

Borough of New Providence

Ordinance No. 2011-20

AN ORDINANCE OF THE BOROUGH OF NEW PROVIDENCE AMENDING AND SUPPLEMENTING § 310-6 ENTITLED "DEFINITIONS" AND § 310-33 ENTITLED "SIGNS" OF THE ZONING PROVISIONS OF THE BOROUGH CODE TO PROVIDE NEW DEFINITIONS AND REQUIREMENTS FOR SIGNS.

BE IT ORDAINED by the governing body of the Borough of New Providence, Union County, New Jersey, that the Zoning Ordinance of the of the Borough of New Providence is hereby amended to delete the existing definitions and requirements for signs and replace them with new definitions and requirements that are more user friendly and provide added protections to prohibit the implementation of nuisance signs, promote the implementation of signs that are necessary for the public health, safety and welfare, promote signage that is properly sized for optimal viewing by motorists and pedestrians and promote signage that is aesthetically pleasing.

WHEREAS, the Planning Board desires to provide enhanced guidelines for the regulation of signs that consider the character of New Providence. The goals of this ordinance are as follows:

- 1) Provide signs in outdoor public places where public health, safety, and welfare are potential concerns
- 2) Allow drivers and pedestrians the ability to utilize signs to safely negotiate passage and inform.
- 3) Protect neighbors from nuisances such as glare from poorly placed, applied, or unshielded light sources upon signs.
- 4) Promote visual aesthetic through efficient sign support,

WHEREAS, the Borough has reviewed existing Code provisions for the Borough of New Providence, and found that the existing definitions and ordinance that pertain to signs is outdated and lacking in the protections desired for sign regulation;

NOW, WHEREFORE, IT IS HEREBY ORDAINED by the Governing Body of the Borough of New Providence as follows:

§ 310-6, entitled "Definitions," is hereby amended to delete all existing definitions pertaining to "signs" and replace them with the new definitions set forth below.

Abandoned Sign: A sign no longer used for its original intent or a sign on a vacant, unoccupied, or abandoned property.

Awning and Canopy: A temporary or portable roof-like covering that project from the wall of a building for the purpose of shielding openings from the elements. Under no circumstances can an awning or canopy be opaque or let light through. Awnings and canopies may extend a maximum of six (6) feet from the exterior wall with the building.

Banner or Pennant Sign: Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered pennant signs or banners for the purpose of this chapter.

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 the surface of the sign.

Holiday Decoration Sign: Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday or observance.

Identification Sign: A sign giving the nature, logo, trademark or other identifying symbol; address; or any combination of the name, symbol and address of a buildings business development, or establishment on the premises where it is located.

Sign Area: The area of a sign which is computed by multiplying the greatest width of the sign face by the greatest height of the sign face. The sign area shall include the sign face and any framing, trim or molding, but shall not include the supporting structure. (See Signable Facade Area)

Sign Face: The area or display surface used for the message.

Sign Fascia: The vertical surface of a lintel over a storefront that is suitable for sign attachment

Sign Icon: A sign that illustrates by its shape and graphics, the nature of the business conducted within.

Sign, Animated or Moving: Any sign or part of a sign, which changes physical position by any movement, or rotation or which gives the visual impression of such movement or rotation.

Sign, Awning: A sign that is mounted to or painted on, or attached to an awning that is otherwise permitted by this chapter.

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, Bus Shelter: 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, Canopy: A sign that is mounted to or painted on, or attached to a canopy that is otherwise permitted by this chapter.

Sign, Changeable: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face of or the surface of the sign and is not electronic in nature.

Sign, Community Information: A sign which contains messages of civic groups, churches or places of worship, and local special events which direct attention to a church or place of worship, facility, event, club, or organization.

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, Contractor: Any on-site sign advertising the name or business of a mechanic, contractor, or artisan performing work on the premises- where the sign is placed.

Sign, Developer: Any on-site or off-premise sign identifying or directing traffic to a particular site or development for an approved period of time longer than thirty (30) days.

Sign, Directional and Informational: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit". Window signs such as those that indicate hours of operation, credit card acceptance, and business affiliations are considered as informational signs. No sign with a commercial message legible from a position on the street shall be considered directional or informational.

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, Façade: See Sign, Wall

Sign, Freestanding: Any immovable sign not affixed to a building.

Sign, Home Occupation or Sign, Home Professional Office: A sign containing only the name and occupation or professional of a permitted home occupation or permitted home professional office.

Sign, Illuminated: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

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

Sign, Marquee: A sign that is mounted, or painted on, or attached to a marquee that is otherwise permitted by this chapter.

Sign, Memorial or Nameplate: Memorial signs or tablets, names of building and date of erection when cut into any masonry surface, integral to the construction of a building, or when constructed of bronze or other incombustible material mounted on the face of a building, bench or other structure.

Sign, Neighborhood Identification: Signs which identify any type of housing development, by name. No advertising for real estate agents, developers, contractors, builders, architects or other is permitted on Neighborhood Identification Signs.

Sign, Nonconforming: Any sign that does not conform to the regulations of this chapter.

Sign Political: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable: A sign that is not permanent, affixed to a building, structure or the ground.

Sign, Projecting: A sign which is fixed to a building or other structure that which extends beyond the surface to which it is affixed. Projecting signs shall be at least eight (8) feet from the ground and should project no more than four (4) feet from the structure.

Sign, Real Estate: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Sign, Street Banner: Any banner sign which is stretched across and hung over a public right-of-way.

Sign, Suspended: A sign hanging down from a marquee, awning, canopy, porch, or roof overhang that would exist without the sign.

Sign, Temporary: A sign constructed of paper, cloth, canvas, plastic, plywood, or other lightweight material intended to be displayed for a short period of time, not to exceed thirty (30) days exclusive of construction signs, contractor signs, and developer signs.

Sign, Vehicle: A sign affixed or painted on a vehicle or trailer and parked at a specific location for a period of four (4) or more days so that its primary purpose is as a commercial message.

Sign, Wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than six (6) inches from such building, or structure.

Sign, Window: A sign that is applied to or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figure, design, symbols, fixtures, colors, illumination or projected images.

Signable Facade Area: The rectangular, continuous area on the wall of a building, which extends from the top line of windows and doors on the first floor, and the bottom line of the second floor windows, roof, or cornice above, in an area that is uninterrupted by windows, architectural details, or openings.

§ 310-33 entitled "Signs" is hereby deleted in its entirety and replaced with the newly established standards for signs as set forth below.

A. The purpose of this chapter is to promote and protect the public health, safety, and welfare by creating a more attractive residential and commercial climate within all areas of the municipality. This code is intended to create a more attractive business climate by further enhancing the streetscape improvement project undertaken by the community. This code seeks to enhance and protect the physical appearance of all areas by reducing the obstructions and hazards to pedestrian and auto traffic caused by indiscriminate placement and use of signs.

B. Applicability

- (1) All signs within the Borough of New Providence shall be subject to the provisions of this section.
- (2) No sign shall be placed on, or attached to a building, or erected independently, for any purpose other than to advertise a permitted business or use conducted on the same premises unless specifically permitted herein.

C. Approvals Required

- (1) Each application for development shall include a sign plan showing a description of the message, trademark, symbol, or insignia, and the specific design, location, size, dimensions, colors, materials, height above ground, construction, and illumination of proposed signs in accordance with the following regulations.
- (2) Any sign hereafter erected in New Providence, which is exposed to public view, shall conform to the provisions of this Ordinance and any other ordinance or regulation of New Providence, the County, State or Federal government relating to the erection and maintenance of signs. In the event of conflicting regulations, the most restrictive regulation shall prevail.
- (3) No existing sign shall be enlarged, rebuilt, structurally altered, or relocated except in accordance with the provisions of this ordinance. Furthermore, the failure to issue a permit for any sign shall not relieve the owner or lessee of the premises from the duty of safely maintaining any such structures.
- (4) All development applications shall submit all signs to be approved by the Planning Board or Zoning Board of Adjustment.
- (5) In applications where only sign modification is sought and no other site modifications are proposed, any sign exceeding the maximum area, height, or otherwise not in conformance with the requirements of this section shall require application and approval for minor site plan with waiver(s).
- (6) No sign, other than exempt signs, shall be erected without first obtaining a sign permit from the Zoning Office. Permit applications shall be accompanied by a plan, drawn to scale, showing details of the sign, type of illumination, type of materials, colors, its size, and location on the building and/or lot. Permits for window signs and changeable copy signs shall be valid as long as there is no change in the sign area, location, and type of such signs that have been authorized by permit.
- (7) If applicable, a building permit from the Construction Official may be required.
- (8) Fees shall be established pursuant to the requirements of Chapter 147 of the Code of the Borough of New Providence.

D. General Provisions

- (1) No sign other than street, traffic or similar official signs shall be erected within or project over the right-of-way of any public street, sidewalk, or public promenade, except as hereafter provided.
- (2) Street signs shall be in conformance with the New Jersey Department of Transportation Standards and the Manual on Uniform Traffic Control Devices for

Streets and Highways, latest edition. The location of street signs shall be determined by the Borough Engineer and shall be free from visual obstruction.

- (3) No signs shall be erected, altered or replaced which are not in accordance with the standards established in this section.
- (4) No sign shall be placed on any property without the consent of the property owner.
- (5) No sign shall be attached to utility poles, public structures, trees, stumps, fence-posts, other signs or sign posts, but shall be free-standing or attached to buildings in accordance with this section, except as otherwise provided herein for "warning signs."
- (6) No sign shall be erected so as to project over any property line.
- (7) No signs shall be clustered and no Commercial Shopping Center or Office Complex Identification Signs shall contain individual signs for individual tenants except as part of an approved Site Plan or waiver of Site Plan approval by the appropriate municipal agency.

E. Exemptions.

The following signs shall be permitted in any zone without prior approvals, however all signs are subject to the requirements of § 310-33D.

- (1) One (i) real estate sign advertising the sale, lease, or rent of the premises upon which the sign is located, which sign shall not exceed eighteen (18) inches high by twenty-four (24) inches wide or three (3) square feet. These signs must be set back three (3) linear feet from all property lines. The sign must be mounted so that the top of the sign is no more than thirty-six (36) inches above the ground.
- (2) One (1) temporary construction sign of architects, engineers, real estate agencies, or corporations on the lot(s) to which it relates. Said signs shall not exceed six (6) square feet. In addition, said signs must be removed within seven (7) days of the issuance of the final construction department certificate of occupancy of the project to which the sign relates. It must be mounted so that the top of the sign is no more than forty-eight (48) inches above the ground. The sign shall not be located in any sight triangle.
- (3) One (1) temporary contractor sign per contractor shall be permitted only during the period contractor is actively performing work on the lands or premises where the sign is placed. The sign shall not exceed six (6) square feet in area, the top of the sign and shall not be more than three (3) feet above the ground. The sign shall not be located in any sight triangle and shall be located behind the street line by a minimum of three (3) feet.

- (4) Decorations for a recognized officially designated holiday or observance provided that they do not create a traffic or fire hazard, and provided that said signs are removed within fifteen (15) days after the holiday.
- (5) Official municipal, county, state or federal governmental signs.
- (6) Political and personal opinion signs shall be permitted throughout the Municipality. Political and personal opinion signs shall be removed within three (3) days after the event they advertise. Political signs and personal opinion signs shall not exceed six (6) square feet and shall not be attached to trees or utility poles.
- (7) Temporary garage sale or yard sale. Such signs may not exceed three (3) square feet; may not be erected more than seven (7) days prior to such sale; and must be removed immediately upon conclusion of the event. No premise shall be permitted to erect such signs more than two times in any calendar year.
- (8) Flags of the United States of America, the States, County, or municipality, foreign nations having diplomatic relations with the United States, and any other flag adopted and sanctioned by an elected legislative body or competent jurisdiction, provided that such flag shall not exceed twenty five (25) square feet and shall not be flown from a pole that exceeds 35 feet in height.
- (9) The following signs will be permitted in any public, quasi-public, commercial, or industrial districts without prior approvals:
 - a) Change in the copy of a changeable copy, once a permit for the sign has been issued.
 - b) Grand opening signs which shall be no larger than twenty (20) square feet in area, provided that the sign is not placed for more that 30 days. These signs may be banner signs mounted on the facade or building and must be at least eight (8) feet high above sidewalk elevation and no higher than the second habitable floor of the building, or other types of similar temporary signs.
 - c) A portable swinger, "A" frame, or sandwich sign that can be no larger than five (5) square feet when utilized to advertise daily specials, special events, restaurant menu specials and the like, providing the sign is located in front of the establishment and is only displayed when the establishment is open for business. Under no circumstances can these signs impede pedestrian flow or be displayed when the enterprise is not open.
 - d) Restaurant menu when displayed in a glass case affixed to the exterior building wall for that purpose, or when displayed on a signboard located in close proximity to the restaurant entrance located on private property. The

area of the signboard or display case shall not exceed the menu size by more than thirty (30) percent.

- e) Temporary window signs shall not exceed twenty-five percent (25) percent of the total storefront window area, and shall be promptly removed upon termination of the sale or event, and shall not be displayed for longer than thirty (30) days. Paper signs should be hung one foot behind the glass attached to a rigid backer board and highlighted with a spotlight.
- f) Directional and Informational window signs including hours of operation, credit card acceptance, and business affiliations are considered informational signs, and are not included in the 25 percent maximum permitted window sign area. No sign with a commercial message legible from a position on the street shall be considered directional or informational.
- g) Temporary banner signs over the public right-of-way shall be approved and permitted by the official action of the Borough Council and be permitted by permit for fourteen (14) days. If temporary banner signs are proposed along a County roadway, permission must be granted by Union County.

F. General Sign Design Guidelines.

- (1) The sign's design should complement the design of its host building or site and the overall character of the business district, Signs should be designed and painted by professional sign makers or experienced artists. Each sign should be designed in accordance with the following standards.
- (2) *Appearance-* Signs should be compatible with their surroundings. Signs for businesses in a common building or contiguous structure, shopping, office, or industrial center should be compatible with each other. Signs attached to the same building should be the same shape, background color and dimension, regardless of individual business ownership or tenancy in the building.
- (3) *Materials-* High-quality materials will ensure that a sign will look attractive, reduce maintenance costs, and last longer. Sign materials and finished textures should complement the building materials. Permanent signs should be made of wood, high-density foam simulating wood, medium-density overlay and finished plywood, brass, copper, or bronze. Plastic and lexan materials should be used for internally illuminated signs.
- (4) *Placement-* Signs should be integrated with the building without obscuring important architectural details or storefront windows. Signs should be mounted so as to minimize damage to historic materials. and finished with architectural details to complement the sign, such as ornamental iron or brass supports and routed wood posts and edges to provide detail and relief.

- (5) *Lettering*- Lettering and character typefaces should match the scale of the building and size of the sign as well as consideration of the adjacent roadway speed limits and whether pedestrians are in the area.
- (6) *Color*- The colors should be compatible with the style and color scheme of the building and its neighbors. Color schemes should be kept simple, limited to two or three colors, and based on a host building's painted exterior detailing, such as window trim and cornices. Earth tones, primary colors, and pastels are appropriate and can be designed with subtle combinations, and variations. Fluorescent, luminescent and iridescent colors and tones should only be used for traffic safety signs. Signs with a strong color contrast are more legible.
- (7) *Lighting*- Decorative light fixtures, such as gooseneck, hooded, historic reproduction, and alcove fixtures, are encouraged that are complimentary to the design of building, sign, or site. Signs should be evenly lit with no isolated bright or dark spots. No substantial light or glare may be directed or reflected onto adjacent streets or properties. Internally illuminated signs should use LED lights to the extent feasible and lettering should be channel set.

G. Specific Design Standards

- (1) All height limitations shall be measured from the average grade at the curb line to the top or bottom of the sign, as is specified, or it's supporting structure.
- (2) Where any sign, flag, or banner is located over a walkway, sidewalk, pedestrian way, or other public area, the bottom of the sign, flag, or banner shall be at least eight (8) feet above grade level of the pedestrian area.
- (3) Signs shall be located outside of sight triangles.
- (4) Illuminated signs shall be arranged to reflect the light and glare away from adjoining lots and streets to prevent glare or blinding effects upon motor vehicle traffic and so as not to cause a nuisance to residents of the area. All exterior lighted signs shall be shielded or have translucent fixtures to prevent glare.
- (5) An application for an illuminated sign must include a lighting fixture catalogue cut or manufacturer's product description sheet with isolux or lumens specifications and mounting information. It shall indicate the lighting intensity (lumens) that would be generated by any lighting devices shining onto the sign and the rest of the property and neighboring properties and the lumens that would be projecting from any illuminated signs as part of the sign plan. (This Information is part of the manufacturer's data sheet.) Externally illuminated signs consisting of three or fewer one-hundred-watt incandescent light bulbs, or compact fluorescent lights of comparable illuminating capacity, shall be exempt from submitting a lumens plan.

- (6) Attached wall signs shall be affixed parallel to wall to which they are attached, and the face of the sign shall project no more than ten (10) inches from the surface of the wall.
- (7) All signs shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts or landscaping, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The owner of any property on which a sign is located and those responsible for the maintenance of the sign shall be equally responsible for the condition of the area in the vicinity of the sign and shall be required to keep this area clean, sanitary, and free from noxious or offensive substances, rubbish, and flammable waste materials. If the sign is not made to comply with adequate safety standards, the Zoning Officer shall require its removal within thirty (30) days.
- (8) All signs should have a consistent sign design throughout a particular project. The design theme would include style of lettering, construction, material, type of pole or standard (wood or metal) size and lighting. Color of letters and background should be carefully considered in relation to the color of the material of the buildings or where the signs are proposed to be located.
- (9) The sign area of two-sided signs shall be computed using one (1) side of the sign, if the signs are identical.
- (10) The area of wall signs shall be computed by first measuring the initial letter, number, logo, trademark or symbol or letters of the name independently as a rectangle enclosing the letter, number, logo, trademark, or symbol and adding thereto the area of a rectangle enclosing all the remaining letters, numbers, logos, trademarks, or symbols forming the sign. Other wall signs of a solid face construction, which are placed and securely fastened to the building wall and are complete in and of themselves shall have the area computed on the basis of a rectangle formed by a complete sign.

H. Prohibited Signs

- (1) All signs not expressly permitted under § 310-33 or exempt from regulation in accordance with § 310-33E are prohibited.
- (2) No sign of any type shall be permitted to obstruct driving vision, pedestrian or vehicular traffic, traffic signals, traffic directional and identification signs, walkways, entrances, exits, fire escape, doorways, other places of business, 48" wide sidewalks, or other signs or windows of the building on which they are located, or in any way affect the safety of the public. The Borough of New Providence is authorized to remove any such sign at the expense of the permittee or owner of the property upon which it is located or person or entity responsible for erecting the sign.

(3) Billboard or Off-Premise Signs- The Borough of New Providence hereby prohibits all billboard and/or off-premise signs.

(4) Additional prohibited signs include but are not limited to:

- a) Changeable copy signs, except as otherwise permitted herein,
- b) Neon or gas tubing like signs,
- c) Beacons,
- d) Tethered balloons,
- e) Signs using red, yellow, and green lights which mimic the operation of any traffic control signal,
- f) Roof signs or signs mounted on the roof,
- g) Signs painted directly onto buildings,
- h) Inflatable signs,
- i) Animated, or moving signs,
- j) Mobile signs,
- k) Mechanical or electrical signs employing devices to revolve, flash or display movement or the illusion of movement. Or scrolling text and images
- l) Internally illuminated awning and canopy signs,
- m) Internally illuminated projecting and suspended signs (box signs),
- n) Vehicle(s) or trailer(s) permanently located to serve as a sign in circumvention of this chapter,
- o) Signs which present lewd language or graphic sexual depictions,
- p) Bench signs, and
- q) Bus shelter signs.

I. Developer Signs.

- (1) One on-site temporary developer sign for projects that have received final site plan or subdivision approval from the board of jurisdiction shall be permitted. The sign shall identify the project and shall be shown on the final site plan or

subdivision map. The sign area shall not exceed thirty (32) square feet and the sign height shall not exceed four (4) feet about the adjacent ground level. The sign shall be located outside of site triangles shall be located behind the street line by a minimum of three (3) feet. Once construction is completed, prior to the release of sureties, or when the project is dormant for over three (3) months, the on-site temporary sign shall be removed.

J. Public and Quasi-public Uses.

- (1) Community event signs sponsored by a civic organization, club, municipality or house of worship shall be permitted.
- (2) Community event signs shall be no larger than four (4) feet by six (6) feet.
- (3) Community event signs are setback at least fifteen (15) feet from any street or property line, and that such signs are only erected for a period of fourteen (14) days and are removed immediately following the event.
- (4) These signs are exempt from permit filing, but must register the sign, including sign location, event date, sign specifications and person or persons responsible for aforementioned sign with a contact phone number with the Zoning Officer or other designated official.
- (5) A house of worship may have two (2) signs not to exceed a total of thirty two (32) square feet displayed on the property. One sign may be an identification sign and one sign may be a changeable copy sign.

K. All Residential Districts and Uses located in New Providence

- (1) A permitted Home Professional Office or approved Home Occupation may have one sign not to exceed four (4) square feet in area or be higher than five (5) feet above surrounding grade level. The sign shall not extend beyond a vertical plane three (3) linear feet from all property lines displayed on the property, where a building housing a permitted Home Occupation is located within six (6) feet of the front lot line or the street line one (1) projecting sign may be used in lieu of a small freestanding sign noted above. The projecting sign shall not exceed four (4) square feet in area. The projecting sign shall be permitted to be located between an imaginary line drawn perpendicular to the top of any first or ground floor windows and/or doors and the top of the floor of the second floor.
- (2) No other displays or changes in facade that alter the residential character of the building shall be permitted in any residential district.
- (3) Neighborhood Identification Signs not to exceed six (6) square feet in area and that is not more than 18 inches above ground level and not to exceed five (5) feet high.

L. Commercial and Industrial Districts.

(1) Freestanding signs

- a) One (1) freestanding sign shall be permitted at a rate of one (1) square foot of sign (per side), for every three (3) linear feet of street frontage. Freestanding signs shall not exceed a total maximum area of fifty (50) square feet per side.
- b) Freestanding signs shall be located a minimum of ten (10) feet away from all property lines and outside of any sight triangles.
- c) Freestanding signs shall be mounted so that the bottom of the sign is at least eighteen (18) inches above ground level.
- d) Freestanding signs shall be monument-style and no higher than ten (10) feet above ground level.
- e) Freestanding signs may be internally illuminated. Freestanding signs may also be illuminated by an exterior light source, facing down, not upwards towards the sky.
- f) Individual freestanding signs for multiple tenants or tenant structures shall not be permitted.

(2) Building signs

- a) Facade, wall, suspended, projecting, and window signs shall have a maximum total area of four (4%) percent of the total of the area of the building facade fronting on a principal entrance, but in no case shall any individual sign be greater than fifty (50) square feet. One building sign per public entrance (maximum of 2) shall be permitted.
- b) Wall signs shall be located between the top line of windows or doors on the first floor, and the bottom line of the second floor windows, roof, or cornice above, in an area that is uninterrupted by windows, architectural details, or openings. (See Signable Façade Area)
- c) Wall signs shall not project beyond the roof or sides of the building. Wall signs may not project more than six (6) inches beyond the front surface of the building.
- d) In addition to the permitted signs projecting or suspended signs with a display area not greater than four (4) square feet that maintain a height of eight (8) feet over the sidewalk or surrounding grade and do not project more than four (4) feet from the exterior wall, shall be permitted under a canopy for each storefront or business service having an individual public entrance from the

exterior of the building. This sign area shall not count against the maximum signage permitted per this ordinance.

- e) Suspended signs may not extend farther away from the exterior wall of the building than the structure from which it is supported. In no case shall the suspended sign be greater than four (4) feet from the exterior wall of the building.
 - f) One etched or painted permanent window sign shall be permitted in one storefront window of any retail or commercial business, providing it does not exceed twenty-five (25) percent of the window area.
 - g) One awning or canopy sign shall be permitted on the awning or canopy providing the maximum letter height does not exceed eighteen (18) inches. Under no circumstances shall the awning or canopy be internally illuminated. Awnings and canopies are permitted to encroach upon the sidewalk a minimum of three (3) and maximum of six (6) feet, and be located eight (8) feet above surrounding adjacent grade level. The signage should be provided on the valance and should be limited to the store, business name or street number. No other text should be on the awning.
 - h) Changeable copy signs are permitted for gasoline service stations to provide fuel pricing information.
- (3) Directory signs shall be permitted in relation to each building, provided the directory is no more than six (6) square feet in area and four (4) feet in height. The sign shall not be located in the front yard setback.
- (4) Directional signs. Directional signage shall be permitted on sites where necessary to safely and effectively convey persons to their intended destination. Directional signs shall be consistent with each other and the site's other signage, and shall be limited to six (6) square feet in area and four (4) feet in height. The signs shall not be used for advertising purposes and may be internally illuminated.

M. Maintenance.

- (1) The property owner shall be responsible for maintaining all signs erected on a tax lot. This maintenance shall include repainting, repairing and cleaning, as necessary. No sign shall be permitted to exhibit:
- a) Excessive chipped or peeling paint or lettering;
 - b) Damaged or broken lettering or signboard;
 - c) Illegible material due to fading, obliteration, or other condition; or

d) Dirty, torn, broken, or otherwise damaged awning, canopy, projecting sign, or other sign support structure.

(2) If the Zoning Officer determines that any sign is in a state of disrepair so as to no longer be reasonably capable of presenting its message, or abandoned or a danger to the public health or public safety, he shall give written notice of the condition of the sign to the owner of the sign and to the owner of record of the tax lot.

(3) The property owner shall thereafter have 30 days to repair or remove said sign.

(4) If said sign is not satisfactorily repaired or removed within the thirty-day period, the Zoning Officer may thereafter take such actions as are permitted pursuant to this Chapter.

N. Abandonment. Abandoned signs and their supporting structures shall be removed within 30 days. The Borough may thereafter take such actions as are permitted pursuant to this Chapter.

O. Permits Fees.

(1) All signs, excluding those specifically exempted within this section, shall require a sign permit from the Zoning Officer and, if applicable, a building permit from the Construction Code Official. The applicant shall furnish the Zoning Officer with a fee as required and the necessary information from which to determine whether the subject sign meets the requirements of this section

(2) Individual signs placed within a multiple sign structure subsequent to its installation shall require a separate permit.

(3) Where the erection of a sign has not been completed within six (6) months after the date of issuance of the permit, the permit shall become null and void and subject to reapplication. The Zoning Officer shall have the discretion to grant a reasonable continuation of time where unavoidable conditions prevented the initiation or completion of work within the prescribed time period.

(4) Fees shall be established pursuant to the requirements of § 147-4 of the Code of the Borough of New Providence

(5) Notwithstanding the provisions of this section, the Borough Council in its absolute and sole discretion, or by contract or agreement, may provide advertising for any business, organization or use when such advertising is deemed to be in furtherance of the public good, health, safety and/ or general welfare.

P. Enforcement

- (1) If the Zoning Officer shall find that any sign regulated herein is unsafe, insecure, in need of repair, equipped with flashing or blinking lights, or otherwise in violation of this section, the Zoning Officer shall give written notice to the owner thereof or to his/her attorney. If the owner fails to remove, alter or repair the sign within 30 days after such notice, the Zoning Officer may initiate further action as provided in this section in order to abate or remedy the violation.
- (2) Upon failing to comply with the violation notice from the Zoning Officer within the time specified, the Zoning Officer is authorized to cause the removal of the sign, and any expense incidental thereto shall be paid by the permittee or owner of the property upon which the sign is located.

Q. Violations and remedies.

- (1) Penalties. Any violation of any provision of this section shall be punishable upon conviction by a fine of not less than \$50.00 dollars and not to exceed \$1,000.00 dollars.
- (2) The following individuals shall be subject to potential punishment;
 - a) The owner, tenant or occupant of a building, premises, or part thereof where such a violation has been committed or does exist; and
 - b) Any agent, contractor, corporation or other person who commits, takes part or assists in the violation.
- (3) Each day a violation continues shall constitute a separate and distinct offense, punishable as such in accordance with the following;
 - a) A minimum penalty of \$50.00 dollars per day shall be imposed; and
 - b) Any person or entity who is convicted of violating any provision of this section within one (1) year of the date of a previous violation of the same provision of this section, and who was fined for the previous violation, shall be sentenced by the Municipal Court an additional fine as a repeat offender. The additional fine imposed by the Court upon such person or entity for a repeat offense shall not be less than the minimum fine fixed for a violation of the section, but shall be calculated separately and in addition to the fine imposed for the violation of this section.
 - c) The imposition of penalties herein shall not preclude the Borough of New Providence or any other person from instituting an action to prevent the unlawful construction, reconstruction, installation, alteration, repair, conversion or use of a sign, or to restrain, correct or abate a violation.

- (4) Injunctive and other relief. In addition to the foregoing, the Borough of New Providence may institute and maintain a civil action for injunctive or other relief as provided in the Municipal Land Use Law and other applicable laws.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

Introduced: October 10, 2011

Public Hearing: November 28, 2011

Adopted: November 28, 2011

BOROUGH OF NEW PROVIDENCE,
COUNTY OF UNION,
STATE OF NEW JERSEY

J. Brooke Hern, Mayor

Attest:

Wendi B. Barry, Clerk