

Ordinance 2010-06

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 29, “SIGNS,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, the Construction Official has made certain recommendations to revisions to Chapter 29 of the Borough Revised General Ordinances of the Borough of Hightstown; and

WHEREAS, the Planning Board has reviewed and concurs with these recommendations;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown as follows:

1. Section 1. Chapter 29 “Signs” is hereby amended as follows: (additions are shown with underline; deletions by ~~strike through~~):

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Sections:

29-1. PURPOSE

29-2. DEFINITIONS

29-3. General Regulations

29-4. SIGN AREA

29-5. PROHIBITED SIGNS

29-6. SIGNS EXEMPT FROM PERMITS

29-7. CANOPY SIGNS

29-8. CHANGEABLE COPY SIGNS

29-9. DIRECTIONAL SIGNS

29-10. DIRECTORY SIGNS

29-11. FREESTANDING SIGNS

29-12. GRAND OPENING SIGNS

29-13. TIME AND TEMPERATURE SIGNS

29-14. WINDOW SIGNS

29-15. PROJECTING SIGNS

29-16. RESIDENTIAL ZONES - R-1-2-3-4, R-MF, R-PE, R-PF

29-17. OFFICE RESIDENTIAL ZONES – RPO

29-18. COMMERCIAL AND HIGHWAY, BUSINESS AND INDUSTRIAL ZONES – CC-1, CC-2, HC and I

29-19. SHOPPING CENTER/OFFICE ZONES – RO, PED

29-20. NONCONFORMING SIGNS

29-21. ABANDONED SIGNS
29-22. PERMIT PROCEDURES AND ADMINISTRATION
29-23. SIGN MAINTENANCE
29-24. VIOLATIONS AND PENALTIES
29-25. APPEALS
29-26. SUPERSEDING OF INCONSISTENT PROVISIONS

29-1. Purpose.

The purpose and intent of this chapter is to encourage the orderly and effective use of signs as a means of communication, and in accordance with the Borough's Master Plan to maintain and enhance the Borough's aesthetic environment and ability to attract economic development, to enhance the Borough's historic character and streetscape, to minimize the possible adverse effects of signs and to enable the fair and consistent enforcement of sign regulations.

29-2. Definitions.

ABANDONED SIGN – A sign located on, and/or related to, the use of a property which is vacant and unoccupied for a period of 180 days or more; any sign which was erected for or by an occupant or business unrelated to the present occupant or business; or any sign which related to a time, event or purpose which is past.

AWNING –

A. A sheet of canvas or light fabric supported by a frame, used chiefly to protect against the elements, commonly located in front of a business, extending from the top of an entrance or window.

B. A canopy like structure that is canvas or metal covered frame and installed permanently over windows or doors to protect against the elements.

CANOPY – A roof-like cover, open to the elements on four sides, which is used to protect outdoor equipment, such as motor fuel pumps

COMMERCIAL MESSAGE – Any sign wording, logo, figure, symbol, color, illumination, fixture, projection or other representation that, directly or indirectly, names, advertises or calls attention to a business product, service or other commercial activity.

FACADE AREA – The total area of a facade, including walls, windows, doors, and fixtures below the top of the parapet of a building with a flat roof, the cornice line of a building with a gambrel gable or hip roof, or the upper slope line of a building with a mansard roof, that faces a public street, pedestrian walkway or parking lot.

SEARCHLIGHT – Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also any light

with one (1) or more beams that rotate or move or that creates an illusion of such rotation or movement.

SHOPPING CENTER – A group of three (3) or more commercial establishments planned, constructed and managed as a total entity and which includes customer and employee parking on the same site, provision for the delivery of goods separated from customer access, and a unified architectural treatment of the building or buildings.

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, figures, design, symbols, logos, colors, illumination or projection of images.

SIGN, ANIMATED OR MOVING – Any sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

SIGN, BANNER – A sign which may or may not contain a message, constructed of cloth, canvas, plastic or other flexible material typically suspended or hung by cord, string or rope from a structure. Banner sign includes signs commonly known as "grand opening" signs.

SIGN, BENCH – A sign attached to or otherwise painted or displayed on a bench located in any public park, playground or in or adjacent to public right of way.

SIGN, CANOPY – A sign that is mounted or painted on or attached to a canopy that is otherwise permitted by the Borough Zoning Ordinance.

SIGN, CHANGEABLE COPY – A sign that is designed so that the message on the sign can be easily and periodically altered, provided, however, that the message on the sign does not change more than once a day.

SIGN, DIRECTIONAL – Signs limited to directional messages and that do not contain a commercial message, principally for directing pedestrian and vehicular traffic, such as "ONE WAY," "ENTRANCE," and "EXIT."

SIGN, DIRECTORY – A sign that lists the tenants in a multi-use building or indicates the location of buildings and uses in a business or industrial complex.

SIGN, FACADE – A sign fastened to or painted on the facade of a building or structure in such manner that the facade becomes the supporting structure for or forms the background surface of the sign. Such signs shall not project more than eight (8) inches from the face of the building.

SIGN, FREESTANDING – Any sign supported by permanent structures or supports that are placed on, or anchored into the ground and that are independent from any building or other structure.

SIGN, INCIDENTAL – An informational sign that has a purpose secondary to the use of the lot on which it is located, such as "No Parking," "Loading Zone," "Telephone" or "Rest Room" or similar information such as hours of operation. No sign that contains a commercial message legible from any property line of said lot shall be considered "incidental."

SIGN, INSTITUTIONAL – A sign that is used for identification and information purposes by schools, colleges, houses of worship, hospitals, or other institutions of a similar public or semi- public nature.

SIGN, MARQUEE – A permanent canopy, projecting over an entrance to a building, that extends all the way to the curb line of an adjacent street or driveway.

SIGN, OFF-PREMISES – A sign containing a commercial message which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the property on which the sign is located.

SIGN, POLITICAL – A temporary sign that relates to a particular election for public office, referendum or other plebiscite at the federal, state or local level.

SIGN, PORTABLE – Any sign not permanently attached to the ground or other permanent structure; or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicles are used in the normal day-to-day operation of the business.

SIGN, PROJECTING – A sign that is mounted perpendicular to the façade of a building and is constructed of wood or wood-like material and contains the same text on both sides of the sign.

SIGN, REAL ESTATE – A sign pertaining to the sale or lease of a property or portion thereof, on which the sign is located.

SIGN, RESIDENTIAL – A sign located in a district zoned for residential purposes that does not contain any commercial message except for goods or services legally offered on the premises on which the sign is located.

SIGN, ROOF – A sign that is mounted on the roof of a building or which is wholly dependent upon a building's roof for support and which projects above the parapet of a building with a flat roof, the cornice line of a building with a gambrel, gable or hip roof, or the upper slope line of a building with a mansard roof.

SIGN, TIME-AND-TEMPERATURE – A sign or portion thereof whose sole Purpose is the indication of the time and/or temperature.

SIGN, VEHICLE – A sign affixed or painted on a vehicle or trailer and parked at a specific location for a period in excess of ninety-six (96) hours.

SIGN, WINDOW – A sign that is applied or attached to the interior or exterior of a window.

SIGN AREA – The surface display area of a sign determined by a computation as otherwise provided for in the chapter - Section 29-4.

ARTICLE II. GENERAL PROVISIONS

29-3. General Regulations.

A. *Accessory uses.* Permitted signs shall be allowed as accessory uses in all zoning districts, provided that all permitted signs in the Borough of Hightstown conform to the provisions of this chapter and any other ordinance or regulation of the municipality or the state or federal government relating to the erection, alteration or maintenance of signs. In the event of conflicting regulations, the most restrictive shall apply.

B. *Sign permit.* A permit shall be required for the installation and erection of all signs, unless exempted from such requirements under Section 29-6 of this chapter. Notwithstanding any other provision to the contrary, grand-opening signs shall require a fee of twenty-five dollars (\$25.00) for a sign permit. All other sign permit fees shall be in accordance with Section 12-2.5 and Section 29-22 of the Borough Code. Sign permits issued for portable signs, as defined in this Ordinance, shall be renewed yearly and may, after notice and hearing, be denied or revoked based on the permit holders' compliance with applicable Sign Ordinance requirements, or findings made pursuant to this Ordinance.

C. *Unsafe signs.* Whenever, in the opinion of the construction official, any sign becomes unsafe or endangers the safety of a building or premises or endangers the public safety, the construction official shall send a (certified mail, return receipt requested and regular mail) letter to the owner of the sign or the owner or tenant of the premises on which the sign is located, ordering that the sign be made safe or removed within five days of receipt of the letter. If the permittee fails to remove, alter or repair it within 30 days after the notice, the sign may be removed, altered or repaired by the Borough in order to comply by the construction official at the expense of the permittee or owner of the property upon which it is located. The building inspector may cause any sign or sign structure to be removed summarily and without written notice if it is an immediate peril to persons or property by virtue of its construction or moorings.

D. *Rights-of-way*. No sign other than approved traffic control or similar official governmental signs shall be erected within or project over the right-of-way of any public street or sidewalk, except as hereinafter provided.

E. *Imitation of official signs*. No sign shall be erected that is of such character, form, shape or color that it imitates or resembles any official traffic sign, signal or device or that has any characteristics which are likely to cause or dangerously distract the attention of the operator of a motor vehicle on a public street.

F. *Sight triangles*. No sign shall be erected at the intersection of any streets improved for vehicular traffic within the triangular area formed by the right-of-way lines and a line connecting them at points thirty (30) feet from their intersection, unless the topmost portion of said sign is less than two and one-half (2-1/2) feet high. In no case shall any sign be so erected that it impedes the vision of motorists or pedestrians or otherwise endangers their safety. In the event of any conflict between the provisions of this paragraph F and Section 28-10.8 of the Borough Code, the provisions of Section 28-10.8 shall control.

G. *Prohibited placement*. No sign shall be placed on any tree, telephone, electric light or public utility pole or upon rocks or other natural features.

H. *Permitted uses*. No sign shall be erected containing a message that states or implies that a property may be used for any purpose not permitted in the zoning district in which said sign is located.

I. *Public Property*. Any sign installed or placed on public property, except in conformance with the requirements of this chapter, shall be forfeited to the public and subject to confiscation. In addition to other remedies that may be imposed under this chapter, the Borough shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such sign.

J. *Illumination*. Signs exempt from permits in accordance with 29-6 of this chapter shall not be illuminated, unless otherwise permitted under this chapter. Any other sign may be illuminated unless otherwise prohibited.

29-4. Sign Area.

For the purposes of this chapter, "sign area" shall mean the smallest area, whether opened or closed, and expressed in square feet, of all displayed writing, symbols, logos, letters, figures, emblems and/or other representations, plus all material and/or color forming an integral part of the sign, and/or used to differentiate the sign from the background against which it is placed, provided that:

A. In the event that a sign is designed with more than one (1) face, the area shall be computed by including only the maximum surface display area visible from any one (1) point, provided that the message is the same on each face.

B. The supports, uprights or other structure on which any sign is attached shall not be included in the calculation of sign area unless such structure is designed in such a manner as to form an integral part of the sign or conveys meaning.

C. The area of lamp or other artificial illumination visible on a sign shall be counted as part of the total allowable sign area.

D. *Ratio.* The ratio of width to length of the rectangle enclosing a sign shall be no greater than one to ten (1:10).

29-5. Prohibited Signs.

Any sign that is not permitted by the provisions of this chapter is hereby prohibited, with the following signs specifically prohibited:

A. A flashing, blinking, twinkling, animated, moving or projected sign of any type or a sign that presents the illusion of movement, with the exception of time-and-temperature displays and barber poles as otherwise permitted or signs which emit smoke, noise or visible vapor.

B. Banners, pennants, streamers, spinners or similar devices constructed of cloth, light fabric, cardboard, plastic, vinyl, or other like material, and lights and searchlights, displayed for the purpose of attracting the attention of pedestrians or motorists, except as permitted for special events not to exceed four times per year for a maximum 2-week period and not exceeding 16 square feet.

C. Any sign so erected, constructed or maintained as to obstruct any fire escape, window, door or other opening used as a means of ingress and egress.

D. Any portable or bench sign, or signs that emit smoke, vapor or noise, except as permitted in Section 29-17.

E. Any sign which, when applying contemporary community standards, has a dominant theme or purpose which is obscene or offensive.

F. Off-premises signs.

G. Signs using red, green, blue or amber illumination in a beam, beacon or flashing form resembling an emergency light or traffic signal.

H. Neon ~~neon~~ signs. *[Note: This text already exists in the Code as subsection G, which ends now, unclearly, as “; neon signs.” By moving that text to a new subsection H, this would make sense stylistically and logically.]*

~~H.~~ I. Signs attached to the exterior glass of a building.

- I. J. Permanent marquees extending over the sidewalk beyond the street line.
- J. K. Signs posted or painted on posts, utility poles, tanks, towers, smokestacks, trees, rocks or any natural feature of the environment.
- K. L. Signs posted on Borough property except where specifically authorized by the Borough.
- L. M. Signs installed or painted on sidewalks, curbs and benches, except as permitted in Section 29-18.
- M. N. Signs on abutments, retaining walls and embankments.
- N. O. Murals and signs painted on buildings. Signs painted directly on buildings or which obstruct any windows.
- O. P. Roof signs.
- P. Q. Signs which constitute a hazard to pedestrian or the traveling public by obstructing access, obstructing driving vision or by obstructing regulatory or directional signs or signals, or which may confuse or distract the attention of the operator of a motor vehicle, or otherwise constitute a safety hazard.
- Q. R. Pylon signs, except as permitted herein.
- ~~R.~~ S. All outside lighted signs operating after 1:00 a.m. with the exception of signs in the commercial zones. Lighted signs are those signs for which the source of light is internal.
- ~~S.~~ T. Illuminated signs where the source of light is directly visible from adjoining properties or streets. Illuminated signs are signs that are lighted by an external source.
- T. U. All temporary signs, except as set forth herein.
- U. V. Any sign using the term "going out of business sale" or terms substantially similar to "going out of business sale" which does not coincide with the permitted time frames for such sales, as set forth in *N.J.S.A. 56:8-2.8*, whether or not a permit for such sign may have been issued pursuant to this chapter.
- W. Signs advertising room or rooms for rent for any property in the Borough of Hightstown for which no license has been issued in accord with Sections 4-1, 13-8, and 13-10 of this Code to qualify that property as a boarding house, rooming house, or rooming unit.

X. Signs advertising an apartment or house for rent for any property in the Borough of Hightstown for which a Rental Certificate of Compliance has not been issued by the Housing Inspector, in accord with Subsection 13-8-1 of this Code.

Y. Signs advertising the rental of any room, apartment or house, unless the sign is located on the property that is being advertised, and the owner of the property has taken all necessary steps to make sure that such advertising is otherwise in accord with the provisions of this Code.

29-6. Signs Exempt from Permits.

The following signs are exempt from the need to obtain permits:

A. *Holiday decorations.* Decorations for a designated holiday, provided that they do not create a traffic safety or fire hazard, and provided that such decorations are not installed more than fortyfive (45) days prior to the holiday and are removed within thirty (30) days after the holiday. Such signs may be illuminated.

B. *Official governmental signs, including banners.* Such signs may be illuminated.

C. *Political signs.* The maximum area for any one sign shall be sixteen (16) square feet, with a total area of thirty-two (32) square feet permitted for each lot or unit. Such signs may not be erected more than sixty (60) days prior to the day of the election, referendum or other plebiscite; and shall be removed within fourteen (14) days after such election, referendum or other plebiscite.

D. *Markers.* Non-illuminated building markers that may contain only the building name, date of construction or historical date, provided that such marker does not exceed six (6) square feet and is made of cut or etched masonry, bronze or similar durable material.

E. Change in the copy of a changeable copy sign, once a permit for that sign has been issued.

F. *Yard or garage sales.* Such signs shall not exceed four (4) square feet; shall not be erected more than 48 hours prior to such sale; and shall be removed immediately after the sale. No premises shall be permitted to erect such signs more than four (4) times in any calendar year and no off premises signs are permitted.

G. *Real estate and contracting.* Temporary real estate signs and signs of contractors, mechanics, painters, paperhangers and/or artisans, on the lot on which the real estate for rent or sale is located or the lot on which the contracting work is being performed. Said signs shall not be larger than six (6) square feet or more than four (4) feet high. They shall be removed within twenty-four (24) hours of the completion of the

sale or rental of the premises or completion of the work to which the sign relates. Real estate open house signs may not be put in place prior to 10:00 a.m. on each day of the open house, and must be removed the same day as the close of the event. Real estate signs shall be allowed off-premises. Contractor signs shall only be allowed on premises.

H. *Hunting and trespassing.* Signs that relate to the control of hunting or trespassing on property, provided that they do not exceed two (2) square feet in area and are not spaced closer than fifty (50) feet to each other.

I. *Emergency.* Emergency warning signs erected by a governmental agency, public utility, pipeline company or contractor doing such work authorized or permitted by such agency, utility or company. Such signs may be illuminated.

J. *Public notice.* Any public notice required by a valid and applicable federal, state or local law, regulation or ordinance.

K. *Interior signs.* Any sign within a building, not attached to a window or door; an interior sign may be attached to the inside of a door, provided the door is not left in an open position in such a manner that the sign becomes visible from the exterior of the building.

L. *Art.* Works of art that do not contain a commercial message. Art may be illuminated.

M. *Traffic control.* Traffic control devices on private property, such as "stop," "yield" and other signs, provided that the face of the sign meets the standards of the New Jersey Department of Transportation for such signs and which do not contain a commercial message of any type, and provided that their location has been approved by the Planning Board.

N. *Flags.* Flags of the United States, the states, county, or municipality and foreign nations and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole that exceeds forty (40) feet in height. Other flags shall be considered freestanding signs and shall be governed by such regulations that may apply in the applicable zoning district in which such flag is located. Flags may be illuminated, and residential decorative theme flags may not exceed twelve (12) square feet.

O. *Name and address.* Name and address signs attached to facade of a building or on a mailbox, provided that the size of the sign does not exceed one (1) square foot.

P. *Incidental.* Incidental signs, provided that they do not exceed two (2) square feet in area.

Q. *Residential*. Residential freestanding signs, provided that the size of the sign does not exceed four (4) square feet in area or three (3) feet in height and shall be set back a minimum of fifteen (15) feet from a curb line or edge of cartway.

R. *Project development*. Project development signs, where final approval of a site plan or subdivision has been granted by a board of competent jurisdiction and which indicate the name of the development, developer, financier or major contractor, provided that no more than one (1) sign per street frontage is erected and the sign area does not exceed thirty-two (32) square feet or eight (8) feet in height. All such signs shall be removed within fourteen (14) days of the issuance of a conditional certificate of occupancy that permits the occupation of a building in the case of a nonresidential development or when seventy-five percent (75%) of the dwelling units in a residential development have been issued certificates of occupancy.

S. *Window*. Window signs pursuant to 29-14.

29-7. Canopy Signs.

Canopy signs, where permitted, shall comply with the provisions of this chapter, including the following additional requirements:

A. Canopy signs are only permitted in conjunction with gasoline service stations and similar commercial uses where the canopy is required to provide cover and protection for outdoor equipment and service areas.

B. No more than one (1) canopy sign shall be allowed per canopy fascia, and no more than two (2) such signs per canopy shall be permitted.

C. No part of the canopy sign shall be less than twelve (12) feet or more than seventeen (17) feet above ground level.

D. The area of a canopy sign shall not exceed fifty percent (50%) of the area of the canopy fascia or forty (40) square feet, whichever is less.

E. A canopy sign and a freestanding sign shall not be used on the same premises.

29-8. Changeable Copy Signs.

Changeable copy signs, where permitted, shall comply with the provisions of this chapter, including the following additional requirements:

A. The purpose of a changeable copy sign is to apprise the public of special events, attractions, or similar time-related information. Changeable copy shall not be used to advertise merchandise or special sales events, provided, however, that the prices of motor fuel may be displayed on a changeable copy sign on the premises where such motor fuel is sold.

B. All such signs shall be permanently affixed to the ground or to a structure.

C. Copy shall be changed electronically or by means of moveable lettering, which is more than oneeighth (1/8) inch in thickness and shall not be changed more than once every twenty-four (24) hours.

Changeable copy signs that are changed more frequently shall be considered animated signs and are not permitted.

D. Changeable copy may not be located in any residential zoning district, excepting institutional uses.

E. Changeable copy signs may be either freestanding signs or canopy signs and shall conform to the height limitations of such signs.

F. No more than one (1) freestanding changeable copy sign shall be permitted per street frontage.

G. The changeable portion of the sign shall be limited to three (3) lines of wording or, in the case of a cinema with more than one (1) theater, two (2) line per theater.

H. The sign area of a changeable copy sign shall be included in the total permissible sign area for freestanding or canopy signs, as the case may be, excepting institutional uses. Changeable copy signs for institutional uses shall not exceed twelve (12) square feet in area.

29-9. Directional Signs.

Directional signs, where permitted, shall comply with the provisions of this chapter including the following additional requirements:

A. Directional signs that are freestanding shall not exceed two and one-half (2-1/2) feet in height and may be located at the street line, provided that such signs do not obscure the vision of motorists.

B. Directional signs shall not exceed three (3) square feet in area.

C. Directional signs shall contain no commercial message.

D. Directional signs shall be required at public streets where one-way driveways intersect. This applies to commercial properties only.

29-10. Directory Signs.

Directory signs, where permitted, shall comply with the provisions of this chapter including the following additional requirements:

A. The sign shall be located within the site or complex so as to allow motorists to leave the flow of traffic and safely read the directory or shall be placed at the main entrance to a building.

B. The sign may contain a map or floor plan diagram as the case may be, indicating the location of the buildings or offices listed on the directory.

C. Any such sign shall not exceed twelve (12) square feet in sign area.

D. No more than one (1) sign per entrance driveway, street intersection or main entrance to a building shall be permitted.

E. A freestanding directory sign shall not exceed five (5) feet in height.

29-11. Freestanding Signs.

Freestanding signs, except for directional signs, shall comply with the provisions of this chapter including the following additional requirements:

A. Freestanding signs shall be permitted only in the front yard.

B. No freestanding sign shall be erected closer to the curb line or edge of paving than five (5) feet to a street line, whichever is more, except as otherwise provided herein.

C. With the exception of directory and directional signs, no freestanding sign shall be erected closer than eighty (80) feet to another freestanding sign.

D. A freestanding sign shall not be used on the same premises as a canopy sign.

E. No more than one (1) sign per lot shall be permitted.

29-12. Grand-opening Signs.

Grand-opening signs shall comply with the provisions of this chapter including the following additional requirements:

A. Grand-opening signs shall be permitted for periods of time not to exceed seven (7) days prior to and/or fourteen (14) days after the initial opening of a business or a change in the ownership of the premises on which the sign is located. A grand opening of another establishment in the same chain of stores or under the same ownership shall not be grounds for permission to install grand-opening signs for existing businesses.

B. Grand-opening signs may be facade signs, freestanding signs or banners.

C. Grand-opening signs shall not exceed the total sign area permitted on the premises for permanent signs. Such signs shall be permitted in addition to any permanent signage allowed. For the purposes of this subsection, the total sign area of banners shall not exceed that for facade signs.

29-13. Time-and-Temperature Signs.

Time and temperature signs shall be permitted in any district in which commercial uses are permitted, provided that they do not encompass more than twenty percent (20%) of the allowable sign area for the type of sign upon which they are placed. Time-and-temperature signs shall be permitted in addition to any other allowable signage for the property. The time-and-temperature displays may interchange at 5-10 second intervals and the time calibration display may not be in increments of shorter than one (1) minute.

29-14. Window Signs.

The total area of all window signs, unless further restricted by district regulations, shall not exceed ten percent (10%) of the glass area of the window in which placed.

A. All window lettering and signs shall be inside the window.

B. Permanent or temporary window lettering or signs shall be permitted only if the rectangle or circle confirming such lettering or sign, or the background upon which it appears, does not exceed ten percent (10%) of the premise window area in the aggregate. Any painted area of any window shall be construed as window lettering signs, whether or not such area actually contains lettering or advertising.

C. Displays in windows representing a product or service offered, other than displays of merchandise itself, are considered as window signs and subject to the limitations in this chapter if they are closer than twelve (12) inches to the window.

29-15 Projecting Signs.

A. Projecting signs shall contain only the name and type of business.

B. The sign shall be located so it does not block or obscure important architectural elements of the façade, with the best location being either of the front corners of the structure.

C. The area of the sign face shall be limited to seven (7) square feet and shall project no more than five (5) feet from the side of the building in HC zone and no more than three (3) feet in CC-1 and CC-2 zone. The bottom of the sign shall be at least seven (7) feet above the ground.

29-16. Residential Zones - R-1-2-3-4, R-MF, R-PE, R-PF.

In all residential zones the following signs shall be permitted:

A. Signs for residential and institutional uses.

- (1) One (1) freestanding residential sign shall be permitted per lot. Sign area not to exceed two (2) square feet.
- (2) One (1) freestanding sign identifying a multifamily housing development, shall be permitted on each street frontage that provides direct access to the property, provided that such sign does not exceed a total sign area along any one (1) street of twelve (12) square feet.
- (3) In addition to any freestanding sign that may be permitted, institutional uses shall also be permitted changeable copy signs in accordance with 29-8 of this chapter.

B. Signs in accordance with 29-6 of his chapter.

C. Directional signs in accordance with 29-9 of this chapter.

29-17. Office Residential Zones - RPO.

In the Office Residential Zones the following signs only shall be permitted:

A. *Freestanding sign.* One (1) freestanding sign may be erected on each street frontage that contains a minimum of fifty (50) feet of frontage and with direct vehicular access from that street. The maximum permitted sign area shall be twelve (12) square feet per sign and the height of the sign shall not exceed four (4) feet.

B. *Facade sign.* One (1) facade sign per building shall be permitted, provided that the sign area shall not exceed six (6) square feet, nor project more than eight (8) inches from the building or structure.

C. *Directory signs.* In accordance with 29-10 of this chapter.

D. *Directional signs.* In accordance with 29-9 of this chapter.

E. Signs in accordance with 29-6 of this chapter.

29-18. Commercial and Highway, Business and Industrial Zones – CC-1, CC-2, HC and I.

In the above zones, the following signs only shall be permitted:

A. *Facade sign*. One (1) facade sign may be erected facing each street frontage with direct vehicular access from that street. The sign area shall not exceed ten percent (10%) of the total facade area, including window and door area, or forty (40) square feet per sign, whichever is less. Sign must be applied directly to the facade and not project more than eight (8) inches.

B. *Freestanding sign*. One (1) freestanding sign may be erected on each street frontage that contains a minimum of one hundred (100) feet of frontage and with direct vehicular access from that street. The maximum permitted sign area shall be forty (40) square feet per sign and the height of the sign shall not exceed thirty (30) feet.

C. *Window signs* not to exceed ten (10%) percent of the total glass area and installed on the inside of the window. Lettering shall be limited to three colors.

D. *Changeable copy signs* in accordance with 29-8 of this chapter.

E. *Directional signs* in accordance with 29-9 of this chapter.

F. *Directory signs* in accordance with 29-10 of this chapter.

G. *Grand opening signs* in accordance with 29-12 of this chapter.

H. *Window signs* in accordance with 29-14 of this chapter.

I. *Signs* in accordance with 29-6 of this chapter.

J. *Portable Signs*. One sign may be erected per each street frontage. Each sign shall be six square feet, three feet in height and two feet in width, and shall be permitted in the H-C, CC-1 and CC-2 Zones only. Such signs shall be limited to professionally manufactured type signs which may only be displayed during hours of operation and shall be removed promptly upon closing of business each day. All portable signs shall also be subject to Section 29-3B and Section 29-22, and shall be securely held in place on sidewalks consisting of a minimum of six (6) feet in width so as to permit a clear and safe passageway around the sign of at least four (4) feet. An Indemnification Agreement shall be executed between the permit holder and the Borough and an Insurance Certificate provided in an amount required by the Borough which shall name the Borough as an additional insured.

K. *Projecting signs* in accordance with 29-15 of this chapter.

29-19. Shopping Center/Office Zones – RO, PED.

In the Shopping Center/Office Zones, the following signs only shall be permitted:

A. Signs on property not part of a shopping center development.

(1) Single use of a property.

- (a) One (1) freestanding sign may be erected on each street frontage that contains a minimum of one hundred fifty (150) feet of frontage and with direct vehicular access from that street. The maximum permitted sign area shall be forty (40) square feet per sign and the height of the sign shall not exceed fifteen (15) feet.
- (b) One (1) facade sign may be erected facing each street frontage with direct vehicular access from that street. The sign area shall not exceed ten percent (10%) of the total facade area, including window and door area, or forty (40) square feet per sign, whichever is less.

(2) More than one (1) use on a property.

- (a) One (1) freestanding sign may be erected on each street frontage that contains a minimum of one hundred fifty (150) feet of frontage and with direct vehicular access from that street. The maximum permitted sign area shall be forty (40) square feet per sign and shall not exceed (15) feet in height. Any such freestanding sign shall contain a single message identifying only the development, location, common name, professional use, address or other common element.
- (b) One (1) facade sign shall be permitted for each separate commercial establishment with direct access to the outside. The sign area shall not exceed ten percent (10%) of the total facade area, including window and door area, or twelve (12) square feet, whichever is less. In the event that the front entrance of a commercial establishment is oriented towards a pedestrian walkway or mall, a sign conforming to the provisions of this subsection shall be permitted on the facade facing such walkway or mall.

B. Signs in shopping center developments.

- (1) One (1) freestanding sign with a single message shall be permitted for each public street frontage that provides direct vehicular access to a shopping center development that identifies the development, developer, owner or operator but not the tenants of such development. The maximum permitted sign area shall be one hundred (100) square feet per sign.

- (2) No freestanding sign shall be located closer than one hundred fifty (150) feet to another freestanding sign.
- (3) A freestanding sign shall not exceed fifteen (15) feet in height.
- (4) One (1) facade sign shall be permitted for each separate commercial establishment for each public street frontage with direct vehicular access to the development. The sign area shall not exceed ten percent (10%) of the total facade area, including window and door area, or forty (40) square feet, whichever is less. In the event that the front entrance of a commercial establishment is oriented towards a pedestrian walkway or mall, a sign conforming to the provisions of this subsection shall be permitted on the facade.
- (5) Facade signs in shopping centers shall be developed with a common graphic design, including color, size, shape and lettering.

C. Canopy signs in accordance with 29-7 of this chapter.

D. Changeable copy signs in accordance with 29-8 of this chapter.

E. Directional signs in accordance with 29-9 of this chapter.

F. Grand opening signs in accordance with 29-12 of this chapter.

G. Window signs in accordance with 29-14 of this chapter.

H. Signs in accordance with 29-6 of this chapter.

29-20. Nonconforming Signs.

A. All legally existing signs erected prior to the enactment of this chapter or subsequent amendments that are not in conformity with the provisions thereof shall be deemed nonconforming signs. Nonconforming signs may continue, provided that such signs comply with the maintenance standards of Section 29-3C, and are not prohibited by paragraph C of this article.

B. Any change in or replacement of a nonconforming sign, or a conforming sign installed prior to the enactment of this chapter meeting the criteria of Section 29-3 *et seq.*, shall be made in strict compliance with the provisions of this chapter.

C. Portable or temporary signs, banner signs, including but not limited to plastic, paper, vinyl and cloth, and nonconforming window signs of temporary material are not exempted from the provisions of this chapter but shall be subject to an amnesty period of one hundred twenty-day (120) days following the date of adoption of this chapter, after which compliance with this chapter shall be mandatory.

29-21. Abandoned Signs.

No person shall maintain or permit to be maintained on any premises owned or controlled by that person a sign that has been abandoned. Any such sign shall be removed by the owner or person controlling the property within thirty (30) days of the date of abandonment as herein defined. Any sign identifying an abandoned use or building shall itself be considered to be abandoned. The failure to keep a nonconforming sign painted or in good repair for a period of six months shall constitute abandonment, and such sign may not be reused and must be removed.

29-22. Permit Procedures and Administration.

No sign shall be erected, altered moved or changed in material without issuance of a sign permit. The following procedures shall apply to the issuance of all sign permits:

A. Application shall be made to the Zoning Officer on forms provided by the Zoning Officer and the required fee paid to the Borough Treasurer or other such person(s) designated by the Borough Administrator. Any fee for an electrical inspection shall be in addition to the fee for the sign permit. Application shall be made on the forms provided by the Borough.

B. The application shall be accompanied by an accurate plot plan of the lot, scaled not greater than one (1) inch equals ten (10) feet or less than one (1) inch equals fifty (50) feet, that indicates the location of buildings, parking lots, driveways, landscaped areas and other pertinent data. On the plot plan shall be drawn the location of each existing or proposed sign. A color photograph, not less than three by five (3 x 5) inches or larger than eight by ten (8 x 10) inches, shall be submitted for each sign presently existing on the site. A drawing to scale of each proposed sign, including the dimensions, colors, materials, method of attachment, lighting and intensity and landscaping shall be submitted.

C. The Zoning Officer shall review the application for compliance with the provisions of this chapter and Chapter 28, including the completeness of the application, and shall issue or deny the permit within ten (10) days of receipt of a complete application. In the event of an approval, the applicant shall notify the Zoning Officer for a final inspection, as soon as the sign has been completed. In the event of a denial, the Zoning Officer shall provide the applicant with a written explanation of the reasons for the denial. Appeals shall be made to the Planning Board.

D. *Sign permit expiration.* Any of the following shall invalidate a sign permit and require a new permit, or require a nonconforming sign to conform to the provisions of this chapter applicable to new signs:

- (1) The removal of an existing sign from the premises. The replacement of a sign panel or the repainting of a sign to reflect a change in an establishment or business shall constitute removal.
- (2) An alteration in the structure of a sign support.
- (3) A change in the material of the sign, for example, from wood to plastic.
- (4) Abandonment pursuant to 29-21 of this chapter.

E. Duration of permit. If the work authorized under a sign permit has not been completed within one (1) year after the date of issuance, the permit shall become null and void.

29-23. Sign Maintenance.

All signs, including their supports, braces, hooks, guys, anchors and surrounding land shall be of sturdy construction and shall be kept in good order and repair and shall be painted and cleaned as often as necessary to maintain a clean, neat, legible, safe and orderly appearance. All lights shall be in good working order.

29-24. Violations and Penalties.

A. Any owner, agent or tenant and any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any sign or building or any structure or who shall put into use any lot or land in violation of any detailed statement or plan submitted hereunder shall be subject to the penalties set forth in Section 1-5 of this Code. Each and every day such violation continues, shall be deemed a separate and distinct violation.

B. Violations of this Code may also result in the removal of the offending sign(s).

C. The provisions of this chapter may be enforced by the Zoning Officer, any Borough police officer, the Housing Inspector, or any other duly authorized Borough official.

D. Failure to comply with the Planning Board's decision shall constitute a violation of this Chapter.

29-25. Appeals.

Any decision or order of the Zoning Officer may be appealed by filing with the Planning Board on forms provided pursuant to Section 26-5 – Appeals.

29-26. Superseding of Inconsistent Provisions.

This Chapter specifically supersedes all conflicting sign regulations set forth in Chapter 28 of this Code. Upon adoption of Chapter 29, appropriate amendments to Chapter 28 and Chapter 29 will be introduced and adopted for the purpose of uniformity and reorganization of the Borough Code.

Section 2. Severability. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 4. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Introduction::

Adoption:

DEBRA L. SOPRONYI,
MUNICIPAL CLERK

ROBERT F. PATTEN,
MAYOR