TOWNSHIP OF PEQUANNOCK

ORDINANCE NO. 2014-26

ORDINANCE AMENDING CHAPTER 189 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PEQUANNOCK AND REGULATING SIGNS

BE IT ORDAINED by the Township Council of the Township of Pequannock, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 189 entitled "Zoning," shall be amended by the inclusion of new Section 189.13 to be entitled "Signs," and which shall be amended to read in its entirety as follows:

Section 189.13 Signs

189.13.010 Purpose.
189.13.020 Applicability.
189.13.030 Definitions.
189.13.040 Procedures.
189.13.050 Sign regulations for temporary signs.
189.13.060 Sign regulations for permanent signs.
189.13.070 Light Emitting Diode (LED) Sign Regulations
189.13.080 Sign guidelines.
189.13.090 Non-conforming signs and sign structures.
189.13.100 Sign maintenance.
189.13.110 Enforcement.

Section 189.13.010 Purpose.
The following regulations are adopted to allow for the identification, notification and advertisement of uses of property and of events within the Township of Pequannock in a manner that provides information and safe access for the pedestrian or the motoring public while eliminating clutter and unreasonable distractions. These regulations seek to establish an aesthetic approach to signage based on conformity, relationship to use, location, and the structural context in which a sign is installed.

Section 189.13.020 Applicability.

A. No temporary sign shall be installed unless in conformance with the regulations and permit requirements established herein:

(1) Real estate and development signs. See Section 189.13.050.

(2) Building Construction signs. See Section 189.13.050.

(3) Temporary farm products for sale signs. See Section 189.13.050.

(4) Special sale, festivals and special event signs. See Section 189.13.050.

(5) Business promotional signs. See Section 189.13.050.

B. No permanent sign, except as exempted specifically below, shall be placed, painted, created, erected, or structurally modified unless in conformance with the regulations and permit requirements established herein.

(1) Permanent signs in residential zones associated with residences, professions, and home occupations. See Section 189.13.060(A).

(2) Permanent signs in business zones. See Section 189.13.060(B).

(3) Permanent signs in industrial zones. See Section 189.13.060(C).

(4) Permanent signs for institutional uses. See Section 189.13.060(D).

(5) Permanent directional signs. See Section 189.13.060(E),

C. The following kinds of signs are not regulated by this ordinance.

(1) Political signs, flags, emblems or insignia of a County, State or flag of the United States provided that such flags shall not exceed sixty square feet and are not flown higher than thirty feet measured from the ground.

(2) Official traffic control devices.

(3) Signs indicating the location of a court or public office, public park or historic landmark.

(4) Signs required by law such as the posting of a license or permit.

(5) Directional signs indicating "entrance," "exit" or "one-way" that do not exceed two square feet in area and are less than twenty-four inches high.

(6) Decorative flags and balloons as defined herein.

D. Signs prohibited by this Ordinance.

(1) Billboards or signs posted off the premises of an activity are not permitted in any zone of Pequannock Township, except where permitted as a real estate directional sign or a special event sign.

(2) Flashing, intermittent intensity or revolving signs shall not be permitted, nor shall any illumined sign of red, green, yellow, or any light placed in a location or manner in which it could be mistaken for a traffic signal or emergency vehicle.

(3) No person may erect a sign which is affixed to a fence, utility pole, tree or natural object. No sign may be painted directly on the exterior surface of a building or an accessory structure such as a storage tank.

(4) All other non-defined signs and attention attracting devices, except as permitted in Section V-L which include, streamers, strings of pennants, spinners, pin wheels, beacons, inflatables, flashing signs or similar devices are prohibited,

(5) No moveable signs shall be permitted except in conjunction with Christmas Tree sales.

(6) It shall be unlawful to utilize a vehicle or trailer as a "structure" to which a sign is attached or placed. Vehicles on which signs are posted (placed, painted upon or erected) and which are parked regularly in a conspicuous location are prohibited.

(7) Neon signs, that is, signs that are electric ignited neon gas signs are prohibited.

(8) Electronic message centers/boards shall be prohibited in all residential districts, all industrial districts and the C-1 Community Business District.

(9) Window electronic message centers/boards shall be prohibited in all districts within the Township.

(10) Sign illumination, using LED technology, shall be permitted as back lighting when used as the light source for an electronic message center/board, All other LED lightning shall be prohibited. Section 189.13.070 provides the regulations governing the use of LED lighting.

(11) The use of neon or LED outlining of all signs is prohibited in all districts within the Township.

Section 189.13.030 Definitions.
For the purposes of this chapter, the terms and words set forth below shall be defined as follows:

ABANDONED SIGN - A sign no longer used for its original intent or a sign on a vacant, unoccupied or abandoned property.

ADVERTISE - means giving, attempting to give, or intending to give any notice or information, or any activity which gives, attempts to give, or intends to give notice, information, or warning.

A - FRAME OR SANDWICH SIGN - An A-shaped temporary and easily movable ground sign, usually two-sided used, for advertising commodities, services or entertainment conducted upon the premises where the sign is located,

AIR DANCER - Sometimes called 'Tubman," "Windy man," or "Fly guy" is a man-like large inflatable device, having huge tube-like sleeves and used to advertise a business.

ATTACHED SIGN - means any sign on or affixed to any exterior surface of a building, provided such sign does not project beyond six (6) inches from said exterior surface, and does not project past any exterior corner of the building.

AWNING - A structure, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building. This definition includes but is not limited to fuel station, bank, office and retail store canopies.

BALLOONS - 18" individually displayed inflatables.

BANNER - Any temporary sign printed or displayed upon cloth or other flexible material, with or without frames.

BILLBOARD SIGN - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

BUILDING - Any permanent roofed enclosure including physically related parts.

BUSINESS PROMOTIONAL DAYS - Specific days set apart during the calendar year for business promotion activity.

CANOPY - A structure, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building. This definition includes but is not limited to fuel station, bank, office and retail store canopies.

CHANGEABLE COPY - A sign, or portion of a sign, that is designed so that characters, letters or illustrations can be changed or rearranged, manually, without altering the face or surface of the sign.

COMMERCIAL PROPERTY - The lot or land area associated with a property that is used commercially or is commercially zoned.

DECORATIVE FLAG - An individual flag not exceeding twelve square feet that is not a business sign and which displays no commercial message.

ELECTRONIC MESSAGE CENTER/BOARD - An electronic or electronically controlled message board, where scrolling or moving copy changes are shown on the same message board or any sign which changes the text of its copy electronically or by electronic control more than once per hour.

ERECT - Means to build, construct, attach, hang, place, suspend or affix and shall also include the painting or lettering of any sign, insignia, or letters painted or otherwise affixed to the outside wall of any building or structure or part thereof.

FARM PRODUCTS - Means any agricultural, horticultural, forest or other product of the soil or water, but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey nuts, maple products, apple cider, fruit juices, ornamental or vegetable plants, and nursery products.

FESTIVAL - It is an event that is held to celebrate a particular thing or activity.

GLARE - Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

INFLATABLE - A large balloon or inflated material that is used to draw attention to a commercial activity.

LUMEN - A unit of luminous flux. One foot candle is one lumen per square foot. For the purposes of this Chapter, the lumen-output value shall be the initial lumen output ratings of a lamp.

LUMINAIRE - The complete lighting system, including the lamp, the fixture and other parts.

ONE HUNDRED AND TWENTY DAY PLAN - Business Promotion Plan that sets forth a planned program for the installation of temporary business signs.

PERMANENT SIGN - A sign intended to be used for a period which is longer than thirty days.

SIGN - means a structure or device which displays or intends to display any name, identification, description, illustration or lettering, which is affixed to, or painted on, or erected directly or indirectly upon a building, structure, or piece or tract of land and which directs attention to an organization, business, product, individual, or service.

SIGN, ANIMATED - Any sign which flashes, revolves, rotates or swings by mechanical means or uses a change of lighting to depict action or to create a special effect or

scene.

SIGN AREA - the area of a sign shall be the entire display or total gross advertising area within a single continuous rectangular perimeter enclosing the extreme limit of such display space exclusive of any structural or framing elements, provided however, and with the exception of a canopy, the structural component surrounding the sign area shall not extend more than one foot beyond any edge of the area permitted in the zone district. The area of a sign with two faces that have no angle between shall be the equivalent of the area of one of the faces.

SIGN, ATTACHED - An on premises sign that is attached to a building wall or other surface. Awning signs, canopy signs, window signs, projecting signs, suspended signs and wall signs shall be considered attached signage.

SIGN, AWNING - A sign that is mounted to or painted on, or attached to an awning, as defined in this chapter, that is otherwise permitted by this chapter.

SIGN, AWNING (ON-PREMISES) - An on-premises attached sign displayed, attached or incorporated into the surface of an architectural projection from and supported by the exterior wall of a building and composed of non-rigid material, and/or fabric or a supporting framework that may be either permanent or retractable.

SIGN BANNER - A temporary sign made of flexible material such as canvas, sailcloth, plastic or waterproof paper.

SIGN, BILLBOARD - A sign which contains a commercial message and which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, BUSINESS - a sign which specifically or directly calls attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located, or to which it is affixed.

SIGN, CANOPY - A sign attached to a canopy, as defined in this chapter.

SIGN, CHANGEABLE COPY - A sign or portion of a sign that is devoted to and designed for manually or automatically changeable copy text and graphics. Changeable copy signs do not include time, date and/or temperature signs and electronic message signs as herein after defined.

SIGN, CONSTRUCTION - A temporary sign erected on the premises on which construction is taking place during the period of such construction, indicating the names of architects, engineers, landscape architects, contractors, or similar artisans and the owners, financial supporters, sponsors and similar individuals, or firms having a role or interest with respect to the structure or project.

SIGN, DEVELOPMENT - A temporary sign advertising the development, lease or sale of property prior to development but subsequent to subdivision or site plan approval by the appropriate Township Board,

SIGN, DIRECTORY - Signs listing the tenants or occupants of a building or group of buildings, The respective professions or business activities may also be included as part of the sign.

SIGN, ELECTRONIC MESSAGE BOARD - A sign, or portion of a sign, that displays an electronic image and/or video, which may or may not include text. Such signs include any sign, or portion of a sign, that uses changing lights to form a sign message or messages or uses electronic means to change the sign message. Electronic message boards include but are not limited to signs known as Electronic Reader Boards, Electronic Message Center Signs and commercial Electronic-Variable Message Signs. Electronic Message signs are not considered flashing signs.

SIGN, EMERGENCY, SAFETY, WARNING OR TRAFFIC - any emergency, safety, warning or traffic sign installed by or at the direction of a governmental authority or with its approval.

SIGN, EXTERNALLY ILLUMINATED - A sign that features artificial illumination from a light source which provides light directly onto the sign face, or portion of the sign face, or its background, which light in then reflected back to the viewer,

SIGN, FACE - The area or display surface used for the message.

SIGN, FEATHER/TEARDROP - A banner sign, in the shape of a feather or teardrop that is held taught by a spring tension and supported by a single flexible pole.

SIGN, FLASHING - a sign in which the artificial light is not maintained stationary and constant in intensity and/or color at all times.

SIGN, HEIGHT - The height of any, sign shall mean the distance between the average grade of the site where the sign is located ground and the highest structural component. Any change in a site's grade specifically designed to increase the sign's height shall be included as part of the sign's height.

SIGN, HOME OCCUPATION/HOME PROFESSIONAL OFFICE- A sign containing only the name and occupation or professional of a permitted home occupation/home professional office.

SIGN, INFLATABLE - Any display or object capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.

SIGN, INFORMATION, DIRECTION AND IDENTIFICATION - A sign containing information relating to direction and/or identification of a use that is installed by or at the direction of a governmental authority or with its approval. An Information, directional or Identification sign shall not contain any commercial content other than a symbol, name or logo of the establishment it serves.

SIGN, INTERNALLY ILLUMINATED - A sign that features artificial illumination from a light source located behind the sign face and which transmits light through the sign face or portions of the sign face to the viewer. Also known as backlit illumination. Use of exposed neon tubing and similar lighting shall not be considered an internally illuminated sign.

SIGN, MENU BOARD - A sign with a changeable surface display area or changeable message. It can also be in the form of an A frame sign.

SIGN, MOVABLE - A sign capable of being moved or relocated including portable signs mounted on a chassis and wheels or on legs.

SIGN, NAMEPLATE - A sign which states the name or address, or both, of the occupant of the premises where the sign is located.

SIGN, NEON - An illuminated sign containing a glass tube filled with neon or phosphors which are bent to form letters, symbols or other shapes.

SIGN, NON-CONFORMING - A legal sign existing at the effective date of this ordinance which could no longer be constructed or installed under the terms of this ordinance.

SIGN, POLITICAL - A temporary sign used in connection with a local, state or national election or referendum.

SIGN, PROFESSIONAL - A sign listing only the name, profession and/or specialty of each practitioner.

SIGN, PROJECTING - A permanent sign which is affixed to a building at a ninety degree angle, and which extends not more than four (4') feet beyond the surface to which it is affixed.

SIGN, PORTABLE - A sign not permanently attached to the ground or other permanent structure, including only the following, A- frame signs and sandwich board signs.

SIGN, PUMP ISLAND CANOPY - A flush mounted sign on the vertical surface and canopy, which is the ornamental or protective roof-like structure erected above the pumps of a gasoline station.

SIGN, REAL ESTATE - Any temporary sign displayed for the purpose of offering for sale, lease or rent the property on which such sign is erected, affixed or otherwise established.

SIGN, REPLACEMENT - A sign which replaces the message portion or display area of a conforming sign but does alter the structural components. This replacement does not require a sign permit.

SIGN, SANDWICH BOARD/A-FRAME - A single or double faced portable sign that is intended to be used on a sidewalk or pedestrian way in front of the business for which the commercial message is intended. Such a sign shall have a maximum sign height of 3' with a maximum dimension sign of 2' x 3' with a sign area not to exceed 6 square feet.

SIGN, SPECIAL EVENT - A sign advertising a public or quasi-public event that is sponsored by a non-profit or government agency.

SIGN, SPECIAL SALES AND EXHIBITIONS - A sign posted in conjunction with a permitted special sale or exhibition.

SIGN, TEMPORARY - A sign intended to be displayed for a short period of time, as required by this chapter.

SIGN, VEHICLE - A sign affixed or painted on a vehicle or trailer and parked at a specific location so that its primary purpose is as a commercial message.

SIGN, WALL - An on-premises sign affixed to the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than twelve (12") inches except in accordance with these regulations.

SIGN, WINDOW - A sign which is affixed to the inside of any window or glass portion of a door. Window signs occupying less than 50% of the glass area are not regulated by this chapter.

STRUCTURE - Any building, edifice, construction, canopy, awning, device or piece of work or other part thereof, or any combination of the related parts.

USE - means the occupation, activity, business operation, or industrial operation maintained or engaged in by any person. Where a business or industrial building contains no partitions or dividing walls, the one (1) or more uses maintained or engaged therein shall be considered as one (1) use. Where such business or industrial building is divided by partitions or dividing walls, the one (1) or more uses maintained or engaged in, in each such division, shall each be considered as one (1) use.

WIND SOCK - A tapers, tubular cloth vane open at both ends and having the larger end a fixed ring pivoted to swing freely, to show the direction of the wind and used to advertise a business.

Section 189.13.040 Procedures.
It shall be unlawful for any person to create, erect, alter, place, or relocate any sign as enumerated in Section 189.13.020(A) and 189.13.020(B) of this chapter without obtaining a sign permit from the Planning Department and, when required, a Construction Permit from the Construction Official.

A. Procedure for Temporary Signs

A temporary sign permit allowing the posting of a temporary sign shall be issued by the Zoning Officer upon demonstration that the sign will conform to the regulations enumerated herein.

(1) Application - The application for a Temporary Sign Permit shall be made on forms provided by the Planning Department and shall contain the following information:

(a) Name, address, and telephone number of the applicant and the owner of the premises.

(b) Signature of owner granting permission to make application.

(c) Blueprints or ink drawings indicating the dimensions of the sign.

(d) Drawing or description indicating where on the premises the sign is to be installed.

(e) Adequate assurances that the Township will be held harmless in the event that a temporary sign causes damages.

(f) The date on which a temporary sign will be installed or removed or a one-hundred twenty day plan indicating the installation and removal of temporary signs for the current year.

(2) Fees.

(a) Political signs, farm product for sale signs, special event signs, and real estate signs except for real estate "directional" signs shall be assessed no fee for a temporary sign permit.

(b) Special sales signs and signs for festivals, exhibitions or shows when permitted in conjunction with another permit or license shall be assessed no additional fee.

(c) The fee for a real estate open house directional sign permit shall be

five ($5.00) dollars.

(d) The fee for a temporary sign permit to install a new business sign or promotional sign shall be twenty ($20.00) dollars.

(e) The fee for the filing of a one hundred twenty day plan shall be fifty ($50.00) dollars.

(3) The Zoning Officer shall issue a permit for conforming temporary signs within seven (7) business days of receiving a complete application. The permit for a singular temporary sign installation shall be valid for thirty (30) days. The permit for the one hundred twenty (120) day plan permit shall be valid until December 31 of the year in which the application is made.

B. Procedure for permanent signs

A sign permit allowing the erection of a permanent attached sign or any alterations to the size, structural components or the location of an existing attached sign is required and shall be issued by the Zoning Officer, provided the sign size, structural components, location and/or illumination meets the requirements of this chapter.

A sign permit allowing the erection of a permanent freestanding sign or any alterations to the size, structural components or the location of an existing freestanding sign is required and shall be issued by the Zoning Officer upon approval of a sign application by the Planning Board.

A sign permit allowing the erection of any permanent sign or any alterations to the size, structural components or the location of an existing sign, that does not meet the requirements of this chapter, is required and shall be issued by the Zoning Officer, upon approval of a sign application by the Planning Board.

(1) Application - The application for a sign permit for a permanent sign shall be made upon forms provided by the Planning Department, in duplicate, and shall contain or have attached the following material or those from the list below as the Planning Director may require for review:

(a) Name, address, and telephone number of the applicant and the owner of the premises.

(b) Statement and signature of the Owner of the property authorizing the application.

(c) Location of the premises where the sign is to be located.

(d) Blueprints or ink drawings indicating the dimensions of the sign including framing and any structural components that will be visible to the public.

(e) A site plan indicating the location on the premises of any proposed free standing sign and the distance to the roadway.

(f) A blueprint, photograph, or ink drawing drawn to scale showing the proposed attached sign or canopy sign in relation to the front facade of the building to which the sign will be attached.

(g) A description of the color, construction techniques and materials of the proposed sign.

(h) In the case of a new sign for a commercial property where there are existing signs to remain, the applicant shall supply sufficient information regarding the other signs and the potential for additional tenants at the same location to make a determination as to the conformity of the proposed sign.

(i) In the case of a new sign on a commercial property where there are existing signs, the applicant shall provide photographs showing that the proposed sign shall be consistent with the existing signs.

(j) In the case of an application to erect a new free standing sign, a sketch of the landscaping plan for the base of the sign is required and shall include a listing of any species of plants included on the plan.

(k) Upon approval of a sign permit, the applicant may be required to

make an additional application for a Construction Permit and shall submit information, as needed, to insure compliance with the relevant Construction Codes.

(l) Fees - An application for a Sign Permit for a permanent sign shall include a fee calculated on the basis of four dollars ($4.00) per square foot of proposed signage plus seven hundred fifty dollars ($750) escrow fee, when Planning Board approval is required.

(2) Review and determination

(a) The Zoning Officer shall review an application for a proposed sign to determine whether the application is complete and whether the proposed sign will require any variances. After all required application materials have been submitted, the Zoning Officer will, within thirty (30) days of having received a complete application, schedule a hearing on the application before the Planning Board or approve the sign if it is fully compliant with the requirements of the Sign Ordinance.

(b) The Planning Board shall review and decide on applications for new signs and sign variances and shall act on sign applications within forty-five (45) days of the referral from the Zoning Officer. The Planning Board shall apply the standards and guidelines established herein but may vary the standards in a case where, because of an exceptional situation, strict application of the standard would result in exceptional or practical difficulty.

(3) Appeal

An appeal from the decision of the Planning Board shall be made directly to the court of competent jurisdiction. All appeals shall be made in accordance with N.J.S.A. 40:55D-1 et seq.

Section 189.13.050 Sign regulations for temporary signs.

A. Real estate signs.

(1) "For sale/for lease/sold" signs - One (1) sign per lot to advertise the sale or rental of premises upon which the sign is located by the owner or a real estate agent or broker. The sign is not to exceed an area of six (6) square feet in residential districts or sixteen (16) square feet in all other districts. The sign shall be removed within seven (7) days after consummation of a sale or lease transaction.

(2) "Open house" sign - One (1) sign, in addition to the "for sale/for lease/sold" sign, may be placed on the subject property. The sign shall not exceed six (6) square feet in size in residential districts or sixteen (16) square feet in all other districts.

(3) "Open house directional sign" - A maximum of two (2) signs per open house directional signs are permitted. Said directional signs must be located within a Township right-of-way and are prohibited from being located on private property.

(4) Realtors shall be required to obtain a yearly permit for placing "for sale," "open house," and "open house directional" signs throughout the Township of Pequannock. As properties are listed, throughout the year, the Realtor is required to provide the Township Planning Department with the locations of the open house and open house directional signs. This information must be provided by Thursday, 12:00 noon, prior to the open house. For sale/for lease/sold signs are exempt from Planning Department notification.

B. Land development signs - Signs advertising the sale of property or structures in developments of two (2) or more lots and signs advertising the opening or construction of a new business shall be permitted for a period of up to three (3) months, or until the signing of the contract or transaction of sale or lease of the last lot or structure in the development, or until a Certificate of Occupancy is issued for a new business, whichever event occurs last. Such signs are renewable for cause, by the Construction Official. No such sign shall exceed twenty (20) square feet in size, and shall otherwise conform to the sign regulation

of the affected district. No such sign shall be permitted until subdivision and/or site plan approval, as required, has been granted by the appropriate Pequannock Township Board.

C. "Building under construction" sign - One (1) sign advertising a building under construction that has received site plan approval and has been issued a building permit. The sign shall be no larger than twelve (12) square feet. The sign shall be removed within five (5) days after the issuance of the Certificate of Occupancy or the installation of approved permanent signs, whichever may be sooner.

D. A temporary farm products sale sign may be installed during the time period that the products are for sale only. These signs shall not be installed closer than 10 feet from the property line and shall not exceed thirty-six inches in height.

E. Festivals, Exhibitions or Show signs - one sign indicating the location of a festival, exhibition or show is permitted at the location of the event, one sign indicating the location of a festival, exhibition or show is permitted off-site and one directional sign is permitted off site in conjunction with a festival, exhibition or show license issued by the Township Clerk. A festival, exhibition or show sign shall not exceed 12 square feet in area at locations that do not front on Route 23 or 24 square feet in area when posted along the highway. Any off-site sign indication the location of a festival, exhibition or show may be located on an electronic message board in accordance with the LED requirements of Section 189.13.070.

F. Special Sales - One sign is permitted in conjunction with a special sale. This shall be a banner sign that is attached to a building and which does not exceed twenty-four (24) square feet in area.

G. An A-frame sign shall be permitted in conjunction with a Christmas Tree sale provided that the area does not exceed fifteen (15) square feet (each side), that it is placed five feet from the public right-of-way, and that it does not obstruct visibility.

H. Special event signs - One sign per lot may be installed to announce any educational, charitable, civic, religious or like event, for a consecutive period not to exceed thirty (30) days. No such sign shall exceed six (6) square feet in area, however special event signs posted along Route 23 shall be limited in number to two signs, one on the northbound side and one on the southbound side, and said signs shall not exceed twenty four (24) square feet. Special event banners flown over the Turnpike shall not exceed 100 square feet. No special event sign shall be posted on any lot without permission of the owner of that lot. The posting of these signs on Route 23 or the Turnpike requires the approval of the Planning Board.

I. Business Promotion Signs

(1) Temporary business signs, wind socks, air dances, feathers or banners are permitted in the C-1 or downtown district. One banner and one other temporary sign shall be permitted with the total area of all temporary signs not to exceed 12 square feet. Temporary business signs, wind socks, air dances, feathers or banners are permitted in the C-2, C-3 and C-4 Districts. One banner and one other temporary sign shall be permitted with the total area of all temporary signs not to exceed 36 square feet.

(2) Banners and wind socks must be securely attached to the building where the business being advertised is located. In the case of wind socks, air dancers or feathers, these temporary signs must be appropriately secured to the ground and located on the subject site and not within the right-of-way of any roadway or within any site triangle.

(3) A temporary promotional business sign may be posted for a period of 30 days unless it is part of an approved 120 day plan and, then, according to the plan.

(4) No business shall be permitted a temporary or promotional sign installation for any time period in excess of 120 days in one year.

J. New Business Promotion - Strings of streamers or pennants, spinners, wind socks, air dancers, feathers or similar devices are permitted to advertise the opening of a new business. These devices may be displayed for a period of 15 days beginning with the day of the opening. In the case of wind socks, air

dancers or feathers, these temporary signs must be appropriately secured to the ground and located on the subject site and not within the right-of-way of any roadway or within any site triangle.

Section 189.13.060 Sign regulations for permanent signs.

A. Signs in Residential Districts

(1) Permitted Signs: The following kinds of signs are permitted in residential zone districts: a freestanding or attached sign identifying the name of the occupant, an attached sign identifying a permitted home occupation, an attached or free standing sign identifying a professional use, and signs approved by the Planning Board for a conditional use.

(2) No more than one permanent sign is permitted on any residentially use lot.

(3) The maximum area for each kind of sign shall be as follows:

Name plate - 2 square feet

Home occupation - 2 square feet

Professional use - 12 square feet

(4) No permanent sign in a residential zone, except a sign attached to a mail box, shall be closer than 10 feet to a property line and, except for professional use signs, shall, not exceed 36 inches in height. The height for a professional use sign shall not exceed 48 inches or four feet.

(5) Except for a conditional use, approved by the Planning Board or Board of Adjustment, no sign in residential areas shall be internally lit.

B. Signs permitted in Business Zones.

(1) The C-1, or Downtown Business District.

(a) Signs permitted: free standing signs, projecting signs, attached or awning signs, menu board signs, A frame or sandwich signs, window signs and banners.

(b) Number of signs: Two signs, one of any category of sign listed above, shall be permitted for each use. (Temporary signs and window signs occupying less than 50% of the glass area are exempt from this count.)

One permanent freestanding sign is permitted for each commercial property and where there are many uses on said property, the freestanding signage for each use must be accommodated on one sign.

(c) Maximum area for each kind of sign:

[1] freestanding - 15 sq.ft.
[2] attached or awning - 24 sq.ft,
[3] projecting - 6 sq.ft,
[4] menu board - 4 sq.ft.

(d) No freestanding sign shall be closer than five (5) feet from the right of way or exceed a height of nine (9) feet. A freestanding sign shall be permitted only where there is a 30 foot front yard setback and where landscaping has been provided. The determination as to adequate space and landscaping will be made by the Planning Board during review of the sign application.

(e) No attached sign or projecting sign shall be installed that projects above the roof line of the structure, or facade to which it is attached.

(f) With the exception of a sign advertising a business while it is open, no sign shall be illuminated between 11:00 p.m., and 6:00 a.m. Sign lighting shall not produce glare.

(g) One (1) sandwich or A frame sign shall be permitted to be located within the front yard setback or on the sidewalk immediately adjacent to the corresponding commercial use, provided the sidewalk has a minimum width of 5'. Such a sign shall have a

maximum sign height of 3; with a maximum dimension sign of 2' x 3' with a sign area not to exceed 6 square feet. Such sign may be placed in the front yard or on the sidewalk between 8:00 a.m. and dusk. Such sign shall not be decorated with balloons, streamers, flags or similar embellishments or be lighted with any electronic devises.

(2) The C-2, C-3, C-4, or Highway Business Districts.

(a) The following kinds of signs are permitted in the Highway Business Districts and the Regional Commercial Districts: freestanding signs, attached or awning signs, electronic message centers/board, and window signs and banners, Electronic message boards are regulated by §189.13.070 of this Ordinance.

(b) One freestanding sign is permitted for each commercial property and where there are many uses on said property, the free-standing signage for each use must be accommodated on one sign.

One attached sign or one awning sign is permitted for each use. (Temporary signs and window signs up to 50% of the window are not included in this count.)

(c) Sign Area

[1] freestanding signs

Number of Uses	Sign Area in Square Feet
1-4 uses	50
5 or more uses	12 for each use provided that no sign exceeds 144 square feet

[2] attached or awning signs

Area of Store Front in Square Feet	Sign Area in Square Feet
0 – 600	40
601-1000	50
1001-2000	50 or 5% of façade whichever is larger
2001-4000	100 or 4% of façade whichever is larger
4001-6000	160 or 3.5% of façade whichever is larger
8000 up	210

[3] Electronic message centers/boards are permitted in conjunction with an attached or free standing sign but must be accommodated so that the area of all signage does not exceed the total area permitted. Electronic message boards are regulated by §189.13.070 of this Ordinance and the following:

(i) The height 'of an electronic message center/board shall not exceed (3) feet in height, (9) feet in width and

(ii) The area of the electronic message center/board shall not exceed the permitted sign area or 18 square feet, whichever is less.

(iii) The message center/board background shall be black with light colored text, typically white, yellow or red.

(iv) If lighting is proposed, all freestanding signs shall be internally illuminated. The minimum amount of light required to allow the sign to be readable shall be used and it shall be appropriate for the character of the site and the surrounding land uses. The use of LED lighting shall be in compliance with Section 189.13.070.

(d) The height of a free standing sign shall not exceed twenty-four feet and the horizontal edge of the display area shall be a minimum of

seven feet from the ground. A free standing sign shall be set back ten feet from the public right-at-way.

(e) The upper horizontal edge at an attached or awning sign shall not be installed higher than the extent of the vertical wall to which it is attached or twenty-four feet, whichever is less.

(f) Both internal and external sign lighting is permitted, however, lighting shall not produce glare.

(3) Signs permitted at Gasoline Stations

(a) The following kinds of signs are permitted at gas stations: free-standing signs, attached or pump island canopy signs, signs over entrance bays, customary lettering or other insignia which are a structural part of the gasoline pump, a credit card sign, a sign indicating the location of a waste oil recycling facility, and banner signs.

(b) The number of signs shall be limited as follows: one free-standing sign, four attached signs, provided that three of these are permitted only if attached to a pump island canopy, one sign over each bay, one credit card sign, one oil recycling facility sign and pump signs as required by law. Electronic message boards are regulated by §189.13.070 of this Ordinance.

(c) The maximum size of signs permitted shall be limited as follows:

[1] free standing - 50 sq. ft.
[2] attached - 20 sq. ft.
[3] sign over bay - 4 sq. ft.
[4] credit card - 4 sq. ft.
[5] pump signs - as required by law
[6] oil recycling sign - 4 sq. ft.

(d) No free standing sign shall be located closer than five feet from the right-of-way and no free standing sign shall exceed twenty four feet in height or shall have the lowest edge of the display area closer than 10 feet from the ground.

(e) No attached sign shall be permitted that is higher than the vertical wall to which it is attached.

(f) Internal and external lighting is permitted. LED lighting may be used for the display of fuel prices in accordance with Section 189.13.070.

(g) A credit card sign or a sign advertising the location of a waste oil recycling facility may be attached to the building facade.

C. Signs permitted in Industrial Zone Districts

(1) The following kinds of signs are permitted in Industrial Zone Districts: free standing signs and attached signs.

(2) No more than one attached sign and one freestanding sign is permitted for any use. No more than one freestanding sign is permitted for each commercial property and where there is more than one use on said property the freestanding signage for each use must be accommodated on one sign.

(3) The area of signs in industrial districts shall be limited as follows:

(a) freestanding - 40 square feet
(b) attached sign - 40 square feet

(4) No permanent sign shall be installed closer than 10 feet from the property line or higher than the extent of the vertical wall.

(5) External and internal lighting is permitted in industrial zones, however, no sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

(6) Electronic message centers/boards are specifically prohibited.

D. Signs permitted for Institutional Uses

(1) The kinds of signs that are permitted at schools and churches or at other institutions of a public or quasi-public nature are as follows: Free standing

signs, attached signs, and changeable letter signs.

(2) The number of signs shall be limited as follows: One free standing sign, and one changeable letter sign and one attached sign is permitted on an institutional building.

(3) The size of signs permitted in conjunction with an institutional use shall not exceed the following dimensions:

(a) free standing - 20 sq. ft.
(b) attached -1% of building facade
(c) a changeable letter sign shall not exceed 9 sq. ft., except if it is installed in conjunction with a free standing sign, the total area of the free standing sign and changeable letter sign shall not exceed thirty (30) square feet.

(4) No freestanding signs shall exceed eight feet in height nor shall be located closer than twenty feet to any property line. No attached sign shall be installed such that the top edge is higher than fourteen feet measured from the ground.

(5) External and internal lighting is permitted, however, no sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

(6) Electronic message centers/boards are specifically prohibited.

E. Directional Signs

(1) Signs that indicate the location of churches, schools or similar institutional uses shall be allowed at a location other than that of the institutional use provided that these signs are approved by the Planning Board.

(2) A directional sign shall not exceed three square feet and shall not be posted without permission of the owner of the property where the sign will be installed.

Section 189.13.070 Light Emitting Diode (LED) Sign Regulations

A. Movement, including flashing, scrolling or rotating so as to draw attention are prohibited.

B. The following regulations shall apply to an electronic message board:

(1) The background of the electron message area shall be black.

(2) Electronic messages (text and logos) must be static or depicted for a minimum of one hour.

(3) The electronic message area shall be restricted to the bottom portion of the allowable sign.

(4) Electronic messages (text and logo) shall be of one color and shall be red, green or amber in color.

(5) Animated signs, signs that change image signs, video signs or tri-vision signs shall be prohibited.

(6) The maximum brightness levels for electronic message boards and fuel price signs shall not exceed 0.2 (two tenths) foot-candles over ambient light levels measured within 150 feet of the source.

(7) The owner/user shall reduce the level of brightness if determined by the Township that the light level exceeds the levels specified.

(8) The electronic message area shall be programmed to dim and brighten automatically in response to changes in ambient light.

(9) Prior to issuance of a permit for the sign, the applicant shall provide written certification from the sign manufacturer or installer that the light intensity has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.

(10) The electronic message area shall be controlled electronically by a computer or other similar device that has a manual override.

(11) The electronic message area, exclusive of the time and temperature, shall be turned off at all times when the business or use that it serves is closed. LED signs may remain on until 11:00 p.m. The display of time and temperature is exempt from this requirement. LED signs that display fuel prices are exempt from this requirement.

(12) The electronic message area shall either freeze or go blank in the event of a malfunction.

(13) LED signs shall only be permitted in the C-2, C-3 and C-4 Zoning Districts of the Township. LED signs in the C-1 District are only permitted associated with the fuel pricing signs in accordance with Section 189.13.070(B)(19).

(14) LED signs shall only be allowed as freestanding ground signs and shall not be in addition to the number of permitted freestanding signs.

(15) No LED sign shall be located within 100 feet of a residential use.

(16) LED signs shall only display promotional messages of a good or service that is being offered at the place of business on the specific site/lot that the sign is located, with the exception of advertisements for community events and events for local recreation and civic organizations.

(17) Only static messages may be provided on electronic message centers/boards, exclusive of time and temperature which may change as required. Such messages may only be changed every hour.

(18) In all non-residential districts, fuel prices on signs at gas stations may be displayed in electronic numbers in lieu of changeable copy numbers.

(19) Signs used to display fuel prices shall be for the exclusive use of the display of fuel prices and not display any other type of message or advertisement. Signs that display fuel prices may not change until a change in the price of fuel has occurred. The fuel price displayed on an electronic message board shall not scroll, move or flash and must be static. The fuel prices shall not exceed 12" in height in the C-2, C-3, and C-4 Districts and 8" in the C-1 District. All fuel prices shall be either red or green in color.

Section 189.13.080 Sign guidelines.

A. Uniformity of signage on each lot.

B. Letters of adequate size to be legible at highway speeds.

C. Free standing signs should be supported on a base designed to match building materials and architectural design.

D. No more than two colors should be utilized on anyone sign

E. C-1 District Guidelines

(1) Signs should be located at pedestrian level.

(2) Attached signs should be no more than two feet high and located below the second floor level of the building.

(3) Wood and metal sign materials are recommended.

(4) External lighting is preferred as is a "colonial" style and colors.

(5) Replacement of nonconforming signs with conforming signs in furtherance of improving the business district.

Section 189.13.090 Non-conforming signs and sign structures.

A. A sign that has been approved by the Planning Board and been issued a building permit prior to the date of this Ordinance shall be a non-conforming sign which may be repaired or replaced upon demonstration to the Planning Director of such legal pre-existing status.

B. A non-conforming sign or sign structure which is destroyed or damaged by any casualty may be restored within three (3) months after such destruction or damage,

C. A non-conforming sign or sign structure shall be removed within ninety (90) days if

the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the building's appraised value.

Section 189.13.100 Sign maintenance.
If the Zoning Officer or Construction Official finds that a sign is in need of repair due to graffiti, faded conditions, is without an insert or has broken parts or because it is unsafe or insecure, the Zoning Officer or Construction Official may cause sign maintenance or repair. In such instances, a notice of violation will be mailed to the property owner, and where applicable, the owner of the business. The responsible person will have ten (10) days to complete the repair or such time as agreed to by the Zoning Officer and shall notify the Zoning Officer as to when the repair has been accomplished. Failure to complete the work or to notify the Zoning Officer within the specified time frame will subject the responsible party to further legal action and fines as described below.

Section 189.13.110 Enforcement.

A. Permanent Sign. Any person, firm or corporation violating any provision of the Sign Ordinance pertaining to Permanent Signs and failing to abate said violation within the time frame agreed to by the Zoning Officer is subject upon conviction, to a fine of not more than one thousand dollars ($1,000.00) or imprisonment, not to exceed ninety (90) days at the discretion of the Court. Every day that a violation continues after the expressed amount of time provided to remedy the violation shall be deemed a separate offense.

B. Temporary Signs. Any person, firm or corporation convicted of violating any provision of this Sign Ordinance pertaining to Temporary Signs shall be subject to a fine of not more than $500.00 nor less than $50.00 for the first offense, $100.00 for the second offense, and $200.00 for the third and any subsequent offense. Every day that a violation continues shall be deemed a separate violation of this ordinance.

SECTION 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: August 12, 2014
Adopted: September 9, 2014

Joseph J. Delaney, Jr., Township Clerk

Melissa Florance-Lynch, Mayor