

EXECUTIVE SUMMARY

- Under US Supreme Court decision, *Reed vs. Town of Gilbert*, a sign ordinance cannot separate or classify signs differently because of their content. The ordinance must treat all signs the same as far as content is concerned. Still unclear whether an ordinance can separate commercial vs. non-commercial signs.
- Proposed ordinance would remove all signs from the public right of way
- Proposed ordinance bans the new technology signs (spinning, moving, changing, etc.)
- Proposed ordinance would allow homeowners one temporary sign for up to 30 days
- Proposed ordinance would ban billboards and greatly limit window signs

§ 245-17 Signs.

A. Purpose & Intent

The intent of this Ordinance is to regulate all signs within the Borough of Mountain Lakes to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

- (1) Setting standards and providing uniform controls that permit reasonable use of signs and preserve the character of the Borough.
- (2) Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.
- (3) Avoiding excessive large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- (4) Ensuring that the constitutionally guaranteed right of free expression is protected.
- (5) Establishing a process for the review and approval of sign permit applications.
- (6) Ensuring sign design that builds on the traditional town image, historical character, and visual environment the Borough seeks to promote.

B. Definitions

The following words in this chapter shall be defined as follows (see also § 40-3):

ANIMATED SIGN

A sign depicting action, motion, or light or color changes through electrical or mechanical means.

BEACON LIGHTING

Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

BILLBOARD

Any sign which exceeds 60 square feet in area.

BULLETIN BOARD

An outdoor structure containing a surface upon which may be displayed the name of a business, institution, or facility and the announcement of the services or activities thereof or thereon.

FLAG

Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

FLASHING SIGN

A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation.

FREESTANDING SIGN

A sign which is supported by one or more uprights, poles or braces in or upon the ground and which is not attached to a building.

HOLIDAY DECORATIONS

Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons.

ILLUMINATED SIGN

A sign which is illuminated by means of light shining on the surface of the sign or which is illuminated internally.

NONCONFORMING SIGN is a sign lawfully constructed and maintained prior to the adoption of this chapter, but does not conform to the provisions of this chapter.

PERMANENT SIGN

A sign which is affixed or otherwise attached to the property or to a structural frame upon the premises and is intended to remain there for other than a temporary period.

PORTABLE SIGN

A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

PROJECTING SIGN

A sign, other than a wall sign, which is attached to the exterior wall of a building and which extends beyond such exterior wall.

ROOF SIGN

A sign that is mounted on or applied to the roof of a building or which is wholly dependent upon a building for support and which projects above the roofline of a building with a flat roof, or above the eave line of a building with a gambrel, gable, hip, mansard or other non-flat roof.

SIGN

Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message.

SIGN HEIGHT

Measurement from the lowest point of the ground directly below the sign to the highest point of the sign or any part of the structure holding the sign. Where a sign or attached structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the sign or sign structure, then the sign or structure's height will be measured from the roadway grade level to the highest point of the sign or sign structure.

SIGN AREA MEASUREMENT

The area of any sign shall be computed as the product of the largest horizontal width and the largest vertical height of the lettering, illustration, display, frame, background or combination of these elements. This shall not be construed to include the posts or stakes supporting any sign. For signs with two display faces (back-to-back), the maximum area requirement shall be permitted on each side.

STRING LIGHTING

A type of illumination also known as party or café lighting which is comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

TEMPORARY SIGN

A sign which is displayed for no more than 30 days.

WALL SIGN

A sign which is attached to and placed flat against any exterior wall of a building or which is painted on any exterior wall of a building and which does not extend above the lowest point of the roofline.

WINDOW SIGN

A sign which is attached to or painted on either the inside or outside of an exterior window of a building or which is placed or intended to have the message thereon viewed primarily outdoors through an exterior window.

C. Signs Exempt from Permit Requirements

The following are permitted under this Ordinance without obtaining a sign permit. These signs may be subject to other provisions enacted elsewhere by the Code.

- (1) Signs inside a building and either not visible from outside the building or located three (3) feet or more from a window.
- (2) Signs required by federal, state, or municipal law, regulation, or ordinance.

- (3) Temporary signs permitted under subsection G.
- (4) Wall plaques or markers on properties where a structure has been identified as historic by a local, state or federal agency.
- (5) Flag or Holiday Decorations.
- (6) A property identification sign conforming to the following:
 - (a) One single-faced personal identification sign plate no larger than 50 square inches overall, which may be placed on the wall of the building.
 - (b) Single-faced property identification signs conforming to the following conditions shall be permitted:
 - [1] The maximum area of each such sign shall be one square foot.
 - [2] No more than two such signs shall be permitted.
 - [3] Numbers shall be a minimum height of four inches and shall be placed in a conspicuous location at least 24 inches above the grade where located so as to be clearly visible from the street as per Chapter 164, § 164-3.
 - [4] Numbers may not exceed 8 inches in height, whether on a freestanding sign or on the house. They may not be painted on trees or utility poles.

D) Prohibited Signs

The following signs are not allowed in the Borough:

- (1) Signs which create a traffic hazard by obstructing vision. No sign shall be located, constructed or lighted so as to interfere with or obstruct the view of any authorized traffic sign, signal or device. No red, green or yellow sign shall be located where it might be confused with a traffic signal.
- (2) Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape.
- (3) Animated signs, flashing signs or signs which oscillate, rotate, or move intermittently.
- (4) Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- (5) Reflective signs or signs containing mirrors.

- (6) Billboards.
- (7) Window signs which take up more than ten percent (10%) of any window.
- (8) Signs incorporating beacon or string lighting.
- (9) Any sign of any type suspended across a public street.
- (10) Signs tacked, nailed, posted, pasted, glued, painted on or otherwise attached to or leaning on trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. Any sign installed or placed on public property, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Borough shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.
- (11) A building-mounted sign erected upon, against, or over the roof of a building.
- (12) Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed.
- (13) "A" frame signs.
- (14) Any sign that promotes illegal activity.

E. Permanent Signs

(1) Residential Zones

- (a) Signs are allowed in residential zones as provided in subsection C. Signs of more than thirty (30) days duration must obtain a sign permit in accordance with subsection F below.

(2) Business Zones

- (a) Two sign structures aggregating not more than 40 square feet in area shall be permitted, limited to any combination of wall, freestanding, or projecting signs. In no event shall the permitted area of all signs exceed 10% of the overall surface of the street wall.
- (b) No sign shall exceed 18 feet in height above finished grade.
- (c) No part of any freestanding sign shall be closer than 10 feet to any lot line.

DRAFT - 5 Oct 2017

- (d) No projecting sign shall exceed the lowest roofline or 12 feet in height, whichever is less, nor shall it be so low as to endanger the health and safety of pedestrian and vehicular traffic. In no event shall the projecting sign be lower than eight feet. A sign shall not project more than two feet from the wall.
- (e) Illumination of a sign shall be by a steady, non-colored or white stationary light source, shielded and directed solely at the sign. Internally illuminated signs, or external lights used to illuminate signs, shall be placed, shielded, or deflected so they do not shine into dwellings or impair the vision of the driver of any vehicle. Illuminated signs shall produce not more than 30 foot candles of illumination, four feet from the sign. No outdoor sign shall remain illuminated after 10:00 p.m. unless the establishment using the sign is open to the public for business.
- (f) A single-faced bulletin board not to exceed 18 square feet in area shall be permitted and shall serve only to identify and announce the services and activities of the business, institution, or facility. Such bulletin board shall be located no closer than 10 feet to any street line or any lot line, and no portion thereof shall be higher than six feet above finished grade.
- (g) In shopping or business centers containing more than one establishment, directory signs which are a part of the aggregate sign allowance for individual establishments are permitted and encouraged. The directory, if freestanding, shall constitute the one freestanding sign permitted for each individual establishment.
- (h) Stores in structures with more than one store and with direct access from the side or rear may have an identification sign of not more than four square feet next to, over, or on the side or rear entrance.

F. Process for Permanent Signs

- (1) No person shall erect, construct, reconstruct, relocate or use a permanent sign, except as allowed under subsection C, without first obtaining a sign permit.
- (2) Applications for a sign permit shall be made to the Zoning Officer in writing. Applications shall contain the following: proposed use, size, coloring, material, illumination, if any, wording, a scale drawing showing the sign's design and relation to the building and its location on the premises.
- (3) A fee shall be required with each application except applications from the Board of Education or local government bodies. The fee shall be as set forth in § 111-3B.
- (4) If the Zoning Officer, after checking and reviewing the application and plans and specifications, determines that the proposed sign or the proposed alteration or relocation thereof conforms to all requirements of this subsection, he shall approve the application and issue a permit.

- (5) All signs shall be constructed of durable materials and maintained at all times in safe condition and good repair by the owner of the premises upon which they are erected. The Zoning Officer may require necessary repair and painting of any sign which has been neglected or require its removal.
- (6) After a use, advertised by a sign, has been abandoned or terminated, the owner of the premises shall be responsible for the immediate removal of such sign. If such sign is not removed within 30 days after such abandonment or termination, the Construction Official shall cause removal of such sign, and cost of such removal shall be a lien on the premises.

G. Temporary Signs

(1) General

- (a) Temporary signs may only be placed on private property with the consent of the owner of the property. In accordance with subsection D(9), no temporary sign shall be installed or placed on public property or within the public right of way.
- (b) No part of any temporary sign shall be closer than 10 feet to any lot line.
- (c) Temporary signs shall not be illuminated.
- (d) Temporary signs shall be removed within seven (7) days after the conclusion of a project, sale or event, if applicable.
- (e) Temporary signs shall be labeled with the date of sign placement, and the name and phone number of the person(s) responsible for placing and/or removing the sign. The person placing the sign and the property owner where the sign is placed are responsible for removing the sign or any replacement sign within thirty (30) days of its original placement.

(2) Residential Zones

- (a) One (1) temporary freestanding sign is allowed per private property in the Residential Zones.
- (b) Temporary freestanding signs may be up to a maximum area of six (6) square feet in area and 42 inches in height.

(3) Business Zones

- (a) One (1) temporary sign is allowed per property in the Business Zones and is not counted in the total square footage of permanent signage allowed on the site.
- (b) Temporary signs may be up to a maximum of thirty-two (32) square feet in area and eight (8) feet in height.

H. Violations

Violations of the sign ordinance shall be subject to the penalties set forth in Chapter 1, Article III.