

**ORDINANCE 2017-8**

**An Ordinance To Amend Certain Provisions of the  
Millcreek Township Zoning Code Relating to Signs**

WHEREAS, the Supervisors of Millcreek Township, Erie County, Pennsylvania, under the powers vested in them by the "Second Class Township Code" of Pennsylvania and the authority and procedures of the "Pennsylvania Municipalities Planning Code," as amended, as well as other laws of the Commonwealth of Pennsylvania, do hereby enact and ordain the following amendments to the text of the Zoning Chapter of the Millcreek Township Code; and

WHEREAS, the Board of Supervisors of Millcreek Township desires to amend the Zoning Chapter of its Code relating to signs as a result of a United States Supreme Court case that held that sign regulations that regulate a sign based on the content of the sign is likely unconstitutional; and

WHEREAS, the purpose of these amendments is to remove all unconstitutional content based regulation of signs; and

WHEREAS, the further purpose of these amendments is to make various corrections and changes to reflect current regulations of signs by municipalities, and in particular to incorporate some of the concepts and language provided in the model sign ordinance prepared by the planning department of Erie County, Pennsylvania; and

WHEREAS, the Board of Supervisors finds that signs obstruct views, distract motorists, displace alternative uses for land and pose other problems that legitimately call for regulation; and

WHEREAS, the Board of Supervisors also finds that signs also perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public; and

WHEREAS, the Board of Supervisors intends by these amendments to regulate the size, color, illumination, movement, materials, location, height, condition and number of signs in order to minimize safety hazards, improve the visual environment and encourage compliance with regulations in order to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and are protective of property values, the character of neighborhoods and the public's health, safety, and general welfare; and

WHEREAS, the Board of Supervisors provided a copy of the proposed changes to the zoning code to the Millcreek Township Planning Commission and to the Erie County Planning Department thirty (30) days prior to the hearing held by the Board of Supervisors on these changes; and

WHEREAS, after public notice of a hearing on this proposed Ordinance, and an opportunity to be heard on this Ordinance at a hearing;

IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Millcreek, Erie County, Pennsylvania as follows:

1. Section 145-11 is amended to add the following terms under the definition of Sign:

D. **BALLOON SIGN** A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

L. **FLAG** Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

M. **GOVERNMENT/REGULATORY SIGN** Any sign erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties and/or required by state or federal law, including but not limited to traffic control signs, directional signs, area identification signs, monuments, street signs, warning signs, parking control signs, handicapped parking signs, railroad crossing signs, signs prohibiting or controlling access to property and signs of public service companies indicating danger or construction.

Q. **INFLATABLE SIGN** A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

R. **INTERACTIVE SIGN** An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers. This is not intended to include government/regulatory signs.

T. **MARQUEE SIGN** Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

X. **PERMANENT SIGN** A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign.

EE. **SANDWICH BOARD SIGN** A type of freestanding, portable sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (also known as A-frame sign).

FF. **SNIPE SIGN** A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner (also known as bandit sign).

2. Section 145-11 is amended by amending the following definitions:

**COMMERCIAL MESSAGE**

Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity or is otherwise defined as "commercial speech" by the Pennsylvania Supreme Court, the United States District Courts in Pennsylvania, the Third Circuit Court of Appeals, or the United States Supreme Court for purposes of interpreting the United States Constitution or Pennsylvania constitution regarding freedom of expression or speech.

**SIGN**

Any device, fixture, placard ~~or~~, structure, painting, emblem or visual that uses any color, form, graphic, illumination, symbol or writing to identify and communicate, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public. Decorations are not signs. A sign shall be deemed to include its frame and/or structure. Types of signs include:

- A. **ABANDONED SIGN** A sign which ~~no longer advertises a bona fide~~has not identified or advertised a current business, service, owner, product, or activity ~~and/or for which no legal owner can be found~~for a period of at least 180 days, in the case of off-premises signs, or at least 360 days in the case of on-premises signs.
- K. **FREESTANDING SIGN** Any sign supported by structures or supports that are placed on or are anchored in the ground and that are independent from any building or other structure. Also referred to as a "pole sign." This includes a ground sign.
- U. **MONUMENT SIGN**~~—~~A sign in which a stone or brick structure is used to mount the sign area on, in or as an integral part of such structure. The permissible sign area of such sign shall begin at a height not greater than four feet above normal grade.
- V. **OFF-PREMISES SIGNS** A sign ~~directing~~located on premises that directs attention to a business, person, commodity, or service not ~~necessarily~~ sold or located upon the premises ~~where the sign is located~~, e.g., billboards and commercial outdoor advertising.
- W. **ON-PREMISES SIGN** A sign located on premises that directs attention to a business, person, commodity, or service sold or located upon the premises, or a service being provided at the premises during the period of time the service is being provided. ~~ON-PREMISES SIGN~~ A sign which carries only messages strictly incidental to a lawful use of the premises on which it is located. Such signs may include but not be limited to messages indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm, or corporation occupying the premises.
- AA. **PORTABLE SIGN** ~~Any~~ A sign designed to be transported or moved and not permanently attached to the ground, a building, or other permanent sign, or one designed to be

~~transported structure~~ (including but not limited to transportation by means of wheels, signs converted to "A" or "T" frames, sandwich board signs, balloons used as signs, umbrellas used for advertising and/or signs attached to, placed in, atop of or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business).

**HH. TEMPORARY SIGN** ~~Any~~ A sign that is used only temporarily and is not permanently mounted, not permanently affixed to the property, such as a sign without a foundation or sign constructed using wire, stake or similar material to place on the ground or insert into the ground, and whose display area is made in part or in whole of paper, cardboard, plastic, fabric, wallboard, plywood or similar non-permanent material.

**JJ. TIME AND TEMPERATURE SIGN** ~~A display containing illuminated or reflective numerals switching alternately to show the time and temperature. A sign or portion of a sign which displays only the current time and/or temperature and carries no other copy. A time and temperature sign shall not be considered a flashing or animated sign and shall not exceed ten square feet.~~

**KK. VEHICULAR SIGN** Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or commercial activity during all or part of the day. Vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes. Vehicles of any kind upon which a sign has been painted will be subject to the restrictions regarding temporary and portable signs as they apply to the location of the vehicles when parked on a business's own premises.

**LL. WALL SIGN** A sign which is painted on or attached directly to a fence or on the surface of approved building walls, and which extends not more than 15 inches from the face of the fence or wall. Includes fascia sign. (See Illustration attached as Exhibit A)

**MM. WINDOW SIGN** A sign affixed to or within 12 inches of the interior surface of a window with its message visible to the outside of said window surface. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

3. Section 145-11 is amended by deleting the definitions of the following terms found under the definition of Sign:

CONSTRUCTION/DEVELOPMENT SIGN  
NONRESIDENTIAL SUBDIVISION IDENTIFICATION SIGN  
PREOCCUPANCY SIGN  
PROMOTIONAL SIGN  
REAL ESTATE SIGN  
RESIDENTIAL DEVELOPMENT IDENTIFICATION SIGN

4. Section 145-11 is amended by amending the renumbering of the sub-definitions under the Definition of Sign in accordance with the definition changes approved in this Ordinance.

5. Section 145-77 is amended as follows:

**§ 145-77 Findings, Purpose-, Intent, Interpretation. [**

A. Signs obstruct views, distract motorists, displace alternative uses for land and pose other problems that legitimately call for regulation. Signs also perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public.

B. Regulations established in this article are intended to regulate the size, color, illumination, movement, materials, location, height, condition and number of signs and related promotional items in order to minimize safety hazards, improve the visual environment and encourage compliance with regulations in order to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and are protective of property values, the character of neighborhoods and the public's health, safety, and general welfare.

C. This Chapter must be interpreted in a manner consistent with the United States and Pennsylvania constitutions regarding freedom of speech.

BD. The intent of the Township in establishing these regulations is to:

- (1) Create an atmosphere of prosperity and stimulate commercial activity;
- (2) Establish standards for the size, color, movement, materials, height, quantity, location, ~~and construction,~~ maintenance and permitting of signs;
- (3) Establish standards for the illumination of signs to ensure visibility while minimizing potential hazards, distractions to traffic and visual chaos;
- (4) Set standards and provide uniform controls that permit reasonable use of signs and preserve the character of the municipality.
- (5) Restrict the location of sign types to certain zoning districts; and
- (56) Provide for permit fees for all signs and for enforcement of regulations.

E. The regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the Commonwealth, the federal government or this Township. The inclusion of government in describing some signs does not intend to subject the government to regulation, but instead helps illustrate the type of sign that falls within the immunities of the government from this regulation.

6. Section 145-78 is amended as follows:

a. Section 145-78A(3), (4) and (5) are amended as follows:

- (3) Obscures a motorist's, pedestrian's or bicyclist's view of traffic signals, stop signs, or other warning devices;
- (4) Obscures a motorist's, pedestrian's or bicyclist's view of the roadway, intersections or driveways and egress;
- (5) ~~Limits a pedestrian's view of vehicular traffic;~~ (6) Blocks or obstructs any exit or entrance and/or the movement of pedestrians, bicyclists or others;

b. Paragraphs (7) and (8) are renumbered to be (6) and (7)

c. Section 145-78B is amended by modifying the heading of B as follows: Area of Sign (See the Illustrations in Exhibit A) and by adding new paragraphs (5) and (6) as follows:

- (5) Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
- (6) If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

d. Section 145-78C is amended by deleting paragraph (3)

e. Section 145-78D is amended by adding a new paragraph (1) as follows, deleting existing paragraph (2) and renumbering existing paragraph (1) to (2):

- (1) All signs shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible and the sign and its structural components are in conformance to the provisions of this Chapter, the Property Maintenance Code in Chapter 29 of the Millcreek Township Code and all other applicable federal, state and Township regulations.

f. Section 145-78E is added as follows:

E. Sign Illumination.

- (1) Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
  - (a) Light sources to illuminate signs shall neither be visible from any

street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.

(b) No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.

(c) Hours of Operation:

(i) Signs on non-residential properties may be illuminated from 5 a.m. until 11 p.m., or one half hour past the close of business of the facility being identified or advertised, whichever is later.

(ii) Signs shall provide an automatic timer to comply with the intent of this Section.

(d) Brightness. Message center signs and digital displays are subject to the following brightness limits:

(i) During daylight hours between sunrise and sunset, luminance shall be no greater than 5,000 nits.

(ii) At all other times, luminance shall be no greater than 250 nits.

(iii) Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.

(e) Message Duration. The length of time each message shall be displayed on a message center sign, digital display, or Tri-Vision Board sign shall be no less than eight (8) seconds.

(2) Types of Illumination: Where permitted, illumination may be:

(a) External: Externally illuminated signs, where permitted, are subject to the following regulations:

(i) The source of the light must be concealed by translucent covers.

(ii) External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.

(b) Internal: Internally illuminated signs, where permitted, are subject to the following regulations:

(i) Internal illumination, including neon lighting, must be static in

intensity and color.

(ii) Electronic message centers and/or electronic display signs are permitted in accordance with the regulations contained in § 145-89.

(3) Electrical Standards.

(a) All work shall be completed in full compliance with the Pennsylvania Uniform Construction Code.

(b) The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.

(c) The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to the Township as a condition precedent to the issuance of a sign permit.

(4) Glare Control. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

7. Section 145-79 is amended as follows:

a. Section 145-79A is amended as follows:

A. It shall be unlawful for any person to erect, install, locate, alter (dimension or type), or relocate any sign within the Township without first obtaining a sign permit, unless the sign is not required to have a permit as outlined in § 145-80. A permit must be obtained from the Township authorizing the erection of all signs in the Township prior to commencement of erection or installation, unless specifically exempted in this article.

b. Section 145-79C is amended as follows:

C. ~~Portable sign companies~~The owner of property on which a portable sign is to be located must obtain a sign permit before delivering a having the sign delivered to the site.

c. Section 145-79K is added as follows:



K. A permit fee and a deposit, if applicable, shall be established from time to time by Resolution of the Township, and shall be paid by the applicant prior to any issuance of a permit.

8. Section 145-80 is amended as follows:

**§ 145-80 Exempt signs. Signs that do not need a permit.**

The following signs are permitted in all districts and do not require a permit, provided that the applicable conditions have been met:

- A. ~~Official highway route number signs, memorial signs historical signs or tablets street name signs, and directional or other traffic signs may be erected on public roads and highways in the interest of public safety.~~ Government/regulatory signs.
- B. Signs displaying the ~~name and~~ official street address of the ~~occupancy of the premises for public safety purposes and for delivery of mail and official governmental notifications,~~ provided that the area of any such sign shall not exceed two (2) square feet and not more than one such sign shall be erected for each occupancy of a premises, unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.
- C. No trespassing signs, signs indicating the prohibition or control of fishing, hunting, etc., or signs indicating the private nature of a road ~~may be erected for public safety purposes,~~ provided the area of any such sign does not exceed two (2) square feet.
- D. ~~Governmental flags or insignias. Flags displayed through use of a permanent fixture, such as a flag pole, provided such flags do not contain any commercial messaging:~~
  - (1) Location. Flags and flagpoles shall not be located within any right-of-way.
  - (2) Height. Flags shall have a maximum height of 35 feet.
  - (3) Number. No more than three (3) flags per lot in all districts.
  - (4) Size. Maximum per flag size is 24 square feet in residential districts, and 35 square feet in all other districts.
- E. Legal notices.
- F. ~~Public service and information signs advertising the availability of rest rooms, telephones, or similar public convenience; also signs advertising meeting times and places of nonprofit service or charitable organizations. These may be erected, provided they do not advertise~~ Directional signs, provided they do not contain any commercial establishment, activity, organization, product, goods, or service, except those of public utilities. Any such sign shall message, which do not exceed four (4) square feet in

area, do not exceed a maximum height of five (5) feet, and are not illuminated.

- ~~IG. Bulletin or announcement board signs provided that the area of any one side of such sign shall not exceed 16 square feet.~~
- ~~H. Memorial signs or historical signs or tablets, provided such sign or tablet does not exceed four square feet. Window signs giving store hours or the name or names of credit or charge institutions, provided the total area of any such sign or all signs together does not exceed two (2) square feet.~~
- ~~J. Vending machine signs bearing the brand name or the price of a product when they are displayed on a vending machine selling such product. H. Signs painted on or integral to vending machines, fuel dispensing pumps or fuel storage tanks.~~
- ~~K. Temporary window signs.~~
- ~~LI. Signs which are a permanent architectural feature of a building or structure, such as a cornerstone, or identifying letters carved into or embossed on a building, provided the letters are not made of a reflective material nor contrast in color with the building.~~
- ~~M. Bunting, pennants, and similar materials.~~
- ~~N. A sign advertising a yard or household sale.~~
- ~~O. Any wall sign which is not more than one square foot in area.~~
- ~~P. A sign designating the location of a transit line, railroad station or other public carrier.~~
- ~~Q. A holiday display or window display of merchandise, except as specifically prohibited by this article.~~
- ~~R. A property improvement contractor's sign may be erected during the period such person(s) are actually performing work on the premises upon which such signs are erected, provided that: such sign shall be removed by the contractor immediately upon completion of work by that person; and the total area of all such signs on a premises at any time shall not exceed 32 square feet. Not more than one such sign shall be placed on any given property on which such person is performing work unless such property fronts on more than one street, in which case, one such sign shall be permitted along each street. This subsection shall not be construed to authorize placement of such sign by a person periodically or occasionally doing work at such premises, as distinct from a defined project.~~
- ~~S. No more than one real estate sign shall be placed on a premises held in single and separate ownership indicating such property's availability for sale or lease, provided that if such property fronts on more than one street, one such sign shall be permitted on the premises along such street. All such signs shall be removed within 10 days after the date of closing or settlement on sale, lease or rental of the premises.~~

~~FJ.~~ Any temporary sign ~~not expressly authorized in this section, provided such sign that~~ meets the conditions and restrictions imposed in § 145-82.

9. Section 145-81 is amended as follows:

a. The following is amended at the beginning of Section 145-81:  
It shall be unlawful and a violation of this Ordinance for any person to erect, install or locate any of the following: ~~The following are unlawful and prohibited:~~

b. Paragraph 145-81E is deleted.

c. The following paragraphs are added to Section 145-81:

E. Abandoned signs.

F. Snipe signs.

G. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.

H. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the municipality, applying contemporary community standards.

I. Any sign that promotes illegal activity.

J. Any sign within the right of way of a Township street.

K. Any sign within the right of way within a Commonwealth highway, unless the Commonwealth has issued a permit.

L. Signs which prevent the free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.

M. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.

N. Signs that contain deceptive, false or misleading information.

10. Section 145-82 is deleted in its entirety and replaced with the following:

**§ 145-82 Temporary and Portable signs.**

A. Temporary Signs.

(1) General Requirements

(a) Temporary off-premises signs shall not be permitted.

(b) No temporary signs are permitted within the right-of-way of a Township street.

(c) No temporary signs are permitted within the right-of-way of a Commonwealth highway unless a permit authorizing such sign(s) has first been obtained from the Commonwealth.

(2) Total signage area, height and number requirements.

(a) The maximum signage area of a temporary sign shall not exceed five (5) square feet, unless otherwise permitted within a specific zoning district in accordance with the requirements of this Article.

(b) The maximum sign height shall be seven (7) feet.

(c) The maximum number of temporary signs on a property shall be as follows:

(i) If a temporary sign is five (5) square feet total signage area or less, two (2) per property; or four (4) per property if property is 5 or more acres and has a minimum of 400 feet of street frontage, or if the property has greater than 10,000 square feet of gross floor area; and

(ii) If a temporary sign is allowed in a zoning district to exceed five (5) square feet total signage area, one (1) per property; or two (2) per property if property is 5 or more acres and has a minimum of 400 feet of street frontage, or if the property has greater than 10,000 square feet of gross floor area.

(3) Construction/Maintenance Requirements.

(a) Every temporary sign shall be made of durable material, and firmly secured to the ground or to an adjacent building.

(b) Temporary signs that are frayed, torn, broken, or no longer legible will be deemed unmaintained.

(4) Illumination: Illumination of any temporary sign is prohibited.

B. Portable Signs

(1) General Provisions.

- (a) Hours of Illumination: Portable signs may be illuminated only during the hours of operation of the business being advertised. All portable signs must not be illuminated during hours of non-operation. The illumination of any portable sign shall be in compliance with § 145-78E.
- (b) No portable sign shall be larger than 32 square feet in area and no sign shall be located less than 10 feet from a street right-of-way line.
- (c) These signs may not revolve, be animated or have flashing lights.
- (d) A maximum of one sign per frontage, per occupancy, is permitted.

(2) Sandwich Board or A-frame Signs. Sandwich board signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.

- (a) Number: One (1) sandwich board sign is permitted per establishment. For the purposes of this subsection, a parking garage or parking lot shall be considered an establishment.
- (b) Area: Each sign shall have a maximum area of seven (7) square feet per sign face.
- (c) Height: Signs shall have a maximum height of three and one-half (3.5) feet.
- (d) Sign Placement.
  - (i) If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
  - (ii) The sign must be located on the premises, and within 12 feet of the primary public entrance, of the establishment it advertises. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.
  - (iii) Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.
- (e) Manual Changeable Copy.
  - (i) Manual changeable copy signs are permitted when integrated into a sandwich board sign.

(ii) Commercial messages must advertise only goods and services available on the premises.

11. Section 145-84 is amended as follows:

a. Section 145-84A(1)(a) is amended as follows:

(a) No such sign shall exceed an area of five (5) square feet or a height of seven (7) feet to the uppermost portion of the sign or its supporting structure; and

b. Section 145-84A(2) is added, Section 145-84A(2) is renumbered to (3) and amended, and a new sections (4) and (5) are amended and added from Section 145-84B as follows:

(2) Temporary signs are permitted in accordance with the requirements of § 145-82.

(3) Animated/moving, changeable copy, billboard/commercial, outdoor advertising, directional, illuminated, off-premises, portable, promotional, rotating, roof, and vehicular signs are prohibited.

(4) The following applies to permanent signs on properties on which multiple dwelling units (such as apartment complexes) are located, at the entrances of dwelling unit subdivisions, and on properties occupied by schools, colleges, churches, hospitals, cemeteries, nonprofit clubs, and other nonprofit institutions of a similar nature:

(a) Freestanding signs. Freestanding signs shall be permitted, provided that the total signage area on one side of any freestanding sign shall not exceed 32 square feet and not more than one such sign shall be erected on a premises held in single and separate ownership unless such premises fronts on more than one street, in which case one such sign may be erected on each street frontage. In addition, such facilities are permitted to have up to four (4) additional freestanding signs that do not exceed five (5) square feet and are not more than five (5) feet in height.

(b) Wall signs. One per street elevation or elevation facing a parking lot, each sign not to exceed nine (9) square feet.

(c) Changeable copy and illumination. Freestanding signs that conform to the requirements of § 145-84(A)(5)(a) may allow for changeable copy and may be illuminated consistent with the standards of Section 145-78E.

(5) One sign for nonconforming home occupations or other nonconforming accessory use is permitted, provided that the area of the sign does not exceed two square feet.

c. Section 145-84B is deleted in its entirety.

12. Section 145-85 is amended as follows:

a. Section 145-85A is amended as follows:

A. General regulations.

(1) Freestanding signs are permitted, provided that they shall not exceed twelve (12) feet in height to the uppermost portion of the sign or its supporting structure and that the total signage area shall not exceed 32 square feet. This type of sign shall observe at least a ten-foot setback from the street right-of-way.

(2) Animated/moving, billboard/commercial outdoor advertising, off-premises, portable, projecting, rotating, roof and vehicular signs are prohibited.

b. Section 145-85B heading "On premises signs" is deleted.

c. Section 145-85B(1) is amended by changing the reference to 145-84B to 145-82.

d. Sections 145-84B(1) and (2) are renumbered as Sections 145-84A(3) and (4).

e. Section 145-84C is deleted.

13. Section 145-86 is amended as follows:

a. Section 145-86A is amended as follows:

A.—~~On premises signs.~~(1) Signs as permitted and regulated in Residential and C-1 Commercial Districts shall be permitted unless otherwise specified in this section.

b. Section 145-86A(2), (2)(a)-(d); and (3) and (4) are renumbered as Section 145-86B, B(1)-(4) and C and D.

c. Section 145-86A(5), A(5)(a), A(5)(c) and A(5)(e) are renumbered as Section 145-86E, E(1), E(3) and E(5), respectively.

d. Section 145-86A(5)(b) is amended and renumbered as follows:

(b)—~~No 2) \_\_\_\_\_~~ The total signage area of a permanent window sign's area shall not exceed 16 square feet in area.

e. Section 145-86A(5)(d) is amended and renumbered as follows:

~~(d) Permanent~~<sup>4)</sup> The total signage area of a permanent wall sign shall not exceed in area three (3) times the lineal frontage of the building or 300 square feet, whichever is less.

f. Section 145-86A(6), A(6)(a) and A(6)(b) are renumbered as Section 145-86F, F(1) and F(2), respectively.

g. Section 145-86G is added as follows:

G. Marquee signs.

(1) Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.

(2) No marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.

(3) No marquee shall extend closer to the curb than three (3) feet.

(4) Sign Height.

(a) No portion of a marquee sign shall extend vertically above the eave line.

(b) The lowest edge of the marquee sign shall be at least 10 feet above the finished grade.

h. Section 145-86A(7), A(7)(a) and A(7)(b) are renumbered as Section 145-86H, H(1) and H(2), respectively.

i. Section 145-86A(8) A(8)(a) and A(8)(b) are renumbered as Section 145-86I, I(1) and I(2), respectively.

j. Section 145-86(A)(9) is deleted.

k. Section 145-86A(10), A(10)(a) through (e) are renumbered as Section 145-86J and J(1) through J(5), respectively.

l. Section 145-86B and B(1) are deleted.

m. Section 145-86K is added as follows:

K. Temporary signs are permitted in accordance with the requirements of § 145-82, except that the maximum area of the sign may be 32 total square feet.



n. Section 145B(2) is renumbered as Section 145-86L.

14. Section 145-87 amended as follows:

a. Section 145-87A is amended as follows:

A. ~~On-premises signs.(1)~~—Signs permitted in the zoning districts referenced in §§ ~~145-84~~ through ~~145-86~~ shall be permitted in industrial districts in accordance with regulations for those districts unless otherwise specified in this section.

b. Sections 145-87A(2) through (5) are renumbered as Section 145-87B through E, respectively.

c. Sections 145-87(A)(3)(a) through (c) are renumbered as Sections 145-87C(1) through (3), respectively.

d. Sections 145-87(A)(5)(a) through (e) are renumbered as Sections 145-87E(1) through (5), respectively.

e. Sections 145-87B and B(1) are deleted.

f. Section 145-87B(2) is renumbered as Section 145-87E.

15. Section 145-88A(3) is amended as follows:

(3) No sign shall be located within 100 feet of any intersection unless affixed to a building and not extending more than three (3) feet beyond the same.

16. Sections 145-89B(7) and (9) are amended as follows:

(7) ~~The of~~ intensity and contrast of light levels shall remain constant throughout the sign face.

(9) Each such sign shall be shut off between the hours of ~~10~~11:00 p.m. and 6:00 a.m. on every day and shall use automatic day-night dimming software or other means to reduce the illumination intensity of the sign to 500 nits or less from dusk until ~~10~~11:00 p.m.

17. Section 145-90A is amended as follows:

A. Billboard/commercial outdoor advertising signs are authorized only in "~~C~~" ~~Business and all industrial zoned areas~~C-3 and I-1, I-2, and I-3 districts.

18. Section 145-91 and 145-92 are added as follows:

**§ 145-91 Enforcement.**

- A. With respect to signs not maintained in accordance with § 145-78(D), the Township may initiate the enforcement procedures and seek any or all remedies available under the Property Maintenance Code in Chapter 29 of the Millcreek Township Code.
- B. With respect to signs not constructed in accordance with § 145-78(C), the Township may initiate the enforcement procedures and seek any or all remedies available under the Uniform Construction Code Ordinance in Chapter 29 of the Millcreek Township Code.
- C. Removal of Signs.
- (1) Upon written notice by the municipality, the owner, person, or firm maintaining a sign shall remove the sign when it is abandoned or unlawfully erected in violation of any of the provisions of this Ordinance.
  - (2) The municipality may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice.
  - (3) If a sign presents an immediate danger, the municipality may remove the sign immediately and to the extent possible issue notice of said removal to the owner, person, or firm maintaining the sign.
  - (4) If the sign is a prohibited sign under Section 145-81, the municipality may remove the sign immediately and to the extent possible issue notice of said to the owner, person, or firm maintaining the sign.

**§ 145-92 Substitution Clause.**

- A. Notwithstanding any provision of this Chapter to the contrary, to the extent that this Chapter allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Chapter.

Effective Date. This Ordinance shall be effective 5 days after the date on which this Ordinance is enacted

**BE IT ENACTED** this \_\_\_\_ day of May, 2017.

**MILLCREEK TOWNSHIP SUPERVISORS**

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Brian P. McGrath

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John H. Groh

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John E. Morgan