

ORDINANCE 2018-05

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 29, ENTITLED "SIGNS", SECTIONS 3 AND
8, ENTITLED "GENERAL REGULATIONS" AND
"CHANGEABLE COPY SIGNS", RESPECTIVELY OF
THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN, NEW JERSEY**

WHEREAS, it is the public policy of the Borough of Hightstown, a municipal corporation in the County of Mercer, State of New Jersey, to protect the rights of expressive speech and viewpoint communication, as secured by the Constitution of the United States and the Constitution of the State of New Jersey, to the full extent of all applicable law, for all persons within its jurisdiction, and;

WHEREAS, the Borough seeks to protect the rights and opportunities for commercial speech within an environment, the aesthetics of which present a quality of attractiveness, so as to enhance the opportunities for development and growth of business enterprises, and for that purpose presents a pleasing and uncluttered business milieu intended to be attractive to patrons and residents alike, and;

WHEREAS, the Borough seeks to protect and enhance the safety and efficacy of vehicular traffic flow, and to protect pedestrian and other persons and their property within the public right of way, and;

WHEREAS, research indicates that built-up clutter, meaning signage or similar distractions existing in large size or numerical profusion of items or content within a fixed area visible to motorists, induces a greater distraction to drivers than non-complex distractions; and

WHEREAS, research further indicates that illuminated signage visible to drivers causes a longer duration of distraction than non-illuminated signage; and

WHEREAS, research has shown that blinking, flashing, moving, or otherwise animated signage produces a longer distraction time for drivers than ordinary signage without added distractive elements or characteristics; and

WHEREAS, research has demonstrated that variable message signs, consisting of changing moveable images or text, product, when visible to motorists, a longer duration of distraction time than static signs, and correlate to an increase in vehicular accidents; and

WHEREAS, The Borough Council of the Borough of Hightstown finds that the public health, safety, morals and general welfare of the community shall be promoted by the revision and amendment of Chapter 29 of the Revised General Ordinances pertaining to signs; and

WHEREAS, the Planning Board of the Borough of Hightstown has adopted a Master Plan that comprehensively provides for the appropriate use, regulation, and development of lands in the Borough in a manner which will promote the public health, safety, morals and general welfare; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; however, a governing body may adopt a zoning ordinance or zoning map wholly or partially inconsistent with such land use plan element provided that the reasons for doing so are set forth in a resolution and recorded in its minutes, and;

WHEREAS, the Planning Board has determined that the revisions and amendments to the Revised General Ordinances are consistent with said Master Plan, represent sound land use regulation, and therefore favorably recommends to the Borough Council that the regulations pertaining to signs be so amended, and;

WHEREAS, this Ordinance does not involve a classification and boundary change requiring individual property owner notice pursuant to N.J.S.A. 40:55D-62.1.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council and the Borough of Hightstown that Chapter 29 of the Revised General Ordinances be hereby amended as follows:

Section 1. Chapter 29 "Signs", Section 3, entitled, "General Regulations" is hereby amended to add Paragraphs K and L as follows:

- K. Sign Luminance. No sign shall exhibit a luminance exceeding 12.54 lumens per square foot (135 candelas per square meter) measured at right angles and 60 feet distant therefrom from the face of the illuminated sign.

Section 2. Chapter 29 "Signs", Section 8, entitled, "Changeable Copy Signs" is hereby amended to read as follows:

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 by means of moveable lettering, which is more than one eighth (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 shall not be 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.
- I. No portion of the lighting source for changeable copy signs shall be visible to the public traveling upon a public way.

Section 3. Continuation. In all other respects, the Revised General Ordinances of the Borough of Hightstown shall remain unchanged.

Section 4. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Revised General Ordinances as a whole, or any other part thereof.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 6. Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Borough Clerk of the Borough of Hightstown in the manner prescribed by law.

Introduction:

Adoption:

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR