

TOWNSHIP OF SPRING,
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 418

AN ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA AMENDING CHAPTER XXIV, ENTITLED "SIGNS AND BILLBOARDS", BY ADDING THERETO A NEW PART 1, ENTITLED "TEMPORARY SIGNS", PROHIBITING TEMPORARY SIGNS TO BE LOCATED WITHIN TEN FEET OF ANY CARTWAY IN THE TOWNSHIP AND ESTABLISHING PENALTIES FOR VIOLATION OF SUCH REGULATIONS

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. Chapter XXIV, entitled "Signs and Billboards", of the Code of Ordinances of the Township of Spring, Berks County, Pennsylvania is hereby amended by adding thereto the following New Part 1:

"Part 1

Temporary Signs

Section 101. Legislative Intent. The regulations set forth in this Part are in expansion of, and in addition to, the sign regulations set forth in the Township Zoning Ordinance.

Section 102. Purpose. The purpose of this Part is to prevent hazards to visibility of motorists; to prevent interference with vehicular traffic, including the obstruction of sight distances; to prevent interference with normal pedestrian movements; to prevent disruption of vehicular and pedestrian traffic along any public street right-of-way; to foster public safety through the prevention of distractions to passing motorists; and to maintain the aesthetics of the Township.

Section 103. Applicability. The provisions of this Part shall apply to all Temporary Signs, but shall specifically exclude Temporary Official

Signs, that are placed for display to the public located within ten feet (10') of any cartway.

Section 104. Definitions. When used in this Part, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise. Any word or term not defined in this Part shall be used with a meaning of standard usage.

CARTWAY. The paved portion of a street or highway designed for vehicular traffic and paved areas intended for on-street parking, excluding the shoulder of any street or highway.

PERSON. An individual, company, unincorporated association, corporation, partnership or other entity.

RESPONSIBLE PERSON. The owner or lessee of the property on which a Temporary Sign is located, the Person placing a Temporary Sign and / or the Person on whose behalf the Temporary Sign was placed.

SIGN. Any object, device display or structure that is used to advertise, identify, display, direct or attract attention, including structural elements, bases, sign faces, trim and borders.

STREET. A public or private thoroughfare which affords the principal means of access to abutting property and contains a right-of-way area (in addition to the cartway); including avenue, place, way, parkway, lane, boulevard, highway, road, alley and any other thoroughfare.

TEMPORARY OFFICIAL SIGN. A sign temporarily placed by a federal, state or local governmental unit for the protection of public safety, such as a traffic sign.

TEMPORARY SIGN. A sign which is not permanently mounted or affixed to the ground, building or display window.

TOWNSHIP. The Township of Spring, Berks County, Pennsylvania.

Section 105. Temporary Sign General Regulations. The following provisions shall apply to all Temporary Signs, or any portion thereof, but shall specifically exclude Temporary Official Signs, located within ten feet (10') of any cartway within the Township. All Temporary Signs are

further regulated by Part 6 of Chapter XXXII (Township Zoning Ordinance) of the Code of Ordinances of the Township of Spring.

(A) No Temporary Sign, or any portion thereof, except Temporary Official Signs, may be placed, installed, erected, altered, maintained, used, displayed, or moved to any location within ten feet (10') of the cartway.

(B) In the event a property located within the Township does not have any area beyond ten feet (10') from the cartway for the placement of a permitted Temporary Sign, such Person shall consult with the Township Code Enforcement Officer on a possible location for the placement of a Temporary Sign. In that instance, the Code Enforcement Officer may, but shall not be required to, authorize the placement of a permitted Temporary Sign at a location to be determined by the Code Enforcement Officer within ten feet (10') from the cartway.

Section 106. Determination; Removal; Appeal.

(A) The Township Code Enforcement Officer, or other qualified Person designated by the Township Board of Supervisors, shall determine if a Temporary Sign is compliant with or prohibited by the provisions of this Part.

(B) Upon the determination that a Temporary Sign is noncompliant with or prohibited by the provisions of this Part, the Code Enforcement Officer, or other qualified Person designated by the Township Board of Supervisors, may immediately remove such noncompliant or prohibited Temporary Sign and all associated structures and cause them to be stored at a Township facility for a period of thirty (30) days from the date of such removal. Upon any such removal of a noncompliant or prohibited Temporary Sign and associated structures, the Code Enforcement Officer or other qualified Person designated by the Township Board of Supervisors, shall make a good faith effort to notify in writing the Responsible Person of the removal of such Temporary Sign and associated structures and advise such Responsible Person that they shall have a period of thirty (30) days from the date of such removal to:

(1) Retrieve such Temporary Sign and all associated structures from storage at such Township facility which such Temporary Sign and associated structures are stored within such thirty (30) day period, subject to the provisions of Subsection (D) of this Section.

(2) Appeal such determination of noncompliance or prohibition by filing an appeal thereof with the Township Board of Supervisors. In all cases the burden of proof and submission of technical evidence shall be the responsibility of the Person appealing the interpretation of the Code Enforcement Officer or other qualified Person designated by the Township Board of Supervisors.

(C) In the event the Responsible Person fails to:

(1) retrieve such Temporary Sign and all associated structures from storage at the Township facility; or

(2) appeal such determination of noncompliance or prohibition within such thirty (30) day period;

the Township shall be entitled to dispose of such Temporary Sign and all associated structures as it deems appropriate, and the Responsible Person shall be liable for all costs and expenses associated with such removal, storage and disposal, if applicable.

(D) The Responsible Person shall pay to the Township a fee for removal, storage and disposal, if applicable, of each Temporary Sign and associated structures, which fees shall be established by Resolution of the Township Board of Supervisors from time to time, and each such Responsible Person shall, upon the earlier of (1) within ten (10) days of receipt of an invoice therefor, or (2) prior to retrieval from the Township of such Temporary Sign and associated structures, remit payment in full to the Township for all such fees. No Responsible Person shall be entitled to return of such Temporary Sign and associated structures until such Responsible Person has remitted to the Township payment in full of all fees as set forth in this Subsection.

(E) The Township shall not be responsible for any damage to or destruction of a Temporary Sign or associated structures which may occur during the removal or storage of such Temporary Sign and associated structures.

Section 107. Violations; Penalties.

(A) Any Person who shall violate any provision of this Part shall, for every such offense for each individual Temporary Sign, upon conviction thereof in a summary proceeding before a District Judge, be subject to a fine not less than Fifty Dollars (\$50.00) and not more than One

Thousand Dollars (\$1,000.00), plus costs of prosecution, including but not limited to attorneys' fees, and in default of payment of such fine and costs, to imprisonment for a term according to applicable law. Each day of the continuation of a violation shall constitute a separate offense for each individual Temporary Sign.

(B) This Part and the foregoing penalties shall not be construed to limit or deny the right of the Township or any Person to such equitable or other remedies as may otherwise be available with or without process of law.

Section 108. Severability. If any section, provision, sentence, clause or part of this Part is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, provisions, sentences, clauses or parts of this Part. It is hereby declared as the intent of the Township Board of Supervisors that this Part would have been adopted had such unconstitutional, illegal or invalid section, provision, sentence, clause or part thereof not been included herein."

Section 2. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

Section 4. The Code of Ordinances of the Township of Spring, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances of the Township of Spring, Berks County, Pennsylvania, as amended, upon adoption.

Section 5. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 28th day of March, 2016.

**BOARD OF SUPERVISORS
TOWNSHIP OF SPRING
BERKS COUNTY, PENNSYLVANIA**

Barry W. Ulrich, Chairperson



Patti J. Smith, Vice Chairperson



Alan S. Kreider



James R. Oswald



Robert M. Myer

Attest:



(Assistant) Secretary

MUNICIPAL CERTIFICATION

I, Sheryl Rowan, (Assistant) Secretary of the Township of Spring, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance # 418 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Township of Spring, on Friday, March 18, 2016, and was duly enacted and approved as set forth at a regular meeting of the Board of Supervisors held on Monday, March 28, 2016.

(SEAL)

Sheryl Rowan
(Assistant) Secretary

Date: March 28, 2016