

PERRY TOWNSHIP

Lawrence County, Pennsylvania

ORDINANCE NO. 12 - 2006

**AN ORDINANCE TO REGULATE OUTDOOR ADVERTISING DEVICES
ALONG THE ROUTE 488 CORRIDOR AND TO DESIGNATE ROUTE 488 A
SCENIC BYWAY**

Be It Ordained and Enacted by the Board of Supervisors/Borough Council of
Perry Township, and it is hereby Enacted and Ordained by the authority
thereof as follows:

Section 1 - Title. This Ordinance shall be known as the "Route 488 Scenic Byway Ordinance."

Section 2 - Purpose. The purpose of this Ordinance is to accommodate the "Scenic Byway" designation along the Route ___ corridor by prohibiting certain advertising devices along Route 488 in accordance with the parameters set forth in state and federal law, and to enable state or federal funding to be obtained to preserve the natural beauty of this highway and to promote the public welfare.

Section 3 - Definitions. As used in this Ordinance the following words shall have the meaning ascribed:

Erect means to construct, build, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance and repair of a sign or sign structure.

Municipality or Municipal shall mean Perry Township and its Board of Supervisors/Borough Council or designated representatives.

Outdoor advertising device shall mean any outdoor sign, display, light, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform.

Owner shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

Person shall include any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or public or private corporation.

Responsible Persons means all persons in possession or control of real estate by reason of a lease, contract or other legal right or claim, and all persons performing work for the owner or person responsible.

Section 4 – Prohibition. No outdoor advertising device, as defined, may be erected by any owner, person responsible or other person:

- A. Within 660 feet of the nearest edge of the right-of-way of Route 488, or
- B. More than 660 feet from the nearest edge of the right-of-way if the sign is visible from the main-traveled way of Route 488 and the purpose of the sign is that its message be read from the main-traveled way of Route 488,
- C. The following signs are exempt and not subject to this Ordinance:
 1. Signs and notices authorized by law and which conform to the standards issued by the Secretary of Transportation of the United States pursuant to 23 U.S.C. §131.
 2. Signs advertising the sale or lease of the real property upon which they are located.
 3. Signs advertising activities conducted on the property they are located.
 4. Directional signs, scenic and historical attraction signs that conform to 23 U.S.C. §131.
 5. Political signs, so long as these signs are not installed for more than 3 months.
 6. Signs for a business owned by the owner of the real estate.
 7. Yard sale signs or other temporary signs informing the public of community or family events, so long as these signs are not installed for more than 1 month.

Section 5 - Existing Devices. All outdoor advertising devices constructed and existing on the effective date of this Ordinance, which would be prohibited under this Ordinance, shall be permitted except that if the device shall not be used for advertising for a period of one year or shall become dilapidated, the device shall be removed.

Section 6 - Landowner Responsibility. For purposes of this Ordinance, the person or persons holding legal title to property on which a person is maintaining a condition of premises in violation of this Ordinance shall be subject to the remedies, penalties and liability imposed by enforcement of the Ordinance.

Section 7 - Notice of Violation. Whenever a condition constituting a violation of this Ordinance is found to exist, the Municipality or its designated representative shall cause written notice to be served upon the owner(s) of the subject premises, as well as other persons responsible for the outdoor advertising device. Service of this notice may be made by personal delivery to the Owners, and other Persons Responsible, or by mailing the notice to their last known address by certified mail. The notice shall identify the subject property and owner(s), or other Persons Responsible, describe the conditions of the property which constitute the violation, set forth the applicable section(s) of the Ordinance; and set forth a reasonable time to correct or remedy the violation.

Section 8 - Remedies for Violation. Violation of this Ordinance may result in any one or more of the following actions:

- A. the Municipality may order the removal of outdoor advertising devices installed or constructed in violation of the provisions of this Ordinance;
- B. the Municipality may institute proceedings before the District Justice or in a court of law to recover penalties and costs as provided in this Ordinance;
- C. the Municipality may institute an action in equity or at law, to abate the violation and obtain such other relief as is appropriate.

The remedies provided herein for the enforcement of this Ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Municipality.

Section 9 - Penalty. Any person who violates or permits the violation of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, pay a fine in an amount not to exceed \$100 for each violation, together with all court costs including reasonable attorney's fees, incurred by the Municipality. Each day a violation shall continue shall constitute a separate violation except for periods of time allowed by the Municipality for correction or elimination of the violation. No judgment shall be imposed until the date of the determination of a violation by the court.

Section 10 - State Byway Program. If the roadway is designated a Byway by the Commonwealth of Pennsylvania, Department of Transportation, the Municipality shall enforce the prohibitions set forth in this Ordinance and shall not revise this Ordinance without the prior written approval of the Department. Failure to do so may result in revocation of the Byway designation.

Section 11 - Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section 12 - Severability. The provisions of this Ordinance shall be severable, and if any provisions hereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provision not been included herein.

Section 12 - Effective Date. This Ordinance shall become effective five (5) days after enactment.

Ordained and Enacted this 12 day of OCTOBER, 2006 by the Board of Supervisors/Borough Council of Perry Township.