

A Guide to Signs Within the Borough of Franklin Park

REV 20230905

One of the most common and controversial code violations in the Borough of Franklin Park is related to the use of temporary signs for campaigning and various advertising within public easements. This document is intended to help everyone understand the laws affecting the use of signs. All Signs within the Borough of Franklin Park MUST meet certain requirements to be legal, and these requirements start at the Federal level.

Federal

23 CFR § 1.23 states: “Except as provided under paragraph (c) of this section, all real property, including air space, within the right-of-way boundaries of a project shall be devoted exclusively to public highway purposes.”

The federal Highway Beautification Act of 1965 (HBA), currently 23 USC §131, states that the purpose of controlling signs is “in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.” The HBA required state compliance and included the development of standards for signs and removal of non-conforming and illegal signs. It also authorized penalties for failure to maintain effective control.

Commonwealth of PA

PA Title 36 Section 425. “It shall be unlawful to place any sign, banner, or advertising matter of any kind whatsoever on or across any State highway or on or across any structure within the legal limits of any State highway without first having obtained the written consent of the department.”

Pa Publication PUB 930 (1-23) Outdoor Advertising Control Outreach Guide states the following: [Outdoor Advertising Control Outreach Guide](#) (January 2023)

- The United States Department of Transportation’s Federal Highway Administration (FHWA) performed an Independent Oversight Program (IOP) review of the Pennsylvania Department of Transportation’s (PennDOT’s or Department’s) control of outdoor advertising devices (OADs) along our highways.
 - The IOP review found that PennDOT has not adequately demonstrated effective control of outdoor advertising. Without corrective actions, the Department could lose an allotment of Federal funding for the State’s transportation programs. To summarize the review team’s four observations requiring corrective action:
 - Approximately 23.8% of the 491 inventoried OADs were illegally encroaching into the existing right-of-way (ROW).
 - PennDOT was not maintaining an adequate inventory of OADs. Of the surveilled OADs, 352 signs were located outside of the ROW, and 113 of those had not been permitted by PennDOT.
 - Of the 44 non-conforming signs identified during the surveillance, over 36% of them did not match the original permit for size, configuration, materials, or lighting. These 16 signs were therefore illegal.
 - PennDOT was not adequately surveilling lawn signs. A total of 647 lawn signs were counted during the review of the 234 miles.

- Municipalities can have their own sign ordinances. **PennDOT will not issue a permit for a sign along a controlled route prior to the applicant receiving local approvals.** After verifying local approval, PennDOT will verify that all the information in the application complies with the Act before issuing a permit.

Borough of Franklin Park

Borough Code [Chapter 212 Zoning, Article 2300 Signs](#) and [Chapter 212 Zoning, Article 2100 Performance Standards](#) apply to use of signs. This guide is intended to touch upon the most common code violations related to signs, provide guidance to avoid these violations, and provide a list of sources to learn more about our sign use requirements.

Our local sign ordinances and permitting requirements have been established for many years and have been upheld on appeal. As stated above, a local permit from the Borough is required before higher authority will issue a sign permit. The intent of this sign regulation is to allow responsible use of signs within the Borough of Franklin Park without risking public safety, without curtailing 1st amendment rights, and without littering our community with an excessive number of signs.

Sanctions for violating the Zoning Code governing signs range from the Borough removing the sign to the owner of the parcel of land on which the sign is located receiving a Civil Enforcement proceeding that can have sanctions up to a \$500.00 fine per day, per offence, with each day or portion thereof of the violation is allowed to exist constituting another violation, plus reasonable costs.

Signs within or negatively impacting public right-of-ways

The number one violation is placing a sign within a public right-of-way. No signs, except those of a duly constituted governmental body, including traffic signs and similar regulatory notices shall be allowed to occupy space within rights-of-way, and no portion of a freestanding or projecting sign may be located over a public right-of-way.

The exception to placing a sign within the public right-of-way is for temporary off-premises real estate signs. Temporary off-premises real estate signs are permitted on Tuesdays from 8:00 a.m. to 7:00 p.m. and weekends beginning 8:00 a.m. Saturday morning and ending 7:00 p.m. Sunday evening. These signs may not exceed six square feet in area, and multiple posting of the same sign is prohibited.

Placing a sign in a location that can cause damage to traffic on a public street by obstructing the view necessary to safely use the public street is also prohibited.

In general, most public roads within the Borough of Franklin Park have 12.5 feet of public right-of-way on each side, so as long as you position your sign at least 12.5 feet from all paved public road surfaces AND entirely on the private property side of all utilities (above and below ground), traffic control signs and sidewalks you are likely to have a legally positioned sign. If you use this general rule of thumb to position your sign it is unlikely you will be in violation of borough ordinance.

Finally, anyone placing a sign on any property bordering the public easement within the Borough of Franklin Park MUST have the permission of the property owner. Nothing in the borough codes or in this document grants permission to the public to trespass on private property to display signs. Property owners have both the right to remove any sign placed on their property, and liability for any sign placed and allowed to remain upon their property in violation of borough code.

Code references:

[Chapter 212 Zoning, Article 2300 Signs § 212-2314 Signs within right-of-way](#)

[Chapter 212 Zoning, Article 2300 Signs § 212-2308 Signs Permitted in Residential Districts, A. \(11\)](#)

[Chapter 212 Zoning, Article 2100 Performance Standards § 212-2108 Conditions at lot lines, A.](#)

Private signs on public infrastructure, trees, cliffs and natural objects.

The second most common sign related code violation is placing private signs on public infrastructure such as telephone poles and road signs. First of all, public infrastructure such as utility poles and road signs are generally inside a public right-of-way where, as discussed above, private signs are not permitted. Some additional prohibited signs include signs which, by reason of size, location, coloring or manner of illumination, obstruct the vision of drivers, either when leaving a roadway or a driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets. Signs that can be confused with legitimate traffic control signs are prohibited, and lastly, signs painted on or attached to or supported by a tree, utility pole, stone cliff, or other natural object are prohibited.

Code References:

[Chapter 212 Zoning, Article 2300 Signs, § 212-2304 Prohibited signs, A., \(13\) and \(15\)](#)

[Chapter 212 Zoning, Article 2300 Signs, § 212-2304 Prohibited signs, B.](#)

[Chapter 212 Zoning, Article 2300 Signs, § 212-2304 Prohibited signs, C.](#)

Additional information about sign requirements:

For a list of prohibited signs:

[Chapter 212 Zoning, Article 2300 Signs, § 212-2304 Prohibited signs](#)

For a list of signs allowed in Residential R1, R2, R3 and R4 zoning districts:

[Chapter 212 Zoning, Article 2300 Signs, § 212-2308 Signs permitted in residential districts](#)

For a list of signs allowed in mixed-use districts:

[Chapter 212 Zoning, Article 2300 Signs, § 212-2309 Signs in mixed-use districts](#)

For a list of signs exempt from regulation:

[Chapter 212 Zoning, Article 2300 Signs, § 212-2303 Signs exempt from regulation](#)