

**CHAPTER 19**

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**PART 1**

**GENERAL REGULATIONS**

**A. Regulations**

**§19-101. Short Title.**

This Part may be cited as the "Gettysburg Borough Sign Ordinance of 2010."

(Ord. 1373-10, 3/8/2010)

**§19-102. Purpose.**

1. To promote the safety, welfare and convenience of users of rights-of-way, relative to signage, while maintaining and enhancing the unique historic character of the Borough of Gettysburg.
2. To promote commerce while identifying places of business and historical significance through signage in a visually attractive manner compatible with the surroundings.
3. To reinforce the Streetscape Enhancement Overlay District provisions of Part 19 of the Gettysburg Borough Zoning Ordinance (Chapter 27 of the Code of Ordinances) relative to signage.

(Ord. 1373-10, 3/8/2010)

**§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 freestanding sign advertising a product or business not located on the property 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.

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**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 free-standing 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, such as time, temperature, predictable traffic conditions, or other content 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.

**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.

**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.<sup>1</sup>

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

**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 on an exterior surface of a structure or building. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

**NAMEPLATE SIGN** — a sign indicating only the name and/or address of an occupant of the premises on which the sign is erected.

**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.

**OFF-PREMISES BUSINESS SIGN** — a sign advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured, or furnished at the site on which the sign is located (i.e., billboards or outdoor advertising devices).

**ON-PREMISES BUSINESS SIGN** — a sign which carries advertisements incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the person, firm or corporation occupying the premises or site.

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<sup>1</sup> Editor's Note: See Chapter 11, Historic Districts.

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**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 inches beyond the line or surface of said building or structure.

**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.

**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.

**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.

**SPECIAL EVENT SIGN** — any temporary or nonpermanent sign advertising or pertaining to any civic, patriotic or special event of general public interest.

**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 upon the sidewalk or parking area or on the exterior of a building or structure for the convenience of the public and erected and maintained for the purpose of advertising a place of business.

**STREETSCAPE ENHANCEMENT OVERLAY DISTRICT** — an overlay district created pursuant to the Gettysburg Borough Zoning Ordinance with boundaries as shown on the Official Zoning Map of Gettysburg Borough, Adams County, Pennsylvania.<sup>2</sup>

**TEMPORARY SIGN** — a sign installed for a limited period of time and not constructed or intended for long-term use.

**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.

**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 projecting out not more than eight inches.

**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 the interior of a window. A sign that faces a window exposed to public view and is located within one foot of the window shall be regulated as a window sign pursuant to this Part.

**ZONING ORDINANCE** — the Gettysburg Borough Zoning Ordinance, as enacted and amended from time to time by the Borough Council of the Borough of Gettysburg.<sup>3</sup>

(Ord. 1373-10, 3/8/2010)

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<sup>2</sup> Editor's Note: See Chapter 27, Zoning.

<sup>3</sup> Editor's Note: See Chapter 27, Zoning.

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### **§19-104. Sign Permit Requirements.**

Only signs which refer to a permitted use or a use approved by 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 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 adopted from time to time by the Borough Council.<sup>4</sup>
- 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.

(Ord. 1373-10, 3/8/2010)

### **§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. The following sets forth the signs for which the issuance of a sign permit by the Borough is not required:

- A. Public service signs for directional or informational purposes approved or erected by the federal, State or Borough government to include, but not be limited to, street signs, wayfinding signs, traffic signs, location of public facilities signs, and public utility information signs. Such signs shall not be limited to the height restriction of 12 feet.
- B. Memorial plaques and cornerstones 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 other text commemorating a person, place or event.
- C. Historic signs or markers which have been approved pursuant to the provisions set forth in §19-121 of this Part.
- D. Street address numbers or signs not exceeding one square foot.

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<sup>4</sup> Editor's Note: The current resolution is on file in the office of the Borough Secretary.

- E. Nameplate signs, attached to a building or structure and not exceeding 2 1/2 square feet, denoting only the name and profession of an owner or occupant. Only one such sign shall be permitted for each business.
- F. Temporary signs of contractors, architects, mechanics or craftsmen:
  - (1) If placed only on the property where such work is being performed.
  - (2) If not exceeding 12 square feet for a single contractor. 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. Signs shall be removed promptly upon completion of work.
- G. Signs indicating the private nature of a driveway, parking area or some other property feature or "no trespassing" or similar warning signs, provided that the size of any such sign shall not exceed two square feet. Such signs shall only be erected and placed on the real property where such driveways, parking areas or property features are located.
- 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 square feet in any Borough residential zoning district or in the Institutional District (INS-1) and shall not exceed 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 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 window signs inside store display windows concerning special sales. Such signs may be displayed for a period not to exceed 30 days.
- J. Temporary special event signs, including, but not limited to, window signs advertising special events, provided that each such sign shall not exceed 32 square feet per side, and provided that such sign shall be displayed for a period of time not to exceed 30 days.
- K. Temporary signs advertising garage and yard sales shall be limited to two signs with a maximum sign area of five square feet each. A temporary sign shall be removed within four hours of the end of the sale. All such signs shall be erected not more than 24 hours prior to the commencement of such garage or yard sale.

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- 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 within the Institutional District (INS-1). Such banners shall not exceed 100 square feet.

(Ord. 1373-10, 3/8/2010)

### **§19-106. General Sign Requirements.**

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

- A. Historic District. Signs erected and/or located within the Historic District shall conform to the provisions of §19-121 of this Part and shall also undergo a design review by the Borough to determine conformity with the Gettysburg Design Guide prior to issuance of a sign permit.
- B. Streetscape Enhancement Overlay District. Signs erected and/or located within the Borough shall conform to the design standards as set forth in Part 19 of the Zoning Ordinance.
- C. 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.<sup>5</sup>

D. 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 sign containing or using electrical energy shall be properly grounded in accordance with UCC electrical requirements.
- (4) Any glass used in a sign shall be safety glass.

E. Size Requirements. The total square footage of sign area allowed for a commercial property shall be determined as follows:

- (1) One square foot of sign for each linear foot of the frontage of the lot, but under no circumstances shall the total permitted sign area for a single business or activity exceed 50 square feet, with the exception of billboards in the Industrial District (IND), which shall be regulated pursuant to §19-109H of this Part.
- (2) Double-faced signs, including signs which incorporate two sign faces that are back-to-back and are not more than two feet from each other, shall constitute one sign.
- (3) For more than one business having a common frontage on a single commercial property, the owner of the property may apportion the total sign area allowed among the several businesses occupying the property. A commercial property having more than four businesses with common frontage may exceed the 50 square foot sign size limit, but the total sign area for each business may not exceed the linear foot measurement of the frontage of that business.
- (4) In the case of a commercial property that has two separate street exposures on two different public streets or alleys, the frontage on each street or alley shall be treated as a separate facade.

F. Height Requirements.

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<sup>5</sup> Editor's Note: See Part 2 of this Chapter.

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- (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 feet.
- (3) The height of signs located in all other districts outside the Historic District, with the exception of the Industrial District (IND), shall not exceed 12 feet unless otherwise allowed pursuant to other provisions of this Part.

### G. Placement Requirements.

- (1) Signs located on or near a public sidewalk or similar pedestrian walkway shall allow a minimum width of four 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 for a distance of more than four feet except for theater marquees.
- (3) No sign or portion of a sign shall project over an adjacent lot or property line, with the exception of approved banners.
- (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 for off-premises business signs as permitted in either the Industrial District (IND) or the Institutional District (INS-1).

H. Illumination.

- (1) Internally illuminated signs are prohibited within the Historic District and signs within the Historic District may only be illuminated by an external source of light. Further illumination regulations for the Historic District and the Borough's residential zoning districts are set forth in §19-108D of this Part.
- (2) Externally lit 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.
- (3) Changeable signs which are electrically activated are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.
- (4) The brightness and intensity of illumination shall not be greater than necessary to meet reasonable needs of the business or use being served. The intensity or direction of illumination of any sign shall not be hazardous to the safe movement of pedestrian, bicycle or vehicular traffic.

(Ord. 1373-10, 3/8/2010)

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

1. Roof signs.
2. 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.
3. Flashing, blinking, twinkling, spinning, animated or moving signs of any type, to include but not be limited to signs with computer-controlled variable messages, except those portions of a sign which indicate time and temperature changes. 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.
4. Exterior signs that utilize strings of electrical bulbs.

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5. Signs that include words or images that are obscene, pornographic or highly offensive to public decency.
6. Signs affixed or displayed upon a tree, utility pole, street sign, light pole, flagpole or other similar public property, except for signs placed by the Borough or the Commonwealth of Pennsylvania.
7. Inflatable signs and any moving object used for commercial advertising purposes, whether or not such sign or object contains a message.
8. 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.
9. Signs 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. Exceptions may be made upon the recommendation of the Borough's Historic Architectural Review Board for wall murals or the repainting of historic wall signs in the Historic District that can be documented to the satisfaction of the HARB.
10. Unsafe, illegal and abandoned signs consistent with the provisions contained in §19-111 of this Part.

(Ord. 1373-10, 3/8/2010)

### **§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. Off-premises business advertising signs to include national trademark signs and company logos are permitted only in the Industrial (IND) and/or the Institutional (INS-1) Zoning Districts consistent with the following regulations:
  - (1) Billboards are permitted only in the Industrial District (IND).

- (2) Banners which meet the definition of an off-premises business sign may be erected or displayed only in the Institutional District (INS-1).
- B. Freestanding signs are permitted in the following Borough zoning districts: the Institutional-1 District (INS-1); the Residential Office Redevelopment District (ROR); the Tourist Commercial District (TC); the General Commercial District (GC); the Industrial District (IND); and the Health Care District (HC).
- C. 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.
- D. Internally illuminated signs, including backlit awnings and signs using electrically activated illumination, with the exception of theater marquees and time and temperature signs, are specifically prohibited in the Historic District and in the following residential zoning districts: the Low Density Residential District (R-1); the Preservation Residential District (R-1A); the Moderate Density Residential District (R-2); the Residential Office District (RO); and the Residential Office Redevelopment District (ROR).
- E. Street banners are permitted on a temporary basis in all Borough zoning districts with the exception of the Old Town District (OT) where street banners are prohibited. Street banners are permitted in the Institutional-1 District (INS-1) and in the Tourist Commercial District (TC) on a permanent basis notwithstanding the seasonal or event period of time limitations as set forth herein in §19-109G(4) conditioned upon such street banners being erected and maintained outside of the public right-of-way on light poles or standards owned and maintained by the owner of the street banner and further conditioned upon such street banners being kept and maintained by the owner in a good condition and repair.

(Ord. 1373-10, 3/8/2010)

### **§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 inches from any building to which the same is to be attached.
  - (2) A projecting sign shall not extend more than four feet from any building or structure to which the same is attached and such sign shall not

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extend into any street, alley or drive or be less than eight feet above any sidewalk or other public thoroughfare.

### 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 sign faces.
- (4) The following regulations apply to pole signs:
  - (a) The height of a pole sign shall not exceed 12 feet.
  - (b) A pole sign shall have a minimum of eight 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 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. Window Sign. A window sign shall not cover or obstruct any more than 40% of the surface area of the window glass.

### D. Portable Sign.

- (1) The height of a portable sign shall not be less than three feet and shall not exceed four feet.
- (2) The sign area of a portable sign shall not exceed 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 shall only be displayed during the time period when the business associated with each sign is open.
- (6) No more than one 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 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) Only the name of the owner or the business or the activity conducted on the premises may be placed on any awning or canopy. 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 16 feet in height.
- (2) Only the name of the business or activity conducted on the premises shall be permitted to appear on a street clock.
- (3) Flashing or blinking lights may be permitted to appear on a street clock only for the purpose of indicating the time and/or temperature.
- (4) 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:

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- (1) The size of any banner may not exceed more than 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 30 calendar days per calendar year for each property for up to three separate times in a calendar year. However, the erection of each banner shall require a separate permit.
- (3) A banner that is used for off-premises advertising may be allowed only in the Institutional Zoning District (INS-1) and shall be permitted only for the period of the event or activity not to exceed 120 days.
- (4) Street banners shall be permitted seasonally or for a period of time to coincide with a special event. Such banners shall require authorization by the Borough and may be 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 or on-premises business advertising shall be prohibited.
- (5) 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 16 feet above the vehicular right-of-way.
- (6) 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.

### H. Billboards.

- (1) Billboards, as either on-premises or off-premises advertising, shall be permitted only in the Industrial Zoning District (IND).
- (2) Billboards shall comply with all applicable Federal and State laws and regulations.
- (3) The total sign area of a billboard shall not exceed 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 200 square feet.

- (4) No billboard shall be placed within 30 feet of the street right-of-way line or within 10 feet of a side or rear lot line.
- (5) No billboard shall be erected or maintained within a five-hundred-foot radius of any other billboard sign, or within a five-hundred-foot radius of a residential zoning district or the lot line of an existing residential use.
- (6) No billboard shall exceed 35 feet in height.
- (7) Illumination of any billboard shall conform to all applicable regulations as set forth in §19-106H of this Part.
- (8) All billboards shall be of unipole construction.
- (9) The stacking of billboards and the use of side-by-side billboards shall be prohibited.
- (10) Any billboard that does not have advertising for more than 12 months shall be presumed to be abandoned and subject to the provisions applicable to abandoned signs in §19-111 of this Part.

(Ord. 1373-10, 3/8/2010)

**§19-110. Application for a Sign Permit.**

1. 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:
  - A. The name, address, telephone number and email address (if available) of the applicant.
  - B. The name, address, telephone number and email address (if available) of the owner(s) of the premises on which the sign is to be erected.
  - C. The location of the premises on which or upon which the sign is to be erected.
  - D. The position or location of the proposed sign for the purpose of ensuring that the same meets the placement requirements as set forth in §19-106G of this Part.

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- E. Two copies of the design of the proposed sign to scale, to include any plans, specifications and 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.
  - F. The name and address of the person installing the sign.
  - G. 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.<sup>6</sup>
  - H. Any UCC permit required and issued for said sign.
  - I. Any PennDOT Highway Occupancy permit required and issued for the placement and installation of said sign.
  - J. Any Borough sidewalk permit required to erect a sign within the public right-of-way.
  - K. 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.
2. 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.
- A. When the provisions of this Part have been met, the Borough shall issue the requested sign permit no later than 15 business days after receipt of a complete and accurate application with all attachments and the applicable application fee.
  - B. 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.

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<sup>6</sup> Editor's Note: The current resolution is on file in the office of the Borough Secretary.

3. 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.

(Ord. 1373-10, 3/8/2010)

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

1. 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 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 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.
2. Abandoned. When a permanent sign no longer advertises an existing business conducted on the premises for 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 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 45 days after the date of the notice.
3. 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 10 business days after such notice.

(Ord. 1373-10, 3/8/2010)

**§19-112. Administration and Enforcement.**

The Borough Manager is 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 shall have authority to issue permits with reasonable de minimus adjustments to the regulations set forth in this Part.

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(Ord. 1373-10, 3/8/2010)

### **§19-113. Nonconforming Signs.**

1. 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 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 50% or less, the sign may be repaired or reconstructed, provided that the restoration is completed within 45 days of the damage or destruction.
2. 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, 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.

(Ord. 1373-10, 3/8/2010)

### **§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.

(Ord. 1373-10, 3/8/2010)

## **B. Historic District Regulations.**

### **§19-121. Signs in the Historic District.**

1. General. Signs erected and/or located within the Historic District shall conform to all applicable provisions and regulations contained in this Part and, in addition, must undergo a design review by the Borough for conformity with the guidelines set forth in the Gettysburg Design Guide. The Borough may determine that a review by HARB is necessary prior to the issuance of a sign permit pursuant to the criteria set forth in the Historic District Ordinance.<sup>7</sup>
2. Historic Markers. Historic markers shall not be considered as signs for the purpose of this Part, but will be reviewed by HARB consistent with the Historic District Ordinance.

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<sup>7</sup> Editor's Note: See Chapter 11, Historic Districts.

3. Placement.
  - A. Permanent signs erected in the Historic District shall not cover architectural details, to include, but not be limited to, arches, sills, moldings, cornices and transom windows.
  - B. No sign or permanent external advertising display of any kind shall be erected, altered or used in the Historic District except for advertising or informing the public of service, business, occupation or profession carried on, in or about the property on which such sign or permanent external advertising display appears.
4. Procedures. When the Borough determines that HARB review is needed for a sign proposed to be erected in the Historic District, the following procedures shall apply:
  - A. HARB shall consider the appropriateness of the proposed sign to the Historic District at its next regularly scheduled meeting.
  - B. In its considerations, HARB shall take into account the appropriateness to the architectural style and the period of the building or other structure at which it will be located, material composition, shape, overall design, type of lettering, illustrative material or logo, spacing, lighting, suspension, accuracy or 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 HARB may advise on matters of grammar, spelling and punctuation, but HARB may not make a recommendation of denial based on these grounds.
  - C. Upon a HARB recommendation for approval, the Borough shall issue a sign permit within 10 business days.

(Ord. 1373-10, 3/8/2010)



**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)

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### **§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)