

ORDINANCE NO. 4 OF 2022
WHITE HAVEN BOROUGH, LUZERNE COUNTY, PENNSYLVANIA

**AN ORDINANCE OF WHITE HAVEN BOROUGH, LUZERNE COUNTY,
PENNSYLVANIA, AMENDING ITS ZONING ORDINANCE IN RELATION TO SIGN
REGULATIONS**

The Council of White Haven Borough does hereby adopt the following amendments to the White Haven Borough Zoning Ordinance of 2012, as amended by:

Replacing Part 9, Sign Regulations with the following:

PART 9
SIGN REGULATIONS

SECTION 901. DEFINITIONS. The following definitions shall apply to this Part 9:

1. Sign. A sign for purposes of this Part includes any object, structure, display, device, or part thereof, designed or intended to advertise, identify, or convey information to the public by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. The following shall not be considered signs for purposes of this Part:

- A. National or State Flags.
- B. Window displays or other signs erected inside a structure or that cannot be seen from outside a structure.
- C. Governmental signs and other signs required by a governmental agency authorized for a public purpose by law, statute, ordinance, regulation or policy.
- D. Athletic scoreboards provided that sponsor advertising on the sign does not exceed 25 percent of the surface area of the sign, or any other sign advertising a sponsor and erected in a public recreational facility such as the signs attached to the outfield fence in a baseball field.
- E. Warning signs, no trespassing signs, no parking signs, no towing signs, and other similar signs provided that they are constructed in accordance with State Law and do not exceed two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four-square feet.
- F. Parking lot directional signs containing no advertising either erected pursuant to an approved land development plan, or signs otherwise designating parking area entrances and exits limited to one sign for each entrance and exit and not exceeding four (4) square feet in gross surface area for each exposed face and not exceeding five (5) feet in height.

G. Parking lot and loading zone instructional signs either erected pursuant to an approved land development plan, or signs otherwise identifying a parking lot area and not exceeding eight square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of sixteen square feet, and not projecting higher than 10 feet for walls signs and seven feet for ground signs.

H. Memorial signs such as grave markers that are not commercial in nature and erected for the purpose of remembering a person or an event.

I. Name and address signs identifying the name and address of the owners or occupants, including those signs erected for 911 purposes provided that the signs do not exceed two square feet in gross surface area for each exposed face and having an aggregate gross surface area of four-square feet.

J. Holiday signs, which are erected as a decoration to temporarily display a traditionally accepted civic, patriotic, or religious holiday related to observance of the civic, patriotic, or religious holiday.

K. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two (2) square feet in gross surface area for each exposed face and not exceeding four (4) square feet in aggregate gross surface area.

L. Permanent, non-flashing signs, on gasoline pumps, vending machines, or other similar devices indicating only the contents of the device, the pricing of the contents, directional and instructional information as to the use of the device, and other similar non-advertising information not exceeding four (4) square feet in gross surface area for each exposed face and not exceeding an aggregate gross surface area of eight (8) square feet.

2. Sign Gross Surface Area. The gross surface area of a sign means the entire face of a sign, including the advertising surface and any framing, trim or molding, but not including any structural supports that do not contain lettering, wording, numerals, designs or symbols. Signs may contain several signs provided that they share the same structure or structural supports with the total sign area being the area of a common geometric form that could encompass all signs. The area for a sign either attached or painted on a wall or building is the smallest rectangle that includes all of the letters, words, numbers, designs and symbols.

G. Parking lot and loading zone instructional signs either erected pursuant to an approved land development plan, or signs otherwise identifying a parking lot area and not exceeding eight square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of sixteen square feet, and not projecting higher than 10 feet for walls signs and seven feet for ground signs.

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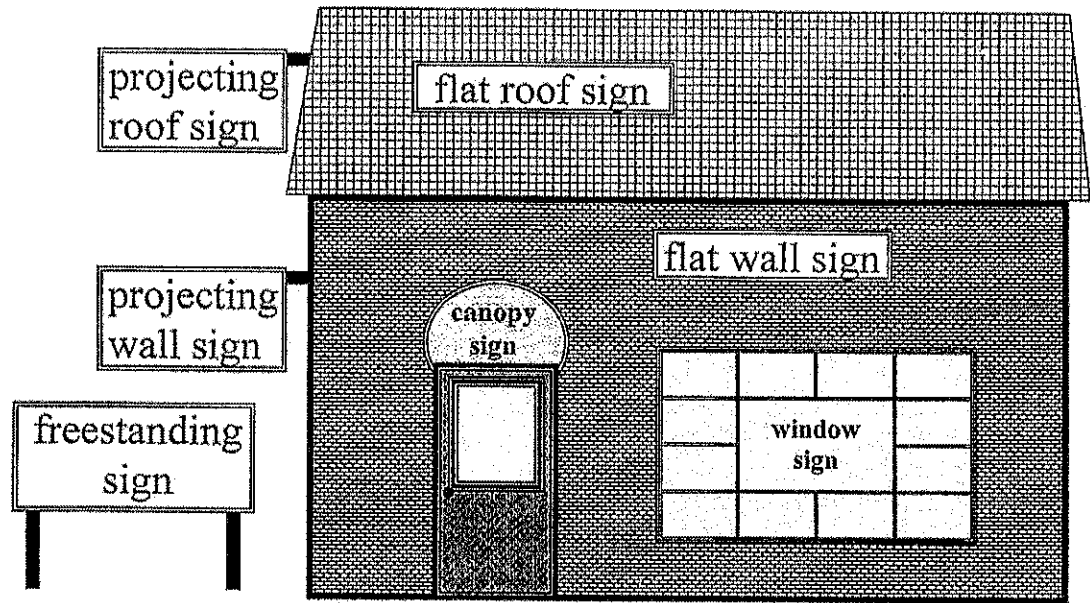
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1. Sign Types. *Sign types are as illustrated on the diagram below.*

SIGN TYPES DIAGRAM



The following list defines sign construction types:

- A. Canopy Sign – means a sign that is incorporated into an awning or canopy that is attached to the building.
- B. Flat Roof Sign – means a sign that has its longest axis along the same direction as the roof to which it is attached and does not project beyond the outside edges of the roof line in any direction.
- C. Flat Wall Sign – means a sign that is attached to the wall of a building and whose face runs parallel to the wall to which it is attached and does not extend beyond the outside of the edges of the wall in any direction.
- D. Freestanding Sign – means a sign that has a separate support structure and is not physically attached to a building.
- E. Projecting Roof Sign – means a sign whose support structure is attached to the roof of a building and whose face either runs generally perpendicular to the roof line or its underlying wall, or extends beyond the outside edges of the roof to which it is attached.
- F. Projecting Wall Sign – means a sign whose support structure is

attached to the wall of a building and whose face either runs generally perpendicular to the wall, or extends beyond the outside edges of the wall to which it is attached.

G. Window Sign –means a sign that is either located on the inside or outside surface of a window but whose message faces outward.

4. Sign Height. The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site.

5. Sign Types. The following list identifies the types of signs regulated by Part 9 of this Ordinance:

A. Billboard- A sign which communicates information concerning a subject, business, profession, activity, commodity, service, entertainment or development not related to, sold, offered, prepared or manufactured on the lot where the sign is located.

B. Business- A sign which communicates information concerning a business, profession, commodity, service, entertainment or development which is sold, offered, prepared, manufactured or conducted upon the zoning lot where the sign is located.

C. Construction- A temporary sign erected on property where construction is taking place, indicating the name of the person performing the construction, architectural, engineering, or inspection activities or services.

D. Directional or Informational- A sign containing no advertising material and limited to information and directions necessary for visitors entering or exiting a property, including signs marking entrances and exits, parking areas, circulation direction, restrooms and pick-up and delivery areas.

E. Event- A temporary sign advertising events such as picnics, carnivals, bazaars, game nights, arts and crafts and similar types of funding raising events, as well as, yard sales and political signs.

F. Institutional- A sign which identifies a use pertaining to a school, church, hospital, governmental service or other institution of a similar public or semi-public nature.

G. Name Plate or Identification- A sign which communicates the name address of an occupant or a permitted home occupation upon the lot on which the sign is located.

H. Real Estate- A temporary sign which advertises the sale, rental or development of the premises upon which the sign is located, or a permanent sign identifying the name of a subdivision of three (3) or more contiguous lots.

I. Shopping Center or Strip Mall- A group of not less than five (5) contiguous and different non-residential uses originally planned and developed as a single unit having a total floor area of not less than 20,000 square feet.

SECTION 902. PROHIBITED SIGNS. The following signs are prohibited in all zoning districts within the Borough:

A. Signs which are constructed, erected, placed or installed in such a manner so as to obstruct or distract motorists, or pose a threat to pedestrian or vehicular travel.

B. No signs shall be permitted that: (1) have spinners, reflectors, or similar materials displayed outside a building; (2) emit smoke, visible vapors, particles, sound, or odor; (3) are inflatable except those associated with exempt holiday decorations; or (4) contain an open flame in a way to attract attention.

C. Except for time and temperature indicators whose movement is either digital or analogue, signs shall not contain moving parts or use flashing, sequential or intermittent illumination. The source of light shall be steady and stationary.

D. No sign shall be constructed, placed, erected or maintained which either because of its illumination or location, poses a danger to vehicular or pedestrian traffic, or obstructs free ingress to or egress from any window, door, emergency exit, or fire escape.

E. No sign other than an official traffic sign may be erected within the right-of-way line of any street, including sidewalks and walkways, and public property unless the public property constitutes a traditional public forum such as the construction of a political sign near a public polling place at election time, or a public meeting site or street demonstration.

F. Signs which imitate, interfere with, or obstruct the view of an official traffic sign or signal is prohibited. In addition, any sign because of its design or location that may be confused with an official traffic sign or signal are also prohibited.

G. Off-premise advertising on an automobile, truck, or other vehicle is prohibited if that vehicle is parked for no other purpose than to advertise for a period of three or more consecutive days, or more than one day for any thirty-day period per year, or the vehicle is otherwise being used primarily for displaying such sign, and the vehicle is parked in or visible from a public right-of-way.

H. Portable and wheeled signs.

I. A frame or sandwich board and sidewalk, or curb signs except such signs shall be permitted when only temporarily placed during business hours and provided that the signs do not obstruct pedestrian traffic or public sidewalks or otherwise cause a safety hazard.

J. Banners, pennants, streamers, balloons, and gas filled signs or

Figures, except banners shall be permitted when only temporarily placed during business hours and provided that the banners do not obstruct pedestrian traffic, public sidewalks or otherwise cause a safety hazard.

K. Projecting signs which are attached to a building and project into a public area in such a manner as to obstruct the public right of way or walkway.

L. Signs which are attached to a tree or utility pole unless the owner of the telephone pole agrees to the attachment. No sign shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs.

M. No sign shall be placed so as to obstruct ventilation or light from a building.

N. No sign shall include statements, words, or pictures that are considered to be vulgar, obscene, or pornographic. No sign shall depict "specified anatomical areas" or "specified sexual activities", both as defined herein.

O. Any nonconforming prohibited sign may continue to exist, but shall not be relocated, repaired or replaced except in conformity with this Part.

SECTION 903. SIGN REGULATIONS.

1. Specific Provisions. Except as otherwise provided in this Ordinance, signs may be erected, constructed, placed or maintained only when in compliance with the following general provisions of this Ordinance:

A. Lighting. The source of light shall be steady and stationary. Signs with lighting must be constructed, placed, erected or maintained so that light is shielded or directed away from public rights-of-ways and adjoining properties. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility. Signs incorporating LCD, LED, plasma, CRT, pixelated lights, or other animated or video-like displays and projected displays shall be limited to the C-2, C-3, I-1 and I-2 Zoning Districts and shall comply with the following requirements: (1) Such signs shall employ sufficient size lettering and symbols for immediate recognition by motorists; (2) Such signs shall display simple and static messages for immediate recognition by motorists. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning; (3) Such signs shall use instantaneous transitions from one message display cycle to the next with no blank-outs, scrolling, fading, streaming, zooming, flashing or any other animated effect to facilitate immediate recognition by motorists; (4) All properties utilizing a dynamic message display sign must remove all exterior promotional banners, sandwich board signs, and may not use any temporary signage; and (5) Each message display cycle shall comply with the following minimum time standards: total sign area with up to 64 square feet: 17 seconds; total sign area with between 64; and 300 square feet: 28 seconds.

B. Event Signs. All temporary event signs may be erected and maintained for a period not to exceed 30 days prior to the special purpose, occasion or event and shall be removed by the property owner or person erecting, placing or maintaining the sign within seven days following the completion or conclusion of the purpose, occasion or event, or within three days following the date when the circumstances leading to their erection no longer apply. However, there shall be no time limit on when a political sign may be posted, but political signs must still be removed within seven (7) days following the election for which the sign was erected. Event signs erected on private property must be located at least 10 feet from another sign. Political Signs shall not exceed six (6) square feet in area, having dimensions of 2'x3' feet. Political signs shall not be attached to any tree, utility pole or structure, or within a public right-of-way.

C. Other Laws. In the event that the Pennsylvania Highway Beautification Program or another law or regulation has a more restrictive regulation governing signs, then the more restrictive regulation shall apply. No sign shall advertise activities or products that are illegal under Federal, State, or local municipal laws or regulations.

D. Building Codes. All signs must be erected in accordance with the applicable construction and electrical codes, when applicable under those codes.

E. Heights Generally. No sign shall be higher than the height limitation imposed by this Part. No person shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means. Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall. Roof signs may extend no more than five (5) feet above the lowest point where they are attached to the building and may not extend above the highest point of the roof.

F. Sign Construction Materials and Surroundings. All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.

G. Setbacks for Billboards. Billboards shall not be located within 150 feet from any residential structure and street intersection; and shall have a minimum spacing of 1,000 feet between any such signs.

H. Setbacks for Free Standing Signs. All free-standing signs shall located within a lot line and outside of a public right-of-way.

I. Corner Lots. When one sign is permitted and the sign is to be erected on a corner lot, a second sign shall be permitted of equal size so that each sign may face a street. Where two signs are permitted this special rule for corner lots shall not apply in that it is not the intent of this Section to allow three signs on a lot.

2. Zoning Permit Required; Exceptions.

A. Zoning Permit Required. Except as otherwise provided in Section

903(2)(B) below, all signs shall be considered a structure for which a zoning permit shall be required. In addition to the signs specifically subject to this Part, the following shall also constitute a sign subject to this Part: (1) any advertising painted upon or displayed upon a building or structure; and (2) any signs that are located on the inside of a window shall be counted as a sign if they are legible from an adjoining road or adjoining property.

B. Exceptions to Sign Requirements. Any sign not considered a sign under the definition of a sign in Section 901 of this Part shall not require a zoning permit. In addition, the following signs shall meet the requirements of this Article, but shall be exempt from requiring a zoning permit: (1) Special Event Signs; (2) Construction Signs; (3) Real Estate Signs; (4) Window Signs; and (5) Advertising signs painted on a building or structure.

3. No Regulation of Content. This Part shall not be read to include, content-based restrictions.

4. Districts Permitted. The construction, erection, reconstruction, alteration, placement or installation of permitted signs shall be governed by the Table below. The following sign types are permitted where indicated and NP signifies that the sign type is not permitted:

Sign Type	Permitted Zone	Maximum Number of Signs	Maximum Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Wall, Window or Roof Signs	Maximum Projection from Wall
Billboard	I-1	1 per lot	300 sq. ft.	25 ft.	NP	NP
Business	C-1, C-2, C-3, O-1, I-1 and I-2	2 per lot	32 sq. ft. with no more than 6 wall or window signs	20 ft.	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	4 ft.
Construction	All Zones	1 per lot	16 sq. ft. for residential zones and 32 sq. ft. non-residential zones	8 ft.	Top of the wall for a wall sign. Roof signs NP	2 ft.
Directional or Informational	All Zones	4 per use	2 sq. ft. per sign unless not	5 ft.	Top of the wall for a wall sign, or below	2 ft.

			legible from a street than no more than 8 sq. ft.		the highest point of the roof for a roof sign	
Sign Type	Permitted Zone	Maximum Number of Signs	Maximum Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Wall, Window or Roof Signs	Maximum Projection from Wall
Institutional	All Zones	1 per principal building	32 sq. ft. or 64 sq. ft. each exposed side	15 ft.	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	4 ft.
Name Plate or Identification	All Zones	1 per dwelling unit	6 sq. ft.	8 ft.	8 ft.	NP
Real Estate	All Zones	1 per lot or principal use	12 sq. ft. for residential zones and 32 sq. ft. for non-residential zones	8 ft.	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	2 ft.
Shopping Center or Strip Mall	C-2	1 per lot with unlimited wall or window signs	200 sq. ft.	30 ft.	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	4 ft.
Special Event	All Zones	None	16 sq. ft.	10 ft.	Top of the wall for a wall sign. Roof signs NP.	2 ft.

This Amendment shall take effect immediately following its adoption.


The remaining Articles and Sections of the White Haven Zoning Ordinance of August 27, 2012 shall remain the same and unchanged, except as amended.

NOW THEREFORE, this amendment to the White Haven Borough Zoning Ordinance shall become effective this 28 day of February, 2022.

ATTEST:


Linda Szoke, Manager

WHITE HAVEN BOROUGH COUNCIL:


John Klem, President

APPROVED BY:


Hon. Frederick Meier, Mayor