate legal action or proceeding to prevent, restrain, correct or abate such sign in or about such premises, or any act, or use constituting any violation, in addition to any other measures or remedies as may from time to time be provided for or permitted by state law.

Any and all persons (including any owners, business, partnership, corporation, limited liability company, limited liability partnership, unincorporated association, nonprofit, action committee, etc.), other than a municipal official exercising their official duties, who, after receiving one initial and one subsequent written notification of a remediation or violation, shall fail to comply or continue to violate any provision of this Chapter, resolutions enacted hereunder, or any order issued hereunder, shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 or more than \$1,000 plus court costs and administrative costs for each offence.

- a. Every violator of provisions herein shall be deemed guilty of a separate offense each and every day such violation continues and shall be subject to the penalties imposed by this Chapter for each and every separate offense, which may compound up to a total of thirty (30) days, at which time they will cease.
- b. If, after sixty (60) days from the issuance of the initial summary judgement or formal sentence, the violator has not made payment or made payment arrangements, the violator shall be in default of payment of such final costs and the appropriate Borough designee may institute a lien upon the premises and/or engage in other collection methods appropriate to the amount owed.

§19-403. Other Remedy.

In addition to the foregoing penalties, the Borough may require the owner of a property to remove any sign that is determined to be abandoned, damaged, or cause a distraction or public nuisance, and, should said owner fail to remove such sign after written notices, the Borough may cause the sign to be removed and disposed of with the costs charged to the owner or occupant of the property and may recover all costs in any manner provided by law, including the placing of a municipal lien on the property.

§19-404. Severability

Should any section, paragraph, sentence, or clause, of this Chapter be declared unconstitutional, illegal or otherwise invalid for any reason, it/they shall be severable and the remainder of this Chapter and the Code of Ordinances shall not be affected thereby

SECTION II: REPEALER. All provisions of previous Ordinances of the Borough of Wormleysburg which are contrary to this Ordinance are expressly repealed.

SECTION III: SAVINGS CLAUSE. In all other respects, the Code of Ordinances of the Borough of Wormleysburg shall remain as heretofore enacted, ordained, and amended.

SECTION IV: SEVERABILITY. The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses, or sentences.

SECTION V: EFFECTIVE DATE. This Ordinance shall take effect immediately.

ATTEST:

Deborah A. Ealer, Borough Secretary

Joseph A Deklinski, Council President

APPROVED THIS 10th DAY OF May, 2022.

George O. Preble, Mayor