

ORDINANCE NO. 2059

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS SECTIONS OF ARTICLE 7, SIGNS, OF CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO PERMIT ELECTRONIC MESSAGE SIGNS IN THE HEAVY MANUFACTURING DISTRICT, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Burgess and Town Council of the Borough of Pottstown has adopted a comprehensive Zoning Ordinance to preserve and enhance the character of the Borough and promote the general welfare of its residents; and

WHEREAS, Borough Council and the Borough Planning Commission periodically review the Zoning Ordinance to determine if revisions are warranted; and

WHEREAS, advances in sign technology have increased the availability of electronic signs for commercial purposes; and

WHEREAS, Borough Council believes that regulations are appropriate for electronic signs to permit their use in certain Districts to allow business owners to take advantage of LED signs while attempting to protect and ensure the value of neighboring properties and preserve the integrity of other Zoning Districts within the Borough.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, and IT IS HEREBY ENACTED AND ORDAINED by the authority of same as follows:

SECTION 1. Section 702, Definitions, of Article 7, Signs, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended to establish definitions for the terms "Electronic Display Screen" and "Electronic Message Center" as follows, and to include with the definitions the graphic attached hereto as Exhibit "A":

§702. Definitions.

Electronic Display Screen - a sign, or a portion of a sign, that displays an electronic image or video, which may or may not include text. Electronic display screens include television screens, plasma screens, digital screens, flat screens, LED screens, video boards, holographic displays, or other technologies of a similar nature.

Electronic Message Center - any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

SECTION 2. The subsection titled "Signs as Defined by Form: The Physical Structure of the Sign", of Section 702, Definitions, of Article 7, Signs, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended to delete the terms "Animated Sign" and "Flashing Sign" and

to establish the following definition for the term "Electronic Sign":

§702. Definitions.

Sign as Defined by Form: The Physical Structure of the Sign

Electronic Sign - a sign capable of displaying text, graphics, video, symbols, or images that can be electronically or mechanically changed by remote or automatic means, and which directs attention to a business, activity, product, commodity, service, entertainment, or communication, which may or may not contain an electronic display screen or an electronic message center. The following shall not be considered to be electronic signs:

(a) signs utilized by the police department, other law enforcement personnel and/or emergency service providers;

(b) signs that indicate only the date, time and/or temperature, provided that the remainder of the sign remains static at all times;

(c) score boards for athletic events (indoor and outdoor) provided the use of the score board is limited to only the time the athletic event is occurring.

SECTION 3. A new Subsection 8, Electronic Signs, is hereby created and added to Section 703, General Regulations, of Article 7, Signs, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, and shall provide as follows:

§703. General Regulations.

8. Electronic Signs

A. Purpose: The purpose of this Section is to regulate the use of electronic signs within the Borough to minimize the impact of such signs that may distract drivers and be detrimental to neighboring properties, and to limit the aesthetic impact that

a proliferation of electronic signs could have on Borough properties.

B. Where permitted, all electronic signs shall comply with the following requirements:

1. Message Display

a. Each message displayed on an electronic sign must be static or depicted for a minimum of one (1) minute and the screen must completely fade-out before a new message is displayed.

b. Where text is displayed on a background, the text shall be brighter than the background, i.e., dark text shall not be displayed on a bright background.

c. Each complete message must fit onto one (1) screen, i.e., no scrolling or incomplete messages permitted.

d. Electronic signs may not contain animation or any flashing, scrolling, or moving lights, text or graphics, or any type of video.

2. Illumination. Lighting from the sign must not exceed an intensity of 0.5 footcandles of light at the property line, as measured with a portable hand-held light sensor.

3. Hours of Operation. Electronic signs shall not be illuminated more than one half hour before which the premises is open to the public or more than one half hour after which the premises is closed to the public, or 10:00 p.m., whichever is later, with the exception of public service announcements.

4. Content. The display of electronic signs may only be used to advertise good and services sold on the premises, time and temperature, and public service announcements. The owner of the sign must register with Amber Alert, and shall be required to display all Amber Alert messages.

5. The addition of any electronic sign to any nonconforming sign is prohibited.
6. No more than one (1) electronic sign is permitted per premises, regardless of number of signs permitted or the number of uses.
7. Electronic signs shall comply with other applicable sign regulations.

SECTION 4. Section 704, Prohibited Signs, of Article 7, Signs, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended to delete subsection 7, Animated Signs, and revise subsection 14 as follows:

§704. Prohibited signs.

12. Flashing signs, with the exception of the time and temperature portion of a sign or an electronic display screen or electronic message center, where permitted. Beacon lights.

SECTION 5. Section 712, Sign Uses and Restrictions, of Article 7, Signs, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended and shall provide as follows:

§712. Sign Uses and restrictions.

Zone	Use of Premises	Purpose	Form	Restrictions and Guidelines
Heavy Manufacturing	All permitted uses	General Purpose	Electronic Sign	1 sign per premises Maximum area: 40% of total permitted sign area
D-Downtown	Theater	Marquee	Electronic	Maximum area: 50 square feet

SECTION 6. In all other respects, the remaining provisions of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, to the extent not inconsistent herewith, are hereby reenacted and reordained.

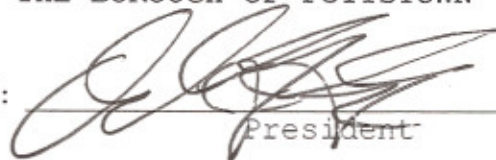
SECTION 7. Severability. If any sentence, clause, section or other part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any remaining provisions, sentences, clauses, sections or other parts of this ordinance. It is hereby declared as the intent of the Burgess and Town Council of the Borough of Pottstown that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. Effective Date. This ordinance shall become effective immediately upon enactment.

ENACTED and ORDAINED this 9TH day of MARCH, 2009.

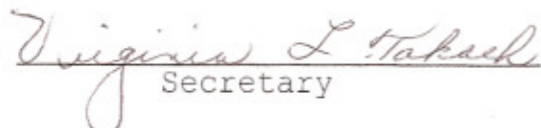
THE BURGESS AND TOWN COUNCIL
OF THE BOROUGH OF POTTSTOWN

BY:



President

ATTEST:



Secretary

Approved this 9TH day
of MARCH, A.D., 2009.



Mayor

Electronic Display Screen or

Electronic Message Center – A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, or other technologies of a similar nature. Also, any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein a sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Limited to Heavy Manufacturing District

