

ORDINANCE 8-2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 19 SIGNS AND BILLBOARDS PART 2 UNAUTHORIZED ROADSIDE AND UTILITY POLE SIGNS PROHIBITED

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 19 Signs and Billboards, Part 2 Unauthorized Roadside and Utility Pole Signs Prohibited as attached in Exhibit A.

SECTION 2. All other parts of the Ordinance remain unchanged.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted

March 23 2010

[Signature]
President of Council

Attest:

[Signature]
City Clerk

(Council Office)

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ord. passed by the Council of the City of Reading, on the 23rd day of March A. D. 20 10. Witness my hand and seal of the said City this 23rd day of March A. D. 20 10.

[Signature]
CITY CLERK

Submitted to Mayor: [Signature]

Date: 3-23-10

Received by the Mayor's Office: [Signature]

Date: 3/23/10

Approved by Mayor: [Signature]

Date: 3/23/10

Vetoed by Mayor: _____

Date: _____

PART 2
UNAUTHORIZED ROADSIDE AND UTILITY POLE SIGNS PROHIBITED

§19-201. Legislative Intent

The City Council makes the following findings:

A. Unauthorized signs along city roads and on utility poles are dangers because they are intended to distract motor vehicle operators and because they often obstruct views of other vehicles.

B. Unauthorized signs along city roads spoil the natural beauty that is an invaluable asset treasured by residents, commuters and visitors.

C. Residents, commuters and visitors have frequently asked City Council members what could be done to eliminate roadside signs including, but not limited to, signs supporting candidates for elected public and labor union offices and signs soliciting for a variety of business interest.

~~D. There are a number of alternatives available to advertisers that do not have the negative impacts that signs on roadsides and utility poles have.~~

§19-202. Definitions

For the purpose of this Part, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ELECTION – any regularly scheduled primary or general election, or any special election authorized by the Election Board of the County of Berks.

POLITICAL SIGN – any temporary sign which publicizes the candidacy or promotes the election of any contestant for elected public office, or which advocates a particular position on any referendum appearing on an election ballot.

SIGN - any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure including bill board or poster panel designed to carry the above visual information.

SPECIAL EVENT SIGN – any temporary sign announcing an upcoming event, whatsoever in nature. This does not include Yard or Garage Sale signs.

SPONSOR OF A SIGN –

a. for a political sign, the contestant for elected public office whose candidacy is advertised on the sign or, if applicable, the committee or organization promoting the election of said contestant; or the individual,

group, organization or other entity listed on the sign as advocating the advertised position on a referendum.

b. for a special event sign, the individual, organization, corporation, government body, or other entity listed on the sign as the producer, promoter, or offeror of the event advertised.

c. for a yard or garage sale sign, the individual, family, or other entity residing at the address listed on the sign.

STREET LIGHT STANDARD – any pole or standard to which is attached a device used for illuminating a street, sidewalk, or other portion of any public right-of-way.

TEMPORARY SIGN – a sign, poster, placard, or other advertising device pertaining to an event at a fixed and limited time or duration and intended for a limited period of display.

UTILITY POLE – any pole or standard owned, maintained, serviced, or in any other way utilized by any regulated public utility, and located within the corporate limits of the City of Reading.

YARD OR GARAGE SALE SIGN – any temporary sign announcing an upcoming public sale of items taking place at a private residence. This shall include, but not be limited to, yard sales, garage sales, and porch sales.

§19-203. Temporary Signs

Temporary signs are prohibited as follows:

A. No temporary sign shall be affixed to any utility pole or street light standard by means of nails, tacks, staples, or any other metal or hard substance or so as to cover the identifying label of the pole.

B. No temporary sign affixed to any utility pole or street light standard shall have a glue, gum-backing or other adhesive-backing.

C. No temporary sign shall exceed thirty (30") inches in height, or twenty-four (24") inches in width.

D. No temporary sign shall be affixed in any manner to any tree or shrub in the public right of way.

E. No temporary sign shall be posted on City property.

F. No temporary sign shall be so posted or constructed as to impair, impede, or otherwise obstruct the free flow of pedestrian or vehicular traffic along a public right of way by any pedestrian or vehicle operator.

G. No temporary sign shall be posted on any traffic control device.

H. No yard or garage sale sign which does not include the address and date of the sale may be posted.

§19-204. Duration of Posting

A. Political signs may not be posted to a utility pole or street light standard earlier than forty-five (45) days prior to an election. Such signs shall be removed within seven (7) days following the election.

B. Special event signs may not be affixed to a utility pole or street light standard earlier than thirty (30) days prior to the event advertised. Such signs shall be removed within seven (7) days following the event. In cases where a special event sign lists more than one event, the sign shall be removed within seven (7) days following the last event listed.

C. Yard or garage sale signs may not be affixed to a utility pole or street light standard earlier than three (3) days prior to the sale advertised. Such signs shall be removed within twenty-four (24) hours following the close of the sale.

§19-205. Consent of Owner

This ordinance shall not be construed to grant permission to any person, entity, organization or corporation to use any utility pole or other property for the posting of signs nor shall it be considered to infer the consent of the owner thereof.

§19-206. Registration, Permit and Fees

No person shall post temporary signs without first registering the name and mailing address of the sponsor of said sign in the Codes Office. Such registration shall not be construed to grant permission to post temporary signs on the property of another without said property owner's consent.

For signs to be posted, a permit must be obtained in the Codes Office stating the applicant's name, address, telephone number, and the purpose of the sign. The fee shall be set at \$50.

§19-207. Accountability of Sponsor

In all cases in which temporary signs are posted, it shall be the responsibility of the sponsor of the sign to insure that each sign is posted and removed in accordance with the provisions of this ordinance.

If any signs are found to have been posted in violation of this ordinance, or to have remained posted beyond the specified time period for removal of signs, the sponsor of the signs shall be liable to punishment under the terms of this ordinance.

§19-208. Conflict with other Ordinances

This article shall not be in conflict with the Building Code (current edition) and Zoning Code of the City of Reading.

§19-203. Signs Prohibited

Unless a permit has been issued and is valid in accordance with the provisions elsewhere in this Code, all signs are prohibited from:

- ~~_____ A. The area within the right-of-way lines of all public streets, sidewalks, boulevards, highways, avenues, alleys, roads, or other public ways (the area within the right-of-way lines includes unpaved areas).~~
- ~~_____ B. Any utility poles or structures within the right-of-way lines.~~

§19-204 209. Removal of Prohibited Unpermitted Signs

~~1. Removal Procedure~~ Any sign found to violate this Part may be removed forthwith by the Department of Public Works employees or by any other city employee duly authorized by the Mayor or the Director of the Department of Public Works. If the sign is located upon a State or County right-of-way, the City may notify the designated State or County authorities of the pending violation.

~~2. Notice, Storage, Return~~ Upon removal of any sign in violation of this Part, a designated employee of the Department of Public Works or the Property Improvement Division of the Community Development Department shall keep a record of the location from which the sign was removed. Further, a reasonable attempt shall be made to contact the owner by telephone. If such attempt is successful, the owner shall be notified of the removal and of the location where the sign may be retrieved. If telephone contact is not achieved, written notice of the violation of the retrieval location may, but is not required to, be provided. In either case, the Department of Public Works shall store any removed sign for at least 10 days. After expiration of the 10 day period, The City shall be permitted to destroy or discard any sign.

~~3. Persons Deemed Responsible~~ The person(s), organization(s), or business(es) named or promoted on the sign posted in violation of this Part shall be deemed

~~the owner responsible for the violation, absent prior notification to the Director of the Department of Public Works or the Property Improvement Division Manager of another responsible party. Nothing in this Part shall be interpreted to make any person, organization, or business liable for any signs posted by persons over who he/she/it has no control.~~

§19-205 210. Public Nuisance

Any sign posted in violation of this Part is hereby declared to be a nuisance. In addition to any other remedy provided by this Part, the City may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation.

§19-206 211. Notice

~~The Property Improvement Division Manager Zoning Office is authorized to send written notices to individuals or organizations the Division Manager Zoning Office believes that have violated this Part or who may be inclined to do so in the future, including candidates for elected office. The notice may include a copy of this Part and intentions of the Division Manager Zoning Office to enforce it.~~

§19-212. Enforcement

Codes Enforcement, Zoning, and the Police Department shall be responsible for enforcing all provisions of this ordinance

§19-207 213. Penalty

A violation of this Part shall be a summary offense. Each sign in violation of this Part shall constitute a separate offense. The owner of the sign and/or any person who caused the violation of this Part shall be subject to the prosecution and fine. ~~The fine shall be not more than \$300 per sign and no less than \$75 per sign.~~

Any person or persons who violate(s) any provisions of this ordinance and who fails to comply with any requirements within seven (7) days of being sent notice shall be guilty of a violation. A fine of ten (\$10) dollars shall be paid for the first violation of each sign and a fine of five (\$5) dollars for each sign shall be paid for each day thereafter that a violation continues.