

Legislative History

WHEREAS, signs of various types and purposes are integral to the continued vitality of any community, whether to inform, caution, advertise or to otherwise engage community members and members of the general public; and

WHEREAS, this Ordinance incorporates narrowly tailored time, place and manner provisions to balance the placement and use of a variety of signs with substantial or compelling government interests in order to mitigate adverse secondary effects that may unreasonably and negatively impact or pose a danger to the general health, safety and welfare of the community and the general public; and

WHEREAS, the intent of the Borough of Gettysburg in enacting this Ordinance regulating signs is to comply with the decision of the United States Supreme Court in *Reed v. Town of Gilbert, Arizona*, 135 S.Ct. 2218 (2015); and

WHEREAS, the provisions of this Ordinance are intended to be content-neutral in order to meet the requirements of *Reed v. Town of Gilbert, Arizona*, relative to regulation of noncommercial signs; and

WHEREAS, regulations applying to noncommercial signs that restrict physical or visual obstructions of streets and sidewalks, or concern proper sign maintenance, serve compelling government interests related to traffic and pedestrian safety, and avoidance of dangerous conditions; and

WHEREAS, regulations applying to commercial signs are intended to meet the requirements of *Central Hudson Gas & Elec. Corp. v. Public Service Commission of New York*, 100 S.Ct. 2343 (1980); and

WHEREAS, regulations applying to commercial signs serve the following substantive purposes:

A. **Aesthetics**. To maintain and enhance the beauty, unique historic character, aesthetic environment, and quality of the Borough of Gettysburg, that will attract commerce, businesses, economic development, residents and visitors; to preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the Borough; to regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the Borough and that complements the natural and historical surroundings in recognition of the Borough's reliance on those surroundings and beautification efforts in retaining economic advantage for its community; and to assure that the benefits, derived from the expenditure of public funds for the improvement and

beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs;

B. *Traffic and Pedestrian Safety.* To maintain and improve traffic and pedestrian safety through properly located signs; to regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians; to allow for traffic control devices consistent with national standards and whose purpose is to promote street and roadway safety and efficiency by providing for the orderly movement of the traveling public on streets and roadways, and that notify users of regulations and provide warning and guidance necessary for the safe, uniform and efficient operation of all elements of the traffic stream of the traveling public;

C. *Economic Development.* To promote economic development and the value of nonresidential properties, through sensitivity to surrounding land uses and maintaining an attractive community appearance;

D. *Effective Communication.* To encourage signs which are clear and legible; to encourage the effective use of signs as a means of communication;

E. *Character and Historic Significance.* To emphasize the small town character and historic significance of the Borough of Gettysburg by promoting pedestrian oriented and appropriately scaled signage throughout the Borough and particularly within its Historic District;

F. *Identification of Goods and Services.* To aid the public and private sectors in identifying the location of goods and services;

G. *Compatibility with Surroundings.* To allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs; to preclude signs from conflicting with the principal permitted use of the site and adjoining sites; and to minimize the possible adverse effect of signs on nearby public and private property;

H. *Reduction of Visual Clutter.* To reduce visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;

I. *Zoning District Considerations.* To encourage and allow signs that are appropriate to the zoning district in which they are located;

J. *Scale, Integration and Design.* To establish sign size in relation to the scale of the lot and building on which the sign is to be placed or to which it pertains; to foster the integration of signage with architectural and landscape designs; to provide flexibility and encourage variety in signage, and to relate signage to the basic principles of good design; and to promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the Borough's goals of quality development;

K. *Maintenance and Safety.* Except to the extent expressly preempted by state or federal law, to ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and to protect community members and the general public from unsafe signs;

L. *Property Values.* To protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their physical characteristics such as their size (area), height, number, illumination and movement; and to protect property values by ensuring that the number of signs are in harmony with buildings, neighborhoods, and conforming signs in the community; and

M. *Enforcement.* To enable the fair and consistent enforcement of these sign regulations; and to provide standards regarding the noncommunicative aspects of signs, which are consistent with local, state and federal law.

Part 1

GENERAL REGULATIONS

A. Regulations

§ 19-101. Short Title.

This Part may be cited as the “Gettysburg Borough Sign Ordinance of 2024.”

§ 19-102. Purpose and Intent.

A. The general purpose and intent of the Gettysburg Borough Sign Ordinance of 2024 (the “Ordinance”) is to promote the public health, safety and general welfare through content-neutral time, place and manner standards that are consistent with local, state and federal law. Specific purposes of the Ordinance include:

1. Protecting free speech rights;
2. Not restricting signs based on content;
3. Focusing on noncommunicative aspects of signs rather than the message conveyed;
4. Not favoring commercial speech over noncommercial speech;
5. Facilitating protected noncommercial speech; and
6. Providing for and applying content-neutral sign regulations.

B. For purposes of this Ordinance, any distinction between on-premises signs and off-premises signs applies to commercial messages only, and not to noncommercial messages.

C. **Substitution of Noncommercial Speech for Commercial Speech.** Notwithstanding anything contained in this Ordinance to the contrary, any sign erected pursuant to the provisions of this Ordinance may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted in whole or in part at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another noncommercial message; provided,

however, that there is no change in the size, height, setback or spacing criteria contained in this Ordinance.

D. *Administrative Interpretation and Discretionary Approval.*

1. Interpretations of this Ordinance are to be exercised in light of the policies, purposes and intent set forth herein.

2. Whenever a sign permit or other approval is subject to discretion, such discretion shall not be exercised as to message content, but instead shall be directed to structural and location factors, including, as applicable:

a. Whether the location and placement of the sign will endanger motorists and members of the traveling public;

b. Whether the sign will cover, blanket or interfere with any prominent view of a structure or façade of historical or architectural significance;

c. Whether the sign will obstruct views of users of adjacent buildings to side yards, front yards or open spaces;

d. Whether the sign will negatively impact the visual quality of a public open space, such as a public recreation facility, square, park or similar feature;

e. Whether the sign is compatible with building heights of the existing neighborhood; and

f. Whether the sign's lighting or illumination system will cause hazardous or unsafe driving conditions for motorists and members of the traveling public.

E. *Consent of Legal Owner of Property.* Except as required by state law, no sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.

F. *Signs on Public Property.* Except as required by state law or otherwise permitted by this Ordinance, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Borough shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.

§ 19-103 Definitions.

As used in this Part, unless the context otherwise indicates, the following terms shall have the meanings indicated:

AWNING

Any structure made of cloth or metal with a metal frame attached to a building, projected over a sidewalk or other thoroughfare when so erected as to permit its being raised to a position flat against the building when not in use.

BANNER

A sign utilizing a flexible substance on which copy or graphics may be displayed and which is not permanently mounted.

BILLBOARD

A large freestanding sign that communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located, and which is not a traffic sign or a directional sign specifically permitted by this Part.

BOROUGH

The Borough of Gettysburg, Adams County, Pennsylvania.

BOROUGH COUNCIL

The Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

BUILDING SIGN

A sign attached to any part of a building (in contrast to a freestanding sign which is erected independent of any building or structure).

CANOPY

Includes any structure, other than an awning, made of cloth or metal, projecting over a sidewalk or other thoroughfare, attached to a building and/or carried by a frame supported by the ground or sidewalk.

CHANGEABLE SIGN

A type of sign designed to accommodate a changing message as follows:

1. Manually activated: the alphabetic, pictographic, or symbolic informational content of the sign can be changed or altered by manual means.
2. Electrically activated: the alphabetic, pictographic, or symbolic informational content of the sign can be changed or altered on a fixed display surface composed of

electrically illuminated or mechanically driven changeable segments. Includes the following two types:

- a. Fixed-message electronic signs: the basic informational content has been preprogrammed to include limited information projection subject to prior programming.
- b. Computer-controlled variable message electronic signs: the informational content is automatically changed or altered by means of computer-driven electronic impulses which cause the message to change, roll, flash or present similar movement.

ERECT

To build, construct, attach, hang, place, suspend, affix or bring into being. This term shall also include the application of paint for wall or window signs.

EXTERIOR SIGN

A sign that placed structure and designed to be viewed from the public right-of-way or otherwise viewed the exterior of the structure. Typically this signage is placed near a window of a structure.

EXTERNALLY ILLUMINATED SIGN

A sign illuminated primarily by light directed toward or across the sign or by backlighting from a lighting source that is not within the sign. Sources of lighting include lamps, spotlights, or luminous tubing.

FENESTRATION

The arrangement, proportioning and design of non-opaque windows, including portions of doorways that are designed to utilize window glazing, in a building.

FLAG

A fabric or bunting containing distinctive colors, patterns or symbols used as a symbol of government, political subdivision, political party, nonprofit organization, charity, club, association or other entity attached to a pole that is permanently affixed to the ground or a structure's facade.

FREESTANDING SIGN

Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, independent of any building or structure. Examples of freestanding signs include, but shall not be limited to, pole signs, monument signs, and pylon signs.

GETTYSBURG DESIGN GUIDE

The most-current version of the guidelines as adopted and updated by the Borough for maintaining and rehabilitating buildings in the Historic District.

GRADE

The level at the site at the property line located at the closest distance to the sign.

GRANDFATHERED

The status of signs that are legally existing prior to the effective date of this Sign Ordinance or subsequent amendments thereto.

HARB

The Historic Architectural Review Board of the Borough of Gettysburg, Adams County, Pennsylvania.

HISTORIC DISTRICT

The Borough of Gettysburg Historic District.

HISTORIC DISTRICT ORDINANCE

The Gettysburg Historic District Ordinance as enacted and amended from time to time by the Borough Council of the Borough of Gettysburg.

ILLUMINATED SIGN

A sign incorporating a source of light in order to make a message readable, including internally and externally lighted signs.

INTERNALLY ILLUMINATED SIGN

A sign whose light source is either located in the interior of the sign so that light rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

MARQUEE

A permanent construction projecting from the wall of a building above an entrance which may or may not extend over a sidewalk or other thoroughfare.

MINOR SIGN CHANGE

A change in the wording of a sign that does not affect style or lettering, symbols, shape, size, lighting or suspension and/or the relocation of a sign that will not affect the historic character of a building or streetscape as determined by the Borough.

MONUMENT SIGN

A permanent freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than

support poles.

MURAL

A picture or design placed directly on the exterior surface of a structure or building without any additional supporting structure.

NONCONFORMING SIGN

A sign which was validly erected under laws or ordinances in effect at the time of its erection but which is in conflict with the current provisions of this Part.

NON-EXTERIOR SIGN

A sign that placed within a structure and designed and oriented to be viewed from the public right-of-way or otherwise viewed the exterior of the structure.

OUTDOOR ADVERTISING DEVICE

Any outdoor sign, display, light, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

POLE SIGN

A freestanding sign mounted on one or several poles or support structures. For design reasons, pole signs may be fitted with pole covers composed of metal, masonry, or other materials, designed to enhance the visual appearance of the sign structure.

PORTABLE SIGN

A sign that is movable and not permanently attached to a structure or to the ground. Portable signs include, but are not limited to, sandwich board signs, portable reader boards on wheels that display changeable letters, trailer signs, and similar signs.

PROJECTING SIGN

A sign which is attached to a building or other structure and extends more than eight (8") inches beyond the line or surface of said building or structure.

PUBLIC ART

Any visual work of art intended for indefinite display on or near an open governmentally owned facility, in areas designated as public area, or on private property if the work of art is installed or financed, either wholly or in part, with Borough of Gettysburg funds, grants, or other agreement.

PUBLIC SERVICE SIGN

A sign providing information or instructions for public convenience such as, but not limited to, signs providing information about the location of public rest rooms, snow removal routes, or public parking lots and facilities.

PYLON SIGN

A freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground. Pylon signs are vertically oriented and, typically, have a height to width ratio exceeding three to one.

RAZOR BANNER

A two-sided banner of lightweight material installed on a portable pole-type base, and designed to be highly visible. Also known as a razor flag, a blade flag, or a feather flag.

ROOF SIGN

A sign erected on a roof, including a mansard roof or porch roof, or a sign that projects above the highest point of the roofline, parapet, or fascia of the building.

SIGN

Any structure, device or object that incorporates lettering, logos, colors, lights, or illuminated inert gas tubes visible to the public from a building or structure, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to goods, products, services, activities, or facilities, excluding window displays of merchandise or noncommercial items. The use of the term "sign" in this Part shall not be interpreted as including the supporting structure of a sign or the structural elements and materials of a building, including a cornerstone.

SIGN AREA

The area of a sign computed by multiplying the maximum horizontal measurement by the maximum vertical measurement. Each measurement includes all ornamentations surrounding the information area of a sign, but does not include its supporting structure in either the horizontal or vertical measurement for the purpose of calculating the area of a sign.

STATE

The Commonwealth of Pennsylvania.

STREET BANNER

A banner displayed in a vertical position and affixed to a light standard; also described as a vertical pole-mounted banner.

STREET CLOCK

A timepiece erected upon a standard or on the exterior of a building or structure.

TRAFFIC SIGN

A sign placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic and the members of the traveling public.

UNIFORM CONSTRUCTION CODE

A law and regulations enacted and promulgated by the Commonwealth of Pennsylvania which regulate the process of application, review and inspection of aspects in residential and commercial construction, including both new construction and renovations and repairs of existing buildings. Also referred to herein as the “UCC.”

WALL SIGN

A sign affixed to any building, fence, wall or structural support member.

WAYFINDING SIGN

A directional sign of the Borough, the Lincoln Highway Heritage Corridor, the state or federal government which acts to guide the traveling public to key civic, cultural, visitor, recreational and commercial destinations to include, but not be limited to, the location of a borough park, a borough parking lot, a borough building, a state route or feature, the Lincoln Highway, and the Gettysburg National Military Park.

WINDOW SIGN

A sign posted, painted, placed or affixed to a window.

ZONING ORDINANCE

The Gettysburg Borough Zoning Ordinance, as enacted and amended from time to time by the Borough Council of the Borough of Gettysburg.

§ 19-104. Sign Permit Requirements.

Only signs which refer to a permitted use which has obtained zoning approval and any relevant Uniform Construction Code (UCC) building approval, or a use approved by grant of a special exception or variance pursuant to the provisions of the Zoning Ordinance, are permitted, provided that such signs conform to the provisions of this Chapter.

- A. Permit. Except as otherwise provided in § 19-105 hereof, no person shall erect, place, alter, locate or relocate a sign anywhere in the Borough until a sign permit for such sign has been issued by the Borough.

- B. Fee. The applicant shall pay a fee that will accompany the sign permit application. Such permit fee shall be set by resolution as adopted from time to time by the Borough Council.
- C. Historic District. In addition to the requirements set forth in this Part, the Historic District Ordinance and the Zoning Ordinance may impose additional regulations and requirements for signs to be erected in the Borough.

§ 19-105. Signs Not Requiring a Permit.

Exemption from the permit requirements shall not relieve the owner or person in control of the sign from complying with all other applicable provisions of this Part, including requirements relative to sign type, design, size (area) and zoning district limitations. The following sets forth the signs for which the issuance of a sign permit by the Borough is not required:

- A. Public service signs and signs authorized, required or erected by the federal, state or local Borough government.
- B. Metal signs affixed to a structure not exceeding one (1) square foot.
- C. Street address numbers or street address signs not exceeding one (1) square foot.
- D. Signs attached to a building or structure and not exceeding two and one-half (2 ½) square feet. Only one (1) such sign shall be permitted for each business.
- E. Noncommercial signs placed on private property placed by the property owner or with the consent of the property owner. Private property shall not include public sidewalks, tree wells, planting strips, or any area within the public right of way.
 - 1. Signs not exceeding eight (8) square feet in residential districts.
 - 2. Signs not exceeding sixteen (16) square feet in non-residential districts.
- F. Temporary commercial signs of contractors, architects, mechanics or craftsmen.
 - 1. No more than two (2) temporary signs not exceeding twelve (12) square feet may be displayed in residential districts for a maximum of sixty (60) days.
 - 2. No more than two (2) temporary signs not exceeding thirty-two (32) square feet may be displayed in non-residential districts for a maximum of sixty (60) days.
- G. Signs indicating the private nature of a driveway, parking area or some other property

feature or “no trespassing” or similar warning signs. Such signs shall only be erected and placed on the real property where such property features are located, and shall not be located within the public right of way.

H. Temporary real estate signs:

1. For advertising the sale, rental, or auction of or at the premises upon which the sign is erected, provided that the total area of any such side of such sign on any one street frontage of any property in single and separate ownership shall not exceed six (6) square feet in any Borough residential zoning district or in a Borough institutional use zoning district and shall not exceed thirty-two (32) square feet in any Borough commercial zoning district.

2. Indicating the location of premises in the process of development, provided that the sign area of any such sign shall not exceed thirty-two (32) square feet and no more than one such sign shall be placed for each 500 feet of street frontage of the premises.

I. Temporary non exterior signs inside store display windows concerning special sales. Such signs may be displayed for a period not to exceed thirty (30) days.

J. Temporary special event signs, including, but not limited to, non exterior signs advertising special events, provided that each such sign shall not exceed thirty-two (32) square feet per side, and provided that such sign shall be displayed for a period of time not to exceed thirty (30) days.

K. Temporary signs advertising garage and yard sales shall be limited to two (2) signs with a maximum sign area of five (5) square feet each. and provided that such sign shall be displayed for a period of time not to exceed thirty (30) days.

L. Signs containing political, religious or personal messages that are placed on private property by the property owner or with the consent of the property owner.

M. Minor sign changes to an existing sign for which a permit has been issued. Minor sign changes are limited to the following:

1. Minor repairs to the sign or sign structure which do not alter the structure, size or height of the sign.

2. Repainting or touch-up painting relating to the maintenance of an existing sign.

3. Minor changes designed to update the information on the sign, such as, but not limited to, a change in a telephone number or the times of business operation.

4. Changes in the message of a manually activated bulletin board of a school, college, church, hospital or other similar institution.
- N. Temporary banners, interior to the campus of a college or university located within an institutional use zoning district. Such banners shall not exceed one hundred (100) square feet.
- O. Signage associated and located on properties with the following land uses as defined in § 27-201:
 1. Emergency Services Station
 2. Hospital

§ 19-106. General Sign Requirements.

The following requirements are applicable to all signs erected or displayed within the Borough:

- A. Signs Located Along the U.S. Business Route 15 Corridor. The Borough has designated U.S. Business 15 as a Pennsylvania Scenic Byway. The ordinance, known as the “U.S. Business Route 15 Scenic Byway Ordinance,” prohibits certain outdoor advertising devices along the scenic byway corridor in accordance with the parameters set forth in federal and State law.
- B. Construction, Repair and Maintenance Requirements.
 1. All signs shall be located and constructed in accordance with the provisions of the Uniform Construction Code and the other provisions of this Part. Where there is a conflict between the UCC and this Part, the provisions of this Part shall apply. Where there is a conflict between the provisions of this Part and any other ordinance, the more restrictive requirement or provision shall apply.
 2. All signs shall be structurally safe and constructed of durable materials. All signs shall be kept in a good condition and repair.
 3. Any glass used in a sign shall be safety glass.
- C. Size Requirements. The total square footage of sign area allowed for a non-residentially zoned property shall be determined as follows:
 1. Structures with no more than one business tenant, may provide up to a maximum of fifty (50) square feet of signage to be located in a manner that provides commercial

messaging to individuals located in the public right-of-way or directed to an off-street parking area servicing the business/structure.

2. Structures with more than one business tenant and with individual business tenant entrances along a public right-of-way, may provide up to a maximum of fifty (50) square feet of signage, per business tenant entrance. Signage for each tenant may be located anywhere on the property.

3. Structures with more than one business tenant and without individual business tenant entrances along a public right-of-way, may provide up to a maximum of thirty-two (32) square feet of signage for the structure, and an additional fifty (50) square of signage for each tenant space within the structure.

4. Double-faced signs, including signs which incorporate two (2) sign faces that are back-to-back and are not more than two (2) feet from each other, shall constitute one sign.

5. Individual property owners or business tenants in locations within the Gettysburg Historic District may seek additional sign area, if the respective property owner or business tenant's public right-of-way or pedestrian easement facing structure façade is more than fifty (50) linear feet long. The total sign area may be based on a ratio of one square foot of signage for every one linear foot of public right-of-way or pedestrian easement facing structure façade. The respective applicant shall submit application to the Historic Architectural Review Board to ensure that a certificate of appropriateness for all of the signage located and to be located on the property is reviewed, with recommendation provided to Borough Council for approval of the appropriateness.

6. Individual property owners or business tenants in locations that are not within the Gettysburg Historic District may seek additional sign area, if the total building façade is more than fifty (50) linear feet long. For these properties, the total sign area may be based on a ratio of one square foot of signage for every one linear foot of the entire building's façade.

D. Height Requirements.

1. The height of a sign shall be measured from the base of the sign or supportive structure, at its point of attachment to the ground, to the highest point of the sign. A freestanding or monument sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of the pavement curb.

2. Within the Historic District, the height of any freestanding sign shall not exceed

nine (9) feet.

3. The height of signs located outside the Historic District and the Industrial District (IND), shall not exceed twelve (12') feet unless otherwise allowed pursuant to other provisions of this Part.

E. Placement Requirements.

1. Portable signs located on or near a public sidewalk or similar pedestrian walkway shall allow a minimum width of five (5') feet of unobstructed area between the sign and any other object which could impede pedestrian traffic.

2. No sign shall project or extend over any pedestrian walkway except for theater marquees.

3. No sign or portion of a sign shall project over an adjacent lot or property line

4. No sign shall be erected or placed in such a manner as to create an unsafe condition for motor vehicle, bicycle or pedestrian traffic. No sign shall be erected or placed in such a manner as to be confused with any authorized traffic sign, signal or device.

5. No sign shall obstruct the free ingress or egress to or from any door, window fire escape or other exit, or obstruct a window, door or other opening providing light or air, or interfere with the normal functioning of a building.

6. No sign shall be attached to a standpipe or fire escape.

7. No sign shall be painted or mounted on rocks, trees, or other natural objects.

8. For the purposes of this Part, the location of signs shall be exempt from the front yard setback and build-to line requirements as set forth in the Zoning Ordinance.

9. All signs shall be located on the same commercial property as the business, except (i) where sole access to a business is by means of an alley, in which case such off-premises business sign must be located within one thousand (1000') feet of the business, or (ii) as permitted in either an industrial use zoning district or in a Borough institutional use zoning district.

10. No sign or sign-related items shall obstruct or be placed within the Borough and PennDOT rights-of-way or within any tree well or planting strip unless otherwise authorized by the Borough and/or by PennDOT, as appropriate depending on which governmental body has authority and control of the right-of-way.

F. Illumination.

1. Externally illuminated signs shall be illuminated with all lighting being shielded with steady, stationary light sources or otherwise arranged so that illumination of the sign, rather than the source of light, is visible from the public right-of-way.
2. External illumination shall not consist of tube, string, fluorescent, or any similar lighting surrounding or bordering a sign.
3. The intensity or direction of illumination of any sign shall not cause light to trespass onto adjoining properties or the public right-of-way.
4. Illumination should be limited to the hours of operation of the establishment.

§ 19-107. Signs Prohibited in All Zoning Districts.

- A. Roof signs.
- B. Razor banners.
- C. Signs which rotate or have motorized moving parts and signs containing reflective elements which sparkle or twinkle in the sunlight. This provision is not intended to prohibit the erection and use of barber poles on a property where a barbershop is operated.
- D. Flashing, blinking, twinkling, spinning, animated or moving signs of any type, to include but not be limited to signs with computer-controlled variable messages. This restriction specifically includes window signs, signs on mobile stands and changeable signs which are computer controlled to provide variable messages. This provision is not intended to prohibit temporary holiday lighting or displays.
- E. Exterior signs that utilize strings of electrical bulbs.
- F. Signs that include words or images that are obscene, pornographic or highly offensive to public decency.
- G. Signs affixed or displayed upon a tree, utility pole, street sign, light pole, public flagpole or other similar public property, except for signs placed by the Borough or the Commonwealth of Pennsylvania.
- H. Inflatable signs and any moving object used for commercial advertising purposes, whether or not such sign or object contains a message.

- I. Any sign attached to or placed or painted on a vehicle or trailer that is parked on a public right-of-way or public or private property so as to be visible from the public right-of-way where the sign is used primarily as a static display for the advertisement to the general public of a product or service or for directing persons to a business or activity located on the same property or at any other location and where the use of the sign is not incidental to the primary purpose of such vehicle or trailer but rather for the primary purpose of advertisement to the general public as aforesaid. This provision does not prohibit the use of a temporary sign attached to or placed upon a vehicle or trailer indicating that the same is being offered for sale by its owner.
- J. Signs in the Historic District painted directly on any surface that is not a separate sign substrate, except for a sign or lettering painted or placed directly on a door or store window identifying the occupant or activity of a building or structure.
- K. Unsafe, illegal and abandoned signs consistent with the provisions contained in § 19-111 of this Part.
- L. Signs placed within the public right-of-way that violate sidewalk access as provided in § 19-109 (D).
- M. Signs placed within the public right-of-way that interacts with tree wells, planting strips, or other non-pedestrian public infrastructure

§ 19-108. Signs Limited to Specific Zoning Districts.

All signs erected in the Borough shall conform to a permitted use or a use approved by special exception or variance as provided for in the Zoning Ordinance. In addition, certain signs are restricted to specified Borough zoning districts as follows:

- A. Permanent signage erected within the Old Town District (OT) is limited to projecting and wall signs, except where the building or structure associated with such sign is set back more than four feet from the edge of the public sidewalk, and, in such case, the erection of freestanding signs is permitted, however in no event shall it extend over the public sidewalk or right-of-way.
- B. Billboards shall only be permitted in the Industrial District (IND).

§ 19-109. Specific Sign Requirements.

In addition to the provisions of the Uniform Construction Code and other provisions of this Part, the following regulations shall apply to particular signs:

A. Building Sign.

1. Wall signs shall not extend more than eight (8") inches from any building to which the same is to be attached.
2. A projecting sign shall not extend more than four (4') feet from any building or structure to which the same is attached and such sign shall not extend into any street, alley or drive or be less than eight (8') feet above any sidewalk or other public thoroughfare.
3. No more than forty-percent (40) percent of a building's total fenestration shall be covered by signage.

B. Freestanding Sign.

1. Any freestanding sign placed within a public right-of-way shall comply with all federal, state and local laws and regulations governing use of such public rights-of-way.
2. The allowable size of a sign shall not include the area of the supporting structure unless otherwise allowed pursuant to the provisions of this Part.
3. A freestanding sign shall have no more than two (2) sign faces.
4. The following regulations apply to pole signs:
 - a. The height of a pole sign shall not exceed twelve (12') feet. [may be content based if not applied to all signs or signs based on location]
 - b. A pole sign shall have a minimum of eight (8') feet of ground clearance measured from the bottom of the sign face when such is located within the public right-of-way.
 - c. The area of a pole sign is to be calculated by measuring the sign cabinet alone. Such sign area calculation shall not include the poles or pole covers of the sign.
5. The following regulations apply to monument signs:
 - a. The ground clearance of a monument sign shall not exceed one (1') foot.
 - b. In determining compliance with the size requirements as set forth in this Part, the measurements of a proposed monument sign shall include the surface area of the sign itself and that of any supporting structure or decorative elements of the proposed sign.

C. Non-Exterior Signs.

1. Non-Exterior Signs shall not produce flashing, pulsating, or blinking lights, changeable or scrolling copy face, or dynamic display similar to a television or video broadcast.
2. No more than forty-percent (40) percent of a building's total fenestration shall be used for Non-Exterior Sign/s.
3. Non-Exterior Sign area shall count toward any other required fenestration ratio associated with the building.

D. Portable Sign.

1. The height of a portable sign shall not be less than three (3') feet and shall not exceed four (4') feet.
2. The sign area of a portable sign shall not exceed twelve (12) square feet.
3. The wheels of any portable sign shall be set in a locked position when being used or displayed.
4. Portable signs located within a public right-of-way shall comply with all federal, state and local rules and regulations governing use of such public rights-of-way.
5. Portable signs are to be placed in manner where Section 403.5.3 of the Americans with Disability Act as provided below, to ensure that an accessible route is provided on pedestrian sidewalks.

403.5.3 Passing Spaces. An accessible route with a clear width less than 60 inches (1525 mm) shall provide passing spaces at intervals of 200 feet (61 m) maximum. Passing spaces shall be either: a space 60 inches (1525 mm) minimum by 60 inches (1525 mm) minimum; or, an intersection of two walking surfaces providing a T-shaped space complying with 304.3.2 where the base and arms of the T-shaped space extend 48 inches (1220 mm) minimum beyond the intersection.

6. Portable signs shall only be displayed during the time period when the business associated with each sign is open.
7. No more than one (1) portable sign shall be permitted for each business located at

a property.

E. Awnings, Canopies and Marquees.

1. No awning or canopy may be erected so that the lowest part of the same is of a height of less than eight (8') feet above a sidewalk or the surface of a public right-of-way.
2. All awnings, canopies and marquees shall comply with all federal, state and local rules and regulations governing use of such public rights-of-way.
3. All lettering, graphics and design on the awning or canopy shall be considered signage and be included in the calculation of the total allowable square footage of signage.
4. A manually activated changeable, internally illuminated sign shall be permitted for use on theatre marquees only.

F. Street Clocks.

1. Street clocks shall not be more than sixteen (16') feet in height.
2. Flashing or blinking lights shall not be permitted to appear on a street clock.
3. A street clock that is not maintained in working order shall either be promptly repaired or it shall be removed by its owner.

G. Banners. Banners shall be used only for a temporary period and may be used for off-premises or on-premises business advertising or to announce special events. Specific requirements related to banners are as follows:

1. The size of any banner may not exceed more than ten percent (10%) of the facade area of the structure on which it is used. The facade area is measured by multiplying the height times the width of the side of the building to which the banner is to be installed.
2. A banner that is used for on-premises business advertising may be permitted for not more than thirty (30) calendar days per calendar year for each property for up to three (3) times in a calendar year. However, the erection of each banner shall require a separate permit.
3. Street banners shall be permitted for erection and display on a temporary basis for no longer than thirty (30) days. Such banners shall require authorization by the Borough if they are affixed to Borough decorative light standards using framing

specifically designed for such purpose. Any banners to be affixed to Borough decorative light standards shall only be erected and removed by the Borough. The permittee shall be responsible for reimbursement to the Borough of its costs where the Borough erects and removes any street banner. Street banners used for off-premises business advertising shall be prohibited.

4. A banner which hangs across a State road, street or highway requires the approval of the Pennsylvania Department of Transportation. A copy of such approval shall be provided to the Borough as part of the sign permit application process. All such banners shall have a minimum clearance of at least sixteen (16') feet above the vehicular right-of-way.

5. All banners not exempted from the permit requirements pursuant to § **19-105** of this Part shall be subject to the permit requirements as set forth in § **19-104** of this Part and the application procedures as set forth in § **19-110** of this Part.

6. The erection of a set of banners, of consistent material and on a single parcel, shall be considered a single banner for the purposes of application for a sign permit in § **19-110** of this Part. However, in no event shall the combined area of the banners exceed the size limit set forth in **G.1.** of this section.

H. Billboards.

1. Billboards shall comply with all applicable federal and state laws and regulations.
2. The total sign area of a billboard shall not exceed one hundred (100) square feet per side, and the billboard shall have no more than two sides or faces. In no event shall the aggregate sign area of both sides or faces exceed two hundred (200) square feet.
3. No billboard shall be placed within thirty (30') feet of the street right-of-way line or within ten (10') feet of a side or rear lot line.
4. No billboard shall be erected or maintained within a five hundred (500') foot radius of any other billboard sign, or within a five hundred (500') foot radius of a residential zoning district or the lot line of an existing residential use.
5. No billboard shall exceed thirty-five (35') feet in height.
6. Illumination of any billboard shall conform to all applicable regulations as set forth in § **19-106.F.** of this Part.
7. All billboards shall be of unipole construction.

8. The stacking of billboards and the use of side-by-side billboards shall be prohibited.

9. Any billboard that does not have advertising for more than twelve (12) months shall be presumed to be abandoned and subject to the provisions applicable to abandoned signs in § **19-111** of this Part.

I. Flags

1. All flags shall be raised or installed in such a manner that no portion of the flag fabric material is less than seven (7) feet above any sidewalk or accessible ground pedestrian walkway. This provision is established to ensure that flags do not interfere with pedestrian movement or make contact with pedestrians.

§ 19-110. Application for a Sign Permit.

A. Application Form. Application forms for sign permits shall be prepared by the Borough and shall be made available to applicants at the Borough office. A completed application form shall include the following information:

1. The name, address, telephone number and e-mail address (if available) of the applicant.

2. The name, address, telephone number and e-mail address (if available) of the owner(s) of the premises on which the sign is to be erected.

3. The location of the premises on which or upon which the sign is to be erected.

4. The position or location of the proposed sign for the purpose of ensuring that the same meets the placement requirements as set forth in § **19-106.E** of this Part.

5. One copy of the design of the proposed sign to scale, to include dimensions, materials, lighting, weight, method of construction and method of attachment to the building or the ground, or other structure relative to the proposed sign, and any plans or specifications.

6. The name and address of the person installing the sign.

7. The installer of any sign (excluding portable signs) located within a public right-of-way shall provide the Borough with a certificate of liability insurance evidencing the Borough as an additional insured with a minimum limit of coverage to be set and changed from time to time by resolution duly adopted by the Borough Council.

8. Any Uniform Construction Code permit required and issued for said sign.

9. Any PennDOT Highway Occupancy permit required and issued for the placement and installation of said sign.

10. Any Borough sidewalk permit required to erect a sign within the public right-of-way.

11. Any such other information as may be required by the Borough to show full compliance with this Part and any other codes or ordinances of the Borough or any Federal or State laws or regulations.

B. Issuance of Permit. With the exception of signs exempted from the permit requirements as set forth in § 19-105 of this Part, the Borough shall issue a permit after determining that the application form and the accompanying fee and information are complete and accurate, that the proposed sign is in compliance with the provisions of this Part, and that no aspect of the proposed sign conflicts with any other codes and ordinances of the Borough. As a part of the permit approval process, the Borough shall have the right to conduct an on-site inspection of the premises upon which the proposed sign is to be located. Signs within the Historic District shall be reviewed for conformity to the guidelines for signs contained in the Gettysburg Design Guide.

1. When the provisions of this Part have been met, the Borough shall issue the requested sign permit no later than fifteen (15) business days after receipt of a complete and accurate application with all attachments and the applicable application fee.

2. Once issued, a sign permit shall be valid for a period of one year from the date of issuance, and all work for which the permit has been issued shall be completed within that period of time.

C. Revocation of Permits. The Borough may revoke any sign permit upon failure of the applicant to comply with any provision of this Part or any other codes or ordinances of the Borough.

§ 19-111. Unsafe, Abandoned and Illegal Signs.

A. Unsafe. If the Borough shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is otherwise established to be a nuisance by the Borough, the Borough shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the regulations herein set forth within ten (10) business days after such notice, the Borough is authorized to remove or alter the sign and to collect, in the manner provided by law,

the costs associated with such removal, together with a penalty of an additional ten percent (10%) from the owner of the sign or of the property. The Borough may cause any sign or other advertising structure that constitutes an existing and immediate danger to persons or property to be removed without prior notice.

- B. Abandoned. When a sign no longer advertises or pertains to an existing business, service, owner, product or activity conducted on the premises for twelve (12) consecutive months, the sign shall be presumed to be abandoned. The Borough, upon determining that all business operations have ceased for a period of twelve (12) consecutive months, and noting that a sign exists, shall notify the owner of the premises in writing that the owner must either provide to the Borough satisfactory written evidence that the sign was not abandoned or remove the sign within forty-five (45) days after the date of the notice.
- C. Illegal. If the Borough shall find that a sign has been placed without the required permit or is in violation of any condition set forth in the sign permit issued by the Borough or is in violation of any regulation contained in this Part, it shall give written notice to the person owning the property where the illegal sign is erected or to the permittee or owner of the sign. The illegal sign shall be removed by the person owning the property or the permittee, as applicable, within ten (10) business days after such notice. Grandfathered signs shall not be considered illegal, unless any nonconformity associated with the sign is increased or otherwise expanded without a valid sign permit in accordance with nonconforming sign provisions provided in § 19-113 of this ordinance.

§ 19-112. Administration and Enforcement.

The Borough Manager and the Planning Director are hereby designated to administer and enforce this Part. The Borough Manager may, as necessary and appropriate, delegate administration and enforcement authority and functions, in connection with the administration of this Part, to other members of the Borough's administrative staff. The Borough Manager and the Planning Director shall have authority to issue permits with reasonable de minimis adjustments to the regulations set forth in this Part.

§ 19-113. Nonconforming Signs.

- A. Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign. If more than fifty percent (50%) of the structure of a nonconforming sign is damaged or destroyed, the sign shall not be reconstructed except in conformity with the provisions of this Part. If damage to the structure of a nonconforming sign is fifty percent (50%) or less, the sign may be repaired or reconstructed, provided that the restoration is completed

within forty-five (45) days of the damage or destruction.

- B. Nonconforming signs shall not be enlarged, added to or replaced by another nonconforming sign, use or structure. Normal maintenance of nonconforming signs, changing of copy face, replacing of a sign face, necessary repairs and incidental alterations, which do not extend, increase or intensify the nonconforming features of the sign, is permitted.

§ 19-114. Penalties.

Any person who shall be convicted of a violation of any provision of this Part shall be sentenced to pay a fine of not more than \$600. Every day that a violation of this Part continues shall constitute a separate offense.

§ 19-115. Substitution.

A protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. This provision applies to all signs, including outdoor advertising devices (billboards), allowed under this Ordinance. Such substitution of message may be made without any additional approval, permitting, registration or notice to the Borough.