

ORDINANCE 2024-01

An Ordinance of the Borough of Washington Amending Section 94-62 entitled, "Signs," and the Downtown Redevelopment Plan Regarding Freestanding Signs on Sidewalks in Certain Zones

WHEREAS, the Mayor and Borough Council seek to revise the regulations concerning freestanding signs on public sidewalks within the commercial zoning districts (B-1, B-2, and Downtown Redevelopment Area) in Washington Borough.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, County of Warren, that the Code of the Borough of Washington be amended as follows:

Section 1. Section 94-62(C)(7) of the Code of the Borough of Washington is hereby amended as follows (additions noted in bold italic *thus* and deletions noted in strikethrough ~~thus~~):

In addition to the foregoing provisions, the following requirements shall apply to signs in the **B-1 Highway Business District and B-2 Central Business District**. Where there is a conflict between the provisions of Subsection C(1) to (6) above and the provisions of this Subsection C(7), the provisions of this subsection shall apply.

Section 2. Section 94-62(C)(7)(d)(1) of the Borough Code regarding freestanding signs certain zones is hereby amended as follows (additions noted in bold italic *thus* and deletions noted in strikethrough ~~thus~~):

(1) **Frees**Standing signs. ~~S~~**Freestanding** signs, that is, moveable "A-frame" or easel ~~other signs designed for and~~ generally placed along a sidewalk or other area intended for the view of pedestrians, shall be permitted, provided that any such sign, **except for "feather signs"**, shall not exceed six square feet in total size per side. **Feather signs may not exceed 12 feet in height and 2.5 feet in width.** The maximum width of such signs shall be 24 inches and the maximum height of such signs shall be 36 inches. The overall height of the sign, including a support frame, shall not exceed 42 inches. The following **additional** limitations shall apply:

[a] Only A-frame, ~~feather or easel frame~~**and other signs which are designed for, and generally used on sidewalks,** signs are permitted.

[b] No more than one **freestanding** sign shall be permitted for each business and only first-floor businesses may use such signs.

[c] ~~S~~**Freestanding signs** may be displayed only during the hours when the business is open.

[d] ~~S~~**Freestanding signs shall be constructed of weather resistant materials (no paper, fiberboard, foamcore board, corrugated paper or unfinished wood materials shall be permitted).** Signs may be constructed of painted wood, metal or plastic with professional quality painted messages, chalkboards, dry-erase boards or boards with changeable letters. No other construction materials are permitted. **S**~~Freestanding signs shall be constructed and/or weighted so as to be impervious to the effects of strong winds. S~~**Freestanding signs shall be maintained at all times in good repair and shall not be permitted to weather, fade, peel, crack or otherwise deteriorate.**

[e] ***Freestanding signs*** may be located only adjacent to the building within the side property lines as extended, in an entrance alcove.. ***The placement of freestanding signs must allow for at least a 5-foot wide unobstructed pathway.***

[f] No ***freestanding*** sign shall block pedestrian movement, access to benches, access to parking meters, ***fire hydrants***, or access to motor vehicles. The Building or Zoning Officer may direct that any ***freestanding*** sign which violates this chapter or creates a safety hazard be removed, modified or relocated.

[g] ***Only businesses registered with the Borough in accordance with Section 54 of the Borough Code may display a freestanding sign.***

[h] ***The business must provide the Borough with proof of insurance with a minimum liability coverage of one million dollars (\$1,000,000.00) and must specifically provide coverage for the sidewalk area the freestanding sign will be displayed and the Borough must be a named insured on the policy.***

[g] ***Notwithstanding anything contained in this ordinance to the contrary, the Zoning Officer, Fire Marshal, and/or Chief of Police shall have the right to prohibit or further restrict the location of any freestanding sign which, in their sole discretion, they deem by virtue of the freestanding sign's construction or location, to constitute a safety hazard to the public.***

Section 3. The Page 40, Signage” of the Downtown Redevelopment Plan is hereby amended to add the following:

Freestanding signs shall be permitted on the public sidewalks in compliance with Borough Code Section 94-62(C)(7)(d)(1)

Section 4. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6. This Ordinance shall take effect upon final passage and publication according to law.

Introduce: January 16, 2024

Adopted: March 5, 2024