

ORDINANCE NUMBER 214 2012

An Ordinance by the Council of the Borough of Honey Brook, Chester County, Pennsylvania amending Chapter 27 of the Code of Ordinances, "Zoning", Part 11 "General Regulations" by amending Section 27-1114 "Signage" by adding Section 27-1114.5.D. (11) "Billboards" as follows:

§ 27-1114. Billboards.

(11). *Billboards.*

- (a). Billboards are a kind of off-premises sign, also known within the industry as "outdoor advertising signs", are freestanding signs of comparatively great size which are designed specifically to attract the attention of the motoring public. Because billboards differ in these aspects from other freestanding signs, and because it is the expressed objective of this section to limit nuisance and insure the safety of motorists and pedestrians, the following regulations are hereby adopted:
- (b). Billboards shall be permitted, by conditional use only, in the Mixed Use Commercial District and in the Industrial District, subject to the criteria of Section 27-1114.5.D.(9) and the general criteria of Section 27-1114.3 of this Chapter and the following. This Section is intended to supplement the criteria of Section 27-1114.5.D (9) and the general criteria of Section 27-1114. 3 and shall be read as providing additional requirements rather than supplanting such requirements. In the event of a conflict between the criteria of Section 27-1114.5.D.(9), Section 27-1114.3 or another section of this Chapter and this Section 27-1114.5.D.(11), the provisions of this Section shall apply:
 - (1) Not more than one such sign shall be erected on any one premises under single and separate ownership;
 - (2) No such sign shall be permitted within 100 feet of any residential use, no matter in what district the use is located;
 - (3) Such signs shall not be permitted closer than 25 feet from the ultimate right-of-way;
 - (4) The area of such signs shall not exceed 50 square feet per side, with the maximum height to top of a sign not to exceed 20 feet from the finished grade;
 - (5) No such sign shall be located closer than 500 feet from any other such sign;
 - (6) No such sign shall be located closer than 500 feet from a traffic signal;

- (7) Such signs shall not be illuminated between the hours of 11:00 P.M. and 6:00 A.M.
- (8) All such signs must be constructed of durable materials and every billboard shall be firmly and solidly constructed so as to be able to bear a wind pressure of at least 30 pounds per square foot ; and
- (9) All billboards shall conform to state and federal regulations.
- (10) Electronic Graphic Displays (Digital Billboards) - Must also meet the following standards:
 - (a) Electronic Graphic Displays (Digital Billboards) - An off-premise sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade. Electronic graphic display signs shall include, but shall not be limited to, computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic signs include projected images or messages with these characteristics onto buildings or other objects.
 - (b) Such signs shall only be located on non-residential parcels located in the Mixed Use Commercial or Industrial Zoning Districts, which have frontage on State Route 322 or State Route 10.
 - (c) The maximum sign size shall be 50 square feet per side; inclusive of any border and trim, but excluding the base or apron, supports and other structural members. Extensions, projections and/or add-ons beyond the rectangular perimeter face of the sign are prohibited.
 - (d) Message Duration - Any portion of the message must have a minimum duration (hold time) of ten (10) seconds and must be a static display. Messages may change within one (1) second. No portion of the message may flash, scroll, twirl, twinkle, oscillate, rotate, blink, change color, or in any manner imitate movement.
 - (e) Brightness (Billboard Luminance) - The luminance of the display shall be controlled so as to not create glare, hazards or nuisances. Such signs shall have a maximum luminance level of 5,000 nits (cd/m^2) during daylight hours and a maximum of 150 nits (cd/m^2) during nighttime hours ("nighttime hours" shall be from sundown until sunup), with all board face light sources set to white . Post-installation readings shall be taken by Applicant using a luminance meter that has been calibrated and NIST certified within the

past year. Readings shall be taken from the area or roadway from which the sign will be visible, and which is closest to being directly in front of the sign. Owner and/or operator shall submit an annual report certifying sign complies with motion, dwell time, brightness, and other requirements herein. Such signs shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.

- (f) Such sign shall not be permitted closer than 25 feet from the Ultimate Right-of-Way- of Route 322 or Route 10, nor farther than 200 feet from the Ultimate Right-of-Way of Route 322 or Route 10.
- (g) The maximum height to the top of the sign shall not exceed 20 feet from the existing adjacent grade.
- (h) No such sign shall be located closer than 500 feet from any other off-premise sign, including digital billboards.
- (i) No such digital billboard shall be erected within one hundred (100) feet of any existing residential dwelling or residential zoning district nor where lighted billboard face is visible from a residential use.
- (j) Applicant shall be required to coordinate/permit message access for local, regional, state and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed herein.
- (k) An engineering certificate shall accompany any application for a digital billboard. The certification shall indicate under seal of a professional engineer licensed in the Commonwealth of Pennsylvania that the sign has been designed in accordance with acceptable engineering practices.
- (l) The applicant shall provide financial security, in a form acceptable to Borough, sufficient to secure to the Borough the removal of any digital billboard upon which no advertising is located or otherwise ceases to be used for a period of three (3) consecutive months. The applicant shall further provide, in a form acceptable to the Borough, proof that the record owner and the licensee or other person in control of the signage consents to the removal of the sign for reasons as set forth in this subsection, which said consent shall be in such form so as to be recorded of record with the Chester County Recorder of Deeds Office.
- (m) Audio of Pyrotechnics - Audio speakers and/or any form of pyrotechnics are prohibited.
- (n) Message Default Mechanism - All signs must be equipped

- with a properly functioning default mechanism that will stop the sign in one position should a malfunction occur.
- (o) Where applicable, such signs shall be located, constructed and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations, in addition to all other regulations of Honey Brook Borough. Where there is a conflict between regulations, the more restrictive regulation shall apply.
- (p) Such digital billboards shall not be illuminated between the hours of 11:00 P.M. and 6:00 A.M.
- (11) No video Billboard, as such term is hereinafter defined, shall be permitted in Honey Brook Borough:
 - (a) Video Billboard - A billboard that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts actions or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which mimic the illusion of motion, including but not limited to moving objects, moving patterns or bands of light, or expanding and contracting shapes and/or fade, dissolve, travel or scrolling features. Video Billboards include projected images or messages with these characteristics onto buildings or other objects.
- (c) Billboards must be kept and maintained in good repair, subject to the following conditions:
 - (1) Weeds shall be kept out of in front of, underneath and around the base of such signs; and
 - (2) No rubbish or debris shall be permitted under or near such signs where such rubbish or debris could constitute a fire or health hazard.

ADOPTED this 17th day of September, 2012

HONEY BROOK BOROUGH

By: [Signature]
President

Attest: [Signature]
Secretary

APPROVED: [Signature]
Mayor