

WESTTOWN TOWNSHIP

1039 Wilmington Pike
West Chester, PA 19382
610-692-1930
Email: administration@westtown.org

Post Office Box 79
Westtown, PA 19395
FAX 610-692-9651
www.westtownpa.org

AGENDA

Westtown Township Board of Supervisors Regular Meeting

Tuesday, February 18, 2020 - 7:30 PM

Westtown Township Municipal Building
1039 Wilmington Pike, Westtown

- I. Call to Order
- II. Approval of Board of Supervisors Meeting Minutes – February 3, 2020
- III. Summary of Board of Supervisors Workshop – February 18, 2020
- IV. Departmental Reports
 - A. Westtown East Goshen Police – Chief Brenda Bernot
 - B. Parks & Recreation Commission – Carrie Pizzillo-Stare
 - C. Planning Commission – Jack Embick
 - D. Manager’s Report - Rob Pingar
- V. Public Comment (Non-Agenda Items)
- VI. Old Business
 - A. Vacancy Board Appointment – one-year term expiring December 31, 2020
 - B. Zoning Hearing Board appointment – three-year term expiring December 31, 2022
 - C. Zoning Hearing Board appointment – four-year term expiring December 31, 2023
 - D. Historical Commission Appointment – three-year term expiring December 31, 2022
 - E. Ordinance 2020-01, Repeal of Ordinance 2019-05 (Zoning Ordinance, Amendments to Flexible Development Procedure & A/C Zoning District) – Authorize Advertisement
 - F. Ordinance 2020-02, Alarm Systems Ordinance Amendment - Adoption
 - G. Ordinance 2020-03, Signs Ordinance Amendment – Authorize advertisement
 - H. Resolution 2020-04, False Alarm Fee Schedule - Adoption
- VII. New Business
- VIII. Announcements
 - A. CRC Science on Tap – American Shad, Thursday, February 20 at WaR3house3
 - B. Toll Brothers/Crebilly Farm II, Board of Supervisors Conditional Use Hearing #3 – 6:00 PM, Wednesday March 25 at Rustin High School.
- IX. Public Comment (All Topics)
- X. Payment of Bills
- XI. Adjournment

How to Engage in the Public Comment Sections of a Township Meeting

Public Comment is heard at three (3) different points during the meeting:

1. **BEFORE OLD BUSINESS** - The public is permitted to make public comment on any matter not on the agenda. This comment period is subject to the time constraint in (d) below
2. **PRIOR TO** any action on a motion on an Agenda item. Public Comment at this stage is limited to the item under discussion (e.g. it is not appropriate to initiate a discussion on police services if the body is acting upon a sewer issue).
3. **AFTER NEW BUSINESS.** - Public Comment is open to any legitimate item of business which can be considered by that Township Board/Commission (e.g. Planning Commission can discuss issues having to do with plan reviews, but cannot discuss why the Township does not plow your street sooner. Supervisors can discuss nearly every issue).

How to make a comment to any Township Board/Commission:

- a. The Chair will announce that the Board/Commission will now hear public comment, either on a specific issue or generally.
- b. You must then obtain recognition from the Chair prior to speaking.
- c. Once you have the floor, state your name and address for the record.
- d. You may then make your comment or ask your question. You will have three (3) minutes to make your statement, unless the Chair has announced otherwise, so please come prepared!

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Monday, February 3, 2020 – 7:30 PM

In attendance were Chair Dick Pomerantz, Vice Chair Carol De Wolf, Police Commissioner Scott Yaw, Township Manager Rob Pingar, Public Works Director Mark Gross, Township Solicitor Patrick McKenna, Historical Commissioner Dave Walter, and Planning Commissioner Russ Hatton. There were 3 guests.

I. Call to Order

Mr. Pomerantz called the meeting to order at 7:34 PM, and asked Candy Anderson to lead the Pledge of Allegiance.

II. Approval of Organization Meeting Minutes (January 6, 2020)

Ms. De Wolf made a motion to approve the January 21, 2020 Board of Supervisors Organization meeting minutes. Mr. Pomerantz seconded the motion. Mr. Yaw stated that the Organization meeting minutes as presented include a transcript of the speech Mr. Pomerantz made at the end of the meeting. Mr. Yaw stated that including a transcription of any portion of public meeting into the minutes sets a bad precedent, and given that the Township has denied similar requests by residents, he thought it was inappropriate to do so for a public official.

Candy Anderson (101 Hidden Pond Way) stated that she was not able to attend the Organization meeting and enjoyed reading the speech.

There were no other comments and the motion was approved 2-1, with Mr. Yaw dissenting.

III. Approval of Board of Supervisors Meeting Minutes – January 6, 2020

Mr. Yaw made a motion to approve the January 6, 2020 Board of Supervisors meeting minutes. Ms. De Wolf seconded the motion. There was no public comment and the motion was unanimously approved.

IV. Approval of Board of Supervisors Meeting Minutes – January 21, 2020

Ms. De Wolf made a motion to approve the January 21, 2020 Board of Supervisors meeting minutes. Mr. Yaw seconded the motion. There was no comment and the motion was unanimously approved.

V. Departmental Reports

A. Public Works Director – Mark Gross

Mr. Gross stated that there were four light salting events in January. The favorable weather has allowed the Road Crew to power wash all signs in the township to improve reflectivity. Mr. Gross reported that a resident went four-wheeling in the Plumly open space and got stuck. The police cited the individual and the township is seeking restitution for damage done to the open space.

At Oakbourne Park, Mr. Gross stated that the exterior restoration project for the Oakbourne Mansion is on hold for the winter. The painting is about 98% finished, but final roof work and touch up painting cannot be completed until the spring.

In the Wastewater department, Mr. Gross reported that the control panel at the Pleasant Grove Pump Station failed. The alarm system alerted the township operator and the pumps were cycled manually over night until a temporary system could be set up. The panel is being repaired. Mr. Gross reported that the Dept. of Environmental Protection (DEP) performed an unannounced inspection at the treatment plant. The plant was found to be in full compliance.

Mr. Gross stated that the Road Crew addressed several mechanical issues on the dump trucks, and commented that the new garage facility enabled the crew to make repairs out of the elements.

Future projects include finalizing the list of recommendations for the 2020 Road Maintenance Program. Mr. Gross also suggested having a discussion about the desired improvements to Oakbourne Park.

Mr. Yaw asked about the timing of Phase II of the exterior improvements to the mansion. Mr. Gross stated that the drawings and bid documents should be ready to go out for bid by the end of March or early April.

Mr. Pomerantz thanked Mr. Gross for the tour of the sewer plant.

Russ Hatton (940 Kilduff Circle) asked how frequently the trash is emptied at Tyson Park. Mr. Gross replied that trash is collected 2-3 times during the off season.

Mr. Pingar asked about the new employee. Mr. Gross confirmed that Joe Barr started today as Road Foreman. Mr. Pingar said that the township is excited to have another Westtown resident on the team.

B. Historical Commission (HC) – Dave Walter

Mr. Walter reported that the HC was only able to hold a general discussion at their January 16th meeting due to a lack a quorum as a result of the four commission vacancies. Mr. Walter said the *History of Westtown* book has been posted on the township website for the public to enjoy. He added that the West Chester University Archeology students will continue their work digging test pits at the Huey Ruins, as the weather permits. He asked the Board if the township would be able to post signs warning unauthorized people to stay out of the site while the archeological work occurs. Mr. Walter stated that Westtown Day will be held Sunday, October 4, 2020. He also asked for direction from the Board regarding several projects that have been in limbo for the last few years:

1. Oakbourne Mansion and Brandywine Battlefield Historic Markers. The Board has not determined locations for these markers.
2. Taylor Militia Stone Placement. The HC would like to see this project completed before Veteran's Day this year.
3. Historic Resources List. The HC has received no direction from the Board on how to add properties to this list. Mr. Walter said the HC also discussed the need to have more authority regarding historic properties, including the ability to review additions and demolitions.
4. Shiloh AME Abandoned Cemetery. Mr. Walter stated that the township previously paid to clear the brush on the property and determined the existence of human remains, but no further action has been taken.

Ms. De Wolf agreed that these items should be revisited and addressed. Mr. Pomerantz added that the Board will be scheduling their annual meeting with the HC in the coming weeks to discuss their projects.

There were no other comments or questions.

C. Planning Commission – Russ Hatton

Mr. Hatton reported that at the January 22 meeting, the PC reviewed ordinances that they would like to update. He indicated that Planning Director, Will Ethridge will be providing Mr. Pingar with a list of top tier changes to be made. The PC also pulled several other potential ordinance changes from their second tier list that they hope to review.

The PC will meet with Toll Brothers at their next meeting on February 5 to discuss the Crebilly Farm II Conditional Use Application. Mr. Pomerantz asked for confirmation that the PC will be able to complete their review of the application in time for the CU hearing on March 25. Mr. Hatton replied that he thinks the timeline is acceptable.

There were no other comments or questions.

D. Township Solicitor – Pat McKenna, Esq.

Mr. McKenna reported that his office has been preparing for attendance at the Crebilly Farm CU II Hearings that are forthcoming. They have also responded to several Right-To-Know requests and prepared the False Alarm revision ordinance, which will be before the Board at the next meeting. Mr. McKenna stated that his office has worked on a number of enforcement matters, as well as the ongoing litigation with the Quakers Ice Hockey Rink.

There were no comments or questions.

E. Manager’s Report - Rob Pingar

In response to Mr. Walter’s comment on the Taylor Memorial stones, Mr. Pingar shared that the township has been investigating alternate locations. He suggested that the Board reconsider placing them in their original location in the open space off Tower Course Drive, but take a very different approach, including community input and a tasteful landscape design. Ms. De Wolf stated that the revised stone design and capping was aesthetically pleasing, and agreed that it made sense to return the stones to where they are most relevant.

Mr. Pingar stated that on Friday, Toll Brothers delivered a revised plan addressing many of the comments in the Planning Commission’s review letter. Toll also included a list of waivers they are seeking, and a document addressing the fifty-eight (58) conditions of approval.

Mr. Pingar provided a brief update on the pipeline project, stating that pipe being pulled from the north to Cavanaugh Court is almost complete. The segment from Cavanaugh Court going south toward Thornbury is about 30% complete, and is expected to be finished in May.

Finally, Mr. Pingar stated that he attended a pre-construction meeting for the new roof on the WEGO Police Department building. Mr. Pingar explained that Westtown Township owns the building and the property it is on, but the cost of the roof will be shared with East Goshen Township. Mr. Pingar added that arbitration with the police union is ongoing.

VI. Public Comment (Non Agenda Items)

Candy Anderson returned to the lectern to state that lights from cars on Orvis Way and jughandle hit her house. She asked for an update on adding plantings to the space inside the jughandle, using a grant that her husband mentioned at the last Board meeting. Mr. Pingar responded that the program that Mr. Anderson learned of through Rep. Comitta’s office is a PennDOT beautification program for state owned right-of-ways. The jughandle is township owned. Further, the PennDOT program is not a grant program; it listed options for seeking funds for highway beautification. Mrs. Anderson then asked what the next step would be. Mr. Pingar replied that township projects such as plantings in the jughandle would be considered by the Board during the budget process. Ms. De Wolf stated that the plantings on the berm will take a while to fill in. She added that the township has not discussed beautifying the jughandle, but stated that based on the sight lines, she questioned whether plantings in the jug handle would do anything to block car lights.

Mrs. Anderson then asked if the township would be monitoring the noise level from the daycare when it opens. Mr. Pingar replied that if a noise violation occurs, the township will issue a notice of violation. Mrs. Anderson asked the Board if they had any suggestions for what could be done about the noise from Route 202 that now reaches her home. Mr. Pomerantz asked Mrs. Anderson to state specifically what she was seeking from the Board. Mrs. Anderson stated that she wants more plantings behind her house and plantings in the jughandle to prevent light and sound from coming into her house. Mr. Pomerantz thanked her for her comments.

VII. Old Business

A. Planning Commission Appointment – Jack Embick, Esq.

Ms. De Wolf made a motion to appoint Jack Embick, Esq. to the Planning Commission for a four-year term ending December 31, 2023. Mr. Yaw seconded the motion. There was no comment and the motion was unanimously approved.

B. Historical Commission Appointments – Dave Walter, Dan Campbell, AIA, & Paul Mullin

Ms. De Wolf made a motion to appoint Dave Walter to the Historical Commission for a term ending December, 31, 2022, and to appoint Dan Campbell, AIA, and Paul Mullin to the Historical Commission for terms ending December 31, 2021. Mr. Yaw seconded the motion. There was no comment and the motion was unanimously approved.

VIII. New Business

A. Resolution 2020-03 – Authorizing Supplemental Appropriation for Police Building Roof Replacement

Ms. De Wolf made a motion to approve Resolution 2020-03 authorizing a supplemental appropriation for the Police Building Roof Replacement project. Mr. Yaw seconded the motion. Mr. Yaw explained that there have been issues with the roof of the police building for years. East Goshen Township and Westtown Township will split the cost of the new roof 50/50. The money will come from the township's Capital Projects Fund. There was no other comment and the motion was unanimously approved.

IX. Announcements

Mr. Pomerantz made the following announcements:

- A. Township office closure – Monday, February 17 Presidents Day.** The Board of Supervisors will meet on the Tuesday following the holiday.
- B. Toll/Crebilly Conditional Use Hearing – 6 PM, Wednesday, March 25 at Rustin High School.** Toll Brothers will present testimony and evidence in support of their application.

X. Public Comment on All Topics

Dave Walter asked the status of filling the final vacancy on the Historical Commission. Mr. Pingar replied that the township has several interested candidates, and the Board will consider them for appointment at a future date. There were no other comments or questions.

XI. Payment of Bills

Ms. De Wolf made a motion to approve the General Fund bills in the amount of \$405,946.57, Wastewater Fund bills in the amount of \$5,498.58, and Capital Projects Fund bills in the amount of \$81,913.75, for a grand total of \$493,358.90. Mr. Yaw seconded the motion. There were no questions or comments, and the check registers were unanimously approved.

XII. Adjournment

Mr. Pomerantz announced that the Board will be holding an Executive Session after the meeting covering the Toll/Crebilly Conditional Use, the Westtown School CU application, a real estate matter, and personnel matters. Ms. De Wolf then made a motion to adjourn the meeting, seconded by Mr. Yaw. The motion was unanimously approved and the meeting adjourned at 8:37 PM.

Respectfully submitted,

Robert Pingar
Township Manager

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
Wednesday, February 5, 2020 – 7:30PM

Present

Commissioners – All Planning Commission (PC) members were present. Also, present were Gregg Adelman, Toll Bros. solicitor, Kristin Camp, PC solicitor, and Planning Director, Will Ethridge.

Call to Order and Pledge of Allegiance

Mr. Hatton called the meeting to order at 7:32 PM and led those present in the Pledge of Allegiance.

Adoption of Agenda (JL/JE) 6-0

The following changes were made:

- Nomination of a Vice Chair for the PC added under Old Business
- Changes to the order of agenda items with Reports moved prior to New Business

Approval of Minutes (KF/EA) 5-0 (JE did not vote as he was not a member on 1/22)

The Planning Commission Meeting minutes of 01/22/2020 were approved with one change:

- Jack Embick was reappointed to the PC on February 4, 2020

Announcements

None

Public Comment – Non Agenda Items

None

Old Business

1. Nomination for Commission Vice Chair – Jack Embick **(SR/KF) 5-0**

Reports

Mr. Hatton summarized his observations of the BOS meeting for 02/03/20

New Business

1. **2019-01 Toll Brothers-Crebilly Farm II CU Application - supplemental materials**

Mr. Hatton announced that Toll Bros had submitted three new documents to the PC: Subdivision and Land Development (SALDO) waiver requests, response to the PC recommendations, and a new concept plan. Mr. Hatton noted that the PC would not review the waiver requests because of the pending land development application. He reminded that the next Crebilly II Conditional Use (CU) Hearing with the BOS was on March 25, 2020.

Mr. Flynn asked if the concept plan was being treated as a new plan. Mr. Hatton responded that it was an iterative process.

Gregg Adelman explained that after reviewing the PC recommendations, Toll Bros. had come up with an alternate conceptual layout, which if the BOS sees fit to adopt, would be acceptable to move forward with an approved CU complying with those recommendations. He believed a new concept plan was consistent with Toll Bros. response letter.

Mr. Adelman explained that Toll Bros. was requesting the Township, and its consultants, to review the alternate conceptual plan and request for waivers, and to provide their feedback. He emphasized the importance of approval of SALDO waivers to implement the conceptual plan. He noted that that plan did not replace the plan that was already under the review, and was not necessarily in accord with what Toll believed the ordinance required; however, Toll had taken the PC recommendations in attempt to create what the PC believed to be a better plan. Mr. Adelman affirmed that for now, Toll would proceed with the pending CU application.

Mrs. Camp asked whether Mr. Adelman expected the BOS to make decisions on the SALDO waiver requests during the CU review. Mr. Adelman agreed that it was not a general standard operating procedure, but confirmed that there would have to be an affirmation that the waivers would be granted, subject to engineering, as part of the process. He stressed that the changes requested by the PC could not be implemented without the approved waivers.

Mr. Embick asked about the status of the first Toll Bros. Crebilly CU application. Mr. Adelman confirmed that no party appealed to the Supreme Court; therefore, there was no continuation with that process.

Mr. Adelman went through the letter of the PC recommendations and provided explanations to some of Toll's responses. The most noted comments were:

- Toll Bros. will meet with PennDOT, Westtown and Thornbury Townships to go over proposed roadway improvements and PennDOT's requirements. The meeting minutes will be documented.
- There are no restrictions against potential subdivision of the two existing properties owned by the Robinsons. However, because cluster development does not permit any further additional density, no more houses can be built, it is unlikely that they will be subdivided into empty lots.
- The new concept plan proposes to move lots as much as 600 feet to the east in an effort to address the concerns related to the preservation of the Brandywine Battlefield Swath.
- The existing stable will be retained and repurposed as part of a new plan.
- To be able to move the lots further east, connection to public sewer was necessary. The BOS would have to designate the property to be in the public sewer service area and amend the Township's Act 537 Wastewater Management Plan.
- The proposal included buffering landscaping around the perimeter of the development.
- The new plan included the relocation of the Westtown Inn from the southeast corner of the property, to the northeast to accommodate intersection improvements while retaining the historic structure. That would require its own approval process that Toll is willing to go through. The historic structure was suggested to be used as an office or a meeting space and to be maintained in perpetuity. The relocation site is approximate at this time.
- There are no additional improvements proposed for the intersection of Rt.926 and S New St, except the right-hand turn lane westbound on Rt.926 that is a subject to approval from PennDOT.
- New traffic signals were proposed for Rt.926 and the proposed Collector Rd and Bridlewood Blvd. All traffic signals along that portion of Rt.926 will be coordinated.
- PennDOT has the permitting authority to make a decision on needed road

improvements, including left turn lanes along Rt. 926.

- No traffic calming measures are proposed to be implemented along Bridlewood Blvd.
- Walking trails are proposed throughout the development for better pedestrian connection.
- Public parking is proposed for access to walking trails.
- Sidewalks are proposed on one side of the newly built streets.
- Toll Bros. is open to allow a third party to conduct an archaeological survey within the designated 80 acres of open space.
- The following existing structures are to be preserved: the chapel, the springhouse and the old barn. The serpentine house and the building associated with it will be retained by the current owner.
- The JQ Taylor tenant house is to be demolished.
- The applicant is willing to consider the potential stream restoration project.
- No deer management plan will be developed.
- Potential equestrian access on the western side of the property can be accommodated.

Public Comment

1. *Q: When you move Westtown Inn, are you going to move it far enough away that PennDOT can add the extra lanes to allow for proper cross traffic?*

- [Mr. Adelman] Yes, PennDOT will be able to do it now with the Inn's current location, but moving it would probably make it a lot easier for completing roadway improvements. PennDOT's current plan for turn lanes and widening will require a retaining wall, the need for which can be eliminated if the Inn is to be relocated.

2. *Q: How much easement would you need to add left turn lanes on RT. 926 and New St?*

- [Mr. Adelman] Based on preliminary diagrams, there are multiple properties that would be necessary to acquire additional right of way, approximately 5 - 10 feet or more to be able to not only construct the lanes but also for temporary easements to tie things back and grading and all of those things.

Adjournment (WE/KF) 5-0

Meeting was adjourned at 8:05 pm.

Next PC Meeting:

February 19, 2020, 7:30 pm – Township Bldg

PC Representative at next Board of Supervisors Meeting:

February 18, 2020 – Jack Embick

Respectfully submitted,

William Ethridge,

Planning Commission Secretary

ORDINANCE NO. 2020-01

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, REPEALING AND RESCINDING ORDINANCE NO. 2019-05.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 170, Zoning, of the Code of Westtown Township, as amended, be amended as follows:

SECTION 1. Ordinance No. 2019-05, which was approved by the Board of Supervisors of Westtown Township on August 19, 2019, is hereby repealed and rescinded in its entirety.

SECTION 2. It is the intention of the Board of Supervisors that Chapter 170, Zoning, of the Code of Westtown Township, remains in full force and effect as it was prior to the passage of Ordinance No. 2019-05.

SECTION 3. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisor that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 5. This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this _____ day of _____, 20_____.

ATTEST:

WESTTOWN TOWNSHIP

Secretary

Richard D. Pomerantz, Chair

Carol R. De Wolf, Vice Chair

Scott E. Yaw, Esq., Police Commissioner

ORDINANCE NO. 2020-02

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF WESTTOWN TOWNSHIP TO MODIFY CHAPTER 45, ALARM SYSTEMS, OF THE CODE OF WESTTOWN TOWNSHIP.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 45, Alarm Systems, of the Code of Westtown Township, as amended, be amended as follows:

SECTION 1. Chapter 45, Alarm Systems, §45-2, Definitions, shall be amended to read as follows:

False Alarm An alarm received by Chester County 911 activated by inadvertence, negligence, or an unintentional act, including the malfunction of the alarm system; the intentional activation of a hold-up alarm for other than a hold-up in progress; the intentional activation of a burglary alarm for other than a burglary in progress; or the intentional activation of a medical alarm for other than a medical emergency. A false alarm shall not include alarms which are activated as a result of acts of God, such as earthquakes, floods, windstorms, thunder or lightning, or as a result of the testing or repairing of telephone or electrical lines or equipment outside of the premises.

False Fire Alarm An alarm received by Chester County 911 activated by inadvertence, negligence, or an unintentional act, including the malfunction of the fire alarm system; the activation of a fire alarm for other than an actual fire. A false fire alarm shall not include alarms which are activated as a result of acts of God, such as earthquakes, floods, windstorms, thunder or lightning, or as a result of the testing or repairing of telephone or electrical lines or equipment outside of the premises.

SECTION 2. Chapter 45, Alarm Systems, §45-6, Disconnection due to malfunctioning, Paragraph C, shall be amended to read as follows:

C. For purposes of this provision, two or more false alarms or false fire alarms within any thirty-day period shall be sufficient evidence for the Township to determine that the alarm system is malfunctioning.

SECTION 3. Chapter 45, Alarm Systems, §45-11, False alarm fee schedule, Paragraphs A, B and C, shall be amended to read as follows:

§45-11 False alarm and false fire alarm fee schedule.

- A. For the purpose of defraying the costs to the Police Department and/or Fire Department for responding to false alarms and false fire alarms, a false alarm and false fire alarm fee schedule shall be established by the Board of Supervisors by resolution from time to time. The owner, lessee or user of any alarm system shall be bound by the terms of this chapter, including the payment of false alarm and false fire alarm fees.
- B. False alarm and false fire alarm fees shall be charged based upon the number of false alarms or false fire alarms, respectively, occurring per rolling twelve-month period (i.e., with respect to any date of determination, the month most recently ended and the eleven (11) immediately preceding months for which, in each case, false alarm and/or false fire alarm records are available, considered as a single period).
- C. Each such payment provided for in this section shall be a civil claim by the Township and is in addition to and shall not affect the penalty provisions prescribed in §45-12.

SECTION 4. Chapter 45, Alarm Systems, §45-12, Violations and penalties, shall be amended to read as follows:

- A. Any person who violates any provision of this chapter shall, upon conviction thereof in a summary proceeding brought before the District Justice, be guilty of a summary criminal offense and shall be subject to the payment of a fine in an amount not more than \$1,000, plus the costs of prosecution. Upon default payment hereof, the defendant may be sentenced to imprisonment in the county prison for a period of not more than 30 days. Each section or provision of this chapter that is violated shall constitute a separate offense and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not more than \$1,000 plus the costs of prosecution, and upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days.
- B. Any person found guilty of misuse, false activation or continual accidental activation of an automatic protection device shall be liable for a fine of not more than one thousand dollars (\$1,000.00), plus the costs of prosecution, for each and every such activation. Such fine and costs shall be collectible before any District Justice as like fines and penalties are now by law collectible.

SECTION 5. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisor that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 7. This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this _____ day of _____, 2020

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

Richard Pomerantz, Chair

Carol De Wolf, Vice Chair

Scott E. Yaw, Police Commissioner

Attest:

Robert R. Pingar, Secretary

ORDINANCE 2020-03

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF WESTTOWN TOWNSHIP TO MODIFY CHAPTER 170, ZONING, OF THE CODE OF WESTTOWN TOWNSHIP REGARDING SIGNS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 170, Zoning, of the Code of Westtown Township, as amended, be amended as follows:

SECTION 1. Chapter 170, Zoning, Article XVIII, Signs, of the Code is hereby amended in its entirety to read as follows:

Article XVIII. Signs

§ 170-1800. Applicability

Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

§ 170-1801. Purpose and Intent

The purpose of this Part is to develop a comprehensive system of sign regulations to:

- A. Promote the safety of persons and property by providing that signs:
 - 1. Do not create traffic hazards by distracting or confusing motorists, or impairing motorist's ability to see pedestrians, other vehicles, obstacles or to read traffic signs.
 - 2. Do not create a hazard due to collapse, fire, collision, decay or abandonment.
 - 3. Do promote the aesthetic quality, safety, health, and general welfare and the assurance of protection of adequate light and air within the Township by regulation of the posting, displaying, erection, use and maintenance of signs.
- B. Promote the efficient transfer of information through the use of signs and to permit such use, but not necessarily in the most profitable form or format available for such use.
- C. Protect the public welfare and enhance the overall appearance and economic value of the landscape, while preserving the unique natural and historic environment that distinguishes the Township and consistent with Article I, § 27 of the Pennsylvania Constitution.
- D. Set standards and provide uniform controls that permit reasonable use of signs and preserve the character of Westtown Township.
- E. Prohibit the erection of signs in such numbers, sizes, designs, illumination, and locations as

may create a hazard to pedestrians and motorists.

- F. Avoid excessive conflicts from large or multiple signs, so that permitted signs provide information while minimizing clutter, unsightliness, and confusion.
- G. Establish a process for the review and approval of sign permit applications.
- H. Address billboard signs in the C-2 District along Route 202.

§ 170-1802. Definitions

Words and terms used in this ordinance shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not part of this listing, but vital to the interpretation of this ordinance, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

As used in this chapter, "sign" shall mean any permanent or temporary structure or part of a structure, or any device attached, represented, projected or applied by paint or otherwise, or any structure or other surface used to communicate information, a message or advertisement, or to attract the attention of the public to a subject or location. The term "sign" shall include, but not be limited to flat or curved surfaces, all support and/or assembly apparatus, flags, banners, streamers, pennants, insignias and medals with or without words or pictures. Signs on vehicles shall be subject to the provisions of this chapter when the vehicle is owned and located or parked on or in front of a lot under the control of an occupant of the lot.

- A. The following shall not be defined as signs under this Chapter:
 - 1. Any surface not exceeding one (1) square foot in area that is required by a federal, state, county or municipal law or regulation, or by the United States Post Office to identify a property by number, post box number or name(s) of occupants of the property.
 - 2. Flags and insignia of any municipal, state or federal government.
 - 3. Legal notices, identification information, or wayfinding information provided by governmental or legislative authorities.
 - 4. Integral, decorative or architectural features of buildings.
 - 5. Actual produce and merchandise displayed for sale that appear in store windows.
 - 6. Grave markers of all types.
 - 7. Memorial markers.

Sign types and definitions:

Abandoned Sign: A sign which has not been used to provide information for a period of at least 180 days.

Animated Sign: A sign that incorporates action, motion, or light or color changes through

electrical or mechanical means.

Awning: A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Awning Sign: Any sign painted on, or applied to, an awning.

Balloon Sign: A sign painted on or affixed to a lighter-than-air, gas-filled balloon.

Banner: Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

Beacon Lighting: Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

Billboard: An outdoor sign with a sign area that is between sixty (60) square feet and three hundred (300) square feet.

Building Frontage: The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

Canopy: A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

Canopy Sign: Any sign that is part of, or attached to a canopy.

Changeable Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are *manual changeable copy signs* and *electronic changeable copy signs*, which include: *message center signs, digital displays, and Tri-Vision Boards*.

Channel Letter Sign: A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

Clearance: The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

Digital Display: The portion of a sign face made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

Festoon Lighting: A type of illumination comprised of either: (a) a group of light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

Flag: Any sign or image printed or painted on cloth, plastic, canvas, or other like material attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

Flashing Sign: A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

Freestanding Sign: A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of **freestanding signs**:

Ground Sign: A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as *monument sign*)

Pole Sign: A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

Gas Station Canopy: A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

Gas Station Canopy Sign: Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

Government Sign: Any sign constructed and/or installed by a federal, state, county or municipal government or authorized unit or department thereof.

Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated within, or indirectly from an artificial source.

External Illumination: Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

Internal Illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

Halo Illumination: A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as *back-lit illumination*)

Illuminated Sign: A sign with electrical equipment installed for illumination, either internally

illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

Incidental Window Sign: Signs displayed in the window of a commercial, retail or other business establishment, which is no larger than one (1) square foot individually or three (3) square feet in the aggregate.

Inflatable Sign: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a flow of air into the device.

Interactive Sign: An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

Limited Duration Sign: A non-permanent sign that is displayed on private property for more than 30 days, but not longer than one year.

Manual Changeable Copy Sign: A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

Marquee: A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building.

Marquee Sign: Any sign attached to a marquee.

Mechanical Movement Sign: A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

Menu Sign: A permanent sign not greater than thirty-two (32) square feet located at, on or in the window of a restaurant, or other use serving food, or beverages.

Message Center Sign: A type of illuminated, changeable copy sign that consists of electronically changing text located on a lot with a gas station or an athletic field.

Message Sequencing: The spreading of one message across more than one sign structure.

Multi-Tenant Sign: A freestanding sign located on lot on which a shopping center or complex with multiple tenants is located.

Mural (or mural sign): A large picture/image which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

Neon Sign: A sign illuminated by a neon tube, or other visible light-emitting gas tube, that is bent to form letters, symbols, or other graphics.

Nonconforming Sign: A sign that was legally erected and maintained at the effective date of

this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

Pennant: A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Permanent Sign: A sign attached, affixed or painted to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Portable Sign: A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

Sandwich Board Sign: A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top. (Also known as *A-frame sign*)

Vehicular Sign: A sign affixed to a vehicle located on the same lot as a business and which sits or is otherwise not incidental to the vehicle's primary purpose.

Private Drive Sign: A sign located at an intersection of a street or drive which is not publicly owned and maintained and used only for access by the occupants of the property and their guests.

Projecting Sign: A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as *blade sign*)

Public Right-of-Way: The area between the outer edge of a paved street, road or highway and the closer of an abutting property line or a line parallel to such outer edge to be measured from the centerline of such street, road or highway to the following distance:

1. Sixty (60) feet for Routes 202 and 3.
2. Forty (40) feet for Routes 926 and 352.
3. Thirty (30) feet for collector streets.
4. Twenty-five (25) feet for a minor street.

Public Sign: A sign erected or required by government agencies or utilities.

Reflective Sign: A sign containing any material or device which has the effect of intensifying reflected light.

Revolving Sign: A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

Roof Sign: A building-mounted sign erected upon, against, or over the roof of a building.

Scoreboard: A sign contained within an athletic venue.

Security Sign: A sign located on a premises on which no trespassing, hunting, and/or soliciting

are permitted. (Also known as *warning sign*)

Shielded: The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

Sign Area: The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See § 170-1805.C for standards for measuring sign area.

Sign Face: The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

Sign Height: The vertical dimension of a sign as measured using the standards in § 170-1805.D.

Sign Supporting Structure: Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Snipe Sign: A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as *bandit sign*)

Storefront: The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment..

Streamers: A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series and typically designed to move in the wind.

Street Frontage: The side or sides of a lot abutting on a public street or right-of-way.

Street Pole Banner: A banner suspended above a public street or right-of-way, sidewalk and/or parking area and attached to a single street pole.

Temporary Sign: A non-permanent, sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

Urban Experiential Displays (UEDs): An outdoor sign that projects its message in three-dimensional (3-D) space.

Wall Sign: A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: *fascia sign*, *parallel wall sign*, or *band sign*)

Window Sign: Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside.

§ 170-1803. Prohibited Signs

The following signs are unlawful and prohibited:

- A. Abandoned signs.
- B. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter.
- C. Mechanical movement signs, including revolving signs.
- D. Pennant strings and streamers, except when located inside a stadium, arena, or temporary fairground during a special event.
- E. Animated signs, Urban Experiential Displays, flashing signs, or signs that scroll or flash text or graphics.
- F. Inflatable devices or balloon signs, with the exception of balloons used in temporary, situations.
- G. Signs which interfere with, imitate, or resemble any public sign, signal, or device within seventy-five (75) feet of a public right-of-way or within 200 feet of a traffic control device, whichever is greater.
- I. Any signs located within a public right-of-way and/or which obscures or interferes with the line of sight at any street intersection or traffic signal, or at any other point of vehicular access to a street.
- J. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign shall be attached to a standpipe or fire escape that creates confusion or interferes with its use and operation.
- K. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- L. Reflective signs or signs containing mirrors, excluding those as approved by the Township or PennDOT for traffic use.
- M. Interactive signs.
- N. Signs incorporating beacon or festoon lighting.
- O. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.
- P. Roof signs, or any portion thereof, which extends above the roofline of any building.
- Q. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.
- R. Any sign having content that is not subject to the protections of the First Amendment to the United States Constitution or Article I, Section 7 of the Pennsylvania Constitution, including, but not limited to the following:
 - 1. Obscenity/pornography.
 - 2. Fighting words.
 - 3. Incitement to imminent lawless action.

§ 170-1804. Signs Exempt from Permit Requirements

The following signs shall be allowed without a sign permit and shall not be included in the

determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any. All owners of such signs must still comply with all applicable standards of this chapter, including the responsibility for maintenance of signs in good and safe repair.

- A. Government signs constructed and/or installed by the federal, state, county or municipal government or an agency or department thereof and to include the United States Postal Service.
- B. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside, and are located greater than three (3) feet from the window.
- C. Address signs - Up to two (2) signs required by the federal, state, county or municipal government or a department or agency thereof, including, but not limited to, the United States Post Office, located on the following uses and conforming with the dimensions set forth below as well as the specifications for street address number posting set forth in §61-5.
 - 1. *Residential uses.* Signs not to exceed one (1) square foot in area.
 - 2. *Non-residential uses.* Signs not to exceed five (5) square feet in area.
- D. Public signs - Signs erected or required by government agencies or utilities, including those located in the public right of way, at railroad crossings, on buildings that have rest rooms, telephones, or similar public convenience available, but not to exceed two (2) square feet.
- E. Private drive signs - One (1) sign per driveway entrance, not to exceed four (4) square feet in area.
- F. Security and warning signs - These limitations shall not apply to the posting of sign on premises where no trespassing, hunting and/or soliciting is permitted.
 - 1. *Residential uses.* Signs not to exceed four (4) square feet in area.
 - 2. *Non-residential uses.* Maximum of one (1) large sign per property, not to exceed five (5) square feet in area. All other posted security and warning signs may not exceed four (4) square feet in area.
- G. Flags:
 - 1. *Location.* Flags and flagpoles shall not be located within any right-of-way. *Height.* Flagpoles shall have a maximum height of thirty (30) feet in all residential districts.
 - 2. *Number.* No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.
 - 3. *Size.* Maximum flag size is twenty-four (24) square feet in residential districts.
 - 4. Flags may be used as permitted freestanding or projecting signs, and, if so used, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property.
- H. Legal notices.
- I. Permanent architectural features of a building or structure, such as a cornerstone or carving or embossment on a building, provided that the letters are not made of a reflective material nor contrast in color with the building.
- J. Signs within four (4) feet of a crop growing in a field. Such signs shall not exceed four (4) square feet and shall be removed after the field has been harvested.

- K. Incidental signs, including incidental window signs when the total area of any such sign or all signs together does not exceed two (2) square feet.
- L. Street pole banners, located outside public rights-of-way, interior to a campus, institutional or commercial use, provided they comply with the following:
 - 1. *Area.* A maximum area of 12.5 square feet and a maximum width of three (3) feet. Up to two (2) street pole banners are permitted per street pole.
 - 2. *Height.*
 - a. When the street pole banner's edge is less than eighteen (18) inches from the curb, the lowest edge of the street pole banner shall be at least fourteen (14) feet above the finished grade.
 - b. When the street pole banner's edge is greater than eighteen (18) inches from the curb, the lowest edge of the street pole banner shall be at least eight (8) feet above the finished grade.
 - 4. *Location.*
 - a. No street pole banner shall extend beyond the curb line.
 - b. Street pole banners shall maintain a minimum of three (3) foot vertical clearance below any luminaries located on the pole measured from where the ballasts connect to the poles.
 - c. Street pole banners shall not interfere with the visibility of traffic signals or signs.
 - d. No street pole banner shall be located on a pole that has traffic or pedestrian control signals.
- M. Temporary signs in accordance with §170-1808 Regulations by Sign Type (Limited Duration, Temporary and Portable Signs).
- N. Any canopy or awning, as defined herein, which does not have any lettering, logos or symbols printed, painted or otherwise affixed thereto.

§ 170-1805. General Regulations

- A. Sign location.
 - 1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with government street signs or signals by virtue of position or color.
 - 2. Except for those classified as exempt under §170-1804, no sign may be located within any public right-of-way and/or occupy a clear sight triangle of seventy-five (75) feet (as measured from the center-line intersections of two streets) shall be provided at all intersections. The minimum clear sight triangle shall be increased to 100 feet if either street is a collector street and to 150 feet if either street is an arterial highway.
 - 3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
- B. Sign Materials & Construction: Every sign shall be constructed of durable materials, using non-corrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the Pennsylvania Uniform Construction Code; and shall be maintained in

safe condition and good repair at all times, consistent with this section, so that all sign information is clearly legible.

C. Sign Area.

1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
3. Signs may be double-sided.
 - a. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than forty-five (45) degrees, and the two faces are not more than eighteen (18) inches apart.
 - b. Where the faces are not equal in size, but the interior angle formed by the faces is less than forty-five (45) degrees and the two faces are not more than eighteen (18) inches apart, the larger sign face shall be used as the basis for calculating sign area.
 - c. When the interior angle formed by the faces is greater than forty-five (45) degrees, or the faces are greater than eighteen (18) inches apart, all sides of such sign shall be considered in calculating the sign area.
4. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
5. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
6. The permitted maximum area for all signs is determined by the sign type and the use of the property where the sign is located.

D. Sign Height.

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
3. The permitted maximum height for all signs is determined by the sign type and type and the use of the property where the sign is located.

- E. Sign Spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.
- F. Sign Illumination.
1. Signs may be illuminated, unless otherwise specified herein, consistent with the general standards for outdoor lighting as outlined in §170-1514 and those listed below:
 - a. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare which is hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
 - b. *Hours of Operation:*
 - i. Signs on non-residential properties may be illuminated from 6:00 a.m. prevailing time until 11:00 p.m. prevailing time, or ½ hour past the close of business of the facility located on the same lot as the sign, whichever is later.
 - ii. Signs shall provide an automatic timer to comply with the intent of this Section.
 - iii. The above hours of operation standards shall not apply to a use operating twenty-four (24) hours a day.
 - c. *Brightness:* Message center signs and digital displays are subject to the following brightness limits:
 - i. The illumination of the sign shall be set so as not to be more than 0.3 foot candles above ambient lighting conditions, measured using a foot candle meter at seventy-five (75) feet perpendicular to the sign's display
 - ii. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set herein.
 - d. *Message Duration:* The length of time each message may be displayed on a message center sign, digital display, or Tri-Vision Board sign shall be static and nonanimated and shall remain fixed for a minimum of thirty (30) seconds.
 - e. *Message Transition:* The length of time when a message is transitioned on a message center sign, digital display, or Tri-Vision Board sign shall be accomplished in one (1) second or less with all moving parts or illumination changing simultaneously and in unison.
 - f. *Default Design:* Any message center sign, digital display, or Tri-Vision Board shall contain a default design which shall freeze the sign message in one position if a malfunction should occur or, in the alternative, shut down.
 2. Types of Illumination: Where permitted, illumination may be:
 - a. *External:* Externally illuminated signs, where permitted, are subject to the following regulations:
 - i. The source of the light must be concealed by translucent covers.

- ii. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
 - b. *Internal:* Internally illuminated signs, where permitted, are subject to the following regulations:
 - i. Internal illumination, including neon lighting, must be static in intensity and color.
 - ii. Message center signs are permitted in accordance with the regulations contained in §170-1805.F.3.
 - iii. Digital displays are permitted in accordance with the regulations contained in §170-1805.F.4.
- 3. Message center signs are subject to the following regulations, in addition to all other illumination requirements established in this Section.
 - a. *Sign Type:* Message center signs are permitted in the form of freestanding, monument, and wall signs, in accordance with the regulations established in §170-1806 and §170-1807.
 - b. *Height:* A message center sign shall have the same height limits as other permitted signs of the same type and location.
 - c. *Area:*
 - i. When used other than as a billboard, message center signs shall not exceed fifty (50) percent of the sign area for any one sign, and shall not exceed more than thirty (30) percent of the total area for all signs permitted on a property.
 - ii. When used as billboard, message center signs may be used for the full permitted sign area.
 - d. *Maximum Number:* Where permitted, one (1) message center sign is permitted per street frontage, up to a maximum of two (2) message center signs per property.
 - e. *Message Display:*
 - i. No message center sign may contain text which flashes, pulsates, moves, or scrolls.
 - ii. The transition of a message center sign must take place instantly (*e.g.*, no fade-out or fade-in).
 - iii. *Default Design:* The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur or, in the alternative, shut down.
 - f. Conversion of a permitted non-message center sign to a message center sign requires the issuance of a permit pursuant to §170-1815.
 - g. The addition of any message center sign to a nonconforming sign is prohibited.
- 4. Digital display signs are subject to the following regulations in addition to all other requirements established in this Section.

- a. *Sign Type*: Digital displays are permitted in the form of freestanding, monument, and wall signs, in accordance with the regulations established in §170-1806 and §170-1807.
- b. *Height*: A digital display shall have the same height limits as for other permitted signs of the same type and location.
- c. *Area*:
 - i. When used other than as a billboard, digital displays shall not exceed more than thirty (30) percent of the total sign area permitted on the site.
 - ii. When used as a billboard, digital displays may be used for the full permitted sign area.
- d. *Maximum Number per Property*: Where permitted, one (1) digital display sign is permitted per property
- e. *Message Display*:
 - i. Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited.
 - ii. One message/display may be brighter than another, but each individual message/display must be static in intensity and otherwise compliant with §170-1805.F(1)(c).
 - iii. The content of a digital display must transition by changing instantly, with no transition graphics (*e.g.*, no fade-out or fade-in).
 - iv. *Default Design*: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur or, in the alternative, shut down.
- f. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to §170-1815.
- g. The addition of any digital display to a nonconforming sign is prohibited.⁵
 - Electrical Standards.
 - a. Permits for illuminated signs will not be issued without an approved electrical permit, if required. Applications for electrical permits shall be filed at the same time as the sign permit application.
 - b. All work shall be completed in full compliance with the Westtown Township Electrical Code as set forth in the Pennsylvania Uniform Construction Code.
 - c. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.
 - d. The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to the Westtown Township as a condition precedent to the issuance of a sign permit.

6. Glare Control: Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

§ 170-1806. Regulations by Sign Type: Generally

A. Wall Signs.

1. No portion of a wall sign shall be mounted less than ten (10) feet above the finished grade or extend out more than eight (8) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the ten-foot height requirement need not be met.
2. More than one sign shall be permitted per wall, except that the total area of all signs on one wall shall not exceed ten percent of the façade.
3. No wall sign shall extend above the top of the wall upon which it is mounted or beyond the edges of same.

B. Canopy or Awning Signs.

1. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
3. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
4. Sign Placement.
 - a. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
 - b. Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
5. Sign Height.
 - a. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
6. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
7. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

C. Projecting Signs.

1. No portion of a projecting signs shall project more than four (4) feet from the face of the building.
2. The outermost portion of a projecting sign shall not project into any public right-of-way.
3. Sign Height. The lowest edge of a projecting sign shall be at least ten (10) feet above the finished grade and shall not extend above the top of the wall upon which it is

mounted.

D. Window Signs

1. Incidental window signs, shall be excluded from area calculations for window signs.
2. Multiple window signs shall be permitted per building, provided that all window signs at any one time do not exceed twenty-five (25) percent of the total glass area on the side of the building where they are placed. For grocery stores, food markets, and pharmacies, the total glass area covered by window signs shall not exceed thirty-five (35) percent.
3. Window signs may be internally lit when located on a lot within a commercial, multi-use or planned office campus zoning district.

E. Marquee Signs.

1. Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.
2. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.
3. Sign Height
 - a. No portion of a marquee sign shall extend vertically above the eave line.
 - b. The lowest edge of the marquee sign shall be at least ten (10) feet above the finished grade.

F. Freestanding Signs

1. On any tract, the total number of freestanding signs shall not exceed one per street frontage, regardless of location.
2. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
3. Sign Height: Unless otherwise specifically allowed, height standards for freestanding signs are as follows:
 - a. Ground signs shall have a maximum height of 3.5 feet, except for those located along Route 202 or Route 3, which shall have a maximum height of 4.5 feet.
 - b. Pole signs shall have a maximum height of fifteen (15) feet. The minimum distance between the ground surface and the bottom of the sign face shall be four (4) feet.
4. Sign Placement.
 - a. All freestanding signs shall be set back five (5) feet from the right-of-way, except for government signs. Where compliance with this standard would nonetheless create an obstruction of view, further setback may be required.
 - b. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed.

- c. All freestanding signs shall be located no closer to any adjacent residential lot line, public park, church, school, or public playground than the minimum setback or separation distance required for any other adjacent structure or building, as regulated by this chapter.

G. Manual Changeable Copy Signs: Manual changeable copy signs are permitted only when integrated into a freestanding, marquee, wall, or portable sign.

§ 170-1807. Regulations by Sign Type: Billboards.

A. Locations Permitted.

1. Billboard signs are permitted in the following location as a conditional use:

- a. C-2, Highway Commercial District

B. Sign Size: A billboard sign is subject to the following size restrictions according to the posted speed limit of the road which the billboard sign faces.

	Posted Speed Limit (MPH)				
	≤35	36 -45	46-55	56-65	Limited Access
Maximum Sign Area (square feet)	60	100	150	300	300

C. Height and Location of Sign.

- 1. The height of a billboard sign shall be measured from the average grade based on the area found within a fifty-foot radius of the outer limit of the sign structure.
- 2. The lowest edge of a billboard sign shall be at least seven (7) feet above the finished grade.
- 3. Billboard signs shall have a maximum height of twenty-four (24) feet.

D. Spacing: Billboard signs shall be:

- 1. Set back a minimum of five (5) feet from the ultimate street right-of-way.
- 2. Set back a minimum of forty (40) feet from any abutting lot.
- 3. Located no closer than fifty (50) feet from any building, structure, or non-billboard sign located on the same property.
- 4. Located no closer than five hundred (500) feet from any other billboard sign on either side of the road measured linearly. Such separation distance shall be increased, where as needed, to ensure that no more than one billboard sign shall be visible to a driver at any one time.
- 5. Not attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way.
- 6. Not located on sewer rights-of-way, or water, electric, or petroleum pipelines and set back a minimum of twenty-four (24) feet from any easement.
- 7. Not located on a bridge.

- E. Number of Signs per Lot: There shall be no more than one billboard sign per lot. Vertically or horizontally stacked signs shall not be permitted.
- F. Double-Sided Billboard Signs: Signs may be double-faced, provided that the two faces are the same size and are positioned as mirror images that are parallel and not offset from each other in any direction.
- G. Message Sequencing: Message sequencing across more than one sign is prohibited.
- H. Construction and Maintenance.
 - 1. All plans for billboard signs shall be certified by a licensed engineer registered in Pennsylvania.
 - 2. All billboard signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All billboard signs shall be structurally sound and maintained in good condition and in compliance with the Pennsylvania Uniform Construction Code.
 - 3. The rear face of a single-face, billboard sign shall be painted and maintained with a single neutral color as approved by Westtown Township.
 - 4. Every three years, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in Pennsylvania and shall provide to Westtown Township a certificate certifying that the billboard is structurally sound.
 - 5. All maintenance, cleaning and repair, including repair of torn or worn advertising copy and removal of graffiti shall be performed promptly. In the event the Township notifies the owner or lessee of any damage, vandalism, or graffiti on the billboard sign, the owner or lessee shall repair or correct the problem within forty-eight (48) hours of such notification. If repairs and corrections are not timely, the Township shall have the right, but not the obligation, to make repairs or corrections and be reimbursed the cost thereof by the owner or lessee.
 - 6. A billboard sign shall be properly and adequately secured to prevent unauthorized access.
 - 7. A bond or other security acceptable to the Township, in the form and amount satisfactory to the Township, shall be posted with the Township to ensure that the billboard sign will be properly removed after the termination of use for a period of one (1) year.
- I. Identification of Sign Owner: All billboard signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.
- J. Landscaping and Screening Requirements.
 - 1. Landscaping shall be provided at the base of all billboard signs. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the purpose of this Section.
 - 2. Trees having a breast height diameter (“BHD”) greater than four (4) inches, which are removed for construction of the sign shall be replaced on-site at a ratio of one (1) replacement tree for each removed tree using native species with a BHD of no less than three (3) inches.

3. Billboard signs shall be screened from any abutting property used or zoned for residential use. Such screening shall consist of evergreen trees of at least fifteen (15) feet in height at the time of planting that form a continuous visual buffer along or near the property line abutting the residential use or lot.
 4. If at the time of planting the evergreens do not provide for adequate screening, a temporary, non-vegetative screen may be required at the discretion and approval of the Township. This screening shall not exceed the height of the existing sign and shall be removed at the expense of the sign owner or lessee owner at such time the evergreens provide for adequate screening as determined by the Township.
- K. Additional Regulations. All billboard signs shall comply with any and all applicable state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the more stringent regulation shall apply.
- L. Application/Plan Requirements. Plans submitted for billboard signs shall show the following:
1. The location of the proposed sign on the lot with the required sign setbacks from the property line and ultimate right-of-way.
 2. The location and species of existing trees.
 3. The distance to the nearest existing billboard sign.
 4. The distance to the nearest right-of-way, property line, building, structure, non-billboard sign, billboard sign, intersection, interchange, safety rest area, bridge, residential district, or institutional use, sewer rights-of-way, and water, electric or petroleum pipelines.
 5. Site plan containing all of the applicable requirements set forth in the Westtown Township zoning code, as amended.
 6. Certification under the seal by a licensed engineer that the billboard sign, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.
- M. Illumination and Changeable Copy of Billboard Signs. Lighting shall comply with the Illuminating Engineering Society of North America's (IESNA) recommended practices and criteria in the IESNA Lighting Handbook, including but not limited to criteria for full-cutoff fixtures.
1. Billboard signs may incorporate manual changeable copy signs.
 2. Billboard signs may be illuminated, provided that:
 - a. All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the billboard sign and away from adjoining properties.
 - b. Light sources are not visible from any street or adjoining properties.
 3. The following illumination types shall be permitted subject to the regulations in §170-1805.F, Sign Illumination.
 - a. Message center sign
 - b. Digital display
 - c. External illumination

d. Internal illumination

4. Billboard signs may incorporate Tri-Vision Boards.

- a. The length of time each message of the Tri-Vision Board may be displayed before changing is based upon the visibility and posted speed limit unique to individual signs and adjacent road conditions. The message duration for Tri-Vision Boards shall be calculated using the method described in §170-1805.F.1.f. Message Duration.

N. Safety. In applying for conditional use, the applicant bears the burden of proof to establish that the proposed billboard sign will not create a public health or safety hazard in the manner and location that it is proposed and in the manner by which it is to be operated.

§ 170-1808. Regulations by Sign Type: Limited Duration, Temporary and Portable Signs

A. Limited duration, temporary and portable signs, as defined in this Section, located on private property are subject to the regulations set forth below. Limited duration, temporary and portable signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property. Unless otherwise stated below, the requirements listed below shall apply to signs in both commercial and non-commercial zoning districts.

B. Size and Number.

1. Non-Residential Zones:

- a. Large limited duration and temporary signs: One (1) large sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional large limited duration sign may be permitted so long as there is minimum spacing of 200 feet between the two (2) large limited duration signs.

i. Type:

- a. Freestanding sign
b. Window sign
c. Wall sign
d. Banner sign

ii. Area:

- a. Each large sign shall have a maximum area of twenty-four (24) square feet.
b. Each large banner shall have a maximum area of thirty-two (32) square feet.

iii. Height:

- a. Signs that are freestanding shall have a maximum height of eight (8) feet.
b. Banners shall hang at a height no greater than twenty-four (24) feet when attached to an existing structure.

- b. Small limited duration and temporary signs: In addition to the large sign(s)

outlined above, one (1) small sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional small sign may be permitted so long as there is a minimum spacing of 200 feet between both sets of small temporary signs.

i. Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign

ii. Area: Each small sign shall have a maximum area of six (6) square feet

iii. Height: Small signs that are freestanding shall have a maximum height of six (6) feet.

c. Portable signs.

i. Hours of display.

- a. Signs shall not be displayed on any premises before 6:00 a.m. prevailing time and shall be removed each day at or before 10:00 p.m. prevailing time. However, all portable signs must be taken in during hours of non-operation of the business located on the property.
- b. All portable signs must be taken in during inclement weather.

ii. Sandwich Board or A-frame Signs. Sandwich board signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.

- a. Number: One (1) sandwich board sign is permitted per establishment. For the purposes of this subsection, a parking garage or parking lot shall be considered an establishment.
- b. Area: Each sign shall have a maximum area of seven (7) square feet per sign face.
- c. Height: Signs shall have a maximum height of three and one-half (3.5) feet.

iii. Sign placement.

- a. If a sign is located on a public or private sidewalk, a minimum of thirty-six (36) inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
- b. The sign must be located on the premises, and within twelve (12) feet of the primary public entrance, of the establishment placing the sign. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.

- c. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.

iv. Manual Changeable Copy Signs.

- a. Manual changeable copy signs are permitted when integrated into a sandwich board sign.

v. Vehicular Signs: Vehicular signs are subject to the regulations found in Chapter 162 of the Westtown Township Code for Vehicles and Traffic.

2. Residential Zones:

- a. Large limited duration and temporary signs: One (1) large sign is permitted per property so long as the property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area.

i. Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign
- d. Banner sign

ii. Area:

- a. Each large sign shall have a maximum area of sixteen (16) square feet.
- b. Each large banner shall have a maximum area of thirty-two (32) square feet.

iii. Height:

- a. Large limited duration signs that are freestanding shall have a maximum height of eight (8) feet.
- b. Banners shall hang at a height no greater than twenty-four (24) feet when attached to an existing structure.

- b. Small limited duration and temporary signs: One (1) small sign is permitted per property.

i. Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign

ii. Area: Each small sign shall have a maximum area of six (6) square feet

iii. Height: Small signs that are freestanding shall have a maximum height of six (6) feet.

C. Permit Requirements.

1. Limited duration signs

- a. A permit for a limited duration sign is issued for one (1) calendar year effective January 1st and may be renewed annually.
- b. An applicant may request up to two (2) permits per address, but is subject to the size and number requirements set forth in this section.
- c. An application for a limited duration sign permit must include:
 - i. A description of the sign indicating the number, size, shape, and dimensions of the sign, and the expected length of time the sign will be displayed;
 - ii. A schematic drawing of the site showing the proposed location of the sign in relation to nearby building and streets;
 - iii. The number of signs on the site.

2. Temporary signs

- a. Temporary signs are exempt from the standard permit requirements, but the date of erection of a temporary sign must be written in indelible ink on the support for the sign. Signs without a date of erection or legible date of erection placed on the sign support shall be removed by the Township or the owner of the sign.
- b. Temporary signs may be displayed up to a maximum of ninety (90) consecutive days, two (2) times per year.
- c. Westtown Township or the property owner where the sign is placed may confiscate signs installed in violation of this chapter. Neither Westtown Township nor the property owner is responsible for notifying sign owners of confiscation of an illegal sign. The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.

D. Installation and Maintenance.

- 1. All signs must be installed such that in the opinion of the Westtown Township zoning officer, they do not create a safety hazard.
- 2. All signs must be made of durable materials and shall be well-maintained.
- 3. Signs that are frayed, torn, broken, or are otherwise in a failing physical condition will be deemed unmaintained and required to be removed.

E. Illumination: Illumination of any limited duration, temporary or portable sign is prohibited.

§ 170-1809. Signs Located on Lots with an Agricultural Use

In addition to the exempt signs described in §170-1804, Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected on properties with active agricultural uses, subject to the conditions specified here.

- A. Any limited duration and temporary signs as defined and regulated in §170-1808, Regulations by Sign Type (Limited Duration, Temporary and Portable signs).
- B. Freestanding signs shall be permitted subject to the following regulations:
 - 1. Number: One (1) sign at each street access, up to a maximum of two (2) signs per lot.

2. Area: Each sign shall have a maximum area of fifteen (15) square feet per sign face.
3. Height: Signs shall have a maximum height of six (6) feet unless located along Route 926 or Route 352 where the height can be increased to eight (8) feet.
4. Illumination: These signs shall be non-illuminated.

C. Window signs for uses customarily associated with agricultural uses shall be permitted subject to the following regulations.

1. Area: A maximum of fifteen (15) percent of the total window area of any single building frontage may be used for signs.
2. Illumination: Illumination of these signs is prohibited.

§ 170-1810. Signs Located on Lots with Parks and Open Space

In addition to the exempt signs described in §170-1804, Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected on properties serving as parks and open space, subject to the conditions specified here.

A. Any limited duration and temporary signs as defined and regulated in §170-1808, Regulations by Sign Type (Limited Duration, Temporary and Portable signs).

B. Freestanding signs shall be permitted subject to the following regulations:

1. Number: One (1) sign per street access to a park or open space facility.
2. Area: Each sign shall have a maximum area of twenty-four (24) square feet per sign face.
3. Height: Signs shall have a maximum height of ten (10) feet.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.

C. Signs located on the interior of the site, the sign face of which is not larger than one and one half (1.5) square feet are exempt from permit requirements.

D. Signs for recreation and sporting facilities shall be allowed provided that the following criteria is met:

1. A maximum of twenty (20) signs on the interior walls or fence of an open stadium or field shall be permitted and no sign shall be greater than twenty-four (24) square feet in size and shall be non-illuminated and not visible from any public rights-of-way.
2. One (1) freestanding scoreboard, not to exceed 200 square feet in area and twenty (20) feet in height, is permitted per playing field.
 - a. The face of all scoreboards, including any attached signs and panels, shall be permanently oriented toward the recreation and spectator area.
 - c. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F, Sign Illumination.

§ 170-1811. Signs Located on Lots with a Residential Use

In addition to the exempt signs described in §170-1804, Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected on properties utilized for residential purposes, subject to the conditions specified here.

A. Any limited duration sign as defined and regulated in §170-1808, Regulations by Sign Type

(Limited Duration, Temporary and Portable Signs).

- B. Signs on a lot on which a major home occupation is located shall comply with §170-1605.G(2)(m).
- D. Freestanding signs on a lot on which residential developments or apartment buildings containing more than ten units are located shall be permitted subject to the following regulations:
 - 1. Number: A maximum of two (2) signs are permitted at primary entrance(s) utilized to access the development.
 - 2. Area: Freestanding sign, fifteen (15) square feet; projecting or wall sign, ten (10) square feet.
 - 3. Height: Freestanding sign, three and one-half (3.5) feet; projecting or wall sign, twelve (12) feet.
 - 4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
 - 5. For signs proposed for a location under the ownership of a private land owner, a deed of easement or an affidavit from the property owner where the sign is proposed shall be required as part of any sign permit application.
 - 6. A maintenance agreement shall be submitted as part of the sign permit application that states the responsible party(s) for the on-going maintenance of the sign.

§ 170-1812. Signs Located on Lots with an Institutional Use

In addition to the exempt signs described in §170-1804 Exempt Signs, the following numbers and types of signs may be erected for Institutional uses, including schools, religious institutions, municipal buildings, hospitals, clubs, or permitted uses of a similar nature subject to the conditions specified here.

- A. Any limited duration, temporary or portable sign as defined and regulated in §170-1808, Regulations by Sign Type (Limited Duration, Temporary and Portable signs), subject to the following regulations:
 - 1. One (1) large sign with a maximum area of twenty-four (24) square feet shall be permitted on a lot with a principal educational or school use at any time.
 - 2. No more than four (4) small signs with a maximum area of six (6) square feet shall be permitted on a lot with a principal educational or school use at any time.
 - 3. Small signs on a lot with a principal educational or school use shall be no closer than fifty (50) feet to another small sign measured as a straight-line distance between the closest edges of each sign.
- B. The total area of all wall, awning/canopy, freestanding, and projecting signs shall not exceed an area equal to two (2) square feet for every one (1) linear foot of building wall parallel to, and facing, any particular street. The sign area for each street frontage shall be computed separately, and any allowable sign area not used on one frontage may not be used on another street frontage.
- C. Signs on a lot with a park or open space use in an institutional district shall comply with §170-1810.

D. Freestanding signs on a lot with an institutional use, other than parks and open space, shall be permitted subject to the following regulations:

1. Number: One (1) ground sign is permitted per street upon which the property has direct frontage.
2. Area: Ground sign, twenty-four (24) square feet except on lots with a principal educational or school use,
which shall have a maximum area of fifty (50) square feet.
3. Height: Ground sign, six (6) feet except for lots with a principal educational or school use, which shall
have a maximum height of fifteen (15) feet.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
 - a. Internal illumination
 - b. External Illumination
 - c. Message center sign
 - d. Digital display on lots with a principal educational or school use

E. Freestanding signs located on the interior of the site at least twenty-five (25) feet from the nearest property boundary line are exempt from permit requirements, subject to the following:

1. Area: Each sign shall have a maximum area of ten (10) square feet
2. Height: Each sign shall have a maximum height of six (6) feet
3. Illumination: Illumination of these signs shall be prohibited.

F. Wall signs shall be permitted subject to the following regulations.

1. Number: One (1) sign per street frontage, up to a maximum of two (2) signs. Where an educational use has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
2. Area: The total area for all wall signs are subject to the regulations in §170-1806.A.2.
3. Height: Signs shall have a maximum height equal to the eave line of the structure where it is placed.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
 - a. Internal illumination
 - b. External illumination, lit from above
 - c. Halo illumination or back-lit letters

G. Awning or canopy signs shall be permitted subject to the following regulations.

1. Height: Signs shall have a maximum height equal to the eave line.
2. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.

a. External illumination, lit from above

H. Projecting signs on lots with an educational use shall be permitted subject to the following regulations.

1. Number: One (1) sign per building entrance.
2. Area: Each sign shall have a maximum area of twenty (20) square feet per sign face.
3. Height: Signs shall have a maximum height equal to the eave line.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.

a. External illumination, lit from above

§ 170-1813. Signs Located on Lots with Commercial and Industrial Uses

Except as noted below, the following numbers and types of signs may be erected on any lot with a principal commercial or industrial use subject to the conditions specified here:

- A. Any limited duration, temporary or portable sign as defined and regulated in §170-1808, Regulations by Sign Type (Limited Duration, Temporary and Portable signs).
- B. The total area of all wall, awning/canopy, freestanding, and projecting signs on lots with non-residential uses shall not exceed an area equal to two (2) square feet for every one (1) linear foot of building wall parallel to, and facing, any particular street. The sign area for each street frontage shall be computed separately, and any allowable sign area not used on one frontage may not be used on another street frontage.

C. Wall signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a store has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
2. Area: The total area for all wall signs are subject to the regulations in §170-1806.A.2.
3. Height: Signs shall have a maximum height equal to the eave line of the structure where it is placed.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
 - a. Internal illumination
 - b. External illumination, lit from above
 - c. Halo illumination or back-lit letters
 - d. Neon lighting

D. Awning or canopy signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Height: Signs shall have a maximum height equal to the eave line.
2. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
 - a. External illumination, lit from above

E. Projecting signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
2. Area: Each sign shall have a maximum area of twenty (20) square feet per sign face.
3. Height: Signs shall have a maximum height equal to the eave line.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
 - a. External illumination, lit from above
 - b. Neon lighting

F. Window signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Area: A maximum of twenty-five (25) percent of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of thirty-five (35) percent of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.

G. Marquee signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: One (1) marquee sign per building.
2. Area: The total area of signs on a single marquee structure shall not exceed 200 square feet in area.
3. Height: Signs shall have a maximum height equal to the eave line.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F, Sign Illumination.
 - a. Internal illumination
 - b. Message center sign
 - c. Digital display

H. In addition to building signs, freestanding signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.
 - a. For permitted gas stations, one (1) additional freestanding sign per street frontage shall be permitted, up to two (2) additional signs per property.
 - b. For permitted drive-through establishments, one (1) additional freestanding sign shall be permitted next to the drive-through lane only.
2. Area: Each sign shall have a maximum area of fifty (50) square feet plus an additional ten (10) square feet per tenant up to a maximum of 100 square feet
3. Height: Signs shall have a maximum height of fifteen (15) feet.

4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.

a. Internal illumination

b. Message center sign

c. Digital display

I. The following additional requirements shall apply to signs located in the Planned Office Campus (POC) District.

1. Area: Ground sign, twenty-four (24) square feet; wall sign, forty (40) square feet.

2. Height: Ground sign, three and one-half (3.5) feet.

§ 170-1814. Removal of Unsafe, Unlawful, or Abandoned Signs

A. Unsafe or Unlawful Signs.

1. Whenever a sign becomes structurally unsafe and/or poses a potential threat to the safety of a building or premises or endangers the public safety, and such condition becomes known to the Zoning Officer, he/she shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe within five (5) days, unless the Zoning Officer shall deem appropriate a more extended period for compliance.

2. Where in the opinion of the Zoning Officer upon careful inspection by he/she and the Township building official, any sign as described above constitutes an imminent hazard to public safety necessitating immediate action, he/she shall be empowered to take those measures he/she deems appropriate to secure, stabilize, or remove such sign without the written notice to the owner of the premises otherwise required by that section. Any expense directly incurred to secure, stabilize, or remove such sign shall be charged to the owner of the property. Where the owner fails to pay, Westtown Township may file a lien upon the property on which such sign was situated in the amount of the costs incurred by the Township to secure, stabilize, or remove the sign.

3. Failure of the Zoning Officer to remove, or require the removal of, any unsafe sign as described in this section shall create no liability upon, nor any cause of action against, the Zoning Officer or any other Township official or employee for damage or injury that may occur as a result of such sign.

B. Abandoned Signs.

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, structural trim, and all associated electrical components when applicable.

2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in a 180 days Westtown Township may remove such sign after the Zoning Officer gives written notice to the sign owner. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, Westtown Township may file a lien upon the property for the purpose of recovering all reasonable costs, including reasonable attorney fees

incurred by the Township, associated with the removal of the sign.

§ 170-1815. Permits & Applications

- A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within Westtown Township without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in §170-1804. Exempt Signs.
- B. In order to apply for a sign permit, the applicant must provide the following information, in writing, to Westtown Township:
 - 1. Name of organization and location.
 - 2. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.
 - 3. Contact person and contact information.
 - 4. Description of the activities occurring on the site where the sign will be installed.
 - 5. Description of any existing signage that will remain on the site.
 - 6. Identification of the type of sign(s) to be erected by the applicant.
 - 7. Site plan depicting the locations of proposed signage and existing remaining signage.
 - 8. Two copies of a plan drawn to scale depicting:
 - a. Lot dimensions, building frontage, and existing cartways, rights-of-way and driveways.
 - b. The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
 - c. Building elevations, existing and proposed facades, parapet walls, eave line and the location and size of all proposed and existing permanent signage.
 - d. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
 - 9. A permit fee, to be established from time to time by Resolution of Westtown Township, shall be paid.
- C. Westtown Township shall have fifteen (15) business days from the receipt of a complete application to review the application.
- D. A permit shall be issued on or before the end of the fifteen (15) business day review period if the application for a new sign or renewal complies with the regulations contained herein.
- E. If Westtown Township does not issue a determination within the fifteen (15) business day period, the sign permit is deemed approved.
- F. An application for a sign permit may be denied by Westtown Township within the fifteen (15) business day review period if the application fails to comply with the standards contained herein. Westtown Township shall inform the applicant of the reasons for denying the application for sign permit by certified mail.
- G. Upon denial of an application for a sign permit, the applicant has thirty (30) business days to revise and resubmit the application for review by Westtown Township. In the alternative, the applicant may also appeal the decision of Westtown Township to the Zoning Hearing Board

within the thirty (30) business day time period.

- H. With the exception of lighting permits for digital signs, these permits shall not expire provided that such signs are not abandoned or destroyed. In the instance that substantial repair or replacement becomes necessary (*i.e.*, repairs that costs more than fifty (50) percent of the replacement cost of the damaged sign); the organization must apply for a new sign permit, and pay an additional fee, if required.

§ 170-1816. Nonconforming Signs

- A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.
- B. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if the following occurs:
1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
 2. If more than fifty (50) percent of the sign area is damaged, it shall be repaired to conform to this Ordinance.
 4. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
 5. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by Westtown Township.
- C. To determine the legal status of existing signs in each of the cases listed in §170-1816.B., the applicant shall submit the following information to the Westtown Township Zoning Officer:
1. Type(s) of existing sign(s) located on the property.
 2. The area and height of all signs.
 3. For freestanding signs, the distance between the curb line or shoulder and the nearest portion of the sign.
 4. Type of sign illumination.
 5. The material of which the sign is constructed.
 6. The building frontage.
 7. If a Billboard sign, the applicant shall also submit the plan requirements listed in §170-1807.M.
- D. Prior to the events listed in §170-1816.B., nonconforming signs may be repainted or repaired up to fifty (50) percent of the replacement cost of the sign, the sign copy may be changed, and sign faces may be replaced provided that these actions do not increase the dimensions of the existing sign, and do not in any way increase the extent of the sign's non-conformity.
- E. Nonconforming signs shall be exempt from the provisions of §170-1816.B, under the following conditions:
1. The nonconforming sign possesses documented historic value.

2. The nonconforming sign is of a unique nature or type by virtue of its architectural value or design, as determined by the National Park Service, Pennsylvania Historical and Museum Commission, or local historical commission.
 3. When a nonconforming sign is required to be moved because of public right of way improvements.
- F. All nonconforming temporary signs, portable signs, and banners must be permanently removed within ninety (90) days of the effective date of this Article, unless specific approval is granted as provided for herein.

§ 170-1817. Signs Located on a Lot with Legally Nonconforming Uses.

- A. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.
- B. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on that property at the time this Article was adopted.

§ 170-1818. Substitution Clause

Notwithstanding any provision of this chapter to the contrary, to the extent that this Chapter allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to non-commercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Chapter.

§ 170-1819. Violations

The placement of a sign that requires a sign permit without a sign permit shall be unlawful. Violations of this Ordinance shall be treated as prescribed within Article XXIII of the Zoning Ordinance for Violation Remedies; Fees; Liability.

SECTION 2. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this _____ day of _____, 2020.

ATTEST:

WESTTOWN TOWNSHIP

Secretary

Richard Pomerantz, Chair

Carol R. De Wolf, Vice Chair

Scott E. Yaw, Police Commissioner

RESOLUTION 2020-04

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA,
ESTABLISHING A FEE SCHEDULE FOR
FALSE ALARMS AND FALSE FIRE ALARMS.**

WHEREAS, pursuant to Ordinance 2020-02, the Board of Supervisors may establish a false alarm and false fire alarm fee schedule from time to time by resolution; and

WHEREAS, the Board of Supervisors now wishes to establish a false alarm and false fire alarm fee schedule to be assessed pursuant to Chapter 45, Alarm Systems, of the Code of the Township of Westtown.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Westtown Township that, effective _____, fees for false alarms and false fire alarms shall be assessed as follows:

Number of False Alarms	Non-fire (residential)	Non-fire (commercial)
1	Warning	Warning
2	Warning	Warning
3	\$75	\$600
4	\$100	\$600
5	\$125	\$600
6	\$150	\$600
7	\$175	\$600

Number of False Fire Alarms	Fire (residential)	Fire (commercial)
1	Warning	Warning
2	Warning	Warning
3	\$150	\$600
4	\$200	\$600
5	\$250	\$600
6	\$300	\$600
7	\$350	\$600

ADOPTED as Resolution this ____ day of _____, 2020.

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

Richard Pomerantz, Chair

Carol De Wolf, Vice Chair

Scott E. Yaw, Police Commissioner

Attest:

Robert R. Pingar, Secretary

Who gives a damn about dam removal?



We do! Local rivers were once teeming with American shad, a primary staple of the indigenous Lenape people. They have since had a unique importance in American history. George Washington's starving troops jumped into the Schuylkill to catch shad for their very survival. But over the last 300 years, dams on the Brandywine and other streams have decimated the population of this important migratory fish. Science on Tap speaker Jim Shanahan, director of Brandywine Shad 2020, will tell the heroic story of the American shad and share his group's efforts to remove dams on the Brandywine. Come hear how this local consortium is fighting to restore ecosystems that support the vital relationship between freshwater mussels and migratory species like our Founding Fish - the American shad!

The \$25 cover charge includes a variety of beer from 2SP, yummy fish appetizers, and a fun night of storytelling and learning.

CRC Science on Tap 2020: Restoring American Shad to the Brandywine River

Thursday, February 20, 2020, 7:00 to 9:00 pm

WaR3house 3 in Swarthmore

Check Register

Westtown Township

14-Feb-20

From: 04-Feb-20 To: 18-Feb-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 1 GENERAL FUND					
15427	2/10/2020	5438	20/10 Solutions	\$810.00	O
15428	2/10/2020	1009	Ann Marie Cassidy	\$850.00	O
15429	2/10/2020	6038	Cedarville Engineering Group	\$3,138.20	O
15430	2/10/2020	1201	Charles A. Higgins & Sons, Inc	\$97.50	O
15431	2/10/2020	58	East Goshen Township	\$620.85	O
15432	2/10/2020	48	H. A. Weigand Inc	\$425.65	O
15433	2/10/2020	406191	Hammond and McCloskey, Inc	\$440.00	O
15434	2/10/2020	1061	McCormick Taylor	\$6,062.50	O
15435	2/10/2020	406052	Pennoni	\$3,658.50	O
15436	2/10/2020	86	PRESTIGE MAILING SERVIC	\$415.00	O
15437	2/10/2020	231	USPS - WESTTOWN POSTM	\$226.00	O
15438	2/10/2020	7	Westtown-East Goshen PD	\$2,841.50	O
15439	2/13/2020	405540	Albert Federico Consulting, LL	\$1,312.50	O
15440	2/13/2020	5	Brandywine Conservancy - EM	\$212.00	O
15441	2/13/2020	222	Brandywine Valley SPCA	\$1,974.58	O
15442	2/13/2020	6038	Cedarville Engineering Group	\$3,178.10	O
15443	2/13/2020	406205	Charles Berger	\$100.00	O
15444	2/13/2020	543	Chester County Treasurer	\$1,008.79	O
15445	2/13/2020	543	Chester County Treasurer	\$869.68	O
15446	2/13/2020	1206	Freedom Systems Corporation	\$2,462.00	O
15447	2/13/2020	1206	Freedom Systems Corporation	\$1,071.00	O
15448	2/13/2020	1061	McCormick Taylor	\$1,637.50	O
Bank Total:				\$33,411.85	
Bank Account: 8 WASTEWATER FUND					
3439	2/6/2020	6468	Carroll Engineering Corp	\$2,289.00	O
3440	2/6/2020	6468	Carroll Engineering Corp	\$54.00	O
3441	2/6/2020	5666	M&B Environmental, Inc.	\$408.81	O
3442	2/6/2020	1196	McGovern, Inc.	\$1,664.00	O
3443	2/6/2020	1196	McGovern, Inc.	\$1,664.00	O
3444	2/6/2020	1196	McGovern, Inc.	\$2,048.00	O
3445	2/6/2020	820	PIPE SERVICES CORPORAT	\$3,960.00	O
3446	2/6/2020	820	PIPE SERVICES CORPORAT	\$3,519.00	O
3447	2/6/2020	1164	Univar USA, Inc.	\$2,952.08	O
Bank Total:				\$18,558.89	
Bank Account: 18 CAPITAL PROJECTS FUND					
1207	2/13/2020	6468	Carroll Engineering Corp	\$5,734.82	O
1208	2/13/2020	6468	Carroll Engineering Corp	\$3,852.00	O
Bank Total:				\$9,586.82	
Total Of Checks:				\$61,557.56	