

**BOROUGH OF PENNDEL
BUCKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-2

AN ORDINANCE OF THE BOROUGH OF PENNDEL, BUCKS COUNTY, PENNSYLVANIA AMENDING PROVISIONS OF CHAPTER 405 – “ZONING,” ARTICLE VIII – “SIGN REGULATIONS,” TO REVISE AND CLARIFY THE APPLICABLE REQUIREMENTS FOR LED SIGNS IN THE BOROUGH OF PENNDEL.

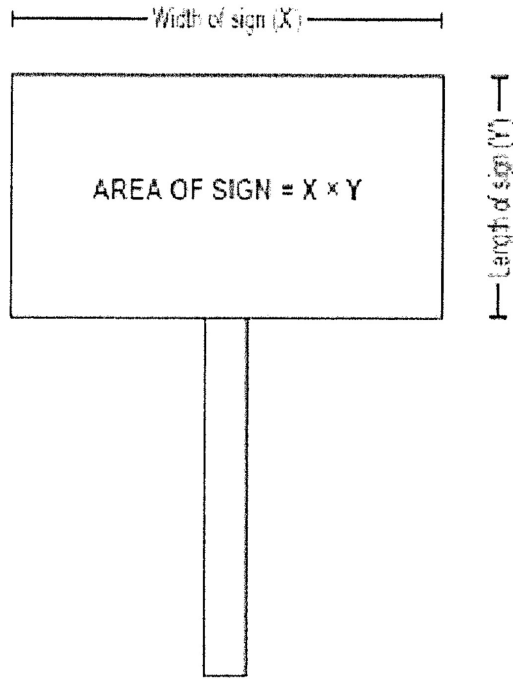
WHEREAS, the Borough of Pennel (hereinafter referred to as the “Borough”) is organized and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to the Borough Code of the Commonwealth of Pennsylvania, the Borough Council (hereinafter referred to as the “Council”) has the authority to enact, amend, and repeal the provisions of the Pennel Borough Code of Ordinances (hereinafter referred to as the “Code”); and

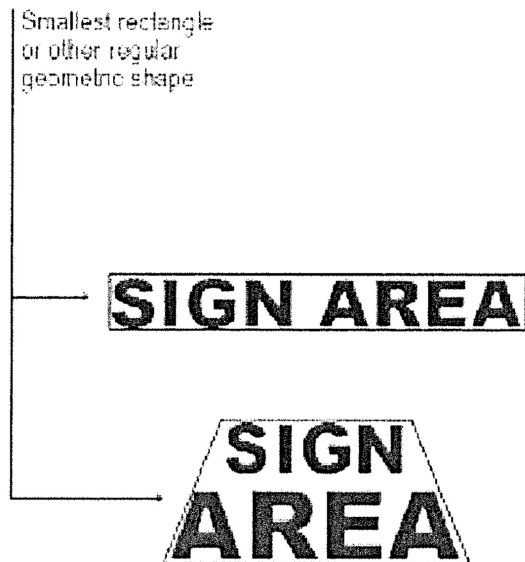
WHEREAS, the Council finds that it would be in the best interest of the Borough to revise its zoning provisions concerning signs to update and clarify applicable provisions in order to regulate LED signs within the Borough.

NOW, THEREFORE, be it and it is hereby **ORDAINED** and **ENACTED** as follows:

1. The Code of the Borough of Pennel, Chapter 405 – “Zoning,” Article VIII – “Sign Regulations,” Section 40 – “Definitions and General Sign Regulations,” Subsection A, is hereby amended at the term “Area of Signs,” immediately after Part (1) but before Part (2), to insert the following image:



2. The Code of the Borough of Penndel, Chapter 405 – “Zoning,” Article VIII – “Sign Regulations,” Section 40 – “Definitions and General Sign Regulations,” Subsection A, is hereby amended at the term “Area of Signs,” immediately after Part (2) but before Part (3), to insert the following image:



3. The Code of the Borough of Penndel, Chapter 405 – “Zoning,” Article VIII – “Sign Regulations,” Section 40 – “Definitions and General Sign Regulations,” Subsection A, at the term “Illumination of Signs” is hereby amended to include a new Part 6 entitled “ELECTRONIC MESSAGE SIGN (EMS)” as set forth in underlined text as follows:

“(6) ELECTRONIC MESSAGE SIGN (EMS) - A directly illuminated sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements, using illumination devices within the display area where the message change sequence is accomplished immediately by means of fade, re-pixelization or dissolve modes.

These signs include:

MESSAGE CENTER SIGN - A sign that uses changing lights to form a sign message or messages using alpha-numeric symbols and wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

DIGITAL DISPLAY - A display of a sign message that is made up of internal, directly illuminated components that display an electronic image, which may or may not include text and is capable of changing the message periodically. Digital Displays may include but are not limited to television screens, holographic displays, programmable ink, LCD, LED, or plasma displays.”

4. The Code of the Borough of Penndel, Chapter 405 – “Zoning,” Article VIII – “Sign Regulations,” Section 40 – “Definitions and General Sign Regulations,” Subsection B – “General Sign Regulations,” is hereby amended to include a new Part (17) entitled “Electronic Message Signs,” with the contents set forth in Exhibit “A” hereto.

5. The Code of the Borough of Penndel, Chapter 405 – “Zoning,” Article VIII – “Sign Regulations,” Section 42 – “Signs in Commercial and Professional Districts,” Subsection A – “On-Premises Signs,” is hereby amended to include a new Part 6 as set forth in underlined text as follows:

“(6) Electronic message signs, subject to the provisions of § 405-40.B.17.”

6. The Code of the Borough of Penndel, Chapter 405 – “Zoning,” Article VIII – “Sign Regulations,” Section 42 – “Signs in Commercial and Professional Districts,” Subsection B – “Off-Premises Signs,” is hereby amended to include a new Part 1 as set forth in underlined text as follows:

“(1) Electronic message signs, subject to the provisions of § 405-40.B.17.”

7. The Code of the Borough of Penndel, Chapter 405 – “Zoning,” Article VIII – “Sign Regulations,” Section 43 – “Signs in Industrial Districts,” Subsection A – “On-Premises Signs,” is hereby amended to include a new Part 4 as set forth in underlined text as follows:

“(4) Electronic message signs, subject to the provisions of § 405-40.B.17.”

8. The Code of the Borough of Penndel, Chapter 405 – “Zoning,” Article VIII – “Sign Regulations,” Section 43 – “Signs in Industrial Districts,” Subsection B – “Off-Premises Signs,” is hereby amended to include a new Part 1 as set forth in underlined text as follows:

“(1) Electronic message signs, subject to the provisions of § 405-40.B.17.”

9. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance, are hereby repealed.

10. The provisions of this Ordinance are severable. If any section, clause, sentence part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining

sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence or part of a provision had not been included herein.

11. This Ordinance shall be effective immediately upon the Approval of the Mayor or immediately upon a majority of Council plus one voting to override the Mayor's veto.

ENACTED AND ORDAINED BY THE BOROUGH OF PENNDEL THIS ____ DAY
OF _____, 2023.

BOROUGH COUNCIL
PENNDEL BOROUGH

By: _____,
John Stratz, Council President

ATTEST:

Marie Serota, Borough Secretary/Treasurer

EXAMINED and **APPROVED** by me this ____ day of _____, 2023.

Thomas C. Sodano, Jr. Mayor

EXHIBIT A

Chapter 405 – “Zoning”
Article VIII – “Sign Regulations”
Section 40 – “Definitions and General Sign Regulations”
Subsection B – “General Sign Regulations”

§405-40(B)(17). Electronic Message Signs.

(17) Electronic Message Signs.

- (a) Sign type. EMS are permitted in the form of freestanding, parallel, and projecting, non-stationary, and ground signs, both on-premises and off-premises.
- (b) Location. EMS shall be located only in commercial, professional, and industrial districts, in accordance with the regulations established in §405-42 and 43.
- (c) Height. EMS shall have the same height limits as for other permitted signs of the same type and location.
- (d) Area. The total sign area of the EMS shall not exceed more than 70 percent of the total permitted sign area for other signs of the same type and location.
- (e) Maximum number per property. Where permitted, one EMS is permitted per property.
- (f) Message display:
 - i. Any EMS containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
 - ii. One message/display may be brighter than another, but each individual message/display must be static in intensity. The brightness of the message/display may not exceed the limits specified in § 405-40.B.(17)(f)(v).
 - iii. Duration. The length of time each message/display may be shown on a message sign or digital display shall be between 5 and 15 seconds per message.

- iv. Default design. The EMS shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
 - v. Brightness. The EMS shall conform with the following limitations:
 - 1. Daytime: 5,000 Nits (unit of brightness)
 - 2. Nighttime: 250 Nits
 - vi. Hours of illumination. The EMS may be illuminated between the hours of 5:00 A.M. and 11:00 P.M.
- (g) Conversion of a permitted non-digital sign to an EMS requires the issuance of a permit pursuant to §405-45.
- (h) The addition of any EMS to a nonconforming sign is prohibited.
- (i) Public service announcements: The owner of every EMS may be asked to coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

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