

BOROUGH OF WEST KITTANNING
ARMSTRONG COUNTY, PENNSYLVANIA

ORDINANCE NO. 2010-2

AN ORDINANCE REGULATING SIGNS AND BILLBOARDS

Section 1

Purpose: It is the purpose of this ordinance to regulate all signs and billboards within the borough to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment and to protect the public health, safety, morals and general welfare. Moreover, the purpose of this ordinance is to:

- (1) Enhance the appearance of the business community in order to develop economic growth.
- (2) Prohibit the use of signs in such numbers, sizes, designs and locations as may create a potential hazard to citizens.
- (3) Prevent the proliferation of signs and excessively large signs which creates a visually chaotic and competitive situation.

Section 2

Definitions:

Borough: The Borough of West Kittanning

Owner: Either the legal or beneficial owner of the property, including a lessee who is authorized to exercise the rights of an owner with respect to the subject matter of this ordinance.

Property: One or more pieces, parcels, lots or tracts of land located in the Borough.

Sign: A device designed to inform or attract the attention of persons not on the premises on which the device is located.

Illuminated Sign: A non-flashing or non-twinkling sign which has letters, figures, designs or outlines illuminated by a lighting source as part of the sign.

Off-Premises Sign: Any commercial sign advertising a product, service, business or activity sold, located or conducted elsewhere than on the premises on which the sign is located.

Billboard: A free-standing, off-premises sign with an area larger than 50 square feet which includes any board, wall, fence, screen or other device or structure in the nature thereof used or employed for the posting, painting or affixing thereon of advertising matter.

Digital Billboard: A billboard without moving parts whose content may be changed by electronic process through the use of intermittent lights, including but not limited to, light emitting diodes (LED), liquid crystal display (LCD), or plasma image display.

Section 3

Regulations Governing Signs:

(1) Signs shall be allowed only upon approval of council after a review. Each proposed sign shall be allowed subject to the following regulations:

- a. *Size and Design* – Each sign shall have no more than two sides. The area of each side of the sign shall not exceed 15 square feet. The highest point of any sign shall not exceed six feet above the ground.
- b. *Location* - Signs shall not be posted on any property without the consent of the owner of such property. The Borough may maintain a registry of owners who have indicated a preference with respect to signs on such owner's

property. If an owner has requested that no signs be permitted on the property of the owner, the Borough may remove any such sign. Any request of an owner will be revocable at any time by the owner.

- c. *Sight* – No sign shall be placed in such a position that it can be mistaken by the public for a traffic signal or obstruct the view of the public.
- d. *Flashing Signs* – No sign shall be of the flashing type, except traffic control devices.
- e. *Borough Property* – No sign, other than official traffic or information signs erected by the Borough shall be erected in or project into any public park, street or highway or over or in or into any sidewalk of the Borough.
- f. *Posters and Advertising Matters* – No posters, signs, cards, advertising matter or any objects whatsoever may be placed upon the poles or elsewhere within or along the streets, roads and public ways of the Borough.
- g. *Affixing of Signs* - No sign shall be nailed, wired or otherwise affixed to a tree or to an official traffic sign or street name sign.
- h. *Illumination* – Artificially illuminated signs must be turned off between the hours of 11:00 p.m. and 6:00 a.m.
- i. *Additional Regulations* – All signs must comply with any other Borough ordinances which may be applicable.

(2) Prohibited Signs. Notwithstanding the above regulations, the following signs are strictly prohibited:

- a. Abandoned signs. A sign shall be deemed Abandoned if:

- i. It does not display a well-maintained message for a consecutive 120-day period;
 - ii. The owner of the sign cannot be located at the owner's last known address, as reflected on the records of the Borough.
 - iii. A structure designed to support a sign no longer supports the sign for a period of 120 consecutive days.
- b. Animated signs, rotating or otherwise moving signs or signs with moving parts.
- c. Any sign that emits noise or odor.
- d. Any sign that causes distraction, confusion, nuisance or hazard to traffic, aircraft, or other properties.
- e. Any roof sign or sign that extends above the roof line or parapet wall.
- f. Any sign exceeding a vertical measurement of twenty (20) feet.
- g. Any sign erected, painted or maintained upon fences, trees, bushes, rocks or similar natural feature.
- h. Any sign that is structurally unsafe or in disrepair.
- i. Any sign which obstructs free ingress or egress from a fire escape, door, window or other required exitway.
- j. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
- k. Any sign that imitates or resembles any official traffic sign, signal or device; any sign erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct

or physically interfere with the driver's view of approaching, merging or intersecting traffic. No sign shall be constructed, located or illuminated in any manner which causes undue glare, distraction, confusion, nuisance or hazard to traffic or which obstructs free and clear vision of traffic flow.

- l. Off-premises advertising signs.
- m. Signs on public property, public rights-of-way or utility poles that are not erected by a governmental body or utility company.
- n. Tri-face changeable signs or other electrically activated changeable signs.
- o. Signs in rights-of-way. No signs, except official traffic signs of the Borough, county or state, on streets within their respective jurisdiction, shall be erected within two feet of any street, or within any public right-of-way unless otherwise provided herein. All signs located on properties adjacent to public rights of way shall allow adequate clearance for motor vehicles and pedestrians.
- p. Vehicle signs. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - i. The primary purpose of such vehicle or trailer is not the display of signs.
 - ii. The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.

- iii. The vehicle or trailer is in operating condition, currently registered or licensed to operate on public streets and actively used or available for use in the daily function of the business to which such signs relate.

Section 4

Regulations Governing Billboards and Digital Billboards:

(1) Billboards shall be allowed only upon approval of council after a review. Billboards shall only be allowed to be placed along Butler Road in West Kittanning Borough. Proposed new billboards shall only be allowed in an area which covers the area of land at least 25 feet but not more than 100 feet from the road right of way line located on Butler Road in West Kittanning Borough. Each proposed billboard shall be allowed subject to the following regulations:

- a. *Size* – A maximum of two (2) sides are allowed per billboard. The area of a billboard shall not exceed 336 square feet on each of not more than two sides of the billboard.
- b. *Height* – The highest portion of the billboard shall not exceed 35 feet in height measured from the elevation of the grade of road adjacent to the billboard. The elevation of the grade is defined as the point on the centerline of the road which is perpendicular to the billboard location.
- c. *Face Material* – Billboards shall use vinyl wrap or a material of equivalent durability.
- d. *Illumination and Animation* – Illumination of billboards shall be allowed based upon the following standards.

- iv. The billboard and lighting thereof shall be effectively shielded so as to prevent beams or rays of light from being directed at a portion of the traveled ways of the state and borough roadways, and shall not cause glare or impair the vision of the driver of a vehicle;
- v. Illumination which is not directed at any portion of the traveled rights of way but which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of the vehicle, or which interferes with any driver's operation of a motor vehicle must be shielded from any portion of the traveled rights of way;
- vi. The billboard shall not be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal;
- vii. Illumination shall be effectively shielded so as to prevent beams or rays of light from being directed at any residential property; in any case, the amount of illumination reaching any residential property from a sign or billboard shall not exceed one footcandle(1 fc);
- viii. During daylight hours between sunrise and sunset, luminance shall be no greater than two thousand five hundred (2,500) nits; and
- ix. Notwithstanding Paragraph (1)(d)(viii), between the hours of 11:00 p.m. and 6:00 a.m., prevailing local time, no billboard shall be illuminated.
- x. All lighting from billboards must not have image changes.

- xi. Any billboard which contains, includes or is illuminated by a flashing intermittent or moving light or lights, or is animated as defined by this ordinance shall be prohibited.

(2) Separation

The location of each billboard shall comply with the following separation requirements:

- a. At least a 2,000 foot radius from any other billboard; proposed or existing.
- b. At least 500 feet from any borough residence.
- c. At most, 10 feet from another billboard when attached together in a “back-to-back” construction configuration.

(3) Obstruction

No billboard shall overhang a public or private right-of-way nor shall it interfere with a three-hundred foot line of sight in any direction at an intersection.

(4) Maintenance

Each person or entity owning or operating a billboard along Butler Road within West Kittanning Borough shall be required to provide regular maintenance to the billboard in order to insure it is in good working order.

(5) Liability Insurance

- a. The applicant for a Billboard Permit to erect a billboard shall provide a certificate of insurance for public liability and property damage which indemnifies and holds harmless the borough, its agents, successors and assigns. The amount of insurance to be maintained shall be determined and adjusted from time to time by the borough but shall be no less than \$1,000,000

bodily injury and \$100,000,000 property damage on both a per occurrence basis and annual aggregate basis. The insurance certificate shall contain a clause stating that the insurance shall not be cancelled or reduced without first giving thirty day written notice to the borough.

- b. On an annual basis the billboard owner will supply the borough with a current copy of a certificate of insurance which will be kept on file at the borough office.

(6) Ownership and Subleasing

West Kittanning Borough shall be notified within 45 days of any change in ownership or sublease agreement of any billboard at which time all inspections, maintenance and fee provisions of this ordinance will be required and enforceable against the new owner.

(7) Fees

- a. Permit Fee – Each person or entity awarded a permit to construct a billboard along Butler Road shall pay a one-time fee of \$500.00 to the Borough. The fee shall be paid prior to any work starting on the construction of the billboard.
- b. Annual License -- Each person or entity shall initially pay a \$100.00 license fee and pay an additional \$100.00 annually for the right to continue operating their billboard. The license fee shall be paid no later than forty days from the date of the Borough invoice or an additional \$50.00 will be added to the invoice. If the fee is not paid within one-hundred twenty days from the date

of the Borough invoice then the owner of the billboard will be ordered to remove the billboard at its or their own expense.

- c. Exemption – Notwithstanding paragraphs 7(a)-(b), no entity recognized as a non-profit organization shall be required to pay the above fees.

Section 5

Penalty:

Any person violating any provision of this ordinance shall, upon conviction for the violation, pay a fine of up to \$1,000. Each day during which any violation of this ordinance continues shall constitute a separate offense and shall be punishable as such.

Section 6

Severability:

All ordinances or parts of ordinances which are inconsistent with this Ordinance are repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 7

Savings Clause:

If any sentence, clause part or section of this Ordinance is found to be unconstitutional, illegal or invalid, such unconstitutional, illegal or invalid sentence, clause, part or section shall not affect the validity of the remaining provisions of this Ordinance. It is hereby declared the intent of the Council of West Kittanning Borough to

have enacted this Ordinance if such unconstitutional, illegal or invalid sentence, clause, part or sections have not been included therein.

Section 8

Effective Date:

This ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED by the Council of West Kittanning Borough, Armstrong County, Pennsylvania on this 5th day of October, 2015.

Attest:

Carly Cowan
Carly Cowan, Secretary

WEST KITFANNING BOROUGH
COUNCIL

Robert Venesky
Robert Venesky, President

James Sobiski
James Sobiski, Mayor