

CHAPTER 19

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PART 1

GENERAL REGULATIONS

A. Regulations

§19-101. Short Title.

This Part 1 may be cited as the Gettysburg Borough Sign Ordinance of 1999.

(Ord. 1219-99, 3/8/1999, §101)

§19-102. Purpose.

1. To promote commerce.
2. To promote safety, convenience and well-being of the users of streets, roads and highways.
3. To avoid distractions and obstructions from signs which would adversely affect vehicular and pedestrian safety and to alleviate hazards caused by signs projecting over or encroaching upon public ways.
4. To avoid excessive visual competition in signs and ensure that signs aid orientation and adequately identify uses and activities to the public.
5. To preserve or enhance the Borough's unique historic character by requiring new and replacement signs which are:
 - A. Distinctive.
 - B. Compatible with the surroundings, including historic building styles and the streetscape.
 - C. Appropriate to the type of activity they identify.
 - D. Expressive of the identity of individual proprietors or of the community as a whole.
 - E. Readable by virtue of size, the spacing and the proportion of the lettering.

(Ord. 1219-99, 3/8/1999, §102)

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§19-103. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

SIGN — any display, structure or device, excluding window displays and merchandise, which incorporates lettering, logos, colors, lights or illuminated inert gas tubes visible to the public from outside of a building or from a traveled way which either conveys a message to the public or intends to advertise, direct, invite, announce or draw attention to, directly or indirectly, goods, products, activities, services or facilities available on the property bearing the sign.

- A. A separate structure with flat or curved surfaces upon which information is portrayed, including its supporting element.
- B. A structure or device attached or fastened to another structure, such as a wall or roof of a building, upon which information is portrayed.

ADVERTISING SIGN — a sign which directs attention to a business, product service or activity sold or conducted at a location other than upon the premises where the sign is located.

ANIMATED OR FLASHING SIGN — a sign with action or motion or whose illumination is not kept at constant intensity at all times when in use and which exhibits changes in light, color, direction or animation.

AWNING — any structure made of a folding frame covered with flexible material which is attached to the building and projects from it when in use and can be retracted to a position flat against the building when not in use.

AWNING SIGN — a sign painted on or attached to the cover of a movable frame of the hinged, roll or folding type of awning.

BANNER — a temporary, decorative sign made of flexible material, mounted on poles, wires or on the facade of a building, which has symbolic significance or which proclaims greetings, holidays or special occasions.

BUSINESS SIGN — a sign which announces or directs attention to a business, product, service or activity sold or conducted on the premises where such sign is located.

CANOPY — a frame with standards and covered with flexible or inflexible material, attached to a building and which functions as a shelter extending from a doorway over a walkway.

CORNERSTONE — a stone set into the wall of a building or structure, normally at a corner, identifying on its face the date of construction of the building or structure and/or the name of the organization which erected or which owns the building or structure and other matter pertinent to the nature of the organization.

DATE STONE or DATE SIGN — a stone set into a wall of a building or structure or any plaque, board or numerals painted or attached to the wall of a building or structure to identify the date of its construction. A cornerstone bearing only a date is also a date stone.

DECORATIVE FLAG — a sign made of flexible material, mounted on poles, wires or on the facade of a building, which is not the official symbol of national, state and local government and agencies, past and present, or private corporations.

FIXED CANOPY — a frame covered with either flexible or inflexible material which functions as a shelter and may or may not be attached to a building.

FLAG — a sign made of flexible material mounted on poles, wires or on the facade of a building, which is the official symbol of national, state or local government or any agency, past and present, or private corporation.

FREESTANDING SIGN — a sign which is supported by uprights, columns, etc., in or upon the ground and not attached to any building. A sign attached to a flat surface not a part of the building, such as a fence or wall, shall be considered a freestanding sign.

FRONTAGE — that linear footage of a business property along a public street or alley, and includes the main entrance(s).

GROUND SIGN — a freestanding sign, the bottom of which is less than one foot above the ground and not attached to any building.

HOME OCCUPATION — a use which is incidental or secondary to the residential use of a dwelling and which is conducted entirely within the dwelling by a resident.

IDENTIFICATION SIGN — a sign which identifies only the occupant of the premises, the profession of an occupant and/or the name of the building upon which the sign is placed.

ILLUMINATED SIGN — a sign incorporating a source of light in order to make the message readable, including internally and externally lighted signs. Inert gas tubes used as abstract, graphic, decorative or architectural elements shall be considered an illuminated sign.

MARQUEE — a permanent structure extending out from the front of a building, typically over the entrance, for advertising events or programs that change frequently.

MEMORIAL PLAQUE — a sign attached to the wall of a building or structure and which provides information commemorating a person or event pertinent to the history of the building or structure or events occurring on the site.

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MINOR SIGN CHANGE — a change in the wording of a sign that does not affect color, style of lettering, symbols, shape, size, lighting or suspension, and/or relocation of a sign that will not affect the historic character of a building or streetscape, as determined by the Code Enforcement Officer or the Historic Preservation Officer.

MOVEABLE SIGN — any portable sign standing in front of or on the premises of a business for the purpose of advertising daily specials or other current matters related to the business and which is removed at the close of each business day.

PENNANT — a flag or banner that measures greater in length than in height and which often tapers to a point.

PROJECTING SIGN — a sign which is attached to a building or other structure and extends beyond the line of said building or structure.

PUBLIC SERVICE SIGN — a sign providing information or instructions for public convenience.

REVIEWABLE SIGN — any new sign or proposed change to an existing sign affecting color, style of lettering, symbols, shape, size, lighting or suspension, and/or relocation of a sign that will affect the historic character of a building or streetscape, as determined by the Code Enforcement Officer or the Historic Preservation Officer.

ROOF SIGN — a sign erected upon or above the roof or parapet wall of a building and which is wholly or partially supported by the building.

SIGN AREA — The area of a sign computed by multiplying the maximum horizontal measurement by the maximum vertical measurement. Both measurements include all ornamentations surrounding the information area but exclude the supporting structure. The supporting structure shall not include any signs as defined under the terms in this Part. Double-faced signs (two sign faces, back-to-back, and not more than two feet from each other) shall be counted as one sign.

STREET CLOCK — a timepiece erected upon or in a frame or structure placed or located upon the sidewalk for the convenience of the public and which also serves as a business sign.

TEMPORARY SIGN — a sign placed or erected for a period not to exceed 30 days. Exceptions for pennants, banners and similar devices intended for civic purposes may be granted by special permit.

WALL SIGN — a flat sign which extends outward less than six inches and is affixed to the wall of a building or structure and which does not extend above the parapet, eaves or facade of the building or structure.

WIND-ACTIVATED SIGN — includes signs with moving parts such as whirligigs.

(Ord. 1219-99, 3/8/1999, §103)

§19-104. Administration.

1. Code Enforcement Officer or Historic Preservation Officer. The Code Enforcement Officer or the Historic Preservation Officer is hereby designated to enforce this Part.
2. Permit. Except as otherwise provided in §19-105, no sign shall be erected, placed, altered, located or relocated anywhere in the Borough until a sign permit for such has been issued by the Code Enforcement Officer or the Historic Preservation Officer. Such application may be filed by the owner of the land or building or any person who has the authority to erect a sign on the premises.
3. Application for Sign Permit. Application for a sign permit shall be made upon forms provided by the Code Enforcement Officer or the Historic Preservation Officer and shall include the following information:
 - A. Name, address and telephone number of applicant.
 - B. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or located.
 - C. Position of the sign or other advertising structure in relation to nearby buildings or structures.
 - D. Two blueprints or ink drawings or computer-generated drawings of the design, to include plans and specifications, materials, lighting, method of construction and attachment to the building or ground.
 - E. Name of person, firm, corporation or association erecting the sign.
 - F. Written consent of the owner of the building, structure or land to which the sign is to be located.
 - G. Any electrical permit required and issued for said sign.
 - H. Such other information as the Code Enforcement Officer or the Historic Preservation officer shall require to show full compliance with this Part and all other codes and ordinances of the Borough.
4. Issuance of Permit. The Code Enforcement Officer or the Historic Preservation Officer shall issue a permit after examining the application and accompanying information and the premises upon which the sign is proposed to be located if it

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shall appear that the proposed sign is in compliance with all of the requirements of this Part and any other applicable ordinance.

- A. Such permit shall be valid for a period of one year, and all work for which the permit has been issued shall be completed within that period of time. If work has not commenced or been completed within the one-year period, it shall be necessary for the applicant to apply for another permit, just as if no previous permit had been issued.
 - B. The Code Enforcement Officer or the Historic Preservation Officer shall act within 30 days of receipt of such application together with the required fee. The Code Enforcement Officer's or the Historic Preservation Officer's action or failure to act may be appealed by the Borough Council, which may grant approval of the application.
5. **Permit Fees.** Every applicant, before being granted a permit, shall pay to the Borough a permit fee according to a schedule of fees, which shall be set by resolution by the Borough Council. The Borough Council may amend the schedule of fees at any time thereafter by resolution. The Code Enforcement Officer or the Historic Preservation Officer shall refuse to issue any sign permit to any applicant who refuses to pay any assessed fees.
 6. **Revocation of Permits and Licenses.** The Code Enforcement Officer or the Historic Preservation Officer is hereby authorized to revoke any permit upon failure of the applicant to comply with any provision of this Part.
 7. **Unsafe and Unlawful Signs.** If the Code Enforcement Officer or the Historic Preservation Officer finds that any sign or part thereof is unsafe, insecure, a menace to the public, not in good condition or repair or has been constructed or located in violation of the provisions of this Part, he shall notify the owner thereof to comply with the provisions of this Part within 15 days from receipt of such notice. If the owner fails to comply with such notice within the prescribed period, the Code Enforcement Officer or the Historic Preservation Officer is hereby authorized to remove the sign or take whatever corrective action is necessary to bring it into compliance with this Part and to collect the costs associated with such removal or corrective action, together with a penalty of an additional 10%, from the owner in the manner provided by law. The Code Enforcement Officer or the Historic Preservation Officer shall refuse to issue any new sign permit to any applicant who refuses to pay any assessed costs.
 - A. Signs may not:
 - (1) Be structurally unsafe.
 - (2) Be hazardous to the public safety and health.
 - (3) Be obstructions to free entrance or exit from a required, door, window or fire escape.

- (4) Obstruct light or air or interfere with proper functioning of the building.
 - (5) Be capable of causing electrical shock.
- B. The Code Enforcement Officer or the Historic Preservation Officer may cause any sign or part thereof which is an immediate danger to persons or property to be removed summarily and without notice. Any unlawful banner or temporary sign shall be removed within five days.
8. Removal of Certain Sign. Any sign which no longer advertises an existing business conducted or product sold on the premises shall be removed by the owner of the sign from the premises where it is located. The Code Enforcement Officer or the Historic Preservation Officer, upon determining that all business operations have ceased, and noting that a sign exists, shall notify the owner of the premises, in writing, to remove the sign within 30 days after the date of such notice. Upon failure to comply with such notice within the prescribed period, the Code Enforcement Officer or the Historic Preservation Officer is hereby authorized to remove the sign and to collect in the manner provided by law the costs associated with such removal, together with a penalty of an additional 10%, from the owner of the sign or of the property. The Code Enforcement Officer or the Historic Preservation Officer shall refuse to issue any new sign permit to any applicant or owner who refuses to pay any assessed costs.

(Ord. 1219-99, 3/8/1999, §104)

§19-105. General Provisions.

1. All signs shall be located and constructed in accordance with Article 19 (Signs) of the BOCA Basic Code and the provisions of this Part. Where there is a conflict between this Part and the Building Code, the provisions of this Part shall apply. Where there is a conflict between this Part and the Borough Historic District Ordinance, the provisions of the Historic District Ordinance shall apply. Where there is conflict between this Part and any other ordinance, the more-restrictive requirement or provisions shall apply.
2. Signs within the Borough Historic District shall be subject to the approval of the Historic Review Board of the Borough in accordance with the procedures set forth in the Borough Historic District Ordinance.
3. All signs shall be constructed of durable materials and shall be kept in good condition and repair.
4. Every sign for which a permit has been issued shall have the permit number clearly displayed on the sign face or front.

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5. The height of any sign shall be measured from the ground or sidewalk up to the highest point of the sign.
6. No sign shall be painted directly on any surface which is not in itself the sign structure, 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. Exceptions may be made for wall murals or the repainting of historic wall signs which can be adequately documented.
7. Under no circumstances shall any sign or part thereof project over or extend beyond a point two feet inside the curblineline or edge of the street pavement.
8. No part of any sign shall project or extend over any pedestrian walkway for a distance of more than four feet, and every such sign projecting out for more than two feet shall have a clear space of at least eight feet below all projecting parts.
9. National trademark signs and logos of companies other than the business on the premises are prohibited.
10. The total square footage of sign areas allowed for a business property shall be one square foot of sign for each linear foot of frontage, but under no circumstances shall the total permitted sign area for a single business or activity exceed 50 square feet. Should more than one business have a common frontage in a single property, the owner of the property may apportion the total sign area allowed among the several businesses. In the case of a business that has two separate street entrances, each equally important, on two different ordained thoroughfares and each street entrance totally obscured from the other, then the frontage on each street may be treated as a separate business. A property having more than four businesses may exceed the fifty-square foot limit, but the total sign area for each business may not exceed the linear frontage of that business.
11. Signs indicating the current time and/or temperature are permitted, provided that they meet all other provisions of this Part.
12. All signs shall be located on the same property as the business.

(Ord. 1219-99, 3/8/1999, §105)

§19-106. Signs Requiring No Permit.

The exemption from the permit and licensing provisions of this Part shall not be construed as relieving the owner or person in control of the sign from complying with all other applicable provisions of this Part.

- A. Only signs which refer to a permitted use or an approved conditional use as set forth in the Zoning Ordinance [Chapter 27] are permitted, provided that such signs conform to the provisions of this section. The following is a list of signs for

which no permit is required. Although no permit shall be required for the following signs, the Code Enforcement Officer or the Historic Preservation Officer must still review the proposed sign design, type, specifications and placement before installation.

- (1) Public service signs erected by public agencies in locations approved by the Borough and of a size not larger than permitted by state highway regulations or this Part or other Borough ordinances, including signs for regulatory purposes such as traffic control signs, trespassing signs, parking control signs, etc.
- (2) Signs for directional or informational purposes, such as street name signs, location of public facilities, historic signs or markers, utility information signs, etc.
- (3) Signs or bulletin boards of schools, colleges, churches, hospitals and other similar institutions, provided that:
 - (a) The sign area of any directional or information sign shall not be more than eight square feet.
 - (b) The sign area of any other such sign shall not be more than 30 square feet.
- (4) Memorial plaques, cornerstones or historic markers, built-in or attached to the walls of structures, bearing only the name or use of the structure, the date of erection of the structure and/or reading matter commemorating a person or event.
- (5) Street address numerals or signs not exceeding one square foot in area on each main structure.
- (6) Identification signs, provided that:
 - (a) There is no more than one such sign for each business or activity.
 - (b) Such signs are attached to the buildings or structure in which the business or activity is located.
 - (c) The sign area is not more than 2 1/2 square feet.
 - (d) The aggregate area of all such identification signs on any one property shall not exceed 50 square feet.
- (7) Temporary signs of contractors, architects, mechanics or craftsmen:
 - (a) If placed on only the property where such work is being performed.

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- (b) If not exceeding 12 square feet for a single contractor and 32 square feet for the general contractor and subcontractors. The total area of all such identification signs on any one property shall not exceed 50 square feet, and the total area of all signs of any nature on any single business property shall not exceed 50 square feet.
 - (c) If removed promptly upon completion of work.
- (8) Signs indicating the private nature of a driveway, etc., or trespassing signs, provided that the size of any such sign shall not exceed two square feet.
- (9) Temporary real estate signs:
 - (a) Advertising the sale or rental of premises, provided that the sign area of such sign shall not exceed five square feet and no more than two such signs shall be placed on any property held in single ownership.
 - (b) Indicating the location of premises in the process of development, provided that the sign area of any such sign shall not exceed 20 square feet and no more than one such sign shall be placed for each 500 feet of street frontage.
- (10) Temporary signs inside store display windows concerning special sales which are available only for a very limited period of time.
- (11) One temporary garage, yard or similar sale sign for each sale is allowed:
 - (a) If placed only on the day of the sale.
 - (b) If not exceeding 2 1/2 square feet in area.
 - (c) If placed only on the property where the sale is being held.
 - (d) If removed promptly at the end of the sale.
- (12) Political signs are allowed:
 - (a) If they are stationary, unlighted and temporary.
 - (b) If they are put up no sooner than two weeks prior to the day of election if pertinent to electing candidates.
 - (c) If they are taken down no later than seven days after the election if pertinent to electing candidates.
 - (d) If they are not attached to any public property of the Borough, including street sign posts, etc.

- (e) If they are not attached to any utility pole.
- (f) If limited to two per lot.

(Ord. 1219-99, 3/8/1999, §106)

§19-107. Prohibited Signs.

1. Any sign larger than 50 square feet.
2. Outdoor advertising signs, to include but not be limited to billboard-type signs, shall be prohibited in all zoning districts of the Borough, with the exceptions of the Industrial District and the Institutional District, where such outdoor advertising signs shall be allowed consistent with the other provisions of this Part.
3. Roof signs.
4. Permanent signs attached to or placed on any public utility pole or tree located within any public right-of-way.
5. Signs which flash, rotate or have motorized moving parts and signs containing reflective elements which sparkle or twinkle in the sunlight.
6. Moving, animated, flashing, revolving or wind-activated signs.
7. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises, except landmark signs or historic markers which may be preserved and maintained even if they no longer pertain to the present use of the premises.
8. Signs which, by reason of position, shape or color, may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.
9. Signs or commercial displays that utilize strings of electrical bulbs, except those clearly identified with a national holiday or religious holiday.
10. Signs which constitute a hazard to pedestrian or vehicular traffic because of intensity or direction or illumination.
11. Internally illuminated signs, except for marquees on theaters.
12. Backlit awnings.

(Ord. 876-73, 11/14/1973; as added by Ord. 1219-99, 3/8/1999, §107; and as amended by Ord. 1350-08, 4/14/2008)

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§19-108. Specific Regulations.

In addition to the provisions of Chapter 5 of the BOCA National Building Code/1990, the following regulations shall apply:

- A. Wall signs shall not extend more than six inches from the building to which they are attached.
- B. Projecting signs shall not extend more than four feet from the building or structure to which they are attached.
- C. Any glass used in a projecting sign must be safety glass.
- D. Freestanding Signs
 - (1) The height of a freestanding sign shall not exceed 12 feet above the ground.
 - (2) No part of any ground sign shall be closer than eight feet to a street curblineline or edge of a driveway.
 - (3) No part of any ground sign shall be closer than five feet to any adjacent lot or property line.
- E. Moveable Signs
 - (1) The height of a moveable sign shall not exceed four feet.
 - (2) No moveable sign may exceed 12 square feet in size.
 - (3) Moveable signs may not obstruct free passage of a pedestrianway nor any entrance or exit and must allow at least four feet of clearance on the sidewalk.
 - (4) Only one moveable sign will be permitted for each property even if a property contains more than one business.
- F. Awnings and Canopies and Marquees
 - (1) No awning or canopy shall be erected to that the lowest part is less than eight feet above the sidewalk.
 - (2) No part of any awning, canopy or marquee shall be permitted to extend more than two feet inside the curblineline.
 - (3) Only the name of the owner or the business or activity conducted on the premises may be placed on any awning or canopy. Such names are to be painted or otherwise permanently placed in a space not exceed-

ing eight inches in height on the front or sides of the valance. All paintings will be considered signage and be added into the allowed total square footage.

G. Street Clocks

- (1) Street clocks erected on the sidewalk shall not be more than 18 feet in height.
- (2) Only the name of the owner and/or name of the business or activity conducted on the premises shall be permitted to appear on the clock.
- (3) Flashing or blinking lights are permitted only to indicate the time and/or temperature.

H. Illumination

- (1) All signs except street clocks shall be nonilluminated or externally illuminated with steady, stationary, shielded light sources directed solely onto the sign without causing glare.

I. Placement Restrictions

- (1) Signs shall not be attached to utility pole, antenna, satellite dish, tree or shrub.
- (2) Signs shall not be mounted on roofs, including mansard roofs, or extend above the roofline, unless mounted on a parapet wall which extends above the roofline, in which case the sign may not extend above the top of the parapet.
- (3) Projecting signs shall not extend into a street, alley or drive or be less than eight feet above a pedestrianway.
- (4) Signs shall not cover architectural details such as arches, sills, moldings, cornices and transom windows.

J. Banners.

- (1) The size of any banner may not exceed more than 10% of the facade of the structure on which it is used.
- (2) A banner will be permitted for not more than 30 calendar days per calendar year for each property. The 30 days may be divided into not more than three parts per year. Each part (i.e., separate banner) requires a separate permit.

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- (3) All banners are subject to the permit restrictions noted in §19-104. Permit fees for banners announcing civic, religious or charitable events may be waived at the discretion of the Code Enforcement Officer or the Historic Preservation Officer.
- (4) Banners may only be placed on the property of the business, charitable, religious or civic organization requesting the permit.

(Ord. 1219-99, 3/8/1999, §101; as amended by Ord. 1244-00, 9/11/2000, §§1, 2)

§19-109. Nonconforming Signs.

Every sign in existence at the time this Part becomes effective which does not conform with the provisions herein shall be removed, altered or replaced so as to conform with this Part after any change of use or ownership of the property upon which the sign is erected, upon the change of ownership or name of any business for which the sign is erected or upon replacement or alteration of the existing nonconforming sign.

(Ord. 1219-99, 3/8/1999, §109; as amended by Ord. 1244-00, 9/11/2000, §3)

§19-110. Penalties.

Any person, firm or corporation 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 and/or sentenced to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part continues shall constitute a separate offense.

(Ord. 1219-99, 3/8/1999, §110; as amended by Ord. 1236-99, 12/13/1999, §2)

B. Historic District Regulations.

§19-111. Signs.

1. Procedures.
 - A. No sign or permanent external advertising display of any kind for any purpose shall be erected or altered in the Historic District until an application for permit to make such erection or alteration has been reviewed by the Historic Architectural Review Board, a certificate of appropriateness issued and a sign permit granted, except that the Historic Preservation Officer may issue permits for minor sign changes consistent with §19-104, Subsection 4, and for banners consistent with §19-108, Subsection 10, without referral to the full Board. However, he/she will keep records of any permits issued for minor sign changes or banners and shall report these to the Board at its next meeting for inclusion in the minutes.

- B. No sign or permanent external advertising display of any kind shall be erected, altered or used in the Historic District except for advertising informing the public of the service, business, occupation or profession carried on or in or about the property on which such sign or permanent external advertising display appears.

2. Standards.

- A. In considering appropriateness of proposed signs, the Board shall take the following into account: appropriateness to the architectural style and period of the building at which it will be located, material composition, shape, colors, overall design, type of lettering, illustrative material or logo, spacing, lighting, suspension, accuracy of statements on the sign pertaining to historical or architectural matters and compatibility of these factors with other signs in the Historic District. In addition, the Board may advise on matters of grammar, spelling and punctuation, but approval may not be denied on these grounds.
- B. No animated, revolving or moving signs shall be permitted.
- C. Illumination of any sign shall be indirect, fully shielded or otherwise arranged to that illumination of the sign rather than the source of light is visible from the public right-of-way. Internally lighted signs are prohibited.
- D. No freestanding sign shall be more than 12 feet high.
- E. Projecting signs extending more than two feet over any public walkway or right-of-way shall be at least eight feet above the walk grade and at least 14 feet above any vehicular right-of-way.
- F. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of its position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.
- G. No sign shall be located so as to prevent or hinder free ingress or egress from any door, window or fire escape. No sign shall be attached to a stand-pipe or fire escape.
- H. No signs shall be attached to or placed on any public utility pole or tree located within any public right-of-way.
- I. Should the Historic Preservation Officer deem the design of a temporary sign inappropriate for placement in the Historic District, he/she may refer the matter to the Board for review and recommendation to the Borough Council. A time limit for a temporary sign may be recommended by the Board.

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- J. All other requirements of the Borough Sign Ordinance must be adhered to, except that projecting signs in the Historic District, regardless of area, may be made of combustible materials, so long as they are not illuminated from the inside.
- 3. Historic Markers. Historic markers must be reviewed for approval by the Board. Such markers shall not be considered as signs but rather must conform to uniform requirements established for historic markers by the Board.

(Ord. 876-73, 11/14/1973 as added by Ord. 1219-99, 3/8/1999, §111)

PART 2

U.S. BUSINESS ROUTE 15 SCENIC BYWAY

§19-201. Title.

This Part shall be known as the "U.S. Business Route 15 Scenic Byway Ordinance."

(Ord. 1359-09, 1/12/2009, §1)

§19-202. Purpose.

The purpose of this Part is to accommodate the "Scenic Byway" designation along the U.S. Business Route 15 corridor by prohibiting certain advertising devices along U.S. Business Route 15 in accordance with the parameters set forth in state and federal law, and to enable state or federal funding to be obtained to preserve the natural beauty of this highway and to promote the public welfare.

(Ord. 1359-09, 1/12/2009, §2)

§19-203. Definitions.

As used in this Part the following words shall have the meanings ascribed:

BOROUGH — the Borough of Gettysburg and its Borough Council or designated representatives.

ERECT — to construct, build, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance and repair of a sign or sign 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.

OWNER — any person vested with ownership, legal or equitable, sole or partial, of any property located in the Borough.

PERSON — includes any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association,

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partnership or firm and the officers of any local agency or public or private corporation.

RESPONSIBLE PERSONS — all persons in possession or control of real estate by reason of a lease, contract or other legal right or claim, and all persons performing work for the owner or person responsible.

(Ord. 1359-09, 1/12/2009, §3)

§19-204. Prohibition.

No outdoor advertising device, as defined in this Part, may be erected by any owner, person responsible or other person:

- A. Within 660 feet of the nearest edge of the right-of-way of U.S. Business Route 15 or more than 660 feet from the nearest edge of the right-of-way if the sign is visible from the main-traveled way of U.S. Business Route 15 and the purpose of the sign is that its message be read from the main-traveled way of U.S. Business Route 15, except as follows:
 - (1) The official signs and notices which are required or authorized by law and which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131 (relating to control of outdoor advertising);
 - (2) Outdoor advertising devices advertising the sale or lease of the real property upon which they are located;
 - (3) Outdoor advertising devices advertising activities conducted on the property on which they are located, including devices which display a message that may be changed at reasonable intervals by electronic process or remote control; and
 - (4) Directional signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions and other points of interest to the traveling public which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131.

(Ord. 1359-09, 1/12/2009, §4)

§19-205. Existing Outdoor Advertising Devices.

All outdoor advertising devices constructed and existing on the effective date of this Part, which would be prohibited under this Part, shall be permitted except that if the

device shall not be used for advertising for a period of one year or shall become dilapidated, the device shall be removed.

(Ord. 1359-09, 1/12/2009, §5)

§19-206. Landowner Responsibility.

For purposes of this Part, the person or persons holding legal title to property on which a person is maintaining a condition of premises in violation of this Part shall be subject to the remedies, penalties and liability imposed by enforcement of the Part.

(Ord. 1359-09, 1/12/2009, §6)

§19-207. Notice of Violation.

Whenever a condition constituting a violation of this Part is found to exist, the Borough or its designated representative shall cause a written notice to be served upon the owner(s) of the subject premises, as well as other persons responsible for the outdoor advertising device. Service of this notice may be made by personal delivery to the owners, or other persons responsible, describe the conditions of the property which constitute the violation, set forth the applicable section(s) of the Part, and set forth a reasonable time to correct or remedy the violation.

(Ord. 1359-09, 1/12/2009, §7)

§19-208. Remedies for Violation.

1. Violation of this Part may result in any one or more of the following actions:
 - A. The Borough may order the removal of outdoor advertising devices installed or constructed in violation of the provisions of this Part.
 - B. The Borough may institute proceedings before the District Judge or in a court of law to recover penalties and costs as provided in this Part.
 - C. The Borough may institute an action in equity or at law to abate the violation and obtain such other relief as is appropriate.
2. The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively at the option of the Borough.

(Ord. 1359-09, 1/12/2009, §8)

SIGNS AND BILLBOARDS

§19-209. Penalty.

Any person who violates or permits the violation of this Part shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine in amount not to exceed \$100 for each violation, together with all court costs including reasonable attorney's fees incurred by the Borough. Each day a violation shall continue shall constitute a separate violation except for periods of time allowed by the Borough for correction or elimination of the violation. No judgment shall be imposed until the date of the determination of a violation by the court.

(Ord. 1359-09, 1/12/2009, §9)

§19-210. State Byway Program.

If the roadway is designated a Byway by the Commonwealth of Pennsylvania, Department of Transportation, the Borough shall enforce the prohibitions set forth in this Part and shall not revise this Part without the prior written approval of the Department. Failure to do so may result in revocation of the Byway designation.

(Ord. 1359-09, 1/12/2009, §10)