

## Chapter 210. Zoning

### Article VIII. Special Requirements

#### § 210-24. Signs and billboards.

[Amended 11-20-1989 by Ord. No. 9-1989]

- A. Purpose. The purpose of the Sign Ordinance for the Borough of Pemberton shall be to regulate the construction, erection and maintenance of signs situated in the Borough of Pemberton. The Borough seeks to have all new and replacement permanent signs enhance the historic nature of the municipality. All signs shall comply with the provisions of this section and any and all other ordinances and regulations of the Borough of Pemberton.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

##### **BANNER**

A temporary sign located on a public building, on a building belonging to a house of worship or a charitable organization or agency, or stretching across a public right-of-way, which temporary sign promotes an activity, event or festival of a governmental agency, house of worship or charitable organization or agency, or otherwise promotes the public good.

##### **FREESTANDING SIGN**

A sign that is not attached to any building. A sign that is mounted on a post is a "freestanding sign."

##### **FUNCTIONAL SIGN**

A sign that provides directional, informational, safety or public service information, such as but not limited to a sign indicating the location of public rest rooms, telephones or similar facilities of public convenience, or providing a place for the posting of public announcements. A "functional sign" shall not include any commercial name or commercial message.

##### **HOME OCCUPATION SIGN**

A sign that relates to any business or profession conducted within a structure whose primary use is residential and the occupant of that residence conducts the business therein.

##### **INTERNALLY LIGHTED SIGN**

A sign with the source of artificial illumination within the sign and behind the text or message.

**MOBILE SIGN**

An exterior temporary sign, with or without wheels, that is portable.

**PERMANENT SIGN**

Any sign or sign structure which is permanently affixed or installed and is intended for long-term use.

**SIGN**

Any identification, description, illustration or device, illuminated or nonilluminated, which is visible from any public place and which directs attention to a product, service, place, activity, person, institution, business or solicitation.

**SIGN AREA AND DIMENSIONS**

The "sign area" shall include all lettering, wording, coloring and accompanying designs and symbols, together with background, whether open or enclosed, but not including any supporting framework or bracing incidental to the display itself.

**TEMPORARY SIGN**

A sign that is not permanently attached to a building, structure, pole or land and which is designed or intended to be displayed for a limited period of time.

**WINDOW SIGN**

Any sign painted on or any display exhibited on the inside of a building intended to be visible from the outside.

**C. General regulations.**

- (1) Applicability. It shall be unlawful for any person to erect or construct a sign in the Borough of Pemberton which fails to comply with the provisions of this section.
- (2) Character. All new or replacement permanent signs shall conform to the historic nature of the property in accordance with guidelines set forth in this section. In those cases where the property does not have an historic character (pre-1900), the character of the sign shall be colonial.
- (3) Permit required.
  - (a) Unless a sign is excluded from the requirement, all new or replacement signs require a permit from the Zoning Officer of the Borough of Pemberton. Applicants shall pay a fee of \$25, plus the reimbursement of reasonable professional (engineering and legal) expenses incurred by the Borough. The cost of any construction permit required for any approved sign shall be in addition to the fee for the sign permit and shall be paid before any sign is erected or installed.<sup>[1]</sup>

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
  - (b) Applicants shall complete a sign permit application as well as a sign plan reflecting the lettering and logo on the proposed sign, the size of the proposed sign, the area of glass if a window sign, the placement on the building, the method of attachment, texture, materials, lighting, color and any other information which may be helpful to the Planning/Zoning Board. The sign plan must be approved by the Pemberton Borough Planning/Zoning Board to ensure that the sign conforms with the historic character of the Borough.



- (4) Permit not required. Signs which do not require a permit are the following:
  - (a) Nameplate and address signs in a residential zone, not to exceed one square foot in area.
  - (b) Temporary real estate rental or sale signs.
  - (c) Temporary event signs, including but not limited to advertisement for a carnival, yard sale or political endorsement.
  - (d) Temporary window signs.
  - (e) Temporary signs of contractors, tradesmen and artisans when the work is actively in progress.
  - (f) Traffic or other governmental signs, legal notices, railroad crossing signs and such temporary emergency signs as may be erected by governmental or public utility employees in carrying out their official work.
  - (g) Home occupation signs, not to exceed one square foot in area.
  - (h) Functional or informational signs of a noncommercial nature.
- (5) Window signs.
  - (a) Permanent window signs. Two business signs may be painted or otherwise permanently affixed to the windows and/or doors of each business, bearing the name, street number and/or type of business of the principal occupant, provided that there shall be no more than one such sign on each window or door and that the total area of all such signs shall not exceed 20% per exposure of glass area and door(s) to street front.
  - (b) Temporary window signs. Temporary window signs which advertise or describe sales or special merchandise are permitted, provided that the same sign does not remain in the window longer than 30 continuous days. The combined area of permanent window signs and temporary window signs shall not exceed 30% per storefront glass.
  - (c) Temporary window signs shall not be internally lighted.
  - (d) The total combined area of window signs and exterior signs shall not exceed nine square feet.
- (6) Real estate and other temporary signs. Real estate and other temporary signs may not exceed five square feet in area. Such signs may be posted for the duration of the sale, work or event plus an additional seven days; however, no such sign shall remain posted for longer than 120 consecutive days.
- (7) Guidelines for permanent signs.
  - (a) The Pemberton Borough Planning/Zoning Board will examine proposed sign plans to ensure that all permanent signs shall be of materials, color, texture, lighting, appearance, lettering, size, location, position, method of attachment and design appropriate to the architecture or style of the building for those



buildings identifiable as historic, pre-20th-Century structures (buildings constructed before 1900). For those structures erected on or after 1900, the permanent signs shall be of materials, color, texture and design appropriate to a colonial character.

- (b) The Pemberton Borough Planning/Zoning Board will consider whether the proposed sign conforms to the historical and distinctive character of the Borough, is not detrimental to the intent and plan of historic preservation or to those buildings and structures having architectural and historical significance and is in harmonious relationship to the streetscape and the signs located thereon.
- (8) Banners. No sign other than official traffic signs shall be erected within the lines of any street unless specifically authorized by other ordinances or regulations of the Borough of Pemberton, except that permits for installation of and maintenance, for a maximum of 30 days, of banners over Borough streets, where property along at least one side of the street is zoned commercial, may be issued by the Zoning Officer, subject to the following conditions:
- (a) The applicant has submitted a certificate of liability insurance with limits equaling or exceeding \$50,000.
  - (b) The Borough is named as an insured in the above certificate.
  - (c) Said banner shall not contain any lights or moving parts, including flags.
  - (d) The applicant has deposited \$50 with the Borough to assure removal of the banner prior to the expiration of the permit. Said banner and all supportive material related to the banner shall automatically belong to the Borough if not removed prior to the expiration of the permit.
  - (e) Said banner shall be installed and maintained at a height of not less than 14 feet above the crown of the roadway under the banner.
  - (f) The applicant is a Pemberton Borough-based nonprofit, philanthropic, charitable or civic organization.
  - (g) The wording on the banner is related to advertising an activity to take place in Pemberton Borough sponsored by the applicant.
- (9) Prohibited signs. The following signs are prohibited:
- (a) Billboards.
  - (b) Mobile or portable signs.
- (10) Safety. All signs shall be located so as not to interfere with traffic safety or visibility.
- D. Regulations governing signs in District One. District One shall consist of the entire state Historic District of the downtown area and all other properties of any zone within the Borough of Pemberton not located in District Two. All noncommercially zoned property in District Two (consisting of Residential A, Residential B and Residential C) shall conform to the requirements of District One.  
[Amended 9-19-1994 by Ord. No. 1994-5]



- (1) All signs in District One shall be directly attached to the building. There shall be no freestanding, hanging or pole signs.
  - (2) Signs in District One shall not be internally lighted.
  - (3) The total area of all signs on each property in District One shall not exceed nine square feet.
- E. Regulations governing signs in District Two. District Two shall consist of all Commercial, Highway Commercial and Industrial zoned properties situated south of the former Pennsylvania Railroad line as shown on the Zone Map of the Borough of Pemberton.
- (1) Signs in District Two may be directly attached to the building, freestanding, hanging or pole signs.
  - (2) The total area of all signs on each property in District Two shall not exceed 12 square feet.
- F. Waivers. The Pemberton Borough Planning/Zoning Board shall have the power to grant waivers from the strict requirements of this section. Waivers are discretionary with the Planning/Zoning Board, and the Board may approve, approve with conditions or deny any request for a waiver presented pursuant to this section. Where by reason of size, configuration, use, distinctive trade or other reason indicating a specific hardship, the Planning/Zoning Board has authority to grant waivers for the following:
- (1) The size of window signs.
  - (2) The size of real estate and other temporary signs.
  - (3) The length of time for which a temporary sign may be posted.
  - (4) The use of freestanding, hanging or pole signs in District One where a distinctive trade, theme sign or unique circumstance of a building or property shall warrant such relief.
  - (5) The size of signs in Districts One and Two where there are unique circumstances due to the proposed activity, total structure, lot size or any other factor.
  - (6) Design and location relief for permanent signs in Districts One and Two where a distinctive trade, theme sign or a unique circumstance of a building or property shall warrant such relief.
- G. Maintenance. All signs shall be properly and safely maintained in accordance with the requirements of Chapter 151, Property Maintenance, of the Code of Pemberton Borough.
- H. Enforcement and penalties. The Zoning Officer shall enforce this section. Upon discovery of a violation of this section, the Borough of Pemberton shall give written notice to the owner of the sign and to the owner of record of the tax lot that the sign is in violation of this section and to bring the sign into conformity with this section or to remove it or to apply for a sign permit to allow the sign as existing within 10 days of the notice. In the event that any sign continues to be in existence after notice, the Zoning

Officer may file a Municipal Court complaint against the owner of the sign and the owner of record of the tax lot, and take such other action as may be permitted by law.<sup>[2]</sup>

[2] *Editor's Note: Former Subsection H(2), regarding penalties, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*