

ORDINANCE NO. 633

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AMENDING THE FLEETWOOD BOROUGH ZONING ORDINANCE OF 2001, AS AMENDED, BY: (1) AMENDING SECTION 201 ENTITLED "DEFINITIONS", OF ARTICLE II ENTITLED "DEFINITIONS" TO DELETE THE DEFINITION FOR SIGN, TEMPORARY, AND TO ADD NEW DEFINITIONS FOR: ANIMATED SIGN, BANNER, BILLBOARD, CARTWAY, DISSOLVE, DOUBLE-FACE SIGN, ELECTRONIC MESSAGE DISPLAY SIGN, FADE, FLASHING SIGN, FOOT-CANDLE, FRAME, FRAME EFFECT, FREE-STANDING SIGN, GLARE, GROSS SURFACE AREA OF SIGN, GROSS SURFACE AREA OF WALL SIGN, HEIGHT OF SIGNS OR OTHER STRUCTURES, OFF-PREMISES SIGN, PORTABLE SIGN, PROJECTING SIGN, RESPONSIBLE PARTY, SCROLL, SIGN, STREET, TEMPORARY OFFICIAL SIGN, TEMPORARY SIGN, TRANSITION, TRAVEL, VIDEO DISPLAY SIGN, V-TYPE SIGN, AND WALL SIGN; (2) AMENDING AND RESTATING IN ITS ENTIRETY SECTION 504 ENTITLED "SIGN REGULATIONS", INCLUDING REGULATIONS REGARDING SCOPE AND APPLICABILITY, GENERAL SIGN REGULATIONS, PERMITTED SIGNS IN ALL ZONING DISTRICTS, RESIDENTIAL DISTRICTS, SIGNS FOR MULTI-FAMILY DWELLINGS, AND COMMERCIAL AND INDUSTRIAL DISTRICTS, SIGNS PROHIBITED IN ALL DISTRICTS, OFF PREMISES SIGNS (BILLBOARDS), INCLUDING LOCATION, SIZE, HEIGHT, LIGHTING, SIGNS WITH ELECTRIC PROCESS OR REMOTE CONTROL, PROHIBITED SIGNS, AND CONSTRUCTION STANDARDS, ELECTRONIC MESSAGE DISPLAY SIGNS INCLUDING LOCATION, SETBACKS, SIZE, OPERATIONAL LIMITATIONS, LIMIT ON NUMBER OF SIGNS, DURATION OF MESSAGE, TEXT OF MESSAGE, AND ILLUMINATION, AREA OF SIGN, SUPPLEMENTAL SIGN REGULATIONS INCLUDING PROJECTION, HEIGHT, ILLUMINATION, PLACEMENT, AND CONSTRUCTION, TEMPORARY SIGNS , INCLUDING PURPOSE, APPLICABILITY, GENERAL REGULATIONS, DETERMINATION, REMOVAL AND APPEAL, AND SIGN PERMITS INCLUDING GENERAL REGULATIONS, SIGNS NOT REQUIRING PERMITS, FREESTANDING SIGNS, AND HAZARDOUS SIGNS.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Fleetwood, Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION 1. Section 201 entitled "Definitions" of Article II entitled "Definitions", of The Fleetwood Borough Zoning Ordinance of 2001, is amended and supplemented to delete the definition of "Sign, Temporary", and to add new definitions for Animated Sign, Banner, Billboard, Cartway, Dissolve, Double-Face Sign, Electronic Message Display Sign, Fade, Flashing Sign, Foot-Candle, Frame, Frame Effect, Free-Standing Sign, Glare, Gross Surface Area of Sign, Gross Surface Area of Wall Sign, Height of Signs or Other Structures, Off-Premises Sign, Portable Sign, Projecting Sign, Responsible Party, Scroll, Sign, Street, Temporary Official Sign, Temporary Sign, Transition, Travel, Video Display Sign, V-Type Sign, and Wall Sign as follows:

Animated Sign - a sign which uses movement or change of lighting to depict action or to create a visual effect or scene.

Banner - a sign of lightweight fabric or similar material that is attached at one or more edges or corners to a pole or building.

Billboard - off-premises advertising signs.

Cartway - The paved portion of a street or highway designed for vehicular traffic and paved areas intended for on-street parking, excluding the shoulder of any street or highway.

Double-Face Sign - A sign with two faces, back to back or 2 faces in one cabinet, readable from two directions.

Electronic Message Display Sign. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. In addition, the following definitions shall apply to electronic message display signs:

Dissolve. A mode of message transition on an Electronic Message Display Sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

Fade. A mode of message transition on an Electronic Message Display Sign accomplished by varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Frame. A complete, static display screen on an Electronic Message Display Sign.

Frame Effect. A visual effect on an Electronic Message Display Sign applied to a single frame to attract the attention of viewers which includes flashing.

Scroll. A mode of message transition on an Electronic Message Display Sign where the message appears to move vertically across the display surface.

Transition. A visual effect used on an Electronic Message Display Sign to change from one message to another.

Travel. A mode of message transition on an Electronic Message Display Sign where the message appears to move horizontally.

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 burst and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling. Illuminated signs which indicate the date, time, and/or temperature, or other similar information, shall not be considered a flashing sign.

Foot-Candle - a unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot.

Free-Standing Sign - an in-ground or surface-mounted sign which is constructed to be independent of all adjoining structures or which is supported or suspended from a free-standing column or other support located in or upon the ground surface.

Glare - a situation created when illumination sources shine with visibly harsh, uncomfortably bright light which: causes discomfort; distracts attention; or leads to reduction or loss of visibility or visual performances (up to and including situations of blinding glare, as defined in the Illuminating Engineering Society of North America's current Lighting Handbook). These situations are typically caused by insufficiently shielded light sources, or high luminance (luminance that is sufficiently greater than the luminance to which the eyes are adapted).

Height Of Signs Or Other Structures - the vertical distance measured from the grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

Off-Premises Sign - a sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business located or offered

elsewhere than upon the premises where the sign is located, or to which it is affixed.

Portable Sign - a sign designed to be transported, including but not limited to signs transported by wheels, signs converted to A frames, menu or sandwich board signs, balloons used as signs, and signs attached to or painted on vehicles that are parked and visible from the public right of way, unless said vehicle is used in the normal day to day operations of a business.

Projecting Sign - a sign which is attached to the facade of a building and extends more than one foot (1'), but not more than four feet (4'), from such facade.

Responsible Party - The owner or lessee of the property on which a Temporary Sign is located, the Person placing a Temporary Sign and/or the Person on whose behalf the Temporary Sign was placed.

Sign - Any object, device display, or structure that is used to advertise, identify, display, direct, or attract attention, including structural elements, bases, sign faces, trim and borders.

Sign, Gross Surface Area Of - the entire area within a single continuous perimeter composed of rectangles enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. More descriptive definitions are provided for freestanding signs.

Street - A public or private thoroughfare which affords the principal means of access to abutting property and contains a right-of-way area (in addition to the cartway); including avenue, place, way, parkway, lane, boulevard, highway, road, alley and any other thoroughfare.

Temporary Official Sign - A sign temporarily placed by a federal, state or local governmental unit for the protection of public safety, such as a traffic sign.

Temporary Sign - a sign which is not permanently mounted or affixed to the ground, building, or display window and which is displayed for a specific period of time.

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 Message Display Signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

V-Type Sign - a structure or structures with two (2) or three (3) given sign faces, forming the shape of the letter "V" or a triangle when viewed from above, with an angle between any two (2) faces of not more than ninety (90) degrees.

Wall Sign - a sign which is attached parallel to a building wall with the face of said sign extending no more than twelve inches (12") from the face of the wall.

Wall Sign, Gross Surface Area Of - the entire area within a single continuous perimeter composed of rectangles which enclose the extreme limits of the emblems and/or design together with any frame or background which is used to differentiate such sign from the wall against which it is placed.

If a wall sign is comprised of emblems, designs, words or numerals with separate background or frames, the intervening air space between the background frames shall not be included in the sign area calculations.

Where a sign consists only of individual letters, monograms, numerals, symbols or similar components and is painted on or attached flat onto the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area. The total area of the sign shall be the sum of the areas of the squares or rectangles surrounding each individual sign component.

SECTION 2. Section 504 entitled "Sign Regulations", of Article V entitled "Supplementary Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is amended and restated in its entirety, as follows:

SECTION 504. SIGN REGULATIONS.

SECTION 504.1 SCOPE AND APPLICABILITY.

a) Signs perform an important function by identifying a broad range of land uses. Control of the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of signs is necessary to promote the health, safety, general welfare and aesthetics of the Borough. Signs have a direct and substantial impact on traffic safety, pedestrian safety, community aesthetics and property values. Signs also provide a guide to the

physical environment and, as such, serve an important function to the community and economy. Electronic signs, including video display signs, are highly visible from long distances and at very wide viewing angles both day and night and are designed to draw the attention of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, can constitute a serious traffic safety threat.

b) Those elements which may be excluded from sign controls include (1) flags of any governmental unit or branch or of any charitable or religious organization, (2) flags or signs posted by any religious organization to provide directions to a place of worship, (3) interior signs not visible from a public right of way or adjoining property, (4) cornerstones built into or attached to a wall of a building commemorating a person or event, (5) official notices of any court or public office, (6) legal notices posted pursuant to law, and (7) public service signs as aids to safety or service.

c) In all permitted zoning districts signs may be erected, altered, maintained, used, removed or moved only if they comply with the provisions of this Section and other regulations of the Borough relating to such activities.

§504.2 GENERAL SIGN REGULATIONS.

a) No sign shall be erected containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this Section in the zoning district within which the property to which the sign relates is located.

b) On-site signs advertising a use no longer in existence or a product no longer available shall be removed or changed to advertise the new use or product within thirty (30) days of the cessation of the original use or product availability. Only signs in conformance with this Section shall replace signs once removed.

c) No sign shall be so located or arranged that it interferes with traffic because of glare; blocking of reasonable sight lines for streets, sidewalks, or driveways; confusion with a traffic control device (by reason of color, location, shape, or other characteristic); or any other reason.

d) In no case shall any sign, other than an official sign, be erected within the official right-of-way of any street, unless specifically authorized by ordinance or regulation of the Borough and in conformance with the Commonwealth of Pennsylvania regulations, where appropriate.

e) In no case shall any sign, other than an official sign, be erected within the boundaries of a designated clear sight triangle at an intersection of streets or access drives.

f) Signs may be illuminated by direct lighting but shall have such lighting shielded so no glare or direct light will shine on abutting properties or in the normal line of vision of the public using the streets or sidewalks. No red, amber, or green lights shall be permitted, and no flood or spotlights shall be mounted higher than fifteen feet (15') above ground level.

g) No sign, except such directional devices as may be required by the Federal and State Aviation Authorities, that is a part of or is supported by a building, shall be placed, inscribed, or supported upon the roof or upon any structure which extends above the roof of any building.

h) All sign provisions of this Section shall apply to signs on smokestacks, water towers, and other similar structures.

i) Non-illuminated temporary signs may be permitted on new construction sites, if such signs do not to exceed twelve (12) square feet in total area and if they are removed within seven (7) days after completion of the construction work. Not more than one (1) sign shall be placed on each street frontage of the construction site.

j) If an establishment has walls fronting on two (2) or more streets, the sign area for each street may be computed separately.

k) No sign in any zoning district other than a residential district shall be located so as to face any residential district on the same side of the street on which the property bearing the sign fronts. No sign in any district other than a residential district shall be located within thirty-five feet (35') of any residential district boundary line.

l) Free-standing signs shall be set back at least ten feet (10') from the street right of way line. No free-standing sign shall project beyond a street right-of-way line. No free-standing sign in any district other than a residential district shall be located within thirty-five feet (35') of any residential district boundary line. No portion of any freestanding sign shall be located within five feet (5') of any side lot line.

m) Wall signs shall not extend beyond the edge of any facade or other surface to which they are mounted and shall not project more than twelve (12) inches from its surface.

n) Projecting signs shall not extend more than four feet (4') from the wall or surface to which they are mounted. Projecting signs shall not interfere with normal pedestrian or vehicular traffic, shall not be less than ten feet (10') above the pavement or ground, and shall not be closer than six feet (6') to the property line.

o) No signs shall be posted, stapled, or otherwise permanently attached to public utility poles or trees within a street right-of-way. No temporary signs shall be placed on any Borough-owned property or on any other edifice owned or controlled by any governmental entity or any public utility except signs specifically authorized by such government or public utility.

p) All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated or a hazard shall be repaired or removed by the property owner or lessee of the property or the sign may, after 30 days notification, be removed by the Borough at the expense of the owner or lessee of the property on which it is located.

q) No person shall maintain or permit to be maintained on any premises that they own or control a sign which has been abandoned. Any such abandoned sign shall be repaired or removed by the property owner or lessee of the property or the sign may, after thirty (30) days notification, be removed by the Borough at the expense of the owner or lessee of the property on which it is located. An "abandoned sign", for the purpose of this Section is a sign that:

1) Is located on and/or related to the use of a property which becomes vacant and unoccupied for a period of nine (9) months or more,

2) Was erected for an occupant or business unrelated to the present occupant in business and is not being lawfully used for the new occupant; or

3) Which relates to a time, event or purpose which has passed.

r) Signs existing at the time of passage of this Ordinance and which do not conform to the requirements of this Ordinance shall be considered non-conforming signs and once removed shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired (including lighting), provided that a repainted or repaired sign does not exceed the

dimensions of the existing sign. Copy may also be changed, but a new permit must be obtained before such copy change takes place, unless the copy changes on a sign involved frequent or periodic changes of copy. Any nonconforming sign which is damaged in excess of twenty-five percent (25%) of its cost of replacement or is removed shall be replaced only with a conforming sign. Neither Temporary Signs nor signs which are prohibited under Section 504.4 or otherwise prohibited by this Ordinance shall be considered non-conforming signs.

s) In addition to other applicable regulations of the Borough and state laws, the following shall apply to all adult business use signs and other visible messages:

1) Sign messages shall be limited to written descriptions of material or services available on the premises.

2) Sign messages shall not include any graphic or pictorial depiction of material related to specific sexual activities or anatomical areas.

3) Advertisements, displays or other promotional materials related to specific sexual activities or anatomical areas shall not be shown or exhibited so as to be visible to the public from the exterior of the building.

4) The entrance of the adult business should include a sign warning all individuals that the premises is classified as an adult business.

§504.3 PERMITTED SIGNS. The types, numbers and sizes of signs shall be in accordance with the following regulations.

a) All Zoning Districts.

1) Official traffic or directional signs and other official Federal, State, County or local government signs.

2) Temporary signs in accordance with Section 504.9.

3) Trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed four (4) square feet.

4) Nameplate signs displaying the name and address of the occupant of a Dwelling, or Dwelling Unit, provided that the area of each such sign shall not exceed two (2) square feet and provided that such a sign shall not be internally illuminated or illuminated by any lighting having a total wattage of more than one hundred (100) watts.

5) Signs identifying a permitted home occupation displaying the name, profession or activity, and address of the occupant, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed two (2) square feet. Each such sign shall not be internally illuminated or illuminated by any lighting.

6) Signs identifying residential subdivisions or land developments comprising ten (10) or more Dwelling Units. Such signs shall have a maximum area of thirty (30) square feet and a maximum height of eight feet (8'). These signs may be located at up to three (3) of the major entrances from exterior streets and may include the overall name of the development and any logo. Such signs shall not include advertising.

b) Residential Districts. Temporary yard signs in accordance with Section 504.9.

c) Signs for Multi-Family Dwellings (Garden Apartments, Apartment Buildings, Multi-Family Dwelling Units, or other rental Units). Signs shall be permitted in accordance with Section 706.2 9) of this Ordinance.

d) Commercial and Industrial Districts.

1) Temporary business signs in accordance with Section 504.9.

2) Permitted Awnings. No awnings (non-collapsible type) shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

(a) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.

(b) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than seven feet (7') above the level of the public sidewalk or public thoroughfare.

(c) Setback from Curb Line. No awning shall extend within one foot (1') of the curb line.

3) Permitted Canopies. No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

(a) The structural support of all canopies shall be approved by the Zoning Officer as in compliance with any local and state building codes. All frames and supports shall be of metal and designed to withstand wind pressure. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.

(b) Height Above Sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight feet (8') above the level of the sidewalk or public thoroughfare.

(c) Setback From Curb. No canopy shall extend beyond a point two feet (2') from the curb line.

4) Wall or free-standing signs on the same lot as the use to which they relate, provided that the total area of such signs shall be limited to two (2) square feet for each lineal foot of horizontal building facade length, but not to exceed an aggregate area of one hundred sixty (160) square feet. No more than one (1) freestanding sign structure shall be permitted on a lot having less than five hundred feet (500') of street frontage. No more than two (2) freestanding sign structures shall be permitted per lot.

5) Special temporary promotional devices, signs or displays, such as banners or pennants. Where such signs are outside of a building, they shall remain on display for a period not to exceed sixty (60) consecutive days. Banners shall not exceed twenty (20) square feet in sign area.

6) "A" type, sandwich type, sidewalk, or curb signs and balloons or devices shall be permitted only in commercial, business, and industrial districts for special occasions not more than four (4) times a year for a period totaling not more than fifteen (15) days within a calendar year, as long as they do not obstruct any public right-of-way. At no other time shall such devices be permitted. Such "A" type, sandwich type, sidewalk, or curb signs shall not exceed thirty-two (32) square feet in area per side.

7) Window signs shall not exceed twenty percent (20%) of the total area of the window.

8) Signs identifying office, commercial or industrial subdivisions or land developments comprising three (3) or more principal uses. Such signs shall have a maximum area of thirty (30) square feet and a maximum height of eight feet (8'). These signs may be located at up to three of the major entrances from exterior streets and may include the overall name of the development and any logo. Such signs shall not include advertising.

9) Signs indicating the existence of, and direction to tourist attractions of a natural, scenic and/or outdoor recreational nature, provided that no such sign shall exceed twenty (20) square feet.

10) Electronic Message Display Signs, in accordance with the provisions under Section 504.6.

§504.4 SIGNS PROHIBITED IN ALL DISTRICTS

a) Signs which in any way simulate official, functional, directional, or warning signs erected or maintained by the Federal, State, County, or any municipal government, or by any railroad, public utility, or similar agency concerned with the protection of public health or safety.

b) Banners, spinners, flags, pennants, or any moving objects used for commercial advertising purposes, whether containing a message or not, except as otherwise permitted within this Section.

c) Flashing, blinking, twinkling, animated, or moving signs of any type, except those portions of signs which indicate time and temperature.

d) Video display signs.

- e) Electronic Message Display Signs, except as otherwise permitted in Section 504.6.
- f) Off-Premises Signs, except as otherwise permitted within this Chapter.
- g) Multi-Vision Signs.
- h) Portable Electronic Message Display Signs.
- i) Any type of sign that fluctuates in light intensity or uses intermittent, strobe or moving lights that does not fall under the definition of a video display sign, an Electronic Message Display Sign, or an electronic graphic display sign.
- j) Signs placed, inscribed or supported upon the roof or upon any structure which extends above the eaves of the roof of any building.
- k) Signs which emit smoke, visible vapors or particles, sound or color.
- l) Signs or displays that include words or images that are obscene, pornographic or highly offensive to public decency.
- m) Signs that are not in good repair or do not meet construction standards.
- n) Signs erected without a building permit.
- o) Signs that contain out-of-date political messages.
- p) Signs that are illegal under State law or regulations.
- q) Signs that attempt or appear to attempt to regulate, warn, or direct the movement of traffic or that interfere with, imitate, or resemble any official traffic sign, signal, or device.
- r) Signs that are erected or maintained on trees or painted or drawn on rocks or other natural features.
- s) Signs that prevent free ingress or egress from any door, window, or fire escape or that are attached to a standpipe or fire escape.

t) Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose, but becomes a primary purpose in itself.

u) Temporary signs, when located on the same property as an Electronic Message Display Sign.

§504.5 OFF-PREMISES SIGNS (BILLBOARDS).

a) Location of Off-Premises Signs.

1) Off-premises signs shall be permitted only within the Industrial (I) District.

2) No off-premises sign shall be erected less than ten feet (10') nor more than fifty feet (50') from any street right-of-way line.

3) No off-premises sign shall be located closer than three hundred feet (300') from any existing dwelling on an adjoining residential lot.

4) V-type or back-to-back off-premises sign shall be considered one (1) sign, subject to Section 504.7 e).

5) No two (2) off-premises signs shall be spaced less than 1,500 feet apart along any street.

6) No off-premises sign shall be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a driver's view of approaching or intersecting traffic.

b) Size of Off-Premises Signs.

1) The maximum gross surface area of an off-premises sign shall be six hundred seventy-two (672) square feet, with a maximum length of forty-eight feet (48'), plus temporary embellishments not exceeding twenty percent (20%) of the sign's gross surface area.

c) Height of Off-Premises Signs.

1) There shall be a maximum height of forty-five feet (45') to the top of an off-premises sign face, measured from the ground level at the base of the sign.

d) Lighting of Off-Premises Signs.

1) No revolving or rotating beam or beacon of light that simulates any emergency light device shall be permitted as part of any off-premises sign.

2) Flashing devices shall not be permitted on an off-premises sign. However, illuminated signs that indicate customary public information, such as time, date, temperature, or other similar information, shall be permitted.

3) External lighting, such as floodlights, thin line, and gooseneck reflectors, are permitted, provided that the light source is directed on the sign face and is effectively shielded so as to prevent beams of light from being directed onto any portion of a street.

4) The illumination of any sign shall be diffused or indirect in design to prevent direct rays of light from shining onto residential districts.

e) Off-Premises Signs with an Electronic Process or Remote Control.

1) All messages/displays shall remain unchanged for a minimum of ten (10) seconds.

2) The time interval used to change from one complete message/display to the next complete message/display shall be a maximum of one (1) second.

3) There shall be no appearance of a visual dissolve or fading, in which any part of one (1) message/display appears simultaneously with any part of a second message/display.

4) There shall be no appearance of flashing or sudden bursts of light, animation, movement, or flow of the message/display.

5) Any illumination intensity or contrast of light level shall remain constant and have a maximum brightness limit of 0.3 foot-candles above ambient light for static images, instantaneous transitions from one static display to another, and automatic dimming technology that keeps the brightness within the 0.3 foot-candle limit at all times.

f) Prohibited Off-Premises Signs.

1) Signs that have multiple sign faces oriented in the same direction and aligned in a side-by-side or high/low fashion.

2) Signs that advertise defunct businesses.

3) Signs that are not securely fixed on a substantial structure.

4) Signs that meet the definitions of video display signs or multi-vision signs, or contain portions that meet such definitions.

g) Construction Standards.

1) All off-premises signs shall be constructed in accordance with the current building codes of the Borough of Fleetwood and the Commonwealth of Pennsylvania.

2) The structural elements of all off-premises signs shall be of metal construction.

§504.6 ELECTRONIC MESSAGE DISPLAY SIGNS. In addition to complying with all other requirements of this Section, electronic message display copy signs shall comply with the following provisions.

a) Location of Electronic Message Display Signs.

1) Electronic message display signs shall be permitted only within the following Districts:

- (a) General Commercial (C-1) District.
- (b) Commercial (C-2) District
- (c) Industrial (I-1) District

2) In Zoning Districts other than the General Commercial (C-1) District, the Commercial (C-2) District, and the Industrial (I-1) District, Electronic Message Display Signs may be permitted by the Zoning

Hearing Board as a special exception use in accordance with the standards contained in Section 802.5 of this Chapter for any lot containing one of the following principal uses :

3)

- (a) Community center.
- (b) Fire station
- (c) Nursery school/ day care center.
- (d) Place of worship.
- (e) Public recreation.
- (f) School, public/private.
- (g) Borough-owned use, including Borough parks and

pool

4) Such sign must be located on the lot containing the use identified or advertised on the sign. No Electronic Message Display Signs shall advertise for businesses, goods or products not located on the premises on which the sign is located. This shall not prohibit general messages to the public such as community events, birthdays, etc.

b) Setbacks of Electronic Message Display Signs.

1) Any Electronic Message Display Sign shall be set back a minimum of thirty-five feet (35') from the property boundary line of any existing principally residential use and from the boundary of any residential district.

c) Size of Sign. An Electronic Message Display Sign may be used only in conjunction with an immediately adjacent wall sign or as part of a free standing sign and shall not be displayed on its own. The electronic message display portion of the sign shall not be larger than (40%) of the total area of the permanent graphic portion of the sign when compared as graphic components. For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the electronic message display portion of the sign shall be included in the same perimeter inclusive of any physical separation between the two components.

d) Operational Limitations. Electronic Message Display Signs shall contain static messages only, changed only through dissolve or fade transitions which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or flashing, scintillating or varying of light intensity.

e) Limit on Number of Signs. Only one (1) Electronic Message Display Sign, or sign containing a portion thereof, shall be permitted per lot. Such signs must be included in the total number of signs permitted, and shall not be in addition to that permitted total.

f) Duration of Message. Any message, or portion thereof, displayed on such sign shall have a minimum duration of fifteen (15) seconds and must be a static display.

g) Text of Message. The text of the sign must be limited to ten (10) words to allow passing motorists to read the entire copy with minimal distraction.

h) Illumination of Electronic Message Display Signs.

1) The brightness of an Electronic Message Display Sign shall not exceed an illumination of 0.3 foot-candles at all times, during daylight hours and between dusk and dawn, as measured from the sign's face at maximum brightness. The sign shall have an automatic dimmer switch control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the period of time between one half hour before sunset and one half hour after sunrise. Electronic Message Display Signs shall also be equipped with automatic monitors and dimmer features to adjust brightness levels based upon ambient light.

2) The lamp wattage and luminance level in foot-candles shall be provided at the time of permit application. Permit applications for Electronic Message Display Signs shall also include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, and a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with all applicable Borough regulations and that the owner or operator shall provide proof of such conformance upon request of the Borough.

§504.7 AREA OF SIGN.

a) The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself.

b) The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures, unless such supporting structure is illuminated or is in the form of a symbol or contains advertising copy.

c) In the case of signs that have no definable edges, such as raised letters attached to a building facade, the sign size shall be that area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area.

d) In computing square foot area of a double-face sign, only one (1) side shall be considered, provided both sign faces are identical. If the interior angle formed by the two (2) faces of a double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

§504.8 SUPPLEMENTAL SIGN REGULATIONS.

a) Projection. No freestanding sign may project beyond the lot line or beyond a street right-of-way.

b) Height. No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Freestanding signs shall meet the height requirements of the particular zoning district in which they are located.

c) Illumination. Signs may be lighted with non-glaring lights or may be illuminated by shielded floodlights, provided, however, that no red, green or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing or animated types shall be permitted.

d) Placement. No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within a street right-of-way.

e) Construction. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated may, after thirty (30) days notification, be removed by the Borough at the expense of the owner or lessee of the property on which it is located.

§504.9 TEMPORARY SIGNS

a) Purpose. The purpose of this Section is to prevent hazards to visibility of motorists; to prevent interference with vehicular traffic, including the obstruction of sight distances; to prevent interference with normal pedestrian movements; to prevent disruption of vehicular and pedestrian traffic along any public street right-of-way; to foster public safety through the prevention of distractions to passing motorists; and to maintain the aesthetics of the Borough.

b) Applicability. The provisions of this Part shall apply to all Temporary Signs, but shall specifically exclude Temporary Official Signs, that are placed for display to the public located within ten feet (10') of any Cartway.

c) Temporary Sign General Regulations. The following provisions shall apply to all Temporary Signs, or any portion thereof, but shall specifically exclude Temporary Official Signs located within ten feet (10') of any cartway within the Borough.

1) No Temporary Sign, or any portion thereof, except Temporary Official Signs, may be placed, installed, erected, altered, maintained, used, displayed, or moved to any location within ten feet (10') of the cartway.

2) In the event a property located within the Borough does not have any area beyond ten feet (10') from the cartway for the placement of a permitted Temporary Sign, such Person shall consult with the Borough Code Enforcement Officer on a possible location for the placement of a Temporary Sign. In that instance, the Code Enforcement Officer may, but shall not be required to, authorize the placement of a permitted Temporary Sign at a location to be determined by the Code Enforcement Officer within ten feet (10') from the cartway.

3) Temporary yard signs shall not exceed six (6) square feet in sign area and shall be promptly removed upon conclusion of the event or matter advertised, but in no event shall such sign be displayed for longer than sixty (60) consecutive days. Not more than one (1) such sign shall be erected on any one (1) street frontage.

4) Temporary business signs shall not exceed twenty (20) square feet in sign area and shall be promptly removed upon the conclusion of the event or matter advertised, but in no event shall such sign be displayed for longer than sixty (60) consecutive days. Not more than one (1) such sign shall be erected on any one (1) street frontage.

d) Determination; Removal; Appeal.

1) The Borough Code Enforcement Officer, or other qualified Person designated by the Borough Council, shall determine if a Temporary Sign is compliant with or prohibited by the provisions of this Part.

2) Upon the determination that a Temporary Sign is noncompliant with or prohibited by the provisions of this Part, the Code Enforcement Officer, or other qualified Person designated by the Borough Council, may immediately remove such noncompliant or prohibited Temporary Sign and all associated structures and cause them to be stored at a Borough facility for a period of thirty (30) days from the date of such removal. Upon any such removal of a noncompliant or prohibited Temporary Sign and associated structures, the Code Enforcement Officer or other qualified Person designated by the Borough Council, shall make a good faith effort to notify in writing the Responsible Person of the removal of such Temporary Sign and associated structures and advise such Responsible Person that they shall have a period of thirty (30) days from the date of such removal to:

(a) Retrieve such Temporary Sign and all associated structures from storage at such Borough facility which such Temporary Sign and associated structures are stored within such thirty (30) day period, subject to the provisions of this Section.

(b) Appeal such determination of noncompliance or prohibition by filing an appeal thereof with the Borough Council. In all cases the burden of proof and submission of technical evidence shall be the responsibility of the Person appealing the interpretation of the Code Enforcement Officer or other qualified Person designated by the Borough Council.

3) In the event the Responsible Person fails to:

(a) retrieve such Temporary Sign and all associated structures from storage at the Borough facility; or

(b) appeal such determination of noncompliance or prohibition within such thirty (30) day period;

the Borough shall be entitled to dispose of such Temporary Sign and all

associated structures as it deems appropriate, and the Responsible Person shall be liable for all costs and expenses associated with such removal, storage and disposal, if applicable.

4) The Responsible Person shall pay to the Borough a fee for removal, storage and disposal, if applicable, of each Temporary Sign and associated structures, which fees shall be established by Resolution of the Borough Council from time to time, and each such Responsible Person shall, upon the earlier of (1) within ten (10) days of receipt of an invoice therefor, or (2) prior to retrieval from the Borough of such Temporary Sign and associated structures, remit payment in full to the Borough for all such fees. No Responsible Person shall be entitled to return of such Temporary Sign and associated structures until such Responsible Person has remitted to the Borough payment in full of all fees as set forth in this Section.

5) The Borough shall not be responsible for any damage to or destruction of a Temporary Sign or associated structures which may occur during the removal or storage of such Temporary Sign and associated structures.

§504.10 SIGN PERMITS.

a) General.

1) All signs, with the exception of those specifically excluded under Section 504.10 b) shall require the issuance of a sign permit prior to erection or replacement.

2) No permit will be required for each time the copy changes on a sign which involves frequent or periodic changes of copy

3) All signs must comply with all of the regulations contained herein, regardless of whether or not a permit is required.

b) Signs Not Requiring Permits.

1) Official signs of any governmental unit and legal notices posted pursuant to law.

2) Nameplate signs.

3) Memorial or historic markers when approved by the Fleetwood Borough Council or the Pennsylvania Museum and Historical Commission.

4) Public services signs such as those advertising availability of restrooms, telephone, meeting times of service organizations or other similar public conveniences.

5) No-trespassing signs or signs indicating the private nature of a road, driveway or premises and signs prohibiting or controlling hunting and fishing upon the premises.

c) Freestanding Signs.

1) If the sign is to be supported by a separate structure to be erected for that purpose, then the applicant shall supply a map of the lot indicating the location of the proposed sign and the relative distances to a point perpendicular to the lot lines. A scaled diagram or photograph of a similar sign shall also be attached.

2) A Certificate of Occupancy shall be required for freestanding signs only.

d) Hazardous Signs.

1) When in the discretion of the Zoning Officer the type of sign in question constitutes a potential danger to the community, a certificate of insurance shall be required. Such policy shall provide Twenty Thousand Dollars (\$20,000) minimum benefits.

2) No sign permit shall be granted unless the application conforms to the requirements of this Section.

SECTION 3. All Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough that such Ordinance

would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 5. Every word in this Ordinance imparting any particular gender may extend and be applied to any and all other genders, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

ENACTED and **ORDAINED** as an Ordinance of the Borough of Fleetwood, Berks County, Pennsylvania, on this 9th day of July, 2018.

BOROUGH OF FLEETWOOD
Berks County, Pennsylvania

By: 
Suzanne P. Touch, Council President

Attest:


Doreen O'Neil, Recording Secretary

APPROVED as an Ordinance of the Borough of Fleetwood, Berks County, Pennsylvania this 9th day of July, 2018.


Tammy Gore, Mayor

MUNICIPAL CERTIFICATION

I, Doreen O'Neil Recording Secretary, of the Borough of Fleetwood, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 633 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Borough of Fleetwood, on June 22, 2018 and June 29, 2018, and was duly enacted and approved as set forth at a regular meeting of the Borough Council held on July 9, 2018.

[SEAL]



Doreen O'Neil, Recording Secretary