

**BOROUGH OF WOODLAND PARK
COUNTY OF PASSAIC, STATE OF NEW JERSEY**

ORDINANCE 12-18

**AMENDMENT TO ORDINANCE NO. 22:42-2
AN ORDINANCE TO ESTABLISH REGULATIONS WITH
REGARD TO THE USE OF SIGNS**

BE IT ORDAINED, by the Borough Council of the Borough of Woodland Park, in the County of Passaic and State of New Jersey as follows:

22-42 SIGNS.

Prior ordinance history includes portions of Ordinance No. 79-10.

22-42.1 Purpose and Intent.

- a. To control the size, location, character and other pertinent features of all exterior signs or signs visible from the exterior;
- b. To promote signage which is compatible with its surroundings, orderly, readable, and which shall promote vehicular and pedestrian safety through a visually nondistracting environment.
- c. To discourage and render unlawful signs which contribute to visual pollution and clutter thereby promoting the aesthetics of the environs.
- d. To promote the public health, safety and welfare by minimizing signs which are of faulty construction or which are in disrepair, or which are in any other way inimical to the public safety. (Ord. No. 95-8 § I)

22-42.2 Definitions.

For the purposes of this section, the following words and phrases shall have the meanings as ascribed to them in this section:

a. *Signs* shall mean any device, freestanding or attached to a building or structure, or erected, painted, represented or reproduced upon or in any building or structure which displays, reproduces or includes any letter, word, name, number, modes, insignia, design, device or representation used for one or more of the following purposes: to identify the premises or occupant or owner of the premises; to advertise any trade, business, profession, industry, service or other activity; to advertise any product or item; to advertise the sale or rental or use of all or any part of any premises including that upon which it is displayed; to direct vehicular or pedestrian traffic and shall include any announcement, declaration, demonstration, display, illustration, insignia or any representation used to promote the interests of any person. "Sign" shall not be construed to mean any non-illuminated sign in the interior of any structure which is not visible from the outside of the structure under normal circumstances, unless specifically designated as such in this chapter. **Included in this definition are freestanding "A- frame signs" (also known as "sandwich signs") and "feather flags" (also known as "swooper flags" or "flutter flags") placed upon the sidewalk or yard of the building or business premises.**

b. *Sign—principal* shall mean the primary or predominant sign on the premises displayed to identify the occupant thereof or the services rendered or a product or item available therein or a trade, business or profession carried on therein.

c. *Sign—secondary* shall mean any sign otherwise permitted by or not exempted by this section, except temporary signs, which is not a primary sign.

d. *Sign awning/canopy* shall mean a sign on or attached to a fixed or movable awning or canopy which is supported in whole or in part by the exterior of the building.

e. *Sign flashing* shall mean a self-illuminated sign on which the attached lighting is not stationary or constant in intensity or color at all times when such sign is in use. Any revolving, illuminated sign shall be considered a "flashing sign."

f. *Sign window* shall mean a sign which is mounted, painted or placed on the inside or outside of a window in such a manner that it can be viewed from the exterior of the building.

g. *Sign flags* shall mean other than official, national, State, County, or municipal flags shall be considered to be signs and shall comply with applicable regulations.

h. *Box sign* shall mean a sign illuminated from its interior upon which lettering and/or symbols are applied or affixed.

i. *Individual letter signs* shall mean a sign having no frame, or border, mounted or placed on a facade, an awning or in any other manner permitted in this section, which is comprised of; a) a logo, b) separate individual letters which, taken together convey the purpose intended by the sign, which may or may not be illuminated.

j. *Projecting sign* shall mean a sign not parallel to the facade of a building extending more than twelve (12) inches beyond the face of the building.

k. *Signs, temporary* shall mean temporary signs and shall include all signs erected for special events used to direct attention to an individual, a business, a product, a commodity or a service conducted, sold or offered on the premises or elsewhere. Such signs shall include banners, streamers of flags, pennants or other similar devices strung across, upon, over or along any premises or building.

l. *Sign Area.*

1. The sign area of a "box sign" shall be the area of the box enclosing the illuminating apparatus to which the lettering and/or symbols is applied.
2. The sign area of an "individual letter sign" or "logo" shall be the area of the smallest single rectangle which encompasses all lettering and/or symbols.
3. The sign area of a "flat sign" shall be the area of the backing to which the lettering and/or symbol is applied. (Ord. No. 95-8 § II)

22-42.3 Permits and Fees.

It shall be unlawful for any person to erect, relocate, reconstruct or alter any exterior sign regulated by this chapter within the Borough, without first obtaining a sign erection permit from the Code Enforcement Official, pursuant to this section.

The Code Enforcement Official shall issue permits only for such signs as are specifically allowed for one particular premises and zone district in which the premises are located.

- a. *Sign Erection Application and Fees.* Any person desiring to erect or relocate any sign within the Borough shall first apply for and obtain a sign erection permit from the Code Enforcement Office as regulated by N.J.A.C. 5:23-2.16.
 1. Each application shall be accompanied by a filing fee of one (\$1.00) dollar per square foot with a minimum fee of forty (\$40.00) dollars.
 2. It shall be the duty of the Code Enforcement Official, upon filing of an application for a sign erection permit to examine such plans and specification and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed sign is in compliance with all the requirements of this chapter and all other laws and ordinances of the Borough, he/she shall then issue a sign erection permit thereof. If the work authorized under an erection permit has not been completed within six (6) months after the date of issuance of the sign erection permit thereof, such permit shall become null and void.
 3. The denial by the Code Enforcement Official of a sign permit shall be appealable to the Zoning Board of Adjustment. (Ord. No. 95-8 § III)

22-42.4 Exempted Signs.

- a. The provisions and regulations of this section shall not apply to the following signs provided that such signs shall remain in safe condition:
 1. A professional nameplate affixed to the door or adjacent wall of residential premises used in conformance with subsection 22-42.2, not to exceed eight (8) inches by twenty (20) inches.
 2. A memorial sign or tablet, or a sign indicating the name of a building, or the date of its erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material.
 3. Signs for public convenience and welfare erected by or on behalf of the United States, the State, the County and the Borough, legal notices posted by approved governmental official or their designees, railroad crossing signs or other signs as required by law. (Ord. No. 95-8 § IV)

22-42.5 General Prohibitions.

- a. All temporary signs are prohibited except those specifically allowed as provided in this section.
- b. Advertising signs shall be prohibited in all residential districts except as provided by this section.
- c. No permanent sign shall be placed or located or displayed upon a sidewalk.
- d. No sign shall be permitted to be erected upon the roof of any structure.
- e. No projecting sign as defined herein shall be permitted to be erected above any sidewalk.
- f. No sign shall be in whole or part moving, revolving, or otherwise kinetic by design.
- g. Signs containing exposed luminous lighting are prohibited except as approved by this section.
- h. Strings or streamers of flags, pennants, spinners or other similar devices strung across, upon, over or along any premises or building, whether as a part of any sign or not, shall not be allowed within any zone district, except those which shall be specifically exempted under subsection 22-42.6.
- i. Flashing signs as defined in subsection 22-42.2 are prohibited.
- j. No secondary sign shall be attached to or placed upon another sign.
- k. No person shall place upon or attach to any tree or upon or to any telegraph, telephone or electric light pole in any street or highway within the Borough any handbill, advertisement or written, printed or partly written or printed notice of any kind except such notices as are required by law to be posted.
- l. Signs or advertising matter of an obscene nature are prohibited.
- m. No billboard or billboard type signs shall be erected. (Ord. No. 95-8 § V)

22-42.6 Temporary Signs.

Temporary signs shall be allowed in all zones and shall comply with the following regulations:

- a. All temporary signs except feather and A- frame type signs may be installed for a period of not more than fifteen (15) days with one (1) extension not to exceed another fifteen (15) days with proper permits and approval by the Construction Code Official pursuant to subsection 22-42.3. Each locale is limited to two (2) temporary sign approvals per year.

- b. Temporary signs for elective office ("political signs") are permitted only after a permit is obtained from the Construction Code Official and are subject to the following regulations:
 - 1. Political signs shall not be posted before thirty (30) days prior to the date of the election to which such sign pertains.
 - 2. There shall be no more than one (1) political sign for each particular candidate or group of candidates located on any one (1) piece of commonly owned property.
 - 3. No political sign shall exceed nine (9) square feet in total display area nor three (3) feet in any dimension. As to the local candidates for municipal office only, this particular regulation shall not take effect until January 1, 2002. Until that date the maximum size of such signs for candidates shall be twenty-four (24) square feet.
 - 4. All political signs shall be removed no later than ten (10) days after the election to which they pertain.
 - 5. The following persons shall be responsible under this section for the removal of any political sign posted.
 - (a) Any person, firm or corporation who shall erect or display or who shall cause or permit to be erected or displayed any political sign on premises subject to his or its control.
 - (b) Persons whose names appear on any political sign as required by N.J.S.A. 19:34-38.1.
 - (c) Any other person who actually places any political sign in any public place or public facility, even though his name does not appear thereon.
 - (d) Any person to whom the permit was issued by the Construction Code Official for the political sign posting.
 - 6. No political sign shall be attached to or affixed upon any public place or public facility by any means.
 - 7. The permit fee shall be waived for political signs.
 - 8. One (1) permit may be issued to one (1) person or organization for more than one (1) candidate, or group of candidates covering one (1) calendar year. (Ord. No. 79-3 § 22-23.4; Ord. No. 01-6 § VI)

22-42.7 Residential Zones.

- a. All commercial signs are prohibited within a residential district except:
 - 1. Real estate signs which are customary and necessary in the offering of real estate for sale or let, placed upon premises being offered.
 - 2. Garage and yard sale signs as regulated by Ordinance No. 93-3.
 - 3. A professional nameplate or announcement sign, not larger than eight inches by twenty (8 x 20) inches as permitted by subsection 22-42.4.
 - 4. Temporary signs for elective office are permitted as regulated by this section.
- b. All other temporary signs are prohibited unless specifically approved by this section. (Ord. No. 95-8 § VII)

22-42.8 Signs Within General Commercial Districts, and General Office Districts and Commercial Center Districts and Highway Commercial Districts and Neighborhood Commercial Districts.

The only signs permitted shall be a sign or signs advertising the premises upon which it is located or displayed, or the identity of the occupancy thereof, or a service rendered therein, or a product or item available therein, or a permitted trade, business or profession carried on therein hereinafter regulated.

- a. There shall be no more than one (1) principal sign for each retail establishment or permitted use therein except where the following conditions are met:
 - 1. Any permitted use within a building having an exterior wall facing an off street parking area may have a secondary sign on said wall if that wall contains a pedestrian entrance to said permitted use.

2. Any permitted use within a building on a corner lot may have a secondary sign. One (1) sign shall be located on one (1) street and a second sign shall be located on the second or side street, nothing contained herein shall be construed to permit more than two (2) signs on a building. Secondary signs are to be a maximum of two (2) feet in height not to exceed thirty (30%) percent of principal sign.
 3. Owners of portable signs must assume liability for the location and placement of their portable signs.
- b. All signs, unless a freestanding sign, as hereinafter regulated:
1. Shall be installed parallel to the face of the wall to which it is attached.
 2. Shall not extend more than twelve (12) inches from the structural face of the building wall.
 3. The bottom of the sign shall not be less than seven (7) feet high measured from the ground level below.
 4. The sign height measurement shall not exceed two (2) feet.
 5. The total gross area of the sign shall not exceed five (5%) percent of the front face of the building.
- c. “Feather flags” and “A-frame signs” are subject to the following regulations:
1. Business establishments may display “feather flags” and “A-frame signs” only on the business premises and only during their hours of operation.
 2. Each business establishment is permitted to display a maximum of two (2) signs simultaneously. One (1) of each type of sign may be displayed or two (2) signs of a single type may be displayed at one time. For example: one (1) “feather flag” and one (1) “A-frame sign” may be displayed; or two (2) “feather flags” and no “A-frame sign”; or no “feather flags” and two (2) “A-frame signs” may be displayed at one time.
 3. “Feather flags” that are more than eleven (11) feet long, or greater than eighteen (18) inches in width are not permitted. This type of sign must be bolted down to the ground to prevent displacement from the wind.
 4. “A-frame signs” that are more than thirty-six (36) inches high, or greater than twenty-four (24) inches in width are not permitted. This type of sign must be weighted down to prevent displacement from the wind.
- c. In Highway Commercial Zones, the maximum height, dimension of the sign shall not exceed three (3) feet and the total gross area shall not exceed ten (10%) percent of the front face of the building to which it is attached.
- d. Where there shall be more than one (1) occupant of the building and where each occupant has a separate ground floor entrance, the total area of all signs permitted as hereinafter regulated, taken in the aggregate, shall not exceed the maximum gross area requirements above set forth for each wall upon which any sign is permitted to be erected. All signs shall be uniform in appearance and shall be made of the same material with the same background and contain the same letter-type style and material.
- e. No signs are permitted above the first floor.
- f. For those premises, where the structure is set back at least twenty (20) feet from the front curbline, a freestanding sign of an area not to exceed twelve (12) square feet in area on each side and twenty-four (24) square feet in aggregate shall be permitted, provided however the top of said sign shall not be more than ten (10) feet above the level of the ground and the sign shall not be located within any road right-of-way, or be closer than five (5) feet from any property line. The provisions of this section shall not be construed to prohibit freestanding signs accessory to filling, and service stations as provided in this subsection.
- g. Neon signs and/or signs painted on, placed or hung on/or within twenty-four (24) inches from the inside window glass of, and paper signs attached to windows for advertising purposes shall be limited to covering thirty (30%) percent of the area of any one (1) window but in no event shall the area of coverage exceed a total of thirty-six (36) square feet, for each window, pane. Notwithstanding the provisions of this section, unlettered and undecorated, balloons, pennants, flags, banners and the like shall only be permitted

for grand openings of a new permitted use and shall be displayed in accordance with subsection 22-42.5 of this section. Signs other than principal signs, that fail to comply with all provisions of this section shall be removed no later than sixty (60) days after the effective date of this section. (Ordinance No. 95-8, codified herein as Section 22-42, was adopted September 13, 1995.) Window signs are prohibited in General Office Districts.

- h. Facade mounted signs for permitted uses in the Commercial Center Districts, Neighborhood Commercial Districts, General Commercial Districts and General Office Districts which share a common entrance shall be limited to tenant identification or directory signs. The signs shall be unlighted, shall be limited to one (1) sign per tenant, shall be uniform in appearance and shall be made of the same materials with the same background and contain the same letter-type, style and materials as all other similar signs used by tenants in the building. The signs shall not exceed an area of two (2) square feet per sign or a vertical height dimension of eight (8) inches, and where there is more than one (1) tenant in the building all of said signs shall be abutting one another and not indiscriminately placed on the exterior walls of the building. The total square footage of the directory sign or individual tenant identification signs shall not exceed the allowable sign area for that zone.
- i. The following signs, customary and necessary to the operation of filling and service stations are permitted.
 - 1. Lettering on buildings displayed over individual entrance doors consisting of the words "washing," "lubricating," "repairing" or words of similar import, provided that there shall be not more than one (1) such sign over each entrance, and that the letters shall not exceed twelve (12) inches in height;
 - 2. Lettering or other insignia, which are a structural part of a gasoline pump, consisting only of a brand name, lead warning sign and other signs as required by law;
 - 3. A credit card sign not exceeding one (1) square foot in area, affixed to the building or permanent sign structure of the sign next referred to;
 - 4. One (1) sign bearing the brand or trade name of the station, of a design specified by the manufacturer, permanently affixed to the building or its own metal substructure, such sign not to exceed twenty-four (24) square feet in area on each side or forty-eight (48) square feet in aggregate area if both sides shall have signs thereon, which sign, if on its own metal substructure, shall be rigidly and securely attached to the ground surface so as to create no danger to life or limb and which sign, whether affixed to a building or on its own substructure, shall not exceed eighteen (18) feet in height overall. Provided, that no such sign shall be so affixed or erected until permission in writing therefor shall have been issued by the Construction Code Official;
 - 5. A sign attached to each gas pump, with the price of the product as required by law.
- j. Signs are permitted on awnings not to exceed the applicable size regulations allowed in that zone. A sign on an awning which is not installed on the flap or vertical plane shall be considered a principal sign. Signs running in a horizontal direction are permitted on the flap or vertical plane of any permitted awning provided the sign does not exceed a height of eight (8) inches, measured from the bottom to the top of such sign or lettering.
 - 1. Any change of signage for pre-existing, nonconforming business uses in residential zones shall:
 - a. Not exceed the dimensions of the sign being replaced;
 - b. Comply with the maximum allowable sign area for that zone; and
 - c. Any relief from this subsection shall be obtained from the Board of Adjustment as a Use Variance. (Ord. No. 95-8 § VIII)

22-42.9 Signs in Industrial Districts.

One (1) freestanding sign per building or one (1) sign attached to the building shall be allowed in industrial districts. Such sign shall comply with the requirements as set forth in subsection 22-42.8 of this section. (Ord. No. 95-8 § IX)

22-42.10 Maintenance.

All signs together with all of their supports and other fastening devices shall be maintained in a clean, neat, safe and orderly manner. (Ord. No. 95-8 § X)

22-42.11 Multi-Tenant Buildings and Shopping Centers.

The Planning Board may waive requirements of this section where the applicant presents an overall sign plan to the Board indicating a detailed design vocabulary, and placement and signage plan which would, in the opinion of the Board be consistent with the purpose and intent of this chapter and promote the objectives of this chapter. (Ord. No. 95-8 § XI)

22-42.12 Existing Nonconforming Signs.

Any sign existing on the effective date of adoption of this chapter which does not conform with any provision thereof, shall be deemed a nonconforming structure which may be maintained upon its present premises as set forth herein. (Ordinance 79-3, codified herein as Chapter XXII, was adopted June 20, 1979.) The right to maintain any nonconforming sign shall be eliminated: a) if the sign is substantially destroyed, b) if there is a change of use, occupancy or ownership of the structure of use to which the sign applies, c) if there is any change in the physical dimension of the sign, d) if the sign box is removed for any other reason not specifically approved. (Ord. No. 95-8 § XII)

22-42.13 Enforcement.

The provisions of this section shall be enforced by the Code Enforcement Officer of the Borough of Woodland Park. For any and every violation of the provisions of this section, the owner and/or lessee or tenant of a building or premises where a violation exists shall for each and every violation, and for each and every day that the violation continues as a separate offense, be subject to the penalty provided in the Code of the Borough of Woodland Park. (Ord. No. 95-8 § XIII)

Introduced: November 21, 2012

Adopted: December 5, 2012