

Article XI. Signs

§ 70-44. Scope and applicability.

- A.** Any sign hereafter erected, altered, rebuilt, enlarged, extended, relocated or maintained in the Borough shall conform with the provisions of this chapter and any other regulation or code of Prospect Park relating thereto.
- B.** It shall be unlawful for any person, firm, corporation or individual to erect and maintain signs, ground signboards, roof signboards, all bulletins, projecting signs, marquees and marquee signs without first obtaining a permit from the Borough, except those listed specifically in § 70-46C.
- C.** No display sign shall hereafter be erected or attached to, suspended from or supported on a building or structure and no display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated until a permit for the same has been obtained, except those listed specifically in § 70-46C.
- D.** Application for such permits shall be made, in writing, to the Borough and shall present full particulars as to size, shape, material, supports, location and height above the sidewalk or ground, together with the written consent of the owner of the property on which the sign is to be located. All applications shall be accompanied by a plan drawn to scale, showing the sign, its size and its location with respect to the boundaries of the lot upon which it is situated.
- E.** Nonconforming signs. Signs and their respective illumination existing at the time of the passage of this chapter and which do not conform to the requirements of this chapter shall be considered nonconforming signs and, once destroyed or removed, shall be replaced only with conforming signs and lighting. Nonconforming signs may be painted, repaired (including lighting) and altered in their wording, provided that such modifications do not exceed the dimensions of the existing signs.
- F.** Abandoned signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him a sign which has been abandoned. An abandoned sign, for the purpose of this chapter, is a sign erected on and/or related to the use of a property which becomes vacant and unoccupied for a period of six months or more or any sign which was erected for a prior occupant or business or any sign which relates to a time, event or purpose which is past. Any such abandoned sign shall be removed by the landowner or person controlling the property within 10 days of the abandonment described above.
- G.** The Borough is hereby authorized and empowered to revoke any permit issued by it upon failure of the holder thereof to comply with any provision of this Article.

§ 70-45. Fees, bonds and certificates.

- A.** Applications for permits shall be accompanied by a fee in accordance with the fee schedule for the same established by the Prospect Park Borough Council. *Editor's Note: The fee schedule is on file in the Borough Secretary's office*
- B.** No permit shall be issued for any sign unless the applicant shall file a bond conditioned to save harmless the Borough from any damage or injury that might result by reason of the construction, alteration, repair, relocation, enlargement or maintenance of such sign. The amount of such bond, which shall be with corporate surety approved by the Borough Council, shall be in the sum of \$5,000 to \$10,000 in the case of any sign weighing 250 pounds. As an alternative to the filing of such bond, the applicant may file with the Borough a certificate issued by an insurance company setting forth that the applicant carries public liability insurance for \$10,000 to \$20,000 and said insurance shall be continued in full force and effect during the effective term of the permit.

§ 70-46. Restrictions and standards.

- A.** Prohibited signs. It is unlawful to erect or maintain the following signs:

- (1) Spinning, animated, twirling or any other moving objects used for advertising purposes, whether containing a message or not.
- (2) Flashing, blinking, twinkling, animated or lighted moving signs of any type, except those portions of signs which indicate time and temperature changes.
- (3) Advertising cloth or paper banner or signs of any similar character suspended or hung on any property, except for promotional banner or banners which may be temporarily suspended across streets upon special permission of the Borough for a time period not to exceed 45 days.
- (4) Wall bulletins or any other signs painted directly on the facade of a building or other structure.
- (5) *Editor's Note: Former Subsection A(5), Outdoor advertising billboards, was repealed 9-12-2000 by Ord. No. 1217, approved 9-12-2000. This ordinance also provided for the renumbering of former Subsection A(6) through (12) as Subsection A(5) through (11), respectively.* Signs on mobile stands which can be moved from place to place and thereby not permanently affixed to the ground.
- (6) Curb or sidewalk signs or signs painted, attached or suspended from any outdoor bench, chair or other structure.
- (7) Swinging and hanging signs.
- (8) Any lighted signs which are not internally illuminated. (Example: direct floodlighting onto a wood pole sign.)
- (9) Signs and advertisements which are tacked, pasted, tied or otherwise affixed to poles, posts, trees, buildings, fences or other structures located on public property in the Borough of Prospect Park.
- (10) Unsafe and unlawful signs. If the Code Enforcement Officer finds that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within 10 days after such notice, such sign or other advertising structure may be removed or altered to comply by the Borough at the expense of the permittee or owner of the property upon which it is located. The Borough shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Borough may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.
- (11) Sign place, inscribed or supported upon the roofline or any structure which extends above the roofline of any building.

B. General restrictions and standards. The following restrictions shall apply to all permitted signs:

- (1) No sign shall be located, arranged or placed in a position that will cause danger to traffic or will interfere with traffic through glare, blocking of required sight lines or streets, sidewalks or driveways, confusion with a traffic control device by reason of color, location, shape or other characteristic or through any other means.
- (2) No sign of any size or description shall be placed where streets intersect so that traffic will not be obscured from view, and no sign shall be placed so that it will obstruct pedestrian traffic.
- (3) Every sign must be constructed of durable materials and shall be solidly and firmly attached, supported and/or anchored to the supports or framework.
- (4) Every sign must be kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by and at the expense of the landowner or lessee of the property on which it is located.
- (5) No sign, other than a sign of a duly constituted governmental body, shall be erected within the right-of-way lines of any street, unless specifically authorized by other ordinances or regulations of the Borough or specifically permitted hereinafter. All signs which may be located within a right-of-way will comply with all prevailing regulations of the Pennsylvania Department of Transportation.
- (6) All permanent signs affixed to any permitted building shall be integrated into the architectural design of the building of which they are placed.
- (7) There shall be no more than one sign for every 500 feet of frontage or undeveloped land set back a distance of 15 feet from the right-of-way line or 25 feet at street intersections.
- (8) Double-faced signs.

- (a)** Any sign may be double-faced, provided that it has two parallel surfaces that are opposite and matching in size and shape and are not over 12 inches apart.
- (b)** The sign shall be considered as one sign and only one face shall be used to calculate the total size of the sign.
- (c)** Should the two surfaces deviate from being parallel or should they differ in size or shape, the sign shall be considered as two signs.
- (9)** Freestanding signs. Such signs shall be permitted on the premises of the use for which they are intended and may be erected, provided that:

 - (a)** No freestanding signs shall be erected closer to the street line than five feet or 1/2 the distance between the street line and the building at its closest point, whichever is less. However, in the case of a street where the cartway is considerably narrow relative to the width of the right-of-way, a sign may be placed within the right-of-way, as close as possible to the edge of the right-of-way, provided that the landowner submits a letter at the time when he or she applies for a sign permit stating that the sign will be moved out of the right-of-way should the right-of-way be subject by the Borough or the state as applicable. The determination of the precise placement of the sign shall be made by the Borough Council for rights-of-way owned and maintained by the Borough and by the Pennsylvania Department of Transportation for rights-of-way owned and maintained by the state.
 - (b)** No portion of said sign shall be less than eight feet above the average ground level, except as specified hereafter in Subsection **B(10)** below, which regulates ground signs.
 - (c)** No portion of said sign shall exceed 14 feet above the average ground level, except in the C-1, C-2 and R-2 Districts.
 - (d)** No projecting sign shall be permitted within 25 feet of any other projecting sign.
- (10)** Ground signs.

 - (a)** The bottom or lowest edge of any ground sign shall be no closer to the ground level than five feet. At least 3 1/2 feet of the upper portion of the five-foot space shall be open and unobstructed. No more than 18 inches above the ground level can be devoted to flowers, ground covers and low-spreading shrubs. Such plantings shall be maintained at the maximum height of 18 inches and shall be free of weeds, debris and other undesirable material.
 - (b)** All single-post ground signs shall be made of metal or steel, except for those used in residential districts which may be made of pressure-treated timbers. All such posts shall be imbedded in the ground at three feet six inches, unless otherwise so directed by the Borough.
- (11)** Projecting signs. Such signs may be erected and maintained, provided that:

 - (a)** No such sign shall project more than 12 inches beyond the building line if internally illuminated and not more than four inches if it is not internally illuminated, except that no sign shall project over a public sidewalk area.
 - (b)** All projecting signs shall be rigidly affixed to the building and to all supporting and framing structures, attachments and hardware.
 - (c)** No part of the projecting sign shall be less than eight feet nor more than 14 feet above the ground on walkway level, except as provided for otherwise in Subsection **B(12)** and **(15)** below.
- (12)** Marquees. A marquee shall not be erected for the purpose of a sign, but a bona fide marquee, built to conform to the Building Code *Editor's Note: See Ch. 60, Building Construction.* of the Borough of Prospect Park, may support an electric sign with advertising device. Such sign erected on such marquee shall not exceed the vertical dimensions of the face of the marquee. The lowest part of any marquee shall be 10 feet above any paving or sidewalk.
- (13)** Awnings and canopies.

 - (a)** Awnings and canopies may be constructed of cloth or metal; provided, however, that all frames and supports shall be of metal.
 - (b)** Every awning shall be securely attached to and supported by the building.
 - (c)** All awnings and canopies shall be constructed and erected so that the lowest portion thereof shall be not less than eight feet above the level of sidewalk or public thoroughfare and not extended beyond the property line.

(14) Off-premises signs.

(a) No more than two off-premises signs shall be permitted for any land development and not more than one of such signs shall be permitted on a property in single and separate ownership.

(b) Each off-premises sign must be permitted by the landowner of the premises upon which it is erected.

(c) No off-premises sign shall exceed 10 square feet in size.

(15) Illuminated signs.

(a) Signs shall be illuminated so that such lighting permits no direct light to shine on abutting properties or in the normal line of vision of the public when using the streets.

(b) The source of said lighting shall not be visible from the street nor from any normal vantage point.

(c) No illuminated sign shall be lighted on days when the business or permitted use is not open for business, except those signs named in Subsection D(1)(g) and (h) below.

(16) Each sign shall be removed within 10 days of the time when the circumstances leading to its erection no longer apply or as provided for otherwise herein.

(17) All sign provisions of this article shall apply to smokestacks, water towers, silos and other similar structures.

(18) Billboards. Billboards may be erected and maintained in accordance with the standards as listed below on Chester Pike between Lincoln Avenue (Route 420) and Summitt Avenue.

[Added 9-12-2000 by Ord. No. 1217, approved 9-12-2000]

(a) Location.

[1] Ground billboards shall be set back to the required distance for buildings located within said zoning district or a distance of not less than that of adjoining properties or 15 feet, whichever is the greatest. All newly constructed ground billboards shall be of the single-pole design, and the attached billboards shall be only upon the front of a building and must be constructed and maintained flat and parallel with the building wall to which they are attached and shall not extend more than 12 inches from such exterior building wall. No such sign shall be erected, however, which will effectively limit proper sight distance.

[2] Billboards shall be situated a minimum of 100 feet from the boundary line of an R District or the property line of any public or private school.

[3] Billboards are not permitted on sewer rights-of-way, floodplain areas or within 500 feet of a bridge crossing.

[4] The minimum front, side and rear yard requirements applying to a principal use, as designated with a zoning district in which the billboard is to be located, shall apply to each structure.

[5] No billboards shall be erected in such a manner as to block the view from the road or street of any existing business sign, logo sign or residential or nonresidential structure.

[6] No billboard shall be located closer than 300 feet to any other billboard measured in all directions.

[7] No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any manner impede traffic safety, including ingress or egress.

[8] Billboards may not be mounted on a roof.

(b) Sizes and heights.

[1] Billboards shall not exceed 300 square feet in area per sign face. A billboard shall have a maximum of two sign faces per billboard structure. In the case of a back-to-back billboard, the cross surface area of each sign shall not exceed 300 square feet in area.

[2] Billboards shall not exceed 35 feet in height above the average grade of the proposed site nor be located closer to the ground than 15 feet (measured from the lowest part of the sign) when located in a parking, vehicular or pedestrian circulation area unless such signs are resting on the ground.

[3] The sign area for billboards shall be calculated including all trim and border area but shall exclude the main supporting structure, base and apron.

[4] All billboard signs shall be approved by the Building Inspector.

(c) Construction methods.

[1] A billboard structure shall have a maximum of one vertical support without bracing.

[2] A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust or corrosion.

[3] Billboards must comply with applicable federal and state regulations concerning permissible wind pressure.

[4] The entire base of the billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of a minimum height of three feet placed in such a manner as to screen the foundation of the structure. Said landscaping shall be maintained by the sign owner in an attractive and healthy manner.

[5] A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum footcandle of one upon the adjoining property.

[6] Display lights shall not operate between 12:00 midnight and 5:00 a.m., prevailing local time.

[7] No billboard structure, sign face or display light shall move, flash or emit noise. No display lighting shall cause distraction, confusion, nuisance or hazard to traffic, aircraft or other properties.

[8] The use of colored light is not permitted.

(d) General billboard regulations.

[1] Every three years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania registered engineer or architect and shall provide to the Borough a certificate from the engineer or architect certifying that the billboard is structurally sound. Said owner shall pay for the inspection and have a report sent to the Borough Engineer.

[Amended 2-8-2005 by Ord. No. 1263, approved 2-8-2005]

[2] Annual inspections of the billboard shall be conducted by the Borough Building Inspector to determine compliance at cost to billboard operators. Billboards found to be in violation of this section shall be brought into compliance within 30 days of notice or ordered removed upon proper notification by the Borough. The owner of said billboard shall reimburse the Borough for the costs of the Building Inspector making his report.

[Amended 2-8-2005 by Ord. No. 1263, approved 2-8-2005]

[3] Billboards using removable paper or other materials shall be maintained in such a condition as to eliminate loose or frayed material protruding or hanging from the structure.

[4] All billboards must comply with all applicable federal, state and local laws and regulations.

[5] All applicable provisions of the state's Outdoor Advertising Control Act of 1971, *Editor's Note: See 36 P.S. § 2718.101 et seq.* as amended, shall be adhered to when signs are to be erected in areas adjacent to highways in the Pennsylvania Department of Transportation's primary and interstate highway system. Any individual desiring to establish a sign in these areas shall contact the Pennsylvania Department of Transportation's Division of Outdoor Advertising to determine if the state's regulations will affect the proposal. A copy of the Pennsylvania Department of Transportation's determination shall accompany all applications for signs in such areas.

[6] Yearly permits shall be required. The charge for a yearly permit shall be \$1,000.

[Amended 2-8-2005 by Ord. No. 1263, approved 2-8-2005]

[7] At the time of submission of plans, structure calculations prepared by a qualified Pennsylvania-registered engineer or architect shall be provided to the Borough. The fee for the initial review by the Borough Engineer shall be reimbursed to the Borough by the applicant.

[Amended 2-8-2005 by Ord. No. 1263, approved 2-8-2005]

C. Permitted signs for which a permit is not required. The following signs, exactly as herein described, are exempt from the need to secure permits, but shall be subject to the above general restrictions and standards.

(1) Decorations for a recognized officially designated holiday, provided that they do not create a traffic or fire hazard.

(2) Official and governmental signs, which shall include safety signs, trespassing signs, signs indicating scenic or historical points of interest and traffic signs.

(3) Signs designating the name of the owner or occupant of a property, the address of such property, the private ownership of roadways or other property, provided that:

(a) Such sign is not in excess of four square feet in area.

- (b)** Not more than one such sign is erected for each use.
- (4)** Temporary yard sale or garage sale signs, provided that such signs:

 - (a)** Do not exceed two square feet in area.
 - (b)** Shall be removed within 24 hours after said sale.
- (5)** Temporary signs announcing a political, public, educational, charitable, civic, religious or similar campaign or event, provided that:

 - (a)** Each such sign may be erected for a period not to exceed 30 days in any calendar year.
 - (b)** The sign shall only be placed in a location approved by the Borough.
- (6)** Window signs. Such signs shall be used to serve as an accessory sign to the sign associated with the principal use.

 - (a)** Window signs shall be permitted in Zones C-1 and C-2 Commercial Districts.
 - (b)** The total area of window signs shall not exceed 25% of the total glass area of the window in which it is placed.
- (7)** Signs advertising the sale or rental of the premises upon which they are erected or that said premises have been sold or rented, when erected by a broker or other person interested in the sale or rental of such premises, may be erected and maintained, provided that:

 - (a)** The size of any such sign is not in excess of six square feet.
 - (b)** No more than one sign is placed upon any property in single and separate ownership, such signs to be removed within 20 days after an agreement of sale has been executed.
- D.** Permitted signs for which a permit is required. The following signs, exactly as herein described under each specific district, are permitted, provided that a sign permit has been obtained for said sign.
- (1)** Residential districts. The following signs may be erected and maintained in the residential districts upon issuance of a sign permit.

 - (a)** Professional accessory use as permitted in this chapter indicating the name and/or professional activity of the resident practitioner, may be erected and maintained provided that:

 - [1]** The size of any such sign shall not exceed 216 square inches in area, with the name and profession of the person using the office.
 - [2]** The sign shall be placed in a location approved by the Borough.
 - (b)** Signs indicating location and direction of premises available for or in the process of development, but not erected upon such a premises, and having inscribed therein the name of the owner, developer, builder or agent may be erected and maintained, provided that:

 - [1]** The size of a sign is not in excess of 12 square feet.
 - [2]** Not more than one such sign is located on each 500 feet of street frontage. Such signs may have arrows painted thereon, but such signs may not be in any form except a square or a parallelogram.
 - (c)** Signs advertising the sale or development or when erected in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development may be erected and maintained, provided that:

 - [1]** The size of any such sign is not in excess of 30 square feet.
 - [2]** Not more than one such sign is placed on a property in single or separate ownership, unless such property fronts upon more than one street, in which event one such sign may be erected on each frontage.
 - [3]** Such sign shall not be erected until the subdivision and/or land development has received final plan approval.
 - (d)** Signs of mechanics, painters and other artisans may be erected and maintained during the period such persons are performing work on the premises on which signs are erected, provided that:

 - [1]** The size thereof is not in excess of 12 square feet.
 - [2]** Such signs are removed promptly upon completing of the work or sooner if ordered by the Borough.
 - [3]** The sign permit fee shall be included in the license fee.
 - (e)** Signs of schools, colleges, churches, hospitals, sanitariums or other institutions of a similar nature may be erected and maintained on the premises, provided that:

 - [1]** The size of any such sign is not in excess of 20 square feet.

- [2] Not more than one sign is placed on a property in single or separate ownership, unless such property fronts upon more than one street, in which event one such sign may be erected on each frontage.
- (f) Signs indicating the location of churches, schools or hospitals or similar directional signs, including service organization signs, may be erected and maintained, provided that:
 - [1] The number of any such signs to be erected by any one institution or organization may be limited at the discretion of the Borough.
 - [2] Written permission is secured from the owner of the property on which the sign is to be erected.
 - [3] The size of any such sign is not in excess of three square feet.
- (g) Business signs for nonconforming uses which are located in a building other than a residence and which indicate the name or activity of the occupant of the building may be erected and maintained, provided that:
 - [1] Not more than one such sign shall be erected for each unit.
 - [2] Such sign shall not exceed four square feet in area.
 - (h) Only the following signs shall be illuminated in the residential districts.
 - [1] An identification sign of a physician, dentist, hospital and any such other person or establishment whose services in an emergency are considered essential to the public health, safety and welfare.
 - [2] An identification sign of a school, church or other similar permitted use, provided that said sign is illuminated only between the hours of dusk and midnight, prevailing time.
 - [3] A nonconforming business or commercial use.
- (2) C-1, C-2 and I-1 Industrial Districts. The following signs may be erected and maintained in these districts upon issuance of a sign permit:
 - (a) Any sign permitted in a residential district which related to a use permitted in the C-1, C-2 and I-1 Districts or a condition of sale, rental, direction and the like, as set forth in Subsection D(1)(b), (c) and (d) above.
 - (b) No business or industrial sign unless the same shall advertise the permitted business activity conducted on the premises or be directly related thereto or unless the same shall advertise the permitted business, name, profession or activity of the person owning the premises with the exception of billboards, subject to Subsection B(18) hereto. No such sign shall be permitted on any lot or premises which is neither a permitted principal business or industrial use or a nonconforming business or industrial use at the time of enactment of this chapter.
- [Amended 9-12-2000 by Ord. No. 1271, approved 9-12-2000]**
- (c) Signs advertising one business or industrial use when located on the site where such use is conducted, provided that:
 - [1] Not more than one ground sign or freestanding sign shall be permitted upon each street on which said premises has frontage. Such sign(s) shall not exceed 50 square feet in area and shall be setback a distance of not less than 10 feet nor more than 30 feet from the street right-of-way line.
 - [2] Not more than one parallel sign attached to the wall of a permitted principal building which shall not exceed 32 square feet in area shall be permitted.
- (d) Signs advertising a group of businesses or industries on a lot held in single and separate ownership on the lot where such uses are conducted, provided that:
 - [1] Not more than one ground sign or freestanding sign, as provided in Subsection D(2)(c)[1] above. The total area of such sign shall not exceed 150 square feet. The structural backing for all such signs shall be uniform, and no sign may extend, in any direction, beyond the outside edge of the backing.
 - [2] Not more than one parallel sign attached to the wall of a permitted principal building, neither of which shall exceed 10 square feet in area.
- (e) In the case of an individual business or commercial use, such as an automobile service station, retail store or retail service facility, one accessory sign may be erected and maintained, provided that such sign does not exceed four square feet in area.
- (f) All signs in the C-1 and C-2 Commercial and I-1 Industrial Districts may be illuminated, subject to Subsection B(15) hereto.

(g) Billboards, subject to Subsection B(18) hereto.