

TO THE RESIDENTS OF THE BOROUGH OF MIDDLETOWN

Notice is hereby given that the Borough Council of the Borough of Middletown will consider for adoption the following Ordinance at the Regular Business Meeting on January 7, 2025 at 7 P.M. in the Council Chambers of Middletown Borough Council located at Borough Hall, 60 West Emaus Street, Middletown, PA 17057.

**MIDDLETOWN BOROUGH
ORDINANCE NO. 2024-1418**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF MIDDLETOWN, DAUPHIN COUNTY, PENNSYLVANIA, PART II, CHAPTER 260, ZONING, ARTICLE XVII, SIGNS, AMENDING THE SIGN REGULATIONS OF THE BOROUGH.

WHEREAS, the Council for the Borough of Middletown (the “Borough”) previously adopted regulations pertaining to signs located in the Borough; and

WHEREAS, it has been determined that said regulations require updating for consistency and conformity with law; and

WHEREAS, the Borough desires to amend its Code of Ordinances relating to Signs pursuant to its police power to protect the health, safety, and welfare in the Borough and to be in the best interest of Borough residents.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the authority of the Borough Council of the Borough of Middletown, Dauphin County, Pennsylvania, that the Code of Ordinances of the Borough of Middletown, Part II, Chapter 260, Zoning, be amended as follows:

SECTION 1. The Code of Ordinances of the Borough of Middletown, Part II, Chapter 260, Zoning, Article XVII, Signs, shall be amended as follows with ellipses to show text remaining unchanged, underlined text to be added and struck text to be deleted:

§ 260-175. Definitions.

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

(1) SIGN

Any permanent or temporary structure or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or vehicle intended to attract the attention of those outside in the public right-of-way, that displays or includes any letter, word, insignia, flag, object, device, or representation used as an advertisement or announcement. ~~Signs may be of the following types:~~

(1.1) Temporary Sign: Any sign used, or designed to be used, for a short period of time and which is not affixed to a location on a building, structure or anchored into the ground. A temporary sign includes but is not limited to wire frame signs and the like.

(1.2) Permanent Sign: Any sign used, or designed to be used, for long-term or indefinite use and is affixed to a location on a building, structure or anchored into the ground.

(1.3) Signs may be the following types:

* * *

G. POLITICAL SIGN

~~Within the following time and manner limitations, any sign or poster which displays or advertises the name, photograph, image or likeness of, or which is intended to promote the election of any candidate for public office.~~

H. PORTABLE SIGN

~~Any sign used, or intended to be used, for a short period of time and which is not affixed to a location on a building, structure or the ground. A portable sign includes, but is not limited to, sandwich boards, signs on wheels, buntings, A frame signs, wire frame signs and the like.~~

* * *

§ 260-178. Exempt signs.

- A. No sign permit shall be required for exempt signs.
- B. The following signs are exempt from the requirement of obtaining a sign permit. Exempt signs shall be erected only in accordance with the standards set for these signs.

* * *

(6) Decorative noncommercial flags and plaques. Flags and plaques that are decorative ~~and or~~ contain designs marking seasons, holidays, welcome, sports, and the like are permitted, ~~provided that they contain no advertising, no company or business logos, and no names of businesses.~~ Flags may be no larger than 12 square feet. Plaques shall be no larger than two square feet.

(7) Legal notices.

(8) Information sign. An information or public service sign indicating hours of operation, whether a business is open or closed, availability of a public telephone, ~~or~~ directions to an entrance or parking area, or the like, is permitted, provided that the sign area does not exceed one square foot and that there shall be no more than two signs of this type per property.

(9) Temporary professional signs. A temporary ~~advertising sign for~~ sign advertising the services of professionals including but not limited to, mechanics, contractors, architects or realtors, ~~Such a sign on the property where the services are being performed~~, may be maintained only during the duration of the work being done at the property, or during the duration of the marketing of the sale and/or lease. No sign shall exceed six square feet. Only one sign may be installed for each professional and no more than four such signs on any property at any one time. No illumination is permitted.

(10) Temporary window sign. A sign or signs displayed on the inside surface of a window for the purpose of advertising a sale, grand opening, new products or services. Temporary window signs may have a total combined sign area of no more than 12 square feet. The sign may be in place no longer than 60 days ~~except neon signs less than two square feet in area~~. The applicant shall inform the Zoning Officer of the time period during which a grand opening sign will be in place. Signs shall be constructed of durable material and may not include tablet type paper and the like.

(11) ~~Temporary yard sale sign. An on-site sign advertising a yard sale. The sign shall not exceed four square feet in area and may remain up only during the sale but in no case longer than five days. One sign only shall be permitted per property. No illumination is permitted.~~

Temporary event or activity signs on residential properties. Any temporary sign related to an event or activity may be erected or displayed and maintained provided that:

- (a) The signs are erected or displayed by the owner or lessee of the parcel of real property on said parcel or with the express permission of the owner or lessee of the parcel of real property;
- (b) The size of any sign is not in excess of six square feet;
- (c) The sign shall not be erected or displayed earlier than 60 days prior to the event or activity to which it pertains;
- (d) The sign shall not be erected or displayed for more than 72 hours after the event or activity to which it pertains;
- (e) There are no more than four signs on any property at any one time; and
- (f) There is no illumination of the sign.

The term "event" or "activity" shall include but is not limited to a yard or garage sale, an election, a holiday or a sporting event.

~~(12) Temporary activity signs of religious organizations, volunteer fire companies, nonprofit educational institutions, civic organizations and community groups advertising a temporary fund-raising gathering or activity erected for a special event or promotion of civic welfare or charitable purposes, including but not limited to exhibits, shows, sales or special events provided that:~~

Temporary event or activity signs on nonresidential properties. Any sign related to an event or activity may be erected or displayed and maintained provided that:

* * *

(13) Temporary political signs.

- (a) Temporary signs advertising political parties or candidates for public office may be erected or displayed and maintained provided that:
- [1] The signs are erected or displayed by the owner or lessee of the parcel of real property on said parcel or by the candidate, political party or other authorized agent of either of them, with the express permission of the owner or lessee of the parcel of real property;
 - [2] The size of any sign is not in excess of six square feet;
 - [3] The signs shall not be erected or displayed earlier than 60 days prior to the election to which they pertain; and
 - [4] No political sign shall be permitted to remain more than 72 hours after the election to which they pertain.
- (b) Nothing contained herein shall be construed to permit the placing or erecting of any such signs within a street right of way or within or on any public alley, sidewalk, parking lot or other public place, which placement is hereby prohibited.
- (c) The erection of temporary political signs permitted by this section by the owner or lessee of the parcel of real property, candidate, political party or other authorized agent shall not require a permit or other approval; provided, however, that it shall be unlawful for any such owner or lessee of the lot, candidate, political party or other authorized agent to permit such signs to remain erected more than 72 hours after the date of the election to which they relate, and failure to remove such signs as required hereby shall subject such offenders to the penalties prescribed in this chapter.
- (d) No illumination is permitted.
- (e) Enforcement; violations and penalties.
- [1] Remedies for violations of the foregoing limitations shall include the penalties set forth in § 260-230 of this chapter. As an additional remedy for § 260-178B(13) above, the Code Enforcement Officer may, after notice and at the expense of the responsible owner, tenant or person in control of the premises on which such sign remains more than 72 hours after the election remove any such sign; appropriate notice by said officer may include inter alia the placing by him on any such sign of a legend, sticker or notice to the effect that if this sign is not removed within 72 hours, it will be removed by the Zoning Hearing Officer citing by number this section of the Code of the Borough of Middletown.
 - [2] This subsection adopted in lieu of the prohibition in effect since 1960 when the Middletown Zoning Ordinance, codified in Chapter 21, was adopted includes the foregoing time and manner limitations which are required by compelling governmental interests. It is further found as a fact that in the light of local conditions experience and history, this subsection will not deter at all (much less significantly) the effective exercise of First Amendment rights and the foregoing limitations are necessary to give effect to and to promote compelling interests in the appearance of residential districts in conserving property values in reducing accumulations of debris in minimizing hazards and blight resulting from the effects of the elements and of local weather conditions upon the types of unreinforced signs commonly employed in political campaigns in the area upon signs of various sizes and upon signs of varying ages and time spans, including signs for temporary purposes and in regard to other governmental interests.

C. Enforcement; violations and penalties.

- (1) Remedies for violations of the foregoing sections shall include the penalties set forth in § 260-230 of this chapter.
- (2) If a sign remains erected or displayed and maintained for more than the time permitted under this ordinance, the Code Enforcement Officer shall provide notice of the violation to the responsible owner, tenant or person in control of the premises, which shall include the section of the Code of the

Borough of Middletown that is being violated, and a warning that if the sign is not removed within 72 hours, it will be removed by a Code Enforcement Officer at the expense of the responsible owner, tenant or person in control of the premises. After the warning period has lapsed, the Code Enforcement Officer may remove the sign and provide the violator with a second notice stating that the sign was removed and the section number of the Code of the Borough of Middletown that was violated.

§ 260-179 Prohibited signs.

The following signs are prohibited:

* * *

E. Any portable sign ~~of any kind, other than a portable menu sign three square feet or less placed at the entrance to a restaurant, including but not limited to a sandwich board, sign on wheels, A-frame sign or advertising banner, is prohibited, including any signs on wheels or advertising banners. This prohibition shall not apply to a menu sign, three square feet or less, placed at the entrance to a restaurant.~~

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§ 260-180 Permitted signs.

C. ~~Religious,~~ Educational, recreational, and institutional uses in any district.

(1) An identification sign ~~for~~ including but not limited to the following uses is permitted:

- ~~(a) Religious use.~~
- ~~(b) School or non-profit~~ (a) Educational institution.
- ~~(c) Library or museum.~~ (b) Library or museum.
- ~~(d) Public recreation facility.~~ (c) Public recreation facility.
- ~~(e) Nursing home.~~ (d) Nursing home.
- ~~(f) Personal care facility.~~ (e) Personal care facility.
- ~~(g) Volunteer fire companies.~~ (f) Volunteer fire companies.
- ~~(h) Civic organizations.~~ (g) Civic organizations.

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SECTION 2. SEVERABILITY. If any section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance or Chapter 260 of the Code of the Borough of Middletown as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Chapter 260 of the Code of the Borough of Middletown. Borough Council hereby declares that it would have adopted this Ordinance and each section, phrase and word thereof, irrespective of the fact that any one or more of those sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

SECTION 3. REPEALER. All ordinances or parts of ordinances that are inconsistent herewith shall be and the same expressly are repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective in accordance with applicable law.

If you would like to obtain a copy of the proposed Ordinance prior to the Regular Business Meeting, please contact the Borough Secretary at 717-902-0706 or at gmillers1@middletownborough.com.

BOROUGH OF MIDDLETOWN
Grace Miller, Borough Secretary