

ORDINANCE NO.: 198-1-8-2002

AN ORDINANCE OF THE TOWNSHIP OF ALLEGHENY REGULATING THE
CONSTRUCTION, ERECTION, MAINTENANCE, AND REMOVAL OF SIGNS WITHIN
THE TOWNSHIP OF ALLEGHENY, BLAIR COUNTY; PROVIDING FOR MATERIALS,
SIZE, NUMBER, HEIGHT, LIGHTING AND LOCATION; SPECIFYING FEES,
PERMITS AND INSPECTION, PROVIDING FOR ENFORCEMENT BY THE
TOWNSHIP OF ALLEGHENY; AND PROVIDING FOR PENALTIES FOR VIOLATIONS
THEREOF

WHEREAS, the Township of Allegheny is desirous of enacting an Ordinance establishing regulations and restrictions for signs in the Allegheny Township, Blair County, Pennsylvania;

WHEREAS, this Ordinance will ensure that all signs, except as hereinafter provided, shall be erected, constructed, assembled, rebuilt, altered, relocated, enlarged, located, illuminated, maintained, repaired, or operated unless in conformity with the provisions of this Ordinance;

WHEREAS, this Ordinance will promote the safety, health, and well-being of the residents of the Township of Allegheny, and of those who utilize the roads within the Township by placing regulations and restrictions on signs within the Township of Allegheny;

WHEREAS, the Township of Allegheny is empowered to enact this Ordinance pursuant to the Second Class Township Code and is empowered to provide penalties for violations of the same (53 P.S. §66601);

NOW, THEREFORE, be it ORDAINED and ENACTED by the Board of Supervisors of Allegheny Township, Blair County, Pennsylvania and it is hereby ordained and enacted by authority of the same as follows:

SECTION NO. 1: Title

This Ordinance shall be known as the Allegheny Township Sign Ordinance.

SECTION NO. 2: Definitions

1. The following words, as used in this Ordinance, unless the context clearly indicates otherwise, shall have the following meanings:

ADVERTISING SIGN (i.e., Off-Premise)-

A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed.

AREA OF SIGN-

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 closed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on the surface, the area shall be considered to be the smallest rectangle or other regular geometric figure which can be drawn to encompass all of the letters and symbols.

BUSINESS SIGN (i.e., On-Premise)-

A sign which directs attention to a business, profession, event, activity, exhibit, entertainment, or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises on which it is displayed.

CLEAR SIGHT TRIANGLE-

An area at a street intersection or driveway entrance in which only certain specified signs are permitted.

CLUB OR LODGE-

An association of persons for some common non-profit activity, not including groups organized primarily to render a service, which is customarily carried on as a business.

DIRECTIONAL SIGN-

A sign containing directional information locating public places owned or operated by Federal, State or Local governments or their agencies; public or privately owned natural phenomena, historical, cultural, scientific, educational and religious sites; and areas of natural scenic beauty or which are naturally suited for outdoor recreation.

FREE-STANDING SIGN-

An independently supported sign, not attached to any building.

FRONT LOT LINE-

The line separating a lot from a street or other right-of-way.

FRONTAGE (STREET FRONTAGE)-

The lot dimension measured along the right-of-way line of any street or highway abutting a lot.

HEIGHT OF SIGN-

The vertical distance measured from the average grade at the front of the sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

INCIDENTAL SIGN-

A small sign, emblem or decal less than eight (8) square feet per side in area, informing the public of goods, facilities or services available on the premises, e.g. a credit card sign, directional (entrance, exit) or a sign indicating hours of business.

LOT-

Any parcel of land, regardless of size, intended as a unit for transfer of ownership, use, improvement or for development.

LOT LINE-

A line forming the front, rear, or side boundary of a lot.

NON-CONFORMING SIGN-

A sign which does not conform to the requirements of this Ordinance or subsequent amendments hereto, but which lawfully existed prior to the enactment of this Ordinance.

PERMANENT SIGN-

Any sign which is not a temporary sign.

PERSON-

Any natural person, partnership, firm, association, corporation or other legal entity.

PORTABLE SIGN-

Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

PREMISES-

Area occupied by a business or other public enterprise. When more than one business occupies a single building on the ground floor, each business area shall be considered a separate premise. A business or other public enterprise, which occupies other floors, shall be considered separate premises.

REAR LOT LINE-

The lot which is opposite from the front lot line.

SIGN-

Any structure, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representation used for announcement, direction, advertisement, information, or attraction.

TEMPORARY SIGN-

A sign not constructed or intended for long term use, not including portable or vehicular signs as defined.

TOWNSHIP-

Township of Allegheny, Blair County, Pennsylvania.

VEHICULAR SIGN-

A sign which is affixed to a vehicle in such a manner that the carrying of such sign or signs is no longer incidental to the vehicle's primary purpose but becomes a primary purpose in itself.

WINDOW SIGN-

A sign affixed to or visible through a window of a building.

2. The word "shall" is mandatory.

SECTION NO. 3: General Regulations Applicable to all Signs

1. No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
2. At all street intersections and driveway entrances, no sign except traffic control signs, school warning signs, and similar signs as provided for by other portions of this Ordinance shall be permitted within a clear sight triangle established for a distance of fifteen feet behind the edge of pavement to the point seventy-five (75) feet from the point of intersection of the center lines of the intersecting streets.
3. No sign other than traffic control signs, school warning signs, and similar signs shall be erected within the right-of-way lines of any street or extend over any street right-of-way.
4. No sign shall be utilized in a manner, which produces a noxious glare at or beyond the boundaries of the lot on which it is located. No direct beams of light shall be directed toward adjacent properties or public roads, and all light sources shall be shielded from adjoining properties, streets, and public roads.
5. No sign shall be erected or located so as to prevent free ingress to or egress from any window, door, or fire escape.

6. No sign, which emits smoke, vapors or particulates, sound or odor shall be permitted.
7. No portion of any sign shall project over a lot line.
8. The area immediately surrounding each sign shall be kept in a clean, sanitary, and healthful condition. No accumulations of loose paper, bottles, cans, garbage, or similar items shall be permitted.
9. Every sign shall be constructed of durable material and kept in good condition. Peeling paint shall be removed and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary. Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or safety of the owner or lessee.
10. The distance from the ground to the highest part of any free standing sign shall not exceed twenty-five (25) feet.
11. No vulgar, indecent or obscene signs may be displayed in any manner.
12. 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.
13. All sign provisions of this Ordinance shall apply to the use of silos, smokestacks, water towers and other similar structures as signs.
14. No sign structure erected directly upon the ground shall have less than three (3) feet of clear space between such signs and ground; however, necessary supports may extend through such space.
15. Signs which make use of words such as "STOP, LOOK, ONE-WAY, DANGER, YIELD", or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead, or confuse traffic are prohibited.
16. Signs are prohibited on public property or public rights-of-way, unless erected by a governmental body and bearing no commercial advertising.
17. Sign placement shall be limited to street frontage only.

SECTION NO. 4:

The following signs are permitted:

1. In addition, signs may be erected and maintained provided that:
 - a. The total area on one side of any advertising sign placed on or facing any one street frontage of any one premises shall not exceed three hundred (300) square feet.
 - b. The area of any one side of a directional sign shall not exceed twenty-five (25) square feet.
 - c. No more than one advertising sign shall be allowed on any one street frontage of any one property.
 - d. No sign attached to a building facade shall have an area exceeding twenty-five percent (25%) of the area of the building wall on which it is located.
 - e. No sign shall be located within ten (10) feet to a front, side or rear lot line.
 - f. One permanent identifying business sign per entity may be erected on each street frontage. The area on one side of said sign may be up to one (1) square foot for each 1,000 square feet of gross floor area, with an allowable minimum of fifty (50) square feet and an allowable maximum of one hundred and sixty (160) square feet.
 - g. Window signs are permitted. The area of window signs shall not be figured into the total area permitted for that particular building or use, when located on the inside of the building.
 - h. Real estate signs which advertise sale, rental or lease provided that signs shall not exceed thirty-two (32) square feet per side, signs shall be located on premises to be sold, leased or rented, no more than two (2) signs may face any one street frontage, and no sign shall be located closer than ten (10) feet to any front, side, or rear lot line.

- i. No advertising sign shall be erected within 1,000 feet of any other advertising sign on the same side of any street, road, or highway.
- j. No advertising sign shall be erected within three hundred (300) feet in a three hundred sixty (360) degree radius of any other advertising sign.

SECTION NO. 5: Non-Conforming Signs

- 1. After the effective date of this Ordinance, there exists or will exist signs which do not conform to the requirements of this Ordinance, which, if lawful before this Ordinance became effective, may be continued subject to certain limitations, even though such non-conforming signs would be prohibited, regulated, or restricted under the terms of this Ordinance.
- 2. Non-conforming signs are subject to the following regulations:
 - a. Non-conforming signs, once removed from their location after the effective date of this Ordinance, shall be replaced only with conforming signs.
 - b. Non-conforming signs destroyed by any means to fifty percent (50%) or more of replacement value immediately prior to destruction, shall be removed and shall be replaced only with a sign which complies with all the requirements of this Ordinance.
 - c. Non-conforming signs destroyed by any means to less than fifty percent (50%) of replacement value immediately prior to destruction may be repaired, but no repairs shall make the sign more non-conforming than the sign was at the time of destruction.
 - d. Non-conforming signs may be repainted, repaired, and similarly maintained, but no repair or maintenance shall make a sign more non-conforming than the sign was prior to the painting, repair or maintenance.
 - e. No non-conforming sign may be relocated unless to comply with all the requirements of this Ordinance.
 - f. No non-conforming sign shall be modified in any way, which will further violate any regulation imposed by this Ordinance.

- g. Non-conforming signs shall not be expanded.
- h. Non-conforming signs (e.g. flashing, intermittent, etc.) that are inoperative for one (1) year or more shall not be reactivated.

SECTION NO. 6: Sign Permits

- 1. No sign shall hereafter be erected, rebuilt, altered, relocated or enlarged until a permit is issued by the Township of Allegheny for such purposes, except for signs listed below:
 - a. Signs used by churches, synagogues, governmental bodies, schools or civic organizations.
 - b. Construction signs of thirty-two (32) square feet or less.
 - c. Directional/informational signs of twelve (12) square feet or less.
 - d. Holiday or special events decorations.
 - e. Nameplates, house numbers, address signs.
 - f. Political signs.
 - g. Public signs or notices, or any sign relating to an emergency.
 - h. Real estate signs.
 - i. Window signs.
 - j. Incidental signs.
 - k. Temporary signs as permitted.
 - l. Any other sign which does not exceed twelve (12) square feet in area
 - m. Traffic control signs.

The fact that a permit is not required for a sign does not exempt that sign from any of the other provisions of this Ordinance.

2. Application shall be made in writing to the Township of Allegheny on a form specified for such purpose and shall contain the following:
 - a. A detailed scale drawing of the sign.
 - b. A statement indicating the type of construction, the manner of installation, and the materials to be used.
 - c. A scale drawing of the lot indicating the location of the sign. All abutting street right-of-way lines shall be indicated.
 - d. A statement indicating all sources of light and methods of illumination.
 - e. A statement indicating the distance from the ground to the lowest portion of the sign and from the ground to the highest portion of the sign.
 - f. For signs which will project from or be attached to buildings, a diagram indicating the location of the sign with the respect to the building facade to which it will be attached, including distance of projection from the building.
 - g. A statement that all the requirements of this Ordinance shall be adhered to and that the sign will be erected according to the accompanying plans and specifications.
 - h. The signature of the applicant. When the applicant is not the owner of the premises on which the sign will be erected, both the applicant and the owner of the premises shall sign the application.
3. The Township of Allegheny shall approve or deny sign permits within sixty (60) days from the date of application.

If the application is denied, the Township of Allegheny shall attach a statement to the application explaining the reasons for the denial and return one (1) copy of the application to the applicant. Applicant may appeal the denial to the Allegheny Township Board of Supervisors within thirty (30) days of notice thereof.

4. When requesting a permit, or when a permit is denied, the applicant may apply to the Township of Allegheny for a variance from certain requirements of this Ordinance. A variance may be granted by the Board of Supervisors

of Allegheny Township where the literal application of the Ordinance would create a particular hardship for the sign user/applicant and the following criteria are met:

- a. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
- b. Hardship caused the sign user under a literal interpretation of the Ordinance is due to conditions unique to that property and does not apply generally to the Township.
- c. The granting of the variance would not be contrary to the general objectives of this Ordinance.

In granting a variance, the Board of Supervisors may attach additional requirements or conditions necessary to carry out the spirit and purpose of this Ordinance in the public interest.

5. Within six months of the granting of approval of the application, the applicant shall have erected the sign or undertaken a significant portion of the work thereof. If the applicant fails to erect a sign or undertake a significant portion of the work thereof within six months of the date of approval of the sign Permit, the Permit shall expire and a new sign Permit shall be required, along with a resubmission of the applicable fees.
6. A Certificate of Use shall be required upon completion of the work for which a Sign Permit was granted, and shall be applied for within seven (7) calendar days after completion of such work. Application for a Certificate of Use shall be made in writing to the Township of Allegheny and shall be granted or denied within ten (10) calendar days from the date of application.

The Township of Allegheny may inspect the premises on which the sign is located or rely on representations of the Sign Permit holder, and shall grant a certificate of use only if the sign complies with all requirements of this Ordinance and the approved application for a sign Permit.

Within ten (10) calendar days after a denial, the Township of Allegheny shall issue a Stop Order.

7. All applications for the initial Sign Permit as provided for in this Ordinance shall be accompanied by the payment of an application fee to be determined in accordance with the area of the sign. All such fees shall be paid to the

Township of Allegheny, the initial fee accompanying the application. The payment of fees shall be charged to cover costs incurred by the Township for the processing and investigation related to the initial application for a Sign Permit and the Certificate of Use, and the investigation annually for conformity of the signs with the requirements of this Ordinance.

Fees as per current Township fee schedule resolution.

- signs up to and including twenty-five (25) square feet in area: \$50.00.
- signs twenty-six (26) square feet up to one-hundred (100) square feet: \$100.00.
- signs one-hundred and one (101) square feet and over: \$125.00
- to appeal the Board of Supervisors decision: \$25.00
- additional engineering fees, if any: billed at cost.

SECTION NO. 7: Stop Order

1. A Stop Order shall be issued in the following instances:
 - a. If activities regulated by this Ordinance are undertaken without an effective Sign Permit or Certificate of Use being granted, when such are required.
 - b. If an activity undertaken under an effective Sign Permit deviates from the approved application either during or after completion of the work.
 - c. If a sign is located, erected, rebuilt, illuminated, altered, relocated, enlarged, repaired, maintained, or operated in a manner which is in violation of the requirements of this Ordinance.
 - d. If fees required to be paid by this Ordinance are not paid in the amount and within the time periods as set forth in this Ordinance.
2. A Stop Order shall be issued by the Township of Allegheny and delivered to the owner of the property on which the violation exists, his agent, or the lessee responsible for the sign. Delivery shall be construed to include certified mail or posting on the property.

3. The Stop Order shall be in writing and state the nature of the violation and under which conditions the sign may continue. A time not to exceed ten (10) days may be permitted to effect the required corrections.
4. Any person, partnership, or corporation who shall continue in violation of any Stop Order shall be in violation of this Ordinance, and is subject to the penalties set forth in this Ordinance.

An insecure or unsafe sign, or a sign which otherwise creates a hazard to the public health, safety, or general welfare, if not removed within the time specified in the Stop Order, may be removed by the Township at the expense of the owner or lessee.

SECTION NO. 8: Penalties and Enforcement

1. The penalty provisions of this Ordinance may be imposed upon the owner, general agent, lessee, architect, builder, or any person having an identifiable property interest, including a mechanic's lien, mortgage, or other attachment against the property.
2. Any persons, partnerships or corporations who or which shall violate provisions of this Ordinance, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of one hundred dollars (\$100.00). In default of payment of such fine, such persons, the members of such partnerships, or the officers of such corporations shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate violation.

SECTION NO. 9: Repealer

Any prior ordinances conflicting with the terms hereof or inconsistent with said terms are deemed to be repealed as of the effective date of this Ordinance.

SECTION NO. 10: Severability

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provision, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause section or part thereof not been included herein.

SECTION NO. 11: Effective Date

This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED as an Ordinance of Allegheny Township this 8th day of January, 2002.

ATTESTED:



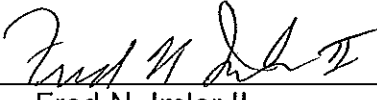
Terry Gebhardt, Secretary



William Bryan, Jr.



David E. Burchfield, Jr., Chairman



Fred N. Imler II

SIGNS

ADVERTISING SIGN (BILLBOARD)

1. Maximum of 300 square feet
2. Maximum of 25 feet high
3. 10 foot setback off township line
4. 1,000 foot spacing same side
5. 300 foot radius other side

FREE STANDING (BUSINESS)

1. Maximum of 50 square feet, or 1 square foot per 1,000 square feet of building up to a maximum of 160 square feet
2. Maximum of 25 feet high (pre construction, ground level)
3. 10 foot setback off township line

WALL MOUNT (BUSINESS)

1. 25 percent of square footage of wall; a 100' X 20' = 2000 square feet = 500 foot sign.

NOTE: "MUST" be on the land where the business is located; Sign cannot block line of sight.

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