

Amend zoning Ord. "Signs"

Ordinance No. 2009-02

Date Enacted 4/6/09

ORDINANCE NO. 2009-02

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, A FIRST CLASS TOWNSHIP UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, AMENDING THE HOPEWELL TOWNSHIP ZONING ORDINANCE NO. 2004-01 ARTICLE XX “SIGNS” TO IMPOSE CERTAIN FEES FOR PERMITTING AND LICENSING OF SIGNS IN HOPEWELL TOWNSHIP

WHEREAS, pursuant to the Hopewell Township Zoning Ordinance, 2004-1, billboard signs are conditional uses in the R-1 and RID Districts and free-standing signs are permitted uses in the C-1, C-2, IP, I, SP, RID, M-U and NSD Districts in the Township of Hopewell; and

WHEREAS, conditional uses are currently subject to procedural and use restrictions pursuant to sections 2217 (performance standards), 2303 (procedures for review) and 2304I (specific criteria) of the Hopewell Township Zoning Ordinance; and

WHEREAS, billboards and free-standing signs are currently subject to restrictions pursuant to Ordinance 2004-1, Article XX, SIGNS which details size, set backs, dimensions, construction, design standards, location, construction methods, maintenance, insurance and permitting; and

WHEREAS, the purpose of this Amendment is to provide for certain permitting and licensing fees for all signs located in Hopewell Township as well as to provide similar restrictions on free-standing signs that contain off-premises advertising as those currently imposed upon billboards.

NOW THEREFORE, based upon the foregoing, be it Enacted and Ordained by the Board of Commissioners for the First Class Township of Hopewell, Beaver County, Commonwealth of Pennsylvania that Hopewell Township Zoning Ordinance, 2004-1 Article XX “SIGNS” is amended by replacing and adding the following sections with the language hereinafter set forth:

SECTION 2001 SIGNS RESTRICTED TO CERTAIN DISTRICTS

A. Billboards (Conditional Use in R-1 and RID Districts Only):

[Replace current Paragraph 16. with the following:]

16. Application Fees

Application for a sign permit/license shall be accompanied by an Application/ License Fee in the amount of Five (\$5.00) Dollars per square foot of gross sign

area, per sign face, measured in square feet. The application must be renewed every Two (2) years along with payment of the applicable license renewal fee calculated as described above. This fee may be amended from time to time by Resolution of the Board of Commissioners. The term of the license shall extend from January 1 to December 31st of the following year. If application is made mid year, then the term shall extend only to December 31st of the following year at which point application may be made for a full Two (2) year term. Owners of existing signs to which this section is applicable shall have Sixty (60) days to make application for a sign permit/license and upon failure to do so shall be deemed in violation of the Hopewell Township Zoning Ordinance.

B. Free-standing Sign (C-1, C-2, IP, I, SP, RID, M-U and NSD Districts Only):

[Add the following new Paragraphs:]

8. If a free-standing sign contains any off-premises advertising then the requirements contained in Section 2001 A. Billboards, subsections 12, 13, 14, 16 and 17 of this Article shall be applicable to said sign.

9. Unless otherwise provided herein, no sign shall contain off-premises advertising with the exception of billboard or free-standing signs.

SECTION 2005 ADMINISTRATION AND ENFORCEMENT

[Replace Paragraph B and it's subsections in their entirety with the following:]

B. General Provisions for All Sign Permits:

1. All signs, except those specifically exempted in this Section hereof, shall require a permit before being erected.
2. All sign approval permits shall be filed on application forms provided by the Township and administered by the Zoning Officer. No permit will be issued unless and until the required fee is paid in full and the Application is in compliance with these regulations. Said application shall be accompanied by a Permit/License Fee in the amount of Five (\$5.00) Dollars per square foot of gross sign area, per sign face, measured in square feet. This fee may be amended from time to time by Resolution of the Board of Commissioners.
3. One (1) application form may be used to describe and permit multiple sign installations on the same property, provided that complete information is provided for each sign as required by Subsection C herein.
4. Sign approval permits, with the exception of billboards and free standing signs containing off-premises advertising, are valid until the sign

is replaced, remodeled or structurally altered, in which case a new permit shall be required.

E. Fees for Sign Permit:

[Replace current Paragraph 1. with the following:]

1. Applications for erecting, altering, or moving a sign or signs, as well as the filing of a request for a variance with the Zoning Hearing Board, shall be accompanied by the fees as set forth in this Ordinance Section 2005(B)(2) and any other fees established in the Schedule of Fees adopted by the Township.

REPEALER

All Ordinances or parts of Ordinances of the Township of Hopewell expressly conflicting with the provisions of this Ordinance are hereby repealed only to the extent of such conflict.

ORDAINED and **ENACTED** this 6th day of April, 2009. This

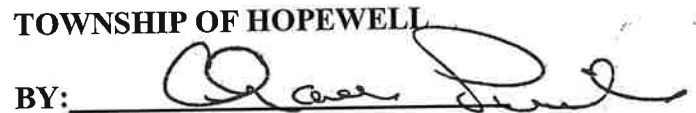
Ordinance shall be effective immediately.

ATTEST:



TOWNSHIP OF HOPEWELL

BY:



**President, Hopewell Township
Board of Commissioners**

HOPEWELL TOWNSHIP

BOARD OF COMMISSIONERS PUBLIC MEETING

MONDAY, APRIL 6, 2009

Transcript of stenographic notes of
testimony taken and proceedings had in the
above-entitled hearing, in the
Hopewell Township Municipal Building,
1700 Clark Boulevard, Aliquippa, Pennsylvania
15001, on Monday, April 6, 2009, commencing at
7:47 p.m., taken by and before Sherry L. Kraus,
Court Reporter in and for the Commonwealth of
Pennsylvania, County of Beaver.

PRESENT:

Chuck Piroli, President
Norman Kraus, Jr., Vice-President
Rich Bufalini, Member
Mario Leone, Member
Brian Rohm, Member

ALSO PRESENT:

Jerry Orsini, Township Manager
Michael B. Jones, Solicitor

P R O C E E D I N G S

MR. JONES: This is time set for consideration of Ordinance 2009-02 which is titled, "An Ordinance of the Township of Hopewell, a First Class Township under the laws of the Commonwealth of Pennsylvania, amending the Hopewell Township Zoning Ordinance No. 2004-01, Article XX, 'Signs', to impose certain fees for permitting and licensing of signs in Hopewell Township."

This ordinance was forwarded to both the County Planning Commission and the Hopewell Township Planning Commission for the record by letter dated March 22, 2009. The Beaver County Planning Commission had no objection or comment on the proposed amendment to our zoning ordinance.

By letter dated April 1, 2009 from the solicitor of the Planning Commission, the Planning Commission had two comments. First they suggested that the Board may wish to consider clarifying the term "replace" in the ordinance in order to insure that fees would not be due each time an advertisement was changed or minor modifications to the sign are

1 made.

2 In addition they recommended that the
3 permit fee be charged per square foot of
4 visible frontage, so that any frame or boarder
5 for the billboard would be included in
6 calculating the fee.

7 Just to remind you what this amendment is.
8 This amendment imposes a licensing fee for
9 signs of \$5 a square foot, and that is for
10 every sign that is placed in the township. If
11 that sign is a billboard or a free standing
12 sign, that permit must be renewed every
13 two years.

14 The one issue that the Planning Commission
15 raised regarding whether the permit fee applies
16 to the visible frontage or to the entire
17 structure is already answered by our ordinance.
18 Our ordinance defines sign area as just the
19 area of the sign and not the superstructure or
20 the boarder around the sign.

21 This amendment imposes that fee only on
22 the sign area. So that issue is resolved or at
23 least the concern the Planning Commission had
24 that is resolved.

25 With regard to the term "replace", the

1 part of the amendment states as follows:

2 "Sign approval permits, with the exception
3 of billboards and free standing signs
4 containing off-premises advertising, are valid
5 until the sign is replaced, remodeled, or
6 structurally altered in which case a new permit
7 shall be required."

8 That is the section that the
9 Planning Commission is referring to. I don't
10 know that there is an easy solution to that.
11 I think you leave that to your enforcement
12 officer, your zoning officer to determine
13 what constitutes a replacement and what
14 doesn't, then to determine in that situation
15 whether or not a new permit needs to be
16 obtained.

17 So I just don't know that you can come up
18 with all of the different possibilities for how
19 it may be replaced. Maybe if a sign is damaged
20 as a result of a storm or a snow plow or
21 something like that, I suggest in that case you
22 are not going to require a new permit fee.

23 MR. ROHM: Right.

24 MR. JONES: If making it bigger, replacing
25 it with a brand new sign, then sure I think we

1 should impose a new permit fee. I really don't
2 know that there is any easy way to resolve that
3 issue. Some things you just have to take on
4 as, you know, a case by case and determine what
5 is a fair way to resolve it.

6 Other than that the record should reflect
7 there are no citizens here tonight to comment
8 on this ordinance, and if any of the members of
9 the Board have anything they would wish to put
10 on the record, now would be the time to do so.

11 Just one other thing, this ordinance was
12 advertised twice in the Beaver County Times for
13 consideration this evening.

14 MR. PIROLI: I have a question just to
15 refresh my memory. This ordinance pertains to
16 basically the big billboards. We are not
17 hitting our business people with their signage
18 on the front.

19 MR. BUFALINI: No, just --

20 MR. PIROLI: Commercial.

21 MR. BUFALINI: Not for business.

22 MR. PIROLI: Advertising.

23 MR. LEONE: Off-premises signs.

24 MR. KRAUS: Off-premises signs.

25 MR. JONES: Actually that is not correct.

1 This permit fee applies to all signs, all
2 signs in the township. Okay. If a sign is
3 already erected and in place right now, they
4 don't need to come in and obtain a permit,
5 unless they are a billboard or a free standing
6 sign.

7 MR. PIROLI: New businesses have to come
8 do it one time?

9 MR. JONES: That is right, only \$5 a
10 square foot. That is what they pay for permit
11 fees.

12 MR. LEONE: A sign permit fee for all new
13 signs?

14 MR. JONES: That is the only way you have
15 to be fair in the way you impose this
16 licensing fee, and if you don't impose it on
17 all signs you would not be able to impose it
18 on billboards and free standing signs.

19 MR. LEONE: Billboards are every
20 two years.

21 MR. JONES: All signs do not need a renew
22 permit. Two reasons for billboards and
23 free standing signs, safety issues relating to
24 them. You want to have them inspected every
25 two years. That is why you have them come back

1 and reapply. Other signs, small business
2 signs, things like that, they get the permit
3 one time, pay the fee one time, and they are
4 done.

5 MR. PIROLI: What about the signs that
6 are not so-called off-premises, but the ones
7 that people have sitting there with a
8 flashing light, not allowed to have flashing
9 lights in the ordinance, but you know, the
10 free standing?

11 MR. BUFALINI: Removability.

12 MR. PIROLI: The ones that are mobile,
13 right. We had problems with those in the
14 past. Are these part of that?

15 MR. JONES: A mobile type sign?

16 MR. PIROLI: You know what I'm talking
17 about.

18 MR. LEONE: Those you are not allowed,
19 just not allowed.

20 MR. PIROLI: Not allowed to have them
21 mobile, but if you put them in concrete.

22 MR. LEONE: Then it becomes a sign.

23 MR. PIROLI: Is that a permit sign that
24 you do once and you don't have to go do that or
25 renew that every two years?

1 MR. JONES: Unless they make a change to
2 it.

3 MR. PIROLI: Can't have lights.

4 MR. ROHM: Mighty Muffler.

5 MR. LEONE: Once it's fixed.

6 MR. PIROLI: If you set it out there, that
7 is a permanent sign.

8 MR. JONES: That is right. That is when
9 they pay their fees.

10 MR. PIROLI: Just preparing for my phone
11 calls we get. You know you are going to get
12 them at some point so.

13 MR. JONES: And your signs out there that
14 currently would constitute a billboard or a
15 free standing sign, they are not grandfathered,
16 such that they don't have to have a permit.
17 They have to come in and get a permit.

18 MR. BUFALINI: All the signs in the
19 township have to get a permit now?

20 MR. JONES: No. Only billboards and free
21 standing signs, because they have to renew
22 every two years. Now, I guess the issue that
23 is not resolved is are you giving them
24 two years from tonight, when you are passing
25 this ordinance, to get their permit or should

1 they get their permits now?

2 MR. PIROLI: I think get them now.

3 MR. ROHM: Now.

4 MR. PIROLI: Renew them every two years
5 thereafter.

6 MR. JONES: So I would suggest that you
7 give a period of 60 days for currently existing
8 billboards and free standing signs to make
9 application for a permit. Every other sign,
10 though, they are grandfathered. They don't
11 need to apply for a permit. Remember
12 billboards and free standing signs are treated
13 differently.

14 MR. LEONE: Free standing signs, other
15 than a billboard, just define or give an
16 example of a free standing sign that we might
17 have in the township.

18 MR. ORSINI: That excludes signs that
19 would be in ball fields and stadiums.

20 MR. PIROLI: What about the new sign they
21 put in the shopping center?

22 MR. JONES: The digital?

23 MR. PIROLI: The digital.

24 MR. KRAUS: The neon one.

25 MR. ROHM: They should have paid for that

1 permit years ago.

2 MR. PIROLI: They just put it in, the
3 whole thing.

4 MR. ROHM: All they did was remove an old
5 one and put a new one in its place.

6 MR. ORSINI: That was permitted. They
7 applied for that.

8 MR. PIROLI: I am just making an example.
9 I am just asking.

10 MR. LEONE: They got a permit. Fees are
11 different. Our old sign permit fees are
12 different than this new one. Now we are
13 establishing a \$5 per square foot. The old one
14 was probably just 75 bucks for the sign.

15 MR. BUFALINI: Just a flat free, yeah.

16 MR. JONES: The dimensions of a free
17 standing sign are smaller than a billboard. It
18 can be supported by one or more upright poles,
19 posts, wall structures or braces. It can
20 contain off-premises advertising. Only
21 billboards and free standing signs can contain
22 off-premises advertising. No other sign can.

23 So in terms of dimensions there just think
24 of them being kind of a smaller version of a
25 billboard.

1 MR. LEONE: Okay.

2 MR. JONES: They don't necessarily have to
3 contain off-premises advertising. You could
4 have a business sign that is a free standing
5 sign and the permit fee would apply to that,
6 but the off-premises --

7 MR. LEONE: Like the Hideaway bar at the
8 end of 151 and Kane.

9 MR. JONES: Um-hum.

10 MR. PIROLI: Smoking bar.

11 MR. LEONE: Or Kane Drive-in with an
12 arrow. That would be a free standing sign.

13 MR. JONES: Right.

14 MR. LEONE: The church sign at the end of
15 Brodhead Road or Longview, and those are free
16 standing.

17 MR. JONES: If it falls under this
18 definition, yes. Again you have to look at
19 dimensions to see if it would constitute --

20 MR. ROHM: Fred's would be free standing
21 at the end of Brodhead and Kane.

22 MR. KRAUS: It directs you to the
23 business.

24 MR. ROHM: He has two.

25 MR. JONES: It depends on what is on that

1 sign, too. Based on what is on the sign, what
2 the message is, it may constitute a different
3 sign.

4 MR. LEONE: Could be a directional. If
5 it's a directional, it's not.

6 MR. JONES: May not be a free standing.

7 MR. LEONE: May not be a free standing.

8 MR. PIROLI: Do we have John go out and
9 try to locate every sign --

10 MR. ROHM: He already did.

11 MR. PIROLI: -- that pertains to this?

12 MR. ROHM: He is supposed to have done it
13 already once.

14 MR. LEONE: He gave us a list of all of
15 the billboards.

16 MR. PIROLI: Billboards.

17 MR. JONES: I will make the change in this
18 ordinance, 60 days for billboards and free
19 standing signs to obtain a permit. So I will
20 make sure I take care of that. Was there
21 anything else?

22 MR. ROHM: What if someone had a sign on
23 their own property if they upgrade the sign,
24 same dimensions and everything?

25 MR. JONES: Depends on what the upgrade

1 is.

2 MR. ROHM: Just replaced the sign with a
3 new sign.

4 MR. KRAUS: Depends on the upgrade.

5 MR. JONES: Again that gets back to how do
6 you define "replace".

7 MR. ROHM: Same dimensions, same diameter,
8 everything is the same, one sign out, put a new
9 sign in.

10 MR. JONES: You have to decide how you
11 want John to handle that, whether you want that
12 to be a no change at all, so that they don't
13 need another permit or is that a replacement.
14 That will be an enforcement issue how you want
15 to handle that.

16 MR. LEONE: Is it a repair or a replace?

17 MR. ROHM: Well, a replacement if you take
18 an old existing sign and put a new sign with
19 the same dimensions and everything.

20 MR. LEONE: Change the lettering, logo,
21 everything on it or are you putting the exact
22 same?

23 MR. ROHM: If you change the logo and
24 everything, but the dimensions and everything
25 is the same, same housing.

1 MR. LEONE: I think when you change the
2 verbiage.

3 MR. JONES: I would say you have changed
4 that sign.

5 MR. LEONE: If you are changing and now
6 putting the same exact logo because the wind
7 came and blew out and you have to put a new one
8 up and you put the exact same sign, because I
9 don't know if our signage, does it say like how
10 much verbiage can be on an or a logo can only
11 be so --

12 MR. JONES: There is something about a
13 logo.

14 MR. LEONE: A logo can only be so big, you
15 get into those issues, now you are changing the
16 logo and you are going to get a permit to make
17 sure it's in compliance with what you have
18 there.

19 MR. ROHM: Scenario, Smiley's, they are
20 dealing with Michelin tires today. Tomorrow
21 they are dealing with Goodyear. Take the
22 Michelin sign it out, same piece, take the
23 Michelin out, put a Goodyear in or a Firestone
24 or whatever it may be, it's the same.

25 MR. PIROLI: Changing the name, it's

1 changed, right?

2 MR. JONES: That sounds to me like you got
3 one of those signs where you are going out and
4 changing the lettering on a daily basis.

5 MR. ROHM: Same scenario.

6 MR. JONES: I don't know that I consider
7 that replacement, just changing the letter on
8 the sign. The lettering is all of the same
9 dimension. You are just changing what the
10 message is.

11 MR. ROHM: Changing the brand, whatever it
12 might be, yes.

13 MR. JONES: But if you are doing, your
14 first example was you take that sign away, you
15 put a new sign in, I think that that requires a
16 new permit. If the support structure is
17 destroyed, you have the support structure in,
18 get a new permit.

19 MR. ROHM: Even the same support, like
20 Mighty Muffler right up on top of Brodhead
21 there they have one of the signs where you can
22 take the letters on and off. It's a built
23 structure, not like some of, a couple of the
24 other ones in the township that are illegal.
25 You know, if they take, get rid of that sign

1 and put in the same kind that the Fez has or
2 the shopping center has --

3 MR. LEONE: They need a permit.

4 MR. BUFALINI: They need a permit for
5 that, yeah.

6 MR. ROHM: Okay.

7 MR. LEONE: I think once you change the
8 message would be my interpretation, it's a new
9 sign. That is how I would interpret it.

10 MR. PIROLI: What about digital.

11 MR. ROHM: That is what I'm talking about
12 digital signs.

13 MR. PIROLI: What if it's already digital?

14 MR. LEONE: If it's already digital.

15 MR. PIROLI: If it's already digital and
16 you just change the message, you can change
17 that message.

18 MR. LEONE: You are talking about, I see
19 what you are saying, permanent today, say I am
20 a pizza shop, and then I change it to
21 Pizza & Subs, that is changing the message.

22 MR. PIROLI: Once you change the message
23 it's is a new sign.

24 MR. JONES: If you go to a digital sign,
25 you can change it like the Fez. You can change

1 that to whatever you want. You aren't required
2 to come in.

3 MR. LEONE: Not a digital, I am talking
4 about you got Pizza Masters out there now.
5 It's going to become Pizza King.

6 MR. PIROLI: Right.

7 MR. ROHM: That is not what I was getting
8 at. What I am getting at is Mighty Muffler --

9 MR. ORSINI: Same business, different
10 sale.

11 MR. ROHM: Mighty Muffler has one. I have
12 one where you flip whatever ads you want to put
13 on manually, so does Serbian Club. They put
14 them on.

15 MR. LEONE: Them letters.

16 MR. ROHM: If you go to an electronic sign
17 like the Fez as you are saying you need a
18 permit.

19 MR. PIROLI: A permit.

20 MR. ROHM: Just needs to be in writing,
21 just needs to be in writing. That is all I am
22 saying.

23 MR. LEONE: Electronics can only be in the
24 shopping center district.

25 MR. JONES: You need a vote on

1 Ordinance No. 2009-02, the only change being
2 that billboard and free standing signs will
3 have 60 days to make application for a sign
4 permit.

5 MR. ROHM: So moved.

6 MR. PIROLI: There is a motion to approve
7 Ordinance 2009-2 amending Hopewell Township
8 Zoning Ordinance No. 2004-1, Article XX,
9 "Signs", to impose certain fees for permitting
10 and licensing of signs in Hopewell Township.
11 Motion by Mr. Rohm.

12 MR. ROHM: Yes, sir.

13 MR. PIROLI: Second?

14 MR. LEONE: Second.

15 MR. PIROLI: Second by Mr. Leone.

16 MR. ORSINI: Mr. Bufalini?

17 MR. BUFALINI: Yes.

18 MR. ORSINI: Mr. Rohm?

19 MR. ROHM: Yes.

20 MR. ORSINI: Mr. Kraus?

21 MR. KRAUS: Yes.

22 MR. ORSINI: Mr. Leone?

23 MR. LEONE: Yes.

24 MR. ORSINI: Mr. Piroli?

25 MR. PIROLI: Yes.

1 MR. ORSINI: Motion carried.

2 (WHEREUPON, the proceedings on Monday,
3 April 6, 2009, were concluded.)
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STENOGRAPHER'S CERTIFICATE

I hereby certify that I
reported in stenotype the Record of proceedings
in the above-entitled matter, and that this
copy is a full, true, and accurate transcript
of my said stenotype notes.


Official Court Reporter

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ORDINANCE NO. 2009-02

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WHEREAS, conditional uses are currently subject to procedural and use restrictions pursuant to sections 2217 (performance standards), 2303 (procedures for review) and 2304I (specific criteria) of the Hopewell Township Zoning Ordinance; and

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area, per sign face, measured in square feet. The application must be renewed every Two (2) years along with payment of the applicable license renewal fee calculated as described above. This fee may be amended from time to time by Resolution of the Board of Commissioners. The term of the license shall extend from January 1 to December 31st of the following year. If application is made mid year, then the term shall extend only to December 31st of the following year at which point application may be made for a full Two (2) year term. Owners of existing signs to which this section is applicable shall have Sixty (60) days to make application for a sign permit/license and upon failure to do so shall be deemed in violation of the Hopewell Township Zoning Ordinance.

B. Free-standing Sign (C-1, C-2, IP, I, SP, RID, M-U and NSD Districts Only):

[Add the following new Paragraphs:]

8. If a free-standing sign contains any off-premises advertising then the requirements contained in Section 2001 A. Billboards, subsections 12, 13, 14, 16 and 17 of this Article shall be applicable to said sign.

9. Unless otherwise provided herein, no sign shall contain off-premises advertising with the exception of billboard or free-standing signs.

SECTION 2005 ADMINISTRATION AND ENFORCEMENT

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[Replace current Paragraph I. with the following:]

1. Applications for erecting, altering, or moving a sign or signs, as well as the filing of a request for a variance with the Zoning Hearing Board, shall be accompanied by the fees as set forth in this Ordinance Section 2005(B)(2) and any other fees established in the Schedule of Fees adopted by the Township.

REPEALER

All Ordinances or parts of Ordinances of the Township of Hopewell expressly conflicting with the provisions of this Ordinance are hereby repealed only to the extent of such conflict.

ORDAINED and **ENACTED** this 6th day of April, 2009. This

Ordinance shall be effective immediately.

ATTEST:

[Signature]

TOWNSHIP OF HOPEWELL

BY:

[Signature]

President, Hopewell Township
Board of Commissioners