

SCENIC PITTSBURGH  
RECOMMENDED ELEMENTS OF A SIGN ORDINANCE

**Editorial Notation:**

These Recommended Elements are being introduced by Scenic Pittsburgh, a project of the Pennsylvania Resources Council (PRC), is an affiliate of Scenic America. Scenic America is a nonprofit advocacy organization and the only national group solely dedicated to removing visual blight and preserving and enhancing the scenic character of America's communities and countryside.

Scenic Pittsburgh provides these Recommended Elements of a Sign Ordinance for guidance and not as a substitute for planning or legal counsel. The state of law pertaining to signs continues to evolve. A legal challenge to a sign ordinance must always be expected. Accordingly, Scenic Pittsburgh can make no representation that these Recommended Elements of a Sign Ordinance will be upheld by a court of law. Do not adopt these Recommended Elements without independent research of the then applicable law. Please consult your legal counsel before adopting an ordinance with these Recommended Elements.

A sign ordinance must be context sensitive. Municipalities should consult with planners to adapt these Recommended Elements to the setting.

The visual impact of off-premise Signs (Billboards) can be as detrimental as the impact of on-premise Signs. Although these standards discriminate between on-premise and off-premise Signs, both may receive equal treatment if deemed appropriate by the municipality.

These Recommended Elements do not include all possible elements of a sign ordinance. The context sensitivity needed for a sign ordinance will vary with the type and location of a community. It is impossible to accommodate the particularities of each municipality in a uniform ordinance.

Accordingly, Scenic Pittsburgh is pleased to offer these recommendations in the hope that they will be helpful in formulating an ordinance tailored to your particular needs. Please consult your planning staff and legal advisors.

**INTRODUCTION - PREAMBLE**

These Sign Standards are being ordained to preserve the public health, safety, and welfare of our municipality.

1. **TITLE**

This Ordinance shall be known as the \_\_\_\_\_ Sign Standards.

## 2. STATEMENT OF PURPOSE

These Standards are adopted to:

- a. Maintain and enhance the aesthetics of our community.
- b. Enhance pedestrian and traffic safety.
- c. Limit the intrusion of visual messages.
- d. Minimize the adverse effects of signs on nearby public and private property.
- e. Minimize driver distraction.
- f. Encourage native plants and landscaping material.
- g. Avoid excessive signage.
- h. Protect and enhance the scenic views and natural landscapes.
- i. Protect and enhance economic viability by assuring aesthetic appeal for tourists, resorters, visitors, and residents.
- j. Promote the use of aesthetically pleasing Sign materials and colors.
- k. Avoid obstacles, distractions, or traffic hazards which impair a traveler's ability to see pedestrians, traffic signs, or vehicles.
- l. Preserve the right to enjoy scenic amenities.
- m. Preserve public health, safety, and welfare.
- n. Enhance the effectiveness of necessary directional and warning signs.
- o. Enhance air movement and natural light.
- p. Preserve property values.
- q. Provide for the effectiveness of Permitted Signs.
- r. Reduce the blighting influence of Signs.
- s. Protect the night sky from stray lighting.
- t. Avoid adverse lighting or reflection.
- u. Require structurally safe Signs.

The Standards in this Ordinance are determined to be the minimum necessary to achieve the above stated purposes.

## 3. DEFINITIONS

- a. **Abandoned:** A Sign shall be deemed Abandoned if:
  - i. It does not display a well-maintained message for a consecutive 120-day period;
  - ii. The Owner of the Sign cannot be located at the Owner's last known address, as reflected on the records of the Department; or
  - iii. A structure designed to support a Sign no longer supports the Sign for a period of 120 consecutive days.
- b. **Department:** The \_\_\_\_\_ Department of the City/Township/Village of \_\_\_\_\_
- c. **Directional Sign:** A Sign on private property without commercial message to give directions such as entrance, exit, or street numbers.
- d. **Governmental Sign:** A Sign authorized by this municipality, a governmental agency, the State of Pittsburgh, or the federal government, for street direction, destination, hazardous condition, or traffic control purposes.
- e. **Ground Sign:** A Sign supported by one or more uprights, braces, pylons, or foundation elements located in or upon the ground and not attached to a building.
- f. **Off-Premises Advertising Sign:** A Sign directing attention to a business, commodity,

service or product which is not conducted, sold or offered upon the premises where the sign is located.

- g. **Parcel:** Contiguous real estate taxed as a single parcel on one side of a public road.
- h. **Permit:** The authorization for a Sign issued by the Department.
- i. **Person:** Any individual or entity, including a firm, partnership, association, corporation, limited liability company, trustee, and their legal successors.
- j. **Projecting Sign:** A Sign affixed to any part of a building or structure which extends beyond the building or structure by more than twelve inches.
- k. **Residential Neighborhood Identification Sign.** A Sign at the entrance of a residential neighborhood identifying the neighborhood.
- l. **Roof Sign:** A Sign erected, constructed, or maintained upon, or which projects above, the roof line of a building.
- m. **Sign:** An object, including a structure, movable object, wall, or image displaying any message visible to the public.
- n. **Special Event Sign:** A Sign for events such as grand openings, vehicle shows, displays, craft shows, benefits, fund-raisers, festivals, and other limited term events.
- o. **Wall Sign:** A Sign attached to, painted upon, placed against, or supported by the exterior surface of any building.

#### 4. SIGNS AUTHORIZED WITHOUT A SIGN PERMIT

Subject to other applicable requirements and permits, the following Signs are authorized without a Sign Permit:

- a. **Small Sign.** One Sign per Parcel, not illuminated, and not exceeding three square feet in area. The Sign may not exceed a height of forty-two inches (42") above ground level. Only one such sign is permitted for each Parcel. This Sign may carry any lawful message.
- b. **Governmental Signs.** Governmental Signs are permitted.
- c. **Directional Signs.** Directional Signs are permitted, however:
  - i. Only one entrance/exit Directional Sign per legal driveway.
  - ii. A Directional Sign may not exceed 1.5 square feet.
- d. **Flags.** Two governmental flags are permitted per Parcel. A flag pole may not exceed 30 feet above ground level. Non-governmental flags are Signs subject to this Ordinance.
- e. **Warning Signs.** Signs exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire danger, and explosives, are permitted. Warning Signs may not exceed three square feet.
- f. **Historical Site Signs.** A Sign erected by a government agency which exclusively denotes a government-recognized historical site is permitted. This Sign shall not exceed three square feet unless otherwise provided by state or federal law.

#### 5. SIGNS AUTHORIZED WITH A PERMIT

The Department may issue a Permit for Signs in accordance with the following provisions.

- a. **Commercial/Retail Wall and Ground Signs.** One Wall Sign and one Ground Sign are permitted for each commercial/retail Parcel. Such signs shall not exceed ten percent (10%) of the area of the front face of the building on the Parcel, or 100 square feet, whichever is

- less. A Ground Sign may not exceed a height of ten (10) feet above the uniform finished grade. Signs may be placed inside the window areas of buildings in commercial or retail zones. The Sign area may not exceed ten percent (10%) of the area of the window. The Window Sign area shall be deducted from Sign area permitted on the Parcel.
- b. **Office Wall or Ground Signs.** One Wall Sign or one Ground Sign is permitted for each office Parcel. Such Signs shall not exceed ten percent (10%) of the area of the front face of the building on the Parcel, or fifty-six (56) square feet, whichever is less. A Ground Sign may not exceed a height of five (5) feet above the uniform finished grade.
  - c. **Industrial/Manufacturing Wall or Ground Signs.** One Wall Sign or one Ground Sign is permitted for each industrial/manufacturing Parcel. Such Signs shall not exceed ten percent (10%) of the area of the front face of the building on the Parcel, or fifty-six (56) square feet, whichever is less. A Ground Sign may not exceed a height of five (5) feet above the uniform finished grade.
  - d. **Agricultural/Commercial Wall and Ground Signs.** Two Wall or Ground Signs are permitted for each agricultural/commercial Parcel. The aggregate area of the two Signs shall not exceed twenty (20) square feet. A Ground Sign may not exceed a height of five (5) feet above the uniform finished grade.
  - e. **Residential Neighborhood Identification Signs.**
    - i. A Residential Neighborhood (Single-Family Subdivision, Multiple-Family, Attached Housing Development, etc.) is permitted to have one Residential Neighborhood Identification Sign for each entrance street. Such signs shall not extend into any public right-of-way. The face of the Sign shall not exceed twelve (12) square feet. The area of the structural supporting elements shall not exceed fifty percent (50%) of the area of the message portion of the Sign. The height of the Sign may not exceed five (5) feet above the uniform finished grade.
    - ii. Non-Dwelling Use Signs. A Non-Dwelling Use in a residential area, such as a school, a religious facility, an institutional use, a club house, etc., is permitted to have one Ground Sign and one Wall Sign, neither of which shall exceed twelve (12) square feet in area. The area of the structural elements supporting a Ground Sign shall not exceed fifty percent (50%) of the area of the message portion of the Sign. The height of a Ground Sign may not exceed five (5) feet above uniform finished grade.

## 6. SIGN PERMIT REQUIREMENTS

- a. **Enforcement.** The Department shall administer and enforce this Sign Ordinance.
- b. **Permit.** A Permit is not required for “Signs Authorized Without a Permit.” A Permit must first be obtained from the Department for all other Signs.
- c. **Application.** Applications for Sign Permits shall be made upon a form provided by the Department for this purpose. The Application shall contain the following information:
  - i. Name, address, phone, and if available, fax and e-mail, of the Person applying for the Permit.
  - ii. Name, address, phone, and if available, fax and e-mail, of the Person owning the Parcel upon which the Sign is proposed to be placed.
  - iii. Location of the building, structure, and Parcel on which the Sign is to be attached or erected.
  - iv. Position of the Sign in relation to nearby buildings, structures, property lines, and existing or proposed rights-of-way.

- v. Two copies of the plans and specifications. The method of construction and/or attachment to a building, or in the ground, shall be explained in the plans and specifications.
  - vi. Copy of stress sheets and calculations, if deemed necessary by the Department, showing the structure as designed for dead load and wind pressure.
  - vii. Name, address, phone, and if available, fax and e-mail of the Person erecting the Sign.
  - viii. Insurance policy as required by this Ordinance.
  - ix. Such other information as the Department may require to show compliance with this Sign Ordinance, and any other applicable laws.
  - x. The seal or certificate of a registered structural or civil engineer, when required by the Department.
  - xi. The zoning district in which the Sign is to be placed.
  - xii. A notice stating: "Any change in the information in this Application, such as a change of address, shall be submitted to the Department within 7 days after the change."
- d. **Insurance Certificates.** The Applicant for a Sign Permit shall provide a Certificate of Insurance to the Department. The insurance shall provide public liability in the amount of at least \$100,000 for injuries to one person and \$300,000 for injuries to more than one person, and property damage insurance in the amount of at least \$100,000. The Sign Permit shall automatically be revoked if the insurance is permitted to lapse. The insurance policy shall require written notice to the Department at least 60 days before the insurance is cancelled or materially altered.
  - e. **Permit Fees.** Permit Fees for Signs shall be established by the governing body of this Municipality. The Permit Fees must relate to the cost of issuing the permit and may vary based on the size, type, and height of the Sign.
  - f. **False Information.** A Person providing false information under this Ordinance shall be guilty of a misdemeanor.

## 7. PROHIBITED SIGNS

The following limitations, obligations, and prohibitions apply to all Signs:

- a. **Off-Premises Advertising Signs:** Off-Premises Advertising Signs are prohibited.
- b. **Absence of Permit.** Any Sign for which a Permit has not been issued and which is not a Permitted Sign is prohibited.
- c. **Roof Signs and Projecting Signs.** Roof Signs and Projecting Signs are prohibited.
- d. **Public Property.** No portion of a privately-owned Sign, or its supporting structures, such as poles or cables, shall be placed on, or within the air space above, publicly owned property, a public right-of-way (such as a street or sidewalk), or a proposed public right-of-way.
- e. **Internally Lit Light Background Sign.** Internally lit Signs with a transparent or light background color are prohibited. Dark background internally lit Signs are permitted when in compliance with other provisions of this Ordinance.
- f. **Changeable Message Signs.** Changeable message Signs are prohibited.
- g. **Revolving Signs.** A revolving Sign is prohibited.
- h. **Traffic Interference.** A Sign (other than a traffic sign installed by a governmental entity)

shall not simulate or imitate the size, lettering or design or any traffic sign in such manner as to interfere, mislead, or confuse the public.

- i. **Parked Vehicle.** Any Sign on a motor vehicle or trailer which is parked in a position visible to traffic on a public road or parking area for a period longer than six days in a 60-day period is prohibited.
- j. **Portable Signs.** Portable/moveable Signs such as wheeled devices and sandwich boards, are prohibited.
- k. **Special Event Signs.** Separate Special Event Signs are not permitted. Special Events signage may, however, be displayed over or as a part of otherwise Permitted Signs.

## 8. CONSTRUCTION REQUIREMENTS

- a. **Material.** Where feasible, Signs should be made of materials such as cedar, fir, pine, weather-tolerant wood, or natural material.
- b. **Codes.** All Signs shall conform to the latest edition of the applicable building and electrical codes.
- c. **Fastenings.** All Signs must remain safe and secure during the period of use. All parts of the Signs, including bolts and cables, shall remain painted, and free of corrosion.
- d. **Fire Escapes.** A Sign may not obstruct a fire escape.
- e. **Lighting.** External lighting shall be shielded from view and shall be focused upon the Sign to avoid stray lighting. Flashing, rotating, and intermittent lighting are prohibited.
- f. **Identification.** All Signs for which a Permit is required shall identify the name and operating telephone number of the Person responsible for the Sign.
- g. **Proximity to Electrical Conductors.** Signs and all supporting structures shall be no closer to electrical utilities than is permitted by applicable codes. No Sign, including cables and supports, shall, in any event, be within six feet (6') of any electrical conductor, electrical light pole, electric street lamp, traffic light, or other public utility pole.
- h. **Sanitation.** Property surrounding any Ground Sign shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish, and flammable material.
- i. **Landscaping.** The area beneath and around a Sign shall be landscaped with native plants and material so as to complement the site and integrate the Sign with buildings, parking areas, and natural site features.
- j. **Responsibility for Compliance.** The Owner of the Parcel on which a Sign is placed and the Person maintaining the Sign are each fully responsible for the condition and the maintenance of the Sign, and the area around the Sign.

## 9. NON-CONFORMING SIGNS

- a. **Intent.** This Ordinance is intended to encourage the eventual elimination of Signs which do not comply with the Ordinance. The elimination of non-conforming Signs is as much a subject of health, safety, and welfare as is the prohibition of new Signs in violation of this Ordinance. Therefore, this Ordinance attempts to realize the removal of non-conforming Signs and to avoid any unreasonable invasion of established property rights.
- b. **Amortization.** A Sign not complying with this Ordinance, but in place on the effective date of this Ordinance, shall be removed, or brought into compliance with this Ordinance, within twelve (12) years after the Effective Date of this Ordinance.
- c. **Permit.** Within ninety (90) days after the Effective Date of this Ordinance, the Person

- owning a Non-Conforming Sign shall apply for a Permit to the Department. The Department shall issue the Permit for not more than twelve (12) years.
- d. **Continuance.** A non-conforming Sign may be continued during the Amortization period if it is maintained in good condition. It shall not, however, be replaced by another non-conforming Sign. It may not be structurally altered so as to prolong the life of the Sign. It may not be reestablished after damage or destruction if the Department determines that the estimated cost of reconstruction exceeds 50% of the estimated replacement cost.
  - e. **Nuisance.** An unsafe or Abandoned Sign is declared a public nuisance which shall be abated.

## 10. FIRST AMENDMENT PROTECTION

The placement of Directional Signs, Residential Neighborhood Signs, Historical Site Signs, and Flags is specifically authorized in this Ordinance. All other Signs allowed under this Ordinance may contain any lawful message.

## 11. ADMINISTRATION

- a. **Administrator.** The Department shall appoint personnel to administer and enforce the terms and conditions of this Ordinance and all other provisions relating to Signs.
- b. **Enforcement.** The Department shall issue Permits, as required by this Ordinance. The Department shall also ensure Signs comply with this Ordinance and any other applicable law. The Department shall also enforce the requirement that all Signs properly comply with this Ordinance by procuring a Permit. The Department shall make such inspections as may be necessary and shall initiate appropriate action to enforce compliance with this Ordinance and other applicable Sign laws.
- c. **Department Powers.** The Department shall have the power and authority to administer and enforce this Ordinance. Included among such powers are the following specific powers:
  - i. Every Sign for which a Permit is required shall be subject to the inspection and approval of the Department. When deemed advisable, a Sign may be inspected at the point of manufacture.
  - ii. Upon presentation of proper identification to the Sign Owner or Owner's agent, the Department may enter the Sign area for purposes of inspecting the Sign, Sign structure, and any fasteners securing the Sign to a building or support. In cases of emergency, where imminent hazards to persons or property are known to exist, and where the Sign Owner, or Owner's agent, is not readily available, the Department may enter the Sign area for purposes of inspection or remediation. When on private Property, the Department shall observe rules and regulations concerning safety, internal security, and fire protection. If the Department is denied admission to inspect any Sign, inspection shall be made only under authority of a warrant issued by a court of proper jurisdiction. When applying for such warrant, the Department shall submit an affidavit setting forth a belief that a violation of this Ordinance exists with respect to a particular Sign, and the reasons for forming this belief. The affidavit shall designate the place and name of the Person believed to own or possess the Sign. If the court finds probable cause exists for the search of the Sign, and supporting structures, then a warrant authorizing the search shall be issued. The

warrant shall describe the property with sufficient certainty to identify the same. This warrant shall constitute authority for the Department to enter the Sign area and to inspect the property.

- iii. Upon issuance of a Stop Order from the Department, work on any Sign that is being conducted in any manner contrary to this Ordinance shall be immediately stopped. This notice and order shall be in writing and shall be given to the Owner of the Parcel, the Sign Owner, or to the person performing the work. The Stop Order shall state the conditions under which work may be resumed. The police department shall have authority to enforce a Stop Order.
- iv. The Department has the authority to revoke any Permit authorized by this Ordinance if the Sign violates this Ordinance or another law, provided that the Department shall offer the Sign Owner an opportunity to be heard. The Person whose Permit is under consideration shall be given at least ten (10) days' written notice of the time, place, and reason for the hearing. The Sign Owner and/or Person identified in the Permit shall be permitted to present relevant facts and legal argument concerning the pending revocation. Following this hearing, the Department shall consider the merits of the case and shall present a written opinion prior to any action. If, however, the Department believes the health, safety, or welfare of the citizens is endangered by any violation of this Ordinance, the Department may immediately revoke any Sign Permits.
- v. A Sign installed after the effective date of this Ordinance, and not conforming to this Ordinance, shall be removed by the Owner. The Sign Owner shall not be entitled to compensation for the Sign removal and shall reimburse the Department for any costs incurred in connection with the removal.
- vi. Any Person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than \$ and not more than \$\_\_\_\_\_ for each violation. Each day on which a violation occurs shall constitute a separate offense. In addition, the municipal attorney is authorized to take all action, legal, injunctive and equitable, to assure compliance with this Ordinance.

## 12. SEVERABILITY AND CONFLICT.

- a. **Severability.** This Ordinance, and its parts, are declared to be severable. If any section, clause, provision, or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the Ordinance as a whole. All parts of the Ordinance not declared invalid or unconstitutional shall remain in full force and effect.
- b. **Conflict.** If any part of this Ordinance is found to be in conflict with any other Ordinance or with any other part of this Ordinance, the most restrictive or highest standard shall prevail. If any part of this Ordinance is explicitly prohibited by federal or state statute, it shall not be enforced.

## 13. EFFECTIVE DATE.

This Ordinance shall be effective on \_\_\_\_\_.

## EDITORIAL COMMENTS

The following Editorial Comments pertain to the corresponding Section number of the Ordinance, below.

**2. Statement of Purpose.** Other purposes can be added as deemed necessary.

These Recommended Elements of a Sign Ordinance strive for content-neutrality. In some cases, it is impossible to avoid addressing content. For example, Directional Signs (e.g. Exit Signs) are needed for safety in buildings. The regulation of content in Directional Signs should fall within the permissible regulation of “time, place, manner” authorized by the courts under the First Amendment.

**3. “Department” definition.** The name of the Department may vary depending upon the most suitable office to administer the Ordinance. In many cases, it will be the Building Department.

**5a. Commercial/Retail Wall or Ground Sign.** This category is intended to include commercial, retail, shopping centers, malls, central business districts, and business developments, by any name.

**5b. Office Wall or Ground Sign.** This category is intended to include general office, service, medical, dental, etc.

**5c. Industrial/Manufacturing Wall or Ground Sign.** This category is intended to include manufacturing, processing, warehousing, mini-storage, and industrial research developments.

**5e. Residential.** This category is intended to include the various uses permitted in residential zoning districts.

**5h. Special Event Sign Permits.** Special Event Sign Permits are not recommended. Special Events permits are of questionable legality and may compromise the integrity of the Sign Ordinance.

**6d. Insurance Certificates.** Insurance requirements will vary from one region to the next. Municipalities should evaluate the adequacy of insurance limits.

**7a. Off-Premises Advertising Signs.** The United States Supreme Court found “no doubt” that billboards can be perceived as aesthetic harm:

To begin, there is no doubt that signs or billboards on a person’s property “by their very nature, wherever located, and however constructed, can be perceived as ‘esthetic harm.’” *Members of the City Council of Los Angeles v Taxpayers for Vincent*, 466 U.S. 789, 808; 104 S. Ct. 2118; 80 L. ed. 2d 772 (1984), quoting *Metromedia, Inc. v San Diego*, 453 U.S. 490, 510; 101 S. Ct. 2882; 69 L. ed. 2d 800 (1981).

In *Metromedia, supra*, seven U.S. Supreme Court justices explicitly found a municipality’s interest in aesthetics would justify a ban on billboards. The majority agreed that a regulation could favor on-site commercial advertising over off-site advertising. The regulation could not, however, favor on-site commercial over noncommercial speech (such as political messages).

**13. Effective Date.** Once discussion of a possible sign ordinance begins, the municipality should be

prepared for a flood of signs hoping to be grand fathered after the ordinance is adopted. A temporary moratorium on signs might be considered. Here is a proposed draft of an ordinance for a temporary moratorium which should be considered before the municipality seriously addresses the adoption of a sign ordinance:

Whereas this city wishes to undertake a full review of its sign regulation ordinance, and as such wishes to obtain the comments from all aspects of the community, the industry and all other interested parties.

Whereas such a sign regulation ordinance will require substantial research.

And, whereas in the interim signs which may not be permitted under the new sign regulation ordinance may be erected, It is ordained that for purposes of this ordinance, a sign shall be defined as any object which conveys a message and is free standing or attached to a structure,

It is further ordained that no sign shall be erected in this city for a period of 180 days after the adoption of this ordinance,

And, finally, it is ordained that temporary signs may be erected pursuant to an agreement which includes the posting of costs for the removal of the sign in substance and form that is satisfactory to the City Manager and City Attorney.