

ORDINANCE NO. 8- 2023

AN ORDINANCE AMENDING CHAPTER 88, UNIFIED DEVELOPMENT, SECTION 88-40, SIGNS, OF THE CODE BOOK OF THE BOROUGH OF CLAYTON

BE IT ORDAINED by the Mayor and Council of the Borough of Clayton, County of Gloucester and State of New Jersey that Chapter 88, Unified Development, Section 88-40, Signs, is hereby amended as follows:

SECTION 1. Chapter 88, Unified Development, Section 88-40, Signs, Subsection 88-40(C)(1)(a)(6), is hereby amended to read as follows:

[6] Signs of schools, colleges, churches, hospitals or other similar institutions and historic sites, provided that the size of any such sign shall not exceed 20 square feet and that not more than two signs shall be placed on any lot or on contiguous lots owned by the same persons. Except as noted in 88-40(C)(1)(c).

SECTION 2. Chapter 88, Unified Development, Section 88-40, Signs, Subsection 88-40(C)(1)(a), is hereby amended to add the following subsections:

[7] Signs prohibiting or otherwise controlling trespassing upon particular premises or indicating the private nature of a road, driveway or premises, provided that the size of any such item shall not exceed two square feet.

[8] Signs indicating the name of a particular organization, farm or estate, provided that the size of any such sign shall not exceed six square feet.

[9] Signs identifying a legal nonconforming or approved accessory use in residences, including a professional nameplate or a sign for an approved home occupation, provided that the size of any such sign shall not exceed two square feet and that such signs shall only be erected on the lot where such accessory use exists.

[10] Signs used in conjunction with nonconforming commercial uses, provided that the size of any such sign shall not exceed six square feet.

[11] Signs used for advertising the sale of farm products, provided that the size of any such sign shall not exceed six square feet, and not more than three such signs shall be placed on any lot or on contiguous lots owned by the same person. These signs shall only be displayed when such products are on sale.

[12] Temporary signs erected for a special event such as an election, yard sale, charitable event or similar purpose. [See Subsection C(2)(r) and (s) below.]

SECTION 3. Chapter 88, Unified Development, Section 88-40, Signs, Subsection 88-40(C)(1), is hereby amended by adding a new Subsection 88-40(C)(1)(c) entitled “Electronic Message” to read as

follows:

(c) LED, ELECTRONIC MESSAGE

[1] Definitions.

(a) A LED/EMC, Electronic Message, for the purpose of this article, is a sign with the capability of content change by means of manual or remote input and includes the following types:

(b) Manually activated: a changeable sign whose message copy or content can be changed manually on a display surface.

(c) Electronically activated: a changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off the changeable component display, such as an electronic message center (LED/EMC) sign.

(d) An LED/EMC sign, for the purpose of this article, is an electronically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed by a computer from a remote location. LED/EMC signs typically use light-emitting diodes (LEDs) as a lighting source.

[2] General Regulations

(a) Where permitted, changeable-copy or LED/EMC sign areas shall be in accordance with the standards as noted for Commercial and Institutional Uses.

(b) A changeable-copy LED/EMC sign may be a portion of the total permitted sign area, not to exceed a maximum of 40 square feet.

(c) A changeable-copy or LED/EMC sign shall not be used for any off-site advertising or messages, other than public service information approved by the Borough.

(d) Changeable-copy or LED/EMC signs, where permitted, shall not obstruct traffic visibility or become a distraction to drivers or a traffic hazard.

(e) Specific standards for electronic message center (LED/EMC) signs.

(f) Only one (1) LED/EMC sign is permitted per use/lot(s)

(g) No LED/EMC signs shall contain a white lit back ground.

(h) Applicants for commercial or industrial LED/EMC signs shall submit, along with their application, a scaled drawing, which must include the following details:

[1] The message(s) on the sign face.

[2] The method of illumination and intensity of lighting.

[3] Materials.

[4] Color scheme.

[5] Structural design.

[6] The location on the building.

[7] The location on the property if a ground sign, showing the sign's relationship to the street right-of-way line, buildings, and paved and landscaped areas within 100 feet of the sign.

- [8] The height to the top of the sign.
- [9] Square footage of the sign, including dimensions.
- [10] Square footage of the main building face for wall signs.
- [11] Any other requirements pursuant to this chapter.

[3] Design

- (a) All LED/EMC signs shall have automatic dimming controls, via photo cell or software settings, that adjust the light emitted by the sign during ambient low-light conditions and at night so that they are compliant with the sign illumination standards allowed herein.
- (b) In nonresidential districts, where permitted, LED/EMC signs shall have a minimum display time of ten (10) seconds. The change in message must be instantaneous.
- (c) All illuminated signs must comply with a maximum luminance level of 750 cd/m² or nits at least 1/2 hour before apparent sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, for the Borough's geographic location and date. All illuminated signs may resume luminance levels appropriate for daylight conditions at the apparent sunrise, as determined by the NOAA and in accordance with NJAC 19:4-8.14. LED/EMC sign must be equipped with automatic dimming photocell technology to adjust the sign's brightness based upon ambient light conditions. The lights shall not operate at more than 0.3 foot candles above ambient light.
- (d) Prior to the issuance of a permit for a changeable-copy or LED/EMC sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above.
- (e) The following LED/EMC display features and functions are prohibited: scrolling and/or traveling, flashing, blinking, twinkling, spinning, rotating, and similar moving effects.
- (f) All electrical equipment on a newly constructed LED/EMC sign shall be UL listed and labeled.
- (g) All power to an LED/EMC sign shall be supplied via underground carrier, inside approved conduit, and shall be installed in accordance with the National Electric Code.
- (h) LED/EMC signs shall be properly maintained so that inoperative or improperly lighted bulbs do not impair the appearance and legibility of the sign. When malfunctioning, all /LEDEMC signs must then be turned off or display a blank screen.
- (i) Where possible, signs should be combined with light fixtures to reduce unnecessary posts and to illuminate the signs with or without additional lighting.
- (j) There should be a consistent sign design theme throughout a particular project. This theme should include style of lettering, construction posts, size, lighting, etc.
- (k) Placement. Signs should not be placed where they may conflict with pedestrian traffic. They should be located so as to avoid conflict with door openings or vehicular operation. Signs should be placed to allow pedestrian clearance, vertically and laterally.
- (l) Location. Attached signs may not be located anywhere that conflicts with any height, obstruction to vision, and similar regulations of this chapter. Freestanding

signs shall be located only in the front yard and shall not be located within the minimum side yard for the principal building; in no event shall a sign be closer than two feet to a street right-of-way. A sign shall not be located in any sight triangle unless it is higher than eight feet above street/driveway center line elevations and it complies with all requirements of § 88-44 .

[4] Maintenance. Signs shall be constructed of durable materials, maintained in good condition and not be allowed to become or fall into disrepair.

SECTION 4. Chapter 88, Unified Development, Section 88-40, Signs, Subsection 88-40(C)(2)(1), is hereby amended to read as follows:

(1) Other banners, spinners, flags, pennants or any moving objects shall not be permitted, whether containing a message or not, except for opening day ceremonies, grand openings for a period of 30 days (zoning permit required), religious or civic holidays or locally sponsored events. They can in no way obstruct the right-of-way or traffic vision. They must conform to general sign provisions set forth in this chapter for setbacks, size and color (as it relates to traffic signals). Except as noted in 88-40(C)(1)(c).

SECTION 5. Chapter 88, Unified Development, Section 88-40, Signs, Subsection 88-40(C)(2)[n], is hereby amended to read as follows:

(n) In any residential district, or across from permitted residential uses, no sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m., prevailing time, the following morning unless the business or use so advertised is open to the public later than 10:00 p.m., in which event any such sign may be kept illuminated until such business is closed to the public.

SECTION 6. Chapter 88, Unified Development, Section 88-40, Signs, Subsection 88-40(E)(2), is hereby amended to read as follows:

(2) Applicants for commercial, industrial or LED electronic Message signs shall submit, along with their application, a scaled drawing, which must include the following details:

- (a) The message on the sign face.
- (b) The method of illumination and intensity of lighting.
- (c) Materials.
- (d) Color scheme.
- (e) Structural design.
- (f) The location on the building.
- (g) The location on the property if a ground sign, showing the sign's relationship to the street right-of-way line, buildings, and paved and landscaped areas within 100 feet of the sign.
- (h) The height to the top of the sign.
- (i) Square footage of the sign, including dimensions.

- (j) Square footage of the main building face for wall signs.
- (k) Any other requirements pursuant to this chapter.

SECTION 7. Repealer

All Ordinances or parts of Ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 8. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 9. Effective Date:


This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

ATTEST:



Christine Newcomb, Borough Clerk

BOROUGH OF CLAYTON



Thomas Bianco, Mayor

**BOROUGH OF CLAYTON
GLOUCESTER COUNTY, NEW JERSEY**

ORDINANCE NO. 8- 2023

**AN ORDINANCE AMENDING CHAPTER 88, UNIFIED DEVELOPMENT, SECTION
88-40, SIGNS, OF THE CODE BOOK OF THE BOROUGH OF CLAYTON**

This Ordinance was introduced at a meeting held on the 9th day of March, 2023. It is scheduled for a public hearing and final adoption at a meeting of the Mayor and Council of the Borough of Clayton beginning at 6:30 p.m. on the 23rd day of March, 2023, at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey.

The purpose of this Ordinance is to amend Chapter 88, Unified Development, Section 88-40 to include Sign Requirements in the Code Book of the Borough of Clayton.

A copy of this Ordinance can be obtained without any cost, by any member of the general public in the Borough Clerk's office within the Borough of Clayton in the Municipal Building, 125 North Delsea Drive, Clayton, New Jersey.

Christine Newcomb, Municipal Clerk
Borough of Clayton

NOTICE OF ADOPTION
BOROUGH OF CLAYTON
ORDINANCE NO. 8- 2023

**AN ORDINANCE AMENDING CHAPTER 88, UNIFIED DEVELOPMENT, SECTION
88-40, SIGNS, OF THE CODE BOOK OF THE BOROUGH OF CLAYTON**

The foregoing Ordinance was finally adopted by the Mayor and Council of the Borough of Clayton on March 23, 2023.

Christine Newcomb
Borough Clerk