

ORDINANCE NO. 491

**AN ORDINANCE OF SOUTHMONT BOROUGH,
CAMBRIA COUNTY, PENNSYLVANIA,
AMENDING & REVISING THE PROVISIONS OF THE ZONING
ORDINANCE OF BOROUGH RELATED TO SIGNS (#329/Title 27, Part 9)**

WHEREAS, the Borough of Southmont ("Borough") has previously enacted a Zoning Ordinance (No. 329) wherein a subchapter was enacted titled "Signs," regulating the type and use of signs within the Borough (Title 27, Part 9 and/or Article IX of Ordinance 329); and

WHEREAS, the Borough desires to amend and revise the subchapter of the its Zoning Ordinance regulating signs in order update same; and

WHEREAS, the Borough finds it necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of signs be controlled; and

NOW, THEREFORE, BE IT ORDAINED and ENACTED by the Council of the Borough of Southmont, Cambria County, Pennsylvania, and it is so ordained and enacted by the authority of same that Part 9 of the Borough's Zoning Ordinance, "Signs," (Article IX) be amended as follows:

Section 1. Title and Repealer.

1. This Ordinance shall be known as Part 9, "Signs & Billboards" of the Zoning Ordinance of the Borough.
2. All Ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.
3. It is the intent of the Borough that the remaining portions of the Borough's Zoning Ordinance remain intact and in effect, but for those portions of the Zoning Ordinance that are inconsistent with the amendments made wherein.

Section 2. Findings. Purpose and Intent.

The Borough finds it necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of signs/billboards be controlled. Signs/billboards have a direct and substantial impact on traffic safety, pedestrian safety, community aesthetics and property values. With respect to electronic signs/billboards, including video display signs/billboards, the Borough finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. The Borough finds that

electronic signs/billboards are highly distracting to drivers and constitute a serious traffic safety threat and that same has been confirmed through studies conducted by various government agencies and research groups.¹ Additionally, the Borough finds that its community is almost entirely residential and that increased regulation is necessary to preserve the aesthetics of community.

Accordingly, the purpose of the sign/billboard regulations promulgated in this subchapter are to: (a) eliminate potential hazards to motorists and pedestrians using the public streets, sidewalks, and rights-of-way; (b) to safeguard and enhance property values; (c) to control nuisances; (d) to protect government investments in public buildings, streets, sidewalks, traffic control and utility devices, parks, and open spaces; (e) to preserve and improve the appearance of the Borough through adherence to aesthetic principles, in order to create a community that is attractive to residents and to non-residents who come to live, visit, work, or trade; (f) to eliminate excessive and confusing sign displays; (g) to encourage signs which by their design are integrated with and harmonious to the surrounding environment and the buildings and sites they occupy; and (h) to promote the public health, safety, and general welfare.

By establishing the sign/billboard regulations in this subchapter, the Borough has balanced the functions of signs within the community and the promotion of public health, safety, welfare and aesthetics of the community. It is not the purpose or intent of this subchapter to prefer or favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein.

Section 3. Application of Regulations

This Article shall apply to the location, erection, and maintenance of signs/billboards in all zoning districts within the Borough.

Section 4. Definitions.

The following words and terms when used in this Article shall have the following meanings unless the context clearly indicates otherwise:

Changeable copy sign - a sign or portion thereof which has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

Changeable copy sign, electronic - a sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes

¹ Federal Highway Administration (FHWA), Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001 and The Role of Driver Inattention in Crashes: New Statistics from 1995; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003 and The Role of Driver Distraction in Traffic Crashes, May 2001; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan. 2006; and the Veridan Group, Video Signs in Seattle, Gerald Wachtel, May 2001

(LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

Electronic graphic display sign - a sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

Flashing sign - a directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and includes/creates the illusion of intermittent flashing light by means of animation, streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling.

Fluctuating Illumination Sign - Any type of sign that fluctuates in light intensity or uses intermittent, strobe or moving light or lights that does not fall under the definition of video display signs, electronic changeable copy signs or electronic graphic display signs.

Multi-vision sign - any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

Off-premises sign – a sign that is located on property that is not the premises, property or site of the use identified or advertised in the sign.

On-premises sign – a sign that is located on property that is the premises, property or site of the use identified or advertised in the sign.

Rotating sign – a sign or portion of a sign which in any physical part or in total turns about on an axis, rotates, revolves or is otherwise in motion, including without limitation a multi-vision sign.

Time and temperature sign - any sign which displays exclusively current time and temperature information.

Vehicle sign - any sign exceeding ten square feet in area mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed so that the sign thereon is discernable from a public street or right-of-way as a means of communication and which by its location, size, and manner of display is reasonably calculated to

exhibit commercial advertising identifying an on-site business or supplying directional information to an off-site business. A vehicle sign may be defined as a vehicle that functions primarily as a sign rather than as a transportation device, as determined by consideration of any combination of the following factors:

- (A) The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed;
- (B) The vehicle on which the sign is displayed is inoperable;
- (C) The vehicle on which the sign is displayed is not parked in a lawful or authorized location or is on blocks or other supports or is parked in a manner that is not in conformity with the identified parking space on the lot;
- (D) The vehicle on which the sign is displayed is not regularly used for transportation associated with the use it advertises;
- (E) The vehicle remains parked on the premises after normal business hours when customers and employees are not normally present on the premises; or
- (F) The vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right of way on a regular basis.

Video display sign - a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

Section 5. General Regulations - Signs

1. A permit shall be required for any sign erected.
2. All signs shall be constructed and maintained in a safe orderly manner. No sign shall be placed in such a position that it will cause danger to vehicular or pedestrian traffic by obscuring view or causing distraction.
3. Any sign, if illuminated, shall be non-flashing and non-animated, shall be of enclosed lamp design, and shall be lighted in a manner not detrimental to any adjacent property or public right-of-way.
4. No sign, except traffic signs and other official signs, may be erected or extend onto any public street or right-of-way.

5. Any sign attached to or painted on a building may extend a maximum distance of six (6) inches from the wall to which it is attached, may cover maximum of 25% of the total area of the wall to which it is attached, and shall not extend beyond any point of the line of the building to which the sign is attached.
6. The height of any sign may not exceed fifteen (15) feet, as measured from the ground level to the top of the sign.
7. No sign that is a part of or is supported by a building shall be erected upon the roof of such a building.
8. No sign structure erected directly upon the ground shall have less than three (3) feet of clear space between such sign and the ground, however, necessary supports may be extended through such open space.
9. No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within the street line.
10. Non-conforming signs, once removed, shall be replaced only with conforming signs; however, non-conforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.

Section 6. Prohibited Signs.

The following types of signs are prohibited in all zoning districts.

1. Flashing Signs.
2. Vehicle Signs.
3. Video Display Signs.
4. Changeable Copy Signs.
5. Electronic Changeable Copy Signs.
6. Electronic Graphic Display Signs.
7. Fluctuating Illumination Sign.
8. Multi-vision Signs.
9. Off-premises Sign.
10. Rotating Sign.
11. Time and temperature Sign.

Section 7. Residential District Regulations - Signs.

- A. All signs erected in a Residential District shall be on premise signs and shall pertain only to activities being conducted on the lot which the sign is erected.
- B. Signs Permitted in a Residential District are as Follows:
 - 1. A sign indicating the name and number of the owner and/or the necessary use of the dwelling for home occupation or professional purposes provided that the sign does not exceed one (1) square foot in area.
 - 2. One identification sign may be erected for a multi-family unit provided that the sign does not exceed twelve (12) square feet in area.
 - 3. A sign customarily incidental to public and semi-public use, provided that the sign does not exceed twelve (12) square feet in area and is at least twenty-five (25) feet from the nearest residential property or building.
 - 4. Temporary real estate signs, indicating the sale or lease of the property on which the sign is erected provided that the sign does not exceed nine (9) square feet in area; the sign is set back a minimum of five (5) feet from the nearest street, and the sign is removed within thirty days after sales or lease of the property.
 - 5. Building contractors, architects and professional persons temporary advertisement on or adjacent to a building under construction, may be erected providing that the sign does not exceed thirty (30) square feet in area and it is removed within thirty days after completion of construction.
 - 6. Street signs, directional signs, and traffic control signs may be erected by the Borough, County, State, or any authorized representative body of government.

Section 8. Provisions for "C" District - Signs.

- A. In the "C" District, the following signs shall be permitted and the following regulations shall apply:
 - 1. Any sign permitted in an R District.
 - 2. On premise business signs or identification signs not to exceed thirty (30) square feet per sign, however, if there are more than two (2) businesses the total amount of signage shall not exceed sixty (60) square feet.

3. Any sign attached to a building shall cover no more than 25% of surface area of the wall on which this sign is to be erected, shall project no more than six (6) feet from the wall of the building. No sign may project above the roof.
4. Any sign erected shall be maintained in an orderly safe condition. If the owner fails to maintain the sign or structure in a satisfactory condition, the Borough may notify the owner and remove the sign at the owner's expense.
5. No off-premise signs allowed.

Section 9. Provisions for "C-U District" - Signs.

- A. In a C-U District, any signs permitted in a "C" District shall be permitted.

Section 10. Requirements for Permit Review.

- A. Permit Procedure. A person seeking to obtain a permit for the erection and/or building of a sign in compliance with this subchapter shall follow the below procedure:
 1. Submit a written application to the Borough. The application shall include:
 - i. An accurate site plan to engineer's scale providing the location of the proposed new or modified sign, along with the dimensions and type of signs to be erected.
 - ii. If a sign is attached to or painted on a building, the necessary area calculations shall be provided showing that said sign complies with this subchapter.
 - iii. If the sign is to be a freestanding sign, the site plan shall show a site plan showing curbs, property lines, sign location, dimensions, and north arrow, elevations with dimensions, and shop drawings. If determined as necessary by the Borough, the applicant shall stake the corners of the property.
- B. Permit Application Consideration. A complete application for a sign permit shall be presented to the Borough for review of applicable zoning and sign ordinance requirements and for a plan review of the proposed sign structure.
- C. Permit Fees. The cost of sign permits shall be in conformance with §1104 of the Zoning Ordinance (chapter 27, part 11 "Administration and Enforcement.")

Section 11. General Regulations – Billboards

Billboards are prohibited in all districts. Any billboards legally in existence prior to September 4, 2012, shall have the status of a non-conforming use under Pennsylvania law (“non-conforming billboard”). With respect to these non-conforming billboards, the standards set forth in this subchapter apply.

Section 12. Non-conforming Billboards in Existence prior to September 4, 2012

A non-conforming billboard that was erected prior to September 2012 in the Borough shall be maintained and regulated as follows:

1. Billboards must be erected and maintained in a structurally sound condition free from decay and warping, cracked and peeling paint or sign copy, and rusting or deteriorating materials;
2. No animation is permitted on billboards;
3. Billboards must be landscaped around the base of the signs and the grounds immediately adjacent to the billboard so that all soils are stabilized with established plant or landscaping materials and those plant materials must be kept mowed and otherwise appropriately maintained, except where impervious surface exists in that area;
4. Billboards must be located so as not to obstruct any existing business or sign;
5. A sign permit, in addition to any other necessary permit, must be obtained by the property owner and/or billboard owner from the Borough whenever the billboard requires repair, restoration, or improvement. The property/billboard owner shall obtain said permit prior to repair, maintenance, restoration or improvement work;
6. The application for a permit under Section 12, (5) of this subchapter shall be obtained in the same manner as proscribed for signs in Section 10 of this Ordinance.
7. No billboard may be enlarged, expanded, modified and/or intensified to any extent, and those terms mean any increase in a dimension, size, area, volume or height, any increase in the area of use, any placement of a structure or sign face or part thereof where none existed before, any addition of a site feature such as a walkway, louvers or other mechanical equipment, or any increase in intensity of use based on a review of the original nature, function or purpose of the billboard. This section includes modification to allow Electronic display techniques including, but not limited to, light emitting diodes (LED’s), fiber optics, light bulbs or other illumination device within the display area, including computer programmable, microprocessor controlled electronic displays and projected images or messages with these characteristics onto the sign face.

Section 13 - Effective Date

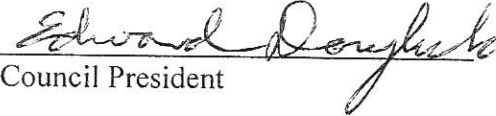
This Ordinance shall become effective immediately.

Ordained and Enacted this 17th day of September, 2012, by Council of the Borough of Southmont.

Attest:

SOUTHMONT BOROUGH


Secretary


Council President

Approved this 17th day of September 2012.


Mayor