

CHAPTER 19

SIGNS AND BILLBOARDS

Part 1

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Part 1

Signs

§101. Title. This Part shall be known as the Millheim Borough Sign Ordinance. (Ord. 202, 12/11/2001, §1)

§102. Purpose. The purpose of this Part is to permit such signs that will not, by their reason, by their size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety or otherwise endanger public health, safety and morals and to permit and regulate signs in such a way as to support and complement the Code of Ordinances for the Borough of Millheim. (Ord. 202, 12/11/2001, §2)

§103. Definitions. The following words and phrases shall have the meanings given in this Section:

ORDINANCE ENFORCEMENT OFFICER - the officially designated Ordinance Enforcement Officer/Code Enforcement Officer of Millheim Borough, County of Centre, Commonwealth of Pennsylvania.

PROPERTY - the land area of a single tax parcel owned, rented or leased; a lot of record.

REFLECTOR - a device fitted over a lamp for reflecting or partially cutting off its light.

SIGN - any structure, device, light or natural object, including the ground itself or any part thereof or any device attached thereto or painted or represented thereon, which shall be used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement and which is intended to be seen from off of the premises or from a parking lot.

DIRECTIONAL SIGN - a sign denoting a business name, direction and distance information containing no commercial advertisement.

GROUND POLE SIGN - a sign supported by one or more uprights, poles or braces placed in or upon the ground.

HANGING SIGN - a sign suspended from a portion of an existing structure.

ILLUMINATED SIGN - a sign that provides artificial light directly, or through any transparent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.

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MONUMENT/GROUND SIGN - a freestanding sign where the base of the sign structure is on the existing grade or up to a maximum of twelve (12) inches above existing grade. The sign is independent of any other structure and is supported by a structural framework and/or integrated into landscaping.

OFF-PREMISE SIGN - a sign which contains a message unrelated to a business or profession conducted upon the premises where such sign is located or which is unrelated to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

ON-PREMISE SIGN - a sign located on the property or attached to the exterior of the building that houses the business or occupation.

PERMANENT SIGN - any sign intended for display for an unlimited period of time, or in excess of that associated with a temporary sign, as specifically described in this Part.

POLITICAL SIGN - a sign announcing or advocating a candidate or an issue to be considered during an election.

PROJECTING SIGN - a sign that projects from and is supported by a wall of a building.

REAL ESTATE DEVELOPMENT SIGN - a sign providing the name of a development, the developer and/or the developer's telephone number.

TEMPORARY SIGN - any sign intended for display for a limited period of time or for less than that established for a permanent sign, as specifically described in this Part.

WALL SIGN - a sign which is attached directly to or painted upon a building wall or window, which does not extend more than twelve (12) inches there from or above the roofline.

SIGN AREA - the area of the smallest triangle, rectangle or circle that can wholly enclose the surface area of the sign. All visible faces of a multifaceted sign shall be counted separately and then totaled in calculating sign area. Three-dimensional signs shall be counted as dual-faced, such that the total area shall be twice the area of the smallest triangle, rectangle or circle which can wholly circumscribe the sign in the plane of its largest dimension.

(Ord. 202, 12/11/2001, §3)

§104. Signs Permitted and Prohibited.

1. All signs must be reviewed and approved by the Millheim Borough Council. Signs listed in this Section are permitted and shall not require licenses and shall not be counted when calculating the number of signs on premises. However, such signs shall conform to the general regulations for signs enumerated in the remainder of this Part.

A. Name and address of resident, not to include any commercial advertisement, of not more than two (2) square feet in sign area.

B. Signs regulating the use of property, such as "no trespassing," "no hunting," "no fishing," etc., of no more than two (2) square feet of sign area in residential areas and five (5) square feet of sign area in commercial areas.

C. Real estate signs not exceeding five (5) square feet in sign area in residential areas and twenty-five (25) square feet of sign area in the downtown and agricultural areas, which advertise the sale, rental or lease of the property upon which said signs are located. Such real estate signs shall be removed within ten (10) days after the premises advertised has been sold, rented or leased.

D. Bulletin boards for public, charitable or religious institutions, when located on the premises thereof, with a sign area of no more than twenty-five (25) square feet if single-faced, nor more than fifty (50) square feet if double-faced, and if used exclusively for noncommercial announcement.

E. Signs regulating on-premise traffic, parking or other functional subdivision, such as lavatory facilities, telephone and signs denoting sections of a building such as an office, etc., when such signs are less than five (5) square feet in area and bear no commercial advertisement.

F. Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertisement, such as traffic signs, signs identifying public schools and playgrounds, etc.

G. Memorial signs or tablets and signs denoting the date of erection of buildings, not exceeding two (2) square feet of sign area on a single face.

H. The flag, pennant or insignia of any government, or of any religious, charitable or fraternal organization.

I. Signs no larger than five (5) square feet of sign area advertising the sale of edible farm products produced on the premises or advertising garage sales, auctions or special events of charitable or public service groups, which shall be removed at the conclusion of the event or activity.

J. Political signs not exceeding five (5) square feet in sign area if single-faced or ten (10) square feet if double-faced, placed on private property with the owner's permission. Signs shall be valid for a thirty (30) day period prior to the voting date and must be removed within seven (7) days after the voting date.

K. Signs identifying places of worship when located on the premises thereof not exceeding five (5) square feet of sign area on a single face.

L. On-premise occupation signs containing only name and occupation and of no more than two (2) square feet of sign area.

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M. Decals affixed to the windows or door glass panes which indicate membership in a business group or which denote credit cards accepted by an establishment.

2. Signs Prohibited.

A. Signs made of a plastic or similar type material.

B. Flashing, flood, obtrusive colored or oscillating sign lights.

C. String lights, other than seasonal holiday decorations, which are unshielded.

D. Search lights, pennants, banners, balloons and streamers, except for occasions such as grand openings and then only with special permission of the Ordinance Enforcement Officer.

E. Signs which by reason of size, location, content, coloring or manner of illumination obstruct or detract from the vision of drivers, either when driving on a roadway or when entering a roadway from another roadway or driveway, or obstruct or detract from the visibility or effectiveness of any sign or control device on public streets and roads.

F. Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required exitway.

G. Signs which make use of words such as "stop," "look," "one-way," "danger," "yield," or any similar words or phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic.

H. Any signs that approximate in shape, design, color or wording any traffic control sign or device installed by the Pennsylvania Department of Transportation or the Millheim Borough.

I. Any obsolete sign which no longer advertises a bona fide business conducted or a product sold. In any case, ninety (90) days shall be allowed for removal of an obsolete sign.

J. Signs on public property or public rights-of-way, unless erected by a government body or required to be so located by order of a government body. No sign located on public property or a public right-of-way shall bear any commercial advertisement or announcement.

K. Signs painted on, attached to or supported by a tree, stone or other natural object.

(Ord. 202, 12/11/2001, §4)

§105. Sign Licensing Regulations.

1. Permanent Signs.

A. All permanent signs except those enumerated in §104(1), "Signs Permitted," must be licensed. A license shall be required prior to constructing or installing a new sign and prior to altering or moving an existing sign.

B. Application for a license for a permanent sign shall be made on a form provided by the Ordinance Enforcement Officer. The Ordinance Enforcement Officer shall issue a sign license only if the applicant has provided sufficient information to assure that such sign will comply with all applicable provisions of this Part and has been reviewed and approved by the Millheim Borough Council.

(1) Any person desiring a sign license shall file application upon a form which shall contain or have attached thereto the following information:

(a) Name, address and telephone number of the applicant.

(b) A map showing the location of any building, structure or lot to which the sign is to be attached or erected and showing the position of the sign in relation to nearby buildings and thoroughfares; such a map shall be drawn to scale.

(c) A plan showing the design of the sign, materials to be used, lighting plans, method of construction and means of attachment to a building, structure or the ground; such plans must be to scale and be drawn on eight and one-half (8½) inch by eleven (11) inch paper.

(d) Name of person, firm, corporation or association erecting, altering or installing said sign.

(e) Written consent of the owner of the land on which the sign is to be erected, altered or relocated.

(f) Other information as the Ordinance Enforcement Officer shall deem necessary in order to show full compliance with all applicable provisions of this and other applicable ordinances of the Borough.

C. Licenses for permanent signs are valid for three (3) years and upon application may be renewable for three (3) year intervals.

D. Licenses for permanent signs must be kept on the premises where the sign is displayed and must be shown to the Ordinance Enforcement Officer upon request.

E. A sign may be erected, installed, altered or relocated after a sign license has been issued by the Ordinance Enforcement Officer. The owner of the sign shall notify the Ordinance Enforcement Officer, who shall inspect the sign.

(1) If the Ordinance Enforcement Officer finds that the sign has been placed as specified in the license application and is in

compliance with all applicable provisions of this and other ordinances of the Borough, he (she) shall issue a certificate of conformance.

(2) If the Ordinance Enforcement Officer finds that the sign has not been placed as specified in the license application and/or is not in compliance with all applicable provisions of this and other ordinances of the Township, the owner of the sign shall be notified in writing by the Ordinance Enforcement Officer to remove said sign or correct any violations of the ordinance noted by the Ordinance Enforcement Officer within thirty (30) days of the date of notification. Any sign owner who shall fail to correct noted violations within thirty (30) days of notification shall be subject to fines and penalties as authorized by this Part.

2. Temporary Signs.

A. All temporary signs as they are defined in this Part shall be licensed and shall conform to the regulations established in this Part. Possession of a valid license for a temporary sign shall entitle the licensee to display one (1) temporary sign at any time for the period stated.

B. Application for a license for a temporary sign shall be made on a form provided by the Ordinance Enforcement Officer. Licenses for temporary signs must be kept on the premises where signs are displayed and must be shown to the Ordinance Enforcement Officer upon request.

C. Licenses for temporary signs are valid for ninety (90) days and may be renewed upon the filing of a new application and payment of the license fee.

D. Not more than two (2) temporary signs may be licensed for any property at any one time.

3. License Fees.

A. The Millheim Borough Council shall establish, by resolution, a schedule and a collection procedure for all sign fees, which shall be posted in the office of the Ordinance Enforcement Officer.

B. All such fees shall be payable to the Millheim Borough at the office of the Ordinance Enforcement Officer.

(Ord. 202, 12/11/2001, §5)

§106. General Regulations.

1. Limit on Number of Signs per Property.

A. No more than five (5) signs may be erected or maintained on any property at any one time. However, when a property is located on a corner lot and has public entrances on two or more public ways or where a building has both a front and rear public entrance, one (1) additional sign may be erected.

B. In calculating the total number of signs on a property, only permanent signs shall be used. A double-faced sign shall count as a single sign.

2. Limit on Sign Area. The total permanent sign area per property shall not exceed two (2) square feet per lineal front foot of the main building on the property; however, no property shall be limited to less than twenty (20) square feet of total sign area nor allowed to exceed fifty (50) square feet of total sign area.

3. Limit on Height of Signs. No sign, nor any part thereof (except monument/ground signs) including braces, supports or lights shall exceed a height of fifteen (15) feet. Height shall be measured from the median grade level directly below the face of the sign to the highest part of the sign. The maximum height of a monument/ground sign shall be five (5) feet above existing grade.

4. Limit on Content of Largest Sign on Property. The largest sign on a property shall not advertise any particular article of merchandise unless it is the principal product sold or manufactured on the property.

5. Illumination of Signs.

A. Light sources which cast light on signs shall be shielded by opaque materials so that the bulbs, floodlights or tubes are not visible off the property on which the sign is located.

B. Any source of sign illumination shall be so located and arranged that the direct rays of the light sources do not shine into a dwelling unit, the eyes of a pedestrian or a vehicle operator.

6. Safety and Maintenance.

A. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical and fire prevention codes as they now exist, or as they may hereafter exist in the Millheim Borough.

B. All signs and parts thereof shall be kept in a good state of repair and maintenance.

C. Any sign which has received damage or deterioration to fifty percent (50%) or more of the sign area as estimated by the Ordinance Enforcement Officer shall be considered a nuisance and must be repaired or removed within thirty (30) days of notification by the Ordinance Enforcement Officer.

7. Map Delineating Residential and Downtown Areas. A map shall be maintained in the Office of the Ordinance Enforcement Officer delineating the residential areas and the downtown areas in the Borough of Millheim referenced in this Part.

(Ord. 202, 12/11/2001, §6)

§107. Sign Regulations in Residential Areas. Signs in single-family, two-family and multifamily residential areas are allowed only as follows:

A. All signs are prohibited in residential areas except those identified in §§104(1) and 108(2)(B)(1).

B. Illuminated signs are prohibited in residential districts, except for street address signs, signs identifying doctors of medicine, signs identifying churches and other places of worship and signs necessary for public safety.

C. No sign may be erected or maintained in residential districts which exceeds twelve (12) square feet in sign area on a single face or twenty-four (24) square feet of sign area on a double-faced sign.

(Ord. 202, 12/11/2001, §7)

§108. Types of Signs.

1. Basic Sign Types.

A. Ground Pole Signs. In addition to the general provisions of this Part, the following regulations shall apply to all ground pole signs.

(1) Every ground pole sign and all parts, braces and supports thereof shall be located entirely behind the property line and shall not project over public right-of-way or other adjoining lands. Ground pole signs are permitted between the property line and the building setback lines.

(2) No more than one (1) sign shall be mounted to the supporting structure of any ground pole sign, except for directional signs permitted in this Part.

(3) One (1) ground pole sign may be installed for and toward each public way on any public way on any property located on a corner lot of having public entrance to two (2) or more public ways.

B. Hanging Signs. In addition to the general provisions of this Part, the following regulations shall apply to all hanging signs.

(1) No portion of any hanging sign shall be less than ten (10) feet above grade level, except in the downtown area, where clearance over walkways shall not be less than eight (8) feet.

(2) No single face of a hanging sign shall exceed fifteen (15) square feet of sign area, except in the downtown area, where hanging signs shall not exceed ten (10) square feet of sign area.

C. Projecting Signs. In addition to the general provisions of this Part, the following regulations shall apply to all projecting signs.

(1) No projecting sign shall project more than five (5) feet beyond the building line in the direction of the street, nor shall any

portion of any projecting sign be closer than two (2) feet to the face of the street curb or curb line.

(2) No portion of any projecting sign shall be less than ten (10) feet above grade level, except in the downtown area, where projecting signs shall maintain at least eight (8) feet of clearance over walkways.

(3) No single face of a projecting sign shall exceed fifteen (15) square feet of sign area, except in the downtown area, where projecting signs may not exceed ten (10) square feet of sign area per face.

(4) There shall be no more than one (1) projecting sign for any premises unless the premises is located on a corner lot or has public entrances on two or more public ways, in which case one (1) projecting sign may be erected for and toward each public way.

D. Wall Signs. In addition to the general provisions of this Part, the following regulations shall apply to all wall signs.

(1) No wall sign shall extend above the top of the wall upon which it is placed, nor extend beyond the left and right extremities of the wall to which it is attached.

(2) No wall sign, nor any part thereof, shall project more than twelve (12) inches from the wall upon which it is mounted.

(3) No wall sign shall exceed twelve (12) square feet of sign area except in the downtown area, where no wall sign shall exceed fifteen (15) square feet of sign area.

2. Special Sign Types.

A. Directional Signs. In addition to the general provisions of this Part, the following regulations shall apply to all directional signs.

(1) Directional signs may be erected along arterial roadways, with the property owner's permission, to direct vehicles or pedestrians to locations not visible or easily accessed from major roadways.

(2) Directional signs shall be ground pole signs with a maximum sign area of ten (10) square feet if single-faced and twenty (20) square feet if double-faced.

(3) The content of directional signs shall be limited to the name of the establishment, direction and distance information.

(4) No more than two (2) individual signs shall be erected within the permitted area, and these shall be attached to a single ground support structure. When more than two (2) such signs are requested at a single location, all information shall be combined in one (1) sign which shall not exceed either an area of twenty-five (25) square feet for a single-faced sign or fifty (50) square feet for a double-faced sign.

B. On-Premise Occupation Signs. In addition to the general provisions of this Part, the following regulations shall apply to all on-premise occupation signs.

(1) A professional occupation sign shall denote only the name, office hours, symbol and/or profession of an occupant. There shall be not more than one (1) sign per occupant, and total sign area shall not exceed five (5) square feet per occupant. The total area for all such signs shall not exceed twenty-five (25) square feet per building.

C. Real Estate Development Signs. In addition to the general provisions of this Part, the following regulations shall apply to all real estate development signs.

(1) The use of real estate development signs shall be limited to those developers or owners having for sale a minimum of six (6) lots in one subdivision.

(2) Such signs must be located on the subdivision in which lots are for sale.

(3) Such signs may advertise only the subdivision in which the sign is located and not the sale of lots elsewhere, or the realtor's, developer's or landowner's business in general. The content of such signs shall be limited to the name of the development, the developer's name and the telephone number of the developer or his sales agent(s).

(4) Such signs shall conform to relevant setback line requirements. If any person shall use more than one sign for the same development or area, no two (2) signs shall be closer to each other than one thousand (1,000) feet measured in a straight line.

(5) The maximum sign area of any such single-faced sign shall be twenty-five (25) square feet, and for any double-faced sign fifty (50) square feet. No part of such sign shall be more than ten (10) feet in any dimension.

(6) Such signs shall be removed when seventy-five percent (75%) of the lots the subdivision have been sold or leased.

(7) Artificial illumination of such signs is prohibited.

(Ord. 202, 12/11/2001, §8)

§109. Enforcement and Penalties.

1. Enforcement.

A. The provisions of this Part shall be enforced by the Ordinance Enforcement Officer of the Millheim Borough.

B. The Ordinance Enforcement Officer shall examine all applications for permits for erection of signs, issue licenses for new signs and for continued use of signs which conform to the requirements of this Part,

record and file all applications for permits with any accompanying plans or documents, make an annual inspection of all signs in the Borough and make such reports as the Borough Council may require.

C. If the Ordinance Enforcement Officer shall find that any sign has been constructed or erected or is being maintained in violation of the provisions of this Part, (s)he shall promptly notify the owner or lessor thereof in writing. Failure to remove said sign within the time given in the notice by the Ordinance Enforcement Officer shall constitute a violation of this Part. The Ordinance Enforcement Officer is authorized to take all necessary steps as authorized by the Millheim Borough Council to enforce the provisions of this Part and to abate violations of this Part. In the event the Ordinance Enforcement Officer removes a sign which is in violation of this Part, the owner or lessor thereof shall be responsible for the costs and expenses incurred in such removal.

D. Each day a violation exists shall constitute a separate violation of this Part.

E. The cost of removal or abatement of any violation shall be borne by the owner or lessor of such sign, and shall be a lien upon the property of the owner or lessor.

F. The Ordinance Enforcement Officer shall cause any sign which is in immediate peril to persons or property to be removed immediately. The cost of such removal shall be borne by the owner or lessor of such sign and shall be a lien upon the property of the owner or lessor.

2. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days.

(Ord. 202, 12/11/2001, §9)

§110. Variances. Any person having a proprietary interest in a sign for which a variance is requested shall file a written request for a variance with the Millheim Borough Council. Upon receipt of said request, Millheim Borough Council may, in its discretion, grant a variance from the provisions and regulations of this Part. The variance may be granted only when the Borough determines from evidence presented to it that the variance will not merely serve as a convenience to the person requesting it but is necessary to alleviate some demonstrable hardship or unusual practical difficulty and that the granting of the variance will not, in any way, be inconsistent with the intent, purpose and objectives of this Part. (Ord. 202, 12/11/2001; as added by Ord. 208, 12/10/2002, §2)

§111. Fees. Application fees, permit fees and other fees charged by the Borough pursuant to this Part shall be established from time to time by resolution of the Millheim Borough Council. (Ord. 202, 12/11/2001; as added by Ord. 208, 12/10/2002, §3)

