

O-16-18

**AN ORDINANCE AMENDING CHAPTER 165, ARTICLE XV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WHARTON, COUNTY OF MORRIS, STATE OF NEW JERSEY**

BE IT ORDAINED by the Governing Body of the Borough of Wharton that Chapter 165: Land Use and Development, Article XV: Signs of the revised general ordinances of the Borough of Wharton are hereby amended as follows:

§ 165-102. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**AREA OF SIGN**

The area included within the frame or edge of a sign, including the frame. Where the sign has not such frame or edge, the area shall be computed as specified by § 165-104 herein.

**AWNING**

Any structure made of cloth or metal with a metal frame attached to a building, projecting over a thoroughfare and so erected as to permit its being raised to a position flat against the building when not in use.

**BACK-LIT SIGNS**

*See "halo-lit signs"*

**BANNER**

Any temporary sign applied to paper, plastic or fabric of any kind, which shall be permitted by the Mayor and Council by permit, above a public right-of-way.

**BILLBOARD**

Any sign erected or maintained for the purpose of displaying outdoor advertising for products or services provided off premises.

**CANOPY**

Any structure other than an awning, made of cloth or metal with metal frames, attached to a building, projecting over a thoroughfare and carried by a frame supported by the ground or sidewalk.

**DIGITAL FUEL PRICING SIGN**

*A gas station sign, or portion of a sign, that displays electronically changeable fuel prices.*

## **ERECT**

To build, construct, attach, hang, place, suspend or affix; also includes the painting of wall signs.

## **FACING or SURFACE**

The surface of the sign upon, against or through which the message is displayed or illuminated on the sign.

## **FREESTANDING SIGN**

Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

## **GROUND SIGN**

A freestanding sign in which the entire bottom is in contact with or close to the ground.

## ***HALO-LIT SIGN***

*Any illuminated sign with opaque, channel letters and elements mounted away from the wall that contain concealed light sources that project illumination to the wall surface giving the sign a halo effect.*

## **HANGING SIGN**

A freestanding sign supported by an extended arm from a single post.

## **ILLUMINATED SIGN**

Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

## ***ILLUMINATED SIGN, EXTERNALLY***

*A sign illuminated with a light that is directed primarily toward the sign; and so shielded that no illumination is cast onto adjacent lots.*

## ***ILLUMINATED SIGN, INTERNALLY***

*A sign designed to emit artificial light directly (or through transparent or translucent material) from a source within the sign.*

## **MAINTENANCE**

Includes replacement, without substantial change, of any parts or support of any sign, and the painting, without change of text, design or size of any sign, without removal of the sign from the wall or structure supporting it.

## **MARQUEE**

Any hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare, including signs attached thereto, the supports of which are an integral part of the original structure and which is not retractable.

## **PLAQUE SIGN**

A small version of a wall sign that is attached to the building wall surface adjacent to the front entry doors.

[Added 6-23-2008 by Ord. No. O-12-08]

## **PENNANT**

Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

## **PORTABLE SIGN**

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

## **PROJECTING SIGN**

Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

## **RESTAURANT MENU SIGN**

A sign that incorporates a menu containing a listing of products and prices offered by the eatery.

## **ROOF SIGN**

Any sign erected, constructed and maintained wholly upon or over the roof of any building, with the principal support on the roof structure.

## **SIGN**

Includes any device, either freestanding or attached to a building or structure or erected, painted, represented or reproduced upon or in (to the extent provided herein) any building or structure, which displays, reproduces or includes any letter, word, name, number, model, insignia, emblem, design, device or representation used for one or more of the following purposes: to identify the premises or occupant or owner of the premises; to advertise any trade, business, profession, industry, service or other activity; to advertise any product or item; to advertise the sale or rental or use of all or part of the premises, including that upon which it is displayed; to direct vehicular or pedestrian traffic, other than state, county or municipal highway and roadway markers; and shall include any announcement, declaration, demonstration, display, illustrations, insignia or any representation used to advertise or

intended to advertise or promote the interests of any person. In no event shall the word "sign" be construed to mean any sign in the interior of any structure except as specifically set forth in this chapter.

#### **TEMPORARY SIGN**

Any sign that is not permanently mounted as specifically permitted by this article.

#### **WALL SIGN**

All flat signs of solid-face construction which are placed against a building or other structure and attached to the exterior front, rear or sidewalk of any building or other structure so that the display surface is parallel with the plane of the wall. Signs painted on an exterior or a wall shall be deemed to be "wall signs" subject to this chapter.

#### **WINDOW**

Includes any opening in the exterior wall or roof of any structure for the purpose of admitting air or light, whether or not covered with glass, plastic or other covering.

#### **WINDOW DISPLAY SIGN**

Shall include all signs defined herein which are situated within 12 inches of the window surface, and such signs shall be as regulated in § 165-105B.

#### **WINDOW SPACE**

Includes the aggregate square footage of all windows on any given story of any structure, regardless of the angle or angles at which they are set. In computing window space there shall be included all portions of any door which contains a window.

§ 165-103. Permit required; issuance of permit; fees.

#### **A. Application.**

(1) No sign shall be erected, altered, located or relocated within the municipality except upon application and the issuance of a permit as hereinafter provided.

(a) Application for a permit for residential signs. Application for a permit for a sign for premises used for residential purposes shall be made in writing to the Zoning Officer and presented together with the appropriate filing fee. Such application shall be sufficient to describe the premises and the location at which the sign is to be affixed, together with a rendering of the sign, inclusive of its dimensions, design and color. There shall also be provided a statement as to the means by which said sign shall be constructed on the premises. The Zoning Officer shall act upon such application within 15 days of the receipt thereof.

**(b) Application for a permit for nonresidential signs. Any sign associated with a change in occupancy or ownership necessitates an application for a sign permit. Application for a permit for a permitted nonresidential sign conforming to the regulations set forth herein shall be made in writing to the Zoning Officer. Such application shall be sufficient to describe the premises and location at which the sign is to be affixed and shall include at minimum the following items:**

**[1] The name and address of the applicant;**

**[2] The name and address of the owner of the premises;**

**[3] A statement as to whether the owner has consented to the application, if the applicant is other than the owner.**

**[4] A rendering to scale of the sign, reflecting its composition, colors, dimensions, elevation from grade level and lighting; the address of the premises; specification and location of all existing signs; the sight distances, in the case of freestanding signs, with relation to access ways to the premises on which such sign is to be located and adjacent premises; the information to be stated on the sign, and the method by which said sign shall be secured.**

**(c) Application for a permit for a sign which does not comply with the provisions of this article shall be submitted to the appropriate approving authority, including any sign associated with a change in occupancy or ownership which does not comply with the provisions set forth herein. Such application shall be in writing and, upon notice and a public hearing where the same is required by law, submitted at least 10 days before the next meeting preceding the succeeding public meeting date of the appropriate authority, together with a filing fee as hereinafter set forth. Such application shall be in triplicate and accompanied by no less than 15 sketch plats in the case of an application for a freestanding sign, and 15 building elevations where the application is for other than a freestanding sign, each of which shall be drawn to scale and reflect the sign location and designation. In addition, on such drawing or separate sheet, the information set forth in § 165-103A(1)(b) shall be provided.**

**B. Issuance of permit.**

**(1) A permit shall be issued by the Zoning Officer upon the favorable action of the approving authority, subject to any other applicable governmental regulations, or as otherwise provided herein.**

**(2) A permit for the replacement of an existing sign may be issued by the Zoning Officer without the necessity of Board approval only upon satisfaction of all of the following conditions:**

- (a) There is no physical alteration or expansion to the existing sign beyond the limits permitted herein;
- (b) The sign conforms in all respects to the ordinance provisions specified herein; and
- (c) No other signage is proposed to be added to the premises beyond that which is permitted herein.

**C. Exceptions.**

**(1) The provisions and regulations of this section concerning permits and fees shall not apply to the following signs:**

- (a) Real estate signs not exceeding 12 square feet in area which advertise the sale, rental or lease of the premises upon which said signs are location only;
- (b) Residential nameplates identifying a single-family residence and/or street address, not to exceed one square foot in area;
- (c) Professional nameplates not exceeding two square feet in area for lawful occupants of the premises under the Zoning Ordinance (see Article XI);
- (d) Bulletin boards or signs not over 16 square feet in area for public, charitable or religious institutions when same are located on the premises of said institutions;
- (e) A sign identifying the architect, engineer or contractor, when placed upon a work site under construction, not to exceed 16 square feet in area, provided the sign is set back at least 15 feet from the curb and curblines, and provided that same are removed within 24 hours after final certificate of occupancy is issued;
- (f) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials;
- (g) Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary, emergency or nonadvertising signs, or signs of any governmental agency deemed necessary to the public welfare;
- (h) Flags of the United States, State of New Jersey or other governmental or quasi-public agencies;
- (i) Holiday decorations and lights on residential premises; ***no more than 45 days before or 45 days after the holiday.***
- (j) Signs erected to control the movement of traffic on a premise, provided the signs shall provide traffic directions only and shall not be used for any advertising purpose. These signs shall not exceed four square feet in area and shall have been approved by the appropriate approving agency; and

**(k) Election or political signs, provided that said signs are placed entirely on private property and do not exceed 12 square feet in area.**

**D. Fees.**

**(1) At the time of the filing for a permanent sign permit, the applicant shall pay to the Borough of Wharton the following: \$2 per square foot of surface area of sign, computed by one side only for double-faced signs. The minimum fee shall be \$25**

**(2) At the time of the filing for a temporary sign permit, the applicant shall pay to the Borough of Wharton \$25. Temporary signs for and in connection with special events in the community will be issued permits without fee.**

**E. Business requirements.**

**(1) All businesses located in any business zone shall have a sign as defined herein and in compliance with the specifications contained herein.**

**(2) Minimum sign requirements for each business are no less than one of the following type: wall sign, awning, canopy, marquee or projecting sign.**

**(3) All signs in business zones shall be illuminated beginning at sunset during hours of operation.**

**§ 165-104. Computation of sign area and sign height.**

**A. The following principles shall control the computation of sign area and height.**

**(1) Computation of area of individual signs. The area of a sign face shall be computed by drawing a square or rectangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with the sign frame and any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, or by delineating the area established by reason of distinctive variation in background color or by borders, whichever is greater.**

**(2) Computation of area of multifaced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart at any point, the sign area shall be computed by the measurement of one of the faces.**

**(3) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at grade to the top of the highest attached component of the sign.**

**§ 165-105. Regulations governing nonresidential signs.**

**A. Freestanding signs.**

**(1) Freestanding signs shall comply with the following:**

- (a) No freestanding sign shall exceed an area of 24 square feet;**
- (b) The maximum height of a freestanding sign shall be 10 feet;**
- (c) Freestanding signs shall have an open area not less than three feet between the baseline of said sign and the ground level. This open space may be filled in with a platform or decorative latticework which does not close off more than 1/2 of any square foot of such open space;**
- (d) Freestanding signs shall be set back minimally 10 feet from the street right-of-way line and 10 feet from side lot lines;**
- (e) Only one freestanding sign shall be permitted for any single development or lot, as the case may be; and**
- (f) Freestanding signs shall advertise only the permitted use, products or service located on the premise on which they are placed.**

**(2) Freestanding signs within the CBD and the B-1 Districts shall consist of hanging signs or ground signs only and shall comply with the following.**

**(a) Hanging signs.**

**[1] Shall have a maximum area of eight square feet.**

**~~[2] Should consider visually interesting elements such as square or rectangular shapes with painted or applied letters, two or three dimensional symbols or icons, irregular outlines and/or internal cutouts.~~**

**[2] Should have mounting hardware that is attractive and an integral part of the sign design.**

**[3] The bottom edge of the sign shall not exceed eight feet above grade level.**

**(b) Ground signs.**

**[1] Supported by two columns, posts or uprights or have a solid footing in or upon the ground.**

**[2] Should be constructed out of materials that complement the building structure and its use.**

**[3] Architectural lines which complement that of the building should be incorporated, especially along the top of the sign.**

**[4] Maximum height should not exceed 10 feet.**

**~~(3) Freestanding signs for gas stations have separate and distinct regulations from other freestanding business signs and are enumerated below.~~**



**B. Wall signs.**

**(1) Wall-mounted signs shall comply with the following:**

**(a) Wall signs shall advertise only the permitted use, products or service on the premises on which they are displayed.**

**(b) Each business shall be entitled to only one wall-mounted sign, except that, where a building has street frontage on more than one street, one additional sign may be permitted.**

**(c) No wall sign shall cover, wholly or partially, any wall opening nor project beyond the ends or top of the wall to which it is attached.**

**(d) No wall sign which is placed parallel to the building wall shall be permitted to project forward more than six inches from the building nor be attached to a wall at a height of less than eight feet above the sidewalk or ground. Wall signs which are placed perpendicular to the wall of the building shall be attached at a height of no less than 12 feet.**

**(e) No wall sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.**

**(f) Wall signs shall be located on the upper portion of a storefront within or above the enframed storefront opening. The length of the sign should not exceed the width of the enframed storefront opening.**

**(g) Signs shall be designed to create a clearly defined edge, provide shadow relief and a substantial appearance.**

**(h) Wall signs shall be placed within a clearly defined sign area. Sign areas are defined as an architecturally continuous wall surface uninterrupted by doors; windows are architectural detail.**

**(i) Signs shall be located in areas that respect the building and should not obscure windows, grill work, piers, pilasters or ornamental features. They shall be centered horizontally. They shall be compatible with the storefront in scale, proportion and color.**

**(j) Plaque signs:**

**[1] A plaque sign or a restaurant sign is permitted in addition to the single permitted wall sign in the CBD and the B-1 Zones.**

**[2] Shall be located on flat wall surfaces adjacent to the front entry.**

**[3] Maximum two square feet in area.**

**[4] Maximum two-inch projection from wall surface.**

**[5] Encouraged to include unique designs, logos or other visually stimulating decorations and may be irregular in outline shape relevant to business.**

**(k) Restaurant signs.**

[1] A restaurant sign or a plaque sign is permitted in addition to the single permitted wall sign in the CBD and the B-1 Zones.

[2] Shall be enclosed in a weathertight permanently mounted display box mounted on a flat wall surface adjacent to the main entry.

[3] Permitted only for eateries that provide table service.

[4] Shall be appropriate in size, location, design and materials consistent with the character and architectural details of the building as well as to the character of the restaurant.

[5] Maximum area: six square feet.

[6] Maximum two-inch projection from wall surface.

**(l) Projecting signs.**

[1] Shall have a maximum area of six square feet.

[2] Shall extend a maximum of four feet away from the building wall surface.

[3] Shall not extend lower than eight feet above the ground.

[4] Shall consider visually interesting elements such as square or rectangular shapes with painted or applied letters, two- or three-dimensional symbols or icons, irregular outlines and or internal cutouts.

[5] Shall have mounting hardware that is attractive and an integral part of the sign design.

**(m) Size and design.**

[1] Each commercial use in a building in a business zone shall be entitled to a wall sign, but in no event shall the total square footage of all wall signs exceed 10% of the square footage of the front facade;

[2] Wall signs shall not exceed two square feet of signage for every linear foot of the front facade of the portion of the building occupied by the use being advertised; and

[3] The horizontal linear dimensions of wall-mounted signs in an industrial zone shall not exceed 30% of the width of the building wall to which it is to be affixed.

The maximum height of such sign shall not exceed two feet if the building wall is 40 feet or less in width, 2 1/2 feet if the building wall is more than 40 feet but less than 80 feet in width, 2 1/2 feet if the building wall is more than 40 feet but less than 80 feet in width, and three feet if the building wall is 80 feet or more in width.

***(n) Roof signs, often known also as a "sky sign," may be authorized as a conditional use in business districts if:***

***[1] the sign is a business or identification sign;***

*[2] the sign is located on the side of a roof structure that forms a backdrop for it.;*

*[3] the sign is externally illuminated; and*

*[4] the sign does not produce a halo effect.*

**(o) Gas Station signs**

*[1] Gas station signs have separate and distinct regulations from other business signs and are enumerated below.*

**[2] Gas Station Ground Signs**

*(a) One (1) non-illuminated or externally-illuminated free-standing ground or pylon sign supported by a maximum of two columns or posts is permitted per gas station site.*

*(b) The height of any free-standing ground sign shall not extend more than twenty-five (25) feet above the ground and shall not exceed a width of ten (10) feet or an area of eighty (80) feet.*

*(c) The free-standing ground sign should be constructed out of materials that complement the building structure and its use. Architectural lines which complement that of the building should be incorporated, especially along the top of the sign*

*(d) Gas station ground signs may include digital fuel pricing, meaning electronically changeable fuel prices. However, electronic messaging centers and digital billboards are prohibited.*

**[3] Gas Station Canopy Signs**

*(a) For each gas station canopy, one (1) canopy sign and logo shall be permitted on each side of a canopy which faces a dedicated street or parking area. Signs shall not extend beyond the ends or extremities of the canopy to which they are attached.*

*(b) The total area of canopy signs shall not exceed one (1) square foot per foot of length of such canopy to which the sign is attached or a total area of fifty (50) square feet, whichever is less*

*[4] Gas station signs shall conform to the general sign regulations enumerated in § 165-109. General regulations for signs. below, including those regulations pertaining to sign colors*

*[5] Gas station signs shall conform to the standards for illumination enumerated in § 165-108. Illumination. below.*

**(2) In addition to any sign or signs permitted pursuant to this section, window display signs as well as affixed window signs, that are limited to indicate membership in a retail or professional**

organization or credit card or credit association, to show manufacturers' or required licenses or advertisements referring to sales within, shall be permitted to be attached to windows on the interior of the business use, provided that the aggregate area employed for such purpose shall not exceed 15% of the total window area on which it is located.

**§ 165-106. Regulations governing residential signs.**

Residential signs, including name and address plates, professional nameplates, real estate signs and contractor signs as provided herein, are permitted in accordance with the size limitations as set forth in § 165-103C. Signs not otherwise in compliance with these provisions or as permitted and regulated in § 165-107 are prohibited.

**§ 165-107. Temporary signs.**

Temporary signs shall comply with the following:

A. All temporary signage, except as specifically exempted under this article, shall require a permit. Said permit shall be valid for a period not to exceed 30 days from the issuance thereof and may be renewed for a period not to exceed 60 days.

B. No temporary sign shall exceed an area of 12 square feet, provided that temporary signs, such as banners, which are permitted by permit by the Mayor and Council within the public right-of-way, may exceed 12 square feet in size.

C. Insurance for temporary signs may be required by the Mayor and Council. Any person obtaining a permit for the erection of a temporary sign where the Mayor and Council requires insurance shall provide proof to the satisfaction of the **Housing and Zoning Officer** that the person, firm or corporation actually doing the erection shall have in force a public liability insurance policy with limits of no less than \$100,000 for property damage and \$300,000 for bodily injury per occurrence.

D. Nothing contained herein shall be deemed to permit the erection or installation of any political signs upon any pole or tree located on public property or within the public right-of-way within the Borough of Wharton, and their erection or installation is hereby specifically prohibited. This section shall not be deemed to prohibit temporary lawn signs or street banners as set forth elsewhere in this chapter.

E. Streamers of flags or pennants and banners shall be permitted as temporary signs in accordance with the permit requirements and time restrictions set forth in § 165-107A.

§ 165-108. Illumination.

A. No sign shall be an illuminated sign except as provided herein.

B. *Signs may be illuminated externally by gooseneck fixtures, floodlights and other indirect spotlights.*

Such lighting shall be at grade and properly directed and shielded so as not to produce glare or offensive light off the property.

C. *Halo-lit signs are prohibited.*

D. Flashing signs, highly reflective glass or fluorescent paint (red or green) and illuminated tubing outlining roofs, doors, windows or wall edges of a building are prohibited.

E. No sign shall be artificially illuminated after 11:00 p.m. or before 7:00 a.m. unless said premises are occupied and attended.

F. No sign shall be internally illuminated, except a neon sign located in a window, provided that it meets all other requirements of these regulations.

G. *Digital pricing signs shall be permitted for gas station sites only subject to § 165-105. Regulations governing nonresidential signs.*

§ 165-109. General regulations for signs.

A. No billboard or billboard signs shall be permitted. No sign otherwise lawful under this chapter shall be prohibited because of this article.

B. No sign shall be placed or located or displayed upon any sidewalk or area between sidewalk and curb, ~~*nor shall it project on or over a sidewalk.*~~

C. *Reserved*

D. No signs shall be erected or painted or composed of fluorescent or phosphorescent or similar material.

E. No sign shall be, in whole or part, moving, mobile or revolving.

F. Sign colors.

(1) No sign shall have more than two colors, inclusive of its background, frame and decorative parts. However, varying tones or gradients of the two main colors may be utilized on a sign and shall not constitute additional colors. For the purposes of this chapter, black and white shall **not** be considered colors. ~~*Notwithstanding anything herein to the contrary, in such instance where black or white shall be used in the formation of a sign as aforesaid, then in such instance either of such may be used as a third color.*~~

(2) Sign colors and styles shall complement the building design, architecture and color scheme.

**G. Canopies, awnings and marquees with signatures embossed upon them shall be considered to be business signs.**

**(1) Canopies, awnings and marquees must be a single color: navy or royal blue, burgundy, forest green, black or brown.**

**(2) Lettering and/or logos on all canopies, awnings and marquees must be either another permitted color or white or gold.**

**(3) Buildings with multiple businesses must utilize same awning type with a same primary color for each adjacent business.**

**(4) No canopy, awning or marquee shall extend above a sidewalk, doorway, public right-of-way or driveway at a height lower than eight feet.**

**(5) Sign lettering and/or logo shall comprise no more than 30% of the total exterior of the canopy, awning or marquee.**

**(6) Canopies, awnings and marquees shall be designed to project over individual window and door openings and should be permanently attached to the building.**

**(7) Canopies, awnings and marquees shall be constructed of matte-finish canvas or similar material.**

**H. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.**

**I. No sign or other advertising structure, as regulated by this chapter, shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, cause an optical illusion or be confused with any authorized traffic sign, signal or device, or which makes use of words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse traffic.**

**J. In order to preserve the basically residential character of this community and to facilitate the improvement of its commercial and industrial areas in a safe and orderly manner, no commercial outdoor advertising signs, billboards or other signs which are not expressly and directly related to the business being conducted on the premises and which do not conform to the applicable requirements and standards set forth in other sections of this chapter shall be permitted, and all other such commercial outdoor advertising signs, billboards and other nonconforming signs are specifically prohibited. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.**

**K. All signs shall be constructed in accordance with the requirements of the BOCA Code.<sup>[1]</sup> If the Zoning Officer shall find that any sign is unsafe or insecure, the Zoning Officer shall give written**

notice to the owner, agent or person having the beneficial use of the premises upon which such sign may be erected. If such owner, agent or person fails to remove or alter the sign so as to comply with the standards herein set forth within 10 days after such notice, such sign or other advertising structure may be removed or altered to comply by the Zoning Officer, at the expense of the owner, agent or person having the beneficial use of the premises upon which such sign may be erected. The Zoning Officer may cause any sign or other advertising structure which an immediate peril to persons or property is to be removed summarily and without notice.

**§ 165-110. Nonconforming signs.**

**A. Any signs existing at the time of the passage of this chapter and which violate any provisions thereof shall be deemed a nonconforming use and may be continued, maintained and repaired upon the present premises or location; provided, however, that such sign was lawful under any prior ordinance. Any nonconforming sign which is associated with a change in occupancy or ownership shall necessitate an application to the approving authority. Any sign unlawful under any prior ordinance shall remain unlawful unless it complies with the provisions of this chapter and there is issued by the Zoning Officer a sign-erection permit therefor.**

**B. Any sign which has been damaged to the extent that the cost of repairs shall exceed 50% of the current value of said sign shall be deemed "destroyed," and the owner thereof shall not be permitted to erect or restore said sign except in accordance with this chapter.**

**First Reading: September 24, 2018**

**Second Reading: October 15, 2018**

**ATTEST:**

**BOROUGH OF WHARTON**

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**WILLIAM J. CHEGWIDDEN,  
MAYOR**

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**Gabrielle Evangelista,  
Borough Clerk**