ENACTED

BOARD OF SUPERVISORS
WHITPAIN TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 4-236

"Signs Including a Changeable Text Electronic Message Board"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN, CHAPTER 160 (ZONING), ARTICLE XXVI (SIGNS), SECTION 160-185 (TYPES OF SIGNS) TO ADD A NEW SUBSECTION "F" WHICH ADDS A NEW DEFINITION FOR A "CHANGEABLE TEXT ELECTRONIC MESSAGE BOARD"; AMENDING SECTION 160-184 (ILLUMINATION) TO REPEAL EXISTING SUBSECTION "A" RELATED TO THE DEFINITION OF AN "INTERNALLY ILLUMINATED SIGN" AND REPLACE IT WITH A NEW DEFINITION FOR SUCH SIGNS, AND TO REPEAL "E" (SPECIAL REGULATIONS FOR ILLUMINATED SIGNS) IN ITS ENTIRETY AND REPLACE IT WITH A NEW SUBSECTION "E" ESTABLISHING REGULATIONS FOR ILLUMINATED SIGNS; AMENDING SECTION 160-189 (GENERAL REGULATIONS) TO REPEAL EXISTING SUBSECTION "B" AND REPLACE IT WITH A NEW SUBSECTION "B" PROHIBITING ANY SIGN OR PORTION THEREOF WITHIN THE CLEAR SIGHT TRIANGLE AT ANY INTERSECTION OF STREETS, OR ANY INTERSECTION OF A DRIVEWAY AND A STREET, AND PROHIBITING ANY SIGNS, OTHER THAN AN OFFICIAL STREET SIGN, WITHIN THE LEGAL RIGHT OF WAY OF ANY STREET; AMENDING SECTION 160-189 (GENERAL REGULATIONS) TO ADD A NEW SUBSECTION "O" TO ESTABLISH SPECIAL REGULATIONS FOR SIGNS INCLUDING A CHANGEABLE TEXT ELECTRONIC MESSAGE BOARD; AMENDING SECTION 160-191 (SCHEDULE OF SIGN REGULATIONS), SUBSECTION "E" TO APPLY THE REGULATIONS CONTAINED THEREIN TO PRE-SCHOOL, PRIMARY, SECONDARY, AND COLLEGIATE LEVEL EDUCATIONAL FACILITIES AND MUNICIPAL FACILITIES IN ADDITION TO PLACES OF WORSHIP; FURTHER AMENDING SECTION 160-191 (SCHEDULE OF SIGN REGULATIONS), SUBSECTION "E" TO REVISE THE SIGN OPTIONS IN THE INSTITUTIONAL DISTRICT AND ESTABLISH SIGN AREA REQUIREMENTS FOR SIGNS WITH A CHANGEABLE TEXT ELECTRONIC MESSAGE BOARD; AMENDING SECTION 160-189 (GENERAL REGULATIONS) TO REPEAL EXISTING SUBSECTION "D" AND REPLACE IT WITH A NEW SUBSECTION "D" TO LIMIT THE HEIGHT OF MONUMENT SIGNS; AND AMENDING SECTION 160-185 (TYPES OF SIGNS) TO REPEAL EXISTING SUBSECTION "A" AND REPLACE IT WITH A NEW SUBSECTION "A" TO DEFINE AND DISTINGUISH MONUMENT SIGNS AND PYLON SIGNS.

The Board of Supervisors of Whitpain Township does hereby **ENACT** and **ORDAIN:**

SECTION I – Amendment to Code

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XXVI (Signs), Section 160-189 (General Regulations) is hereby amended to repeal Subsection "B" and replace it with the following new Subsection "B":

> B. No sign or portion thereof shall be permitted within the clear sight triangle (as defined in the Subdivision and Land Development Regulations of this Code) at any intersection of streets (other than official traffic and highway signs) or any intersection of a driveway with a street. A clear sight triangle of seventy-five (75) feet shall be measured along the center lines from the point of the intersection. No sign, other than an official street sign, shall be erected or maintained within the legal right of way of any street.

SECTION II – Amendment to Code

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XXVI (Signs), Section 160-184 (Illumination), Section 160-184.A (is hereby repealed in its entirety and replaced with the following:

> A. An "internally illuminated sign" is a sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and exposed lamp signs, but excluding plasma technology, LED technology and other similar technology. Illumination shall only be of an even intensity.

SECTION III – Amendment to Code

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XXVI (Signs), Section 160-184 (Illumination), Section 160-184.E (Special Regulations for Illuminated Signs) is hereby repealed in its entirety and replaced with the following:

> E. Special regulations for illuminated signs:
>
> (1) Illumination is to be controlled by a timer which shall turn off the sign light not later than one hour after the close of regular business hours.

Emergency directional signs and physicians providing emergency care upon the premises, as well as government signs, shall be exempt.

(2) The external light source shall be shaded, hooded or otherwise screened to prevent the source of the light from being visible on adjacent property or causing glare to traveling motorists on a public street or access drive used by the public. 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. Vegetative screens shall not be employed to serve as the primary means for controlling glare.

(3) The intensity of internal illumination shall not exceed six footcandles at a distance of eight feet from the center line of the sign.

(4) Electrical components of internally illuminated signs shall bear the Underwriters' Laboratories label of approval.

(5) External illumination shall not exceed 17 footcandles at the face of the sign, shall consist only of white or amber color range and shall consist of a uniform distribution of the light intensity.

(6) Changeable Text Electronic Message Boards are subject to the following brightness limits:

(a) During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits (candela per square meter).

(b) At all other times, luminance shall be no greater than two hundred fifty (250) nits (candela per square meter).

(c) Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions changes, to comply with the limits set herein.

(7) Electrical standards

(a) Permits for illuminated signs will not be issued without an approved electrical permit, if required. Applications for electrical permits shall be filed at the same time as the sign permit application.

(b) All work shall be completed in full compliance with the Whitpain Township Electrical Code as set forth in the Pennsylvania Uniform Construction Code.

(c) 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 ground signs shall be provided by means of underground cables.

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

SECTION IV – <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XXVI (Signs), Section 160-189 (General Regulations) is hereby amended to add the following new subparagraph:

O. Special regulations for Changeable Text Electronic Message Boards allowed only in the "IN" Institutional District. Where permitted, Changeable Text Electronic Message Boards shall be considered part of the permitted square footage for signs in the applicable district, but shall not exceed the square foot percentage of such sign as set forth in this section. In addition, Changeable Text Electronic Message Boards shall be related solely to the business or use upon the premises where such sign is located (with the exception of unrelated "community service" announcements pre-approved by the Township), and shall comply with the following requirements:

(1) Changeable Text Electronic Message Boards shall be permitted only in the IN-Institutional District or where required by law (i.e. gasoline price signs). Except as otherwise specifically provided for in this Chapter, no other electronic, LED or plasma signs shall be permitted anywhere else in the Township. Changeable Text Electronic Message Boards shall be permitted only on monument style ground signs.

(2) The height of letters or numbers in any text shall be no less than five (5) inches. Not more than five (5) lines of written copy shall be permitted per message board.

(3) Other than text, only one other image or symbol of any kind shall be permitted. Photographic images of objects may be displayed on a Changeable Text Electronic Message Board; provided, the background of such photographs shall be excluded from the

portion of the photograph displayed on the sign. In no case shall a photographic image of a person be displayed on a Changeable Text Electronic Message Board. Additionally, no signs or message boards shall be permitted to move, scroll, flash, revolve, rotate, oscillate, fade or display animated text, image or video.

(4) Not more than seventy percent (70%) of a total sign face may be devoted to a Changeable Text Electronic Message Board. However, no more than fifty percent (50%) of the Changeable Text Electronic Message Board (i.e. thirty-five percent (35%) of the total sign face) shall be devoted to an image or symbol (with the other fifty percent (50%) devoted to text). The portion of a sign that contains the changeable text electronic messaging shall be located on the lowest portion (i.e. bottom) of the sign of which such message board is a part and may be side by side with the static text of the sign.

(5) Notwithstanding any other regulations in this Chapter to the contrary, the text on a Changeable Text Electronic Message Board may change at a rate not greater than once per minute. Any image or symbol on a Changeable Text Electronic Message Board may change at a rate not greater than once per day. Each change shall be instantaneous. All text, images, symbols and the messaging background shall remain static and in full compliance with subsection (3) above.

(6) The color of changeable text, image, symbol and the messaging background shall be uniform and constant. The Changeable Text Electronic Message Board shall comply with the brightness standards set forth in Section 160-184.E and the electronic messaging background shall not be white-colored.

(7) No signs or message boards shall emit any audio or verbal announcement or noises of any kind.

(8) The illumination of the entire sign containing a Changeable Text Electronic Message Board shall be turned off in accordance with §160-184.E.(1), or as more particularly set forth in §160-191.

(9) For every permitted monument style ground sign containing a Changeable Text Electronic Message Board, the supporting structure or enclosure for such sign shall be a minimum of 150% and a maximum of 200% of the total permitted sign area.

(10) The addition of any Changeable Text Electronic Message Board to a nonconforming sign is prohibited.

SECTION V – Amendment to Code

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XXVI (Signs), §160-185 (Types of Signs) is hereby amended to add a new subsection "F" as follows:

> F. A "Changeable Text Electronic Message Board" is an internally illuminated portion of a permitted sign in the IN – Institutional District in which plasma technology or LED technology, or other electronic technology is utilized to present text, or in limited cases a symbol or image, conveying a message or announcement regarding the use on the property where such sign is located or a public service announcement, all in accordance with the regulations for Changeable Text Electronic Message Boards set forth in section 160-189.O.

SECTION VI – Amendment to Code

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XXVI (Signs), §160-191 (Schedule of Sign Regulations), subparagraph E. (IN Institutional District) to delete the existing subparagraph (1) and replace it with the following new title:

> (1) Religious (place of worship), pre-school, primary, secondary, and collegiate level educational facilities and municipal facilities.

SECTION VII – Amendment to Code

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XXVI (Signs), §160-189 (General Regulations), to delete the existing subparagraph D. and replace it with the following new title:

> D. No sign shall project above the building height restriction of the area. Notwithstanding the foregoing, no monument style ground sign shall exceed 10 feet in height measured from grade immediately adjoining the sign to the top of the structure or enclosure for such sign.

SECTION VIII – Amendment to Code

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XXVI (Signs), §160-191 (Schedule of Sign Regulations), subparagraph E. (1) (Permitted Signs) is hereby

amended to eliminate Option No. 2, to renumber Option No. 3 as Option No. 2 and to change the sign area permitted under Option No. 1 as follows:

> Sign Area (square feet) – 30 sq. ft. However, a ground sign containing a Changeable Text Electronic Message Board shall be permitted an additional square foot of sign area for every ten linear feet of frontage over 400 linear feet on an arterial road and an additional square foot of sign area for every ten linear feet of frontage over 400 linear feet of frontage on a collector road, up to a maximum sign square footage of 75 square feet of total sign area on an arterial road and 60 square feet of total sign area on a collector road.

SECTION IX – <u>Amendment to Code</u>

The Code of the Township of Whitpain, Chapter 160 (Zoning), Article XXVI (Signs), Section 160-185 (Types of Signs) is hereby amended to repeal Subsection "A" and replace it with the following new Subsection "A":

> A. A "ground sign" is a self-supporting freestanding sign resting on the ground (i.e. monument sign) or is supported by means of poles or standards in the ground (i.e. pylon sign).

SECTION X – <u>Severability</u>

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION XI – <u>Failure to Enforce not a Waiver</u>

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION XII – Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION XIII – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Whitpain Township, Montgomery County, Pennsylvania, this 15th day of March, 2016.

WHITPAIN TOWNSHIP

By: _____
Adam D. Zucker, Chairman
Board of Supervisors

Attest: _____
Anthony F. Greco, Secretary

CERTIFICATION
I, ROMAN M. PRONCZAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER OF WHITPAIN TOWNSHIP IN MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE #4-236

_____
Roman M. Pronczak, P.E., Township Manager
March 15, 2016