

**TOWNSHIP OF LONG HILL
ORDINANCE #366-15
MOVING THE TOWNSHIP TEMPORARY SIGN REGULATIONS FROM THE
LAND USE ORDINANCE TO THE POLICE REGULATIONS SECTION
OF THE TOWNSHIP CODE, ADDING SIDEWALK SIGN REGULATIONS AND AMENDING
VARIOUS SECTIONS OF THE TOWNSHIP CODE**

STATEMENT OF PURPOSE: To designate the Township's temporary sign regulations as general police power rather than zoning regulations, to permit and regulate temporary and portable sidewalk signs in certain business zones.

WHEREAS, the courts have recognized that municipalities may regulate signs pursuant to their general police powers (State vs. Boston Juvenile Shoes, 60 N.J. 249, 253 (1972)); and

WHEREAS, the Township's temporary sign regulations are currently included in Section 155.3 of the Township Land Use Ordinance; and

WHEREAS, as a result, anyone seeking a waiver or relaxation of any of those regulations must apply to the Zoning Board of Adjustment for a variance; and

WHEREAS, applying for a variance in those situations is neither practical nor efficient, and can be very costly; and

WHEREAS, the Township Committee wants to improve the visibility of businesses in the Township by allowing temporary, portable sidewalk signs under certain conditions; and

WHEREAS, a separate ordinance is being introduced simultaneously herewith to make the appropriate changes to the Township land use regulations to make them consistent with this ordinance;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey, as follows:

Section 1. Section 155.3 of the Township Land Use Ordinance entitled "Permitted Temporary Signs" is hereby repealed in its entirety.

Section 2. Chapter III of the Township Code entitled "Police Regulations" is hereby supplemented and amended by adding a new Section 3-12 entitled "Temporary Signs" which reads as follows:

3-12 TEMPORARY SIGNS

3-12.1 Definitions

Banner – A non-rigid sign of cloth, plastic or other flexible material temporarily attached to a building or planted in the ground using more than one supporting pole or bracket.

Inflatable sign - any air or helium filled display used to advertise a product or event. Inflatable signs shall include all manner of balloons used for any display purpose.

Real estate sign - a sign which is used to advertise any real property for sale, lease or rental purposes, including all temporary signs located on the property of a real estate office, and off-site directional signs used for open house advertising.

Sidewalk sign - any temporary freestanding display with one or two visible sides located adjacent to a public roadway, sidewalk or storefront.

Temporary sign - any sign constructed of cloth, canvas, fabric, paper, plywood, corrugated material, plastic or other light material, including, sidewalk signs, portable signs, searchlights and inflatable signs.

3-12.2 Regulations

- a. Temporary signs regulated in this section are excluded from regulation under Section 155 of the Land Use Ordinance.
- b. Rotating signs, flashing signs and similar live action signs; and signs which contain foil, mirrors, lights, or reflective material which could create a hazardous condition to a motorist, bicyclist, or pedestrian are prohibited.
- c. Spinners, flags, pennants, streamers and other moving objects used for advertising purposes, whether containing a message or not, are prohibited on all temporary signs.
- d. In no case shall a temporary sign be illuminated.
- e. Signs permitted in sections 3-12.3 b, f, g, h, and i. and 3-12.4 c. below must be of "wire frame" construction and must be installed and removed without tools.
- f. Temporary signs may not be placed in any traffic circle or traffic island, at sight-restricted intersections, or inside the planter box of any "Welcome to Long Hill" sign.
- g. Any temporary sign not specifically permitted by the provisions of this Section is prohibited.

3-12.3 Temporary signs permitted without a permit.

The following temporary signs are permitted in all areas, on the subject private lot only.

- a. Real estate signs advertising the prospective sale or rental of the premises or property upon which they are located. Such signs shall be removed within seven (7) days of the sale or rental transaction and shall be restricted in size and number as follows:
 1. Residential properties shall not display more than one (1) sign six (6) square feet in area, except that a corner property or through lot may display one (1) such sign on each street frontage.
 2. Nonresidential property shall not display more than one (1) sign twelve (12) square feet in area, except that a corner property or through lot may display one (1) such sign on each street frontage. Properties exceeding three hundred (300) feet of street frontage may display one (1) additional sign for each six hundred (600) feet of street frontage in excess of three hundred (300) feet.
 3. All real estate signs shall be located at least ten (10) feet from any street cartway.
- b. "Help Wanted" signs for any nonresidential land use.
- c. Farm signs advertising the sale of farm products produced within the Township. They shall not exceed six (6) square feet in area. The signs shall be removed during seasons when products are not being offered for sale. Not more than two (2) such signs shall be erected on any one (1) property.
- d. *Sidewalk Signs.* One "Sidewalk Sign" is permitted for any non-residential use or for each tenant

in a multi-tenant commercial building. A sidewalk sign may be displayed only in front of the business establishment it advertises. It may be displayed only during hours when the business is open to the public and during special street events being held in the immediate vicinity of the subject business. In the Planned Shopping Zone, sidewalk signs shall be permitted only on the sidewalk immediately in front of the business, and no sidewalk sign shall be permitted along Valley Road.

No Sidewalk sign shall be placed in a driveway, the paved portion or shoulder of a public street, within any public parking space, or impede the exiting of passengers from parked cars or pedestrian movement on a public sidewalk.

Sidewalk signs shall be constructed of weather resistant material, may not be permanently fixed, but must be weighted or secured to withstand winds to prevent a roadway or sidewalk hazard. Sidewalk signs shall be no more than thirty (30") inches in width and fifty (50") inches in height when extended. Sidewalk signs placed in a sight triangle must comply with provisions of section 157.5.

The following temporary signs are permitted in all areas, on any private lot or in the Right of way.

- e. Official notices, legal notices and signs required by law.
- f. All "open house" realty signs not located on the property for sale shall be allowed from 7:00 a.m. to 6:00 p.m. on the day of the open house only. "Open house" signs located on the property for sale shall be permitted for not more than three (3) days, including the day of the open house, and shall be removed no later than 6:00 p.m. of the day of the open house.
- g. Announcements of the sale of an individual's personal property. Such signs shall not exceed six (6) square feet in area and shall not be displayed for a period exceeding thirty-one (31) days in any calendar year.
- h. Political campaign signs shall be permitted in all zones. Such signs shall not be permitted for a period exceeding thirty-one (31) days in any campaign or event, inclusive of primaries, shall not exceed twelve (12) square feet in area and shall be removed within five days of the conclusion of the campaign or event.
- i. Signs announcing any educational, charitable, civic, and religious or like special event to be held in the Township shall be permitted in all zones. Such signs, however, shall not be permitted for a period exceeding fourteen (14) days per special event in any one (1) calendar year; shall not exceed twelve (12) square feet in area and shall be removed within forty-eight (48) hours of the conclusion of the event.

There shall be not more than twelve (12) signs, Township-wide, advertising any such special event. Every sign must contain a name and telephone number (or alternate contact information); or equivalent contact information must be provided in writing to the Code Enforcement Officer.

3-12.4 Temporary signs permitted with a permit.

The following temporary signs are permitted in all areas, on the subject private lot only. A permit must

be obtained from the Code Enforcement Officer.

- a. Signs are permitted on construction sites for the duration of the construction period. They shall not exceed eight (8) feet in height nor thirty-two (32) square feet in area. They shall be removed within seven (7) days after the completion of the construction work, or upon request for a certificate of occupancy. Not more than one (1) sign shall be located on each street frontage.
- b. Banners shall be permitted for special public and semipublic events and for private grand openings and special sales events. Special sales events shall be subject to the determination of individual business owners but shall not exceed two (2) such events in any calendar year. Banners may be attached to the façade of a building, or may be installed in the ground at least 25 feet from the curb line. Only one banner is permitted, and it may not exceed fifty square feet. Any banner permitted under this subsection shall be displayed for no more than thirty (30) days.

The following temporary signs are permitted in all areas, on any private lot or in the Right of way. A permit must be obtained from the Code Enforcement Officer.

- c. Temporary signs shall be permitted for special public and semipublic events and for private grand openings and special sales events. Special sales events shall be subject to the determination of individual business owners but shall not exceed two (2) such events in any calendar year. All temporary signs permitted under this subsection shall be displayed for no more than thirty (30) days.
- d. Any sign or banner placed over the right of way of any street. The permit will be issued only if specifically authorized by resolution of the Township Committee (and by the Freeholders, if a county road.)
- e. Searchlight displays as part of a grand opening promotion. The permit will be issued only if specifically authorized by resolution of the Township Committee.
- f. In addition to the on-site signs authorized by paragraph 3-12.3.c. above, farm stands shall be permitted to have two (2) off-site signs from April 1 through October 31 of each calendar year, provided the area of each sign does not exceed eight (8) square feet. Written permission of the owners of the sites on which the signs are to be located shall be presented to the Code Enforcement Officer prior to the issuance of a sign permit.

3-12.5 Permanent signs permitted with a permit. (reserved)

Section 3. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 4. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, September 9, 2015 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, October 15, 2015 at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reese, RMC, CMR
Township Clerk

1st Reading and Introduction: September 9, 2015

1st Publication: September 17, 2015

Referral to Planning Board: September 10, 2015

Notice to County Planning Board Prior to Adoption: September 10, 2015

2nd Reading and Adoption: October 14, 2015

2nd Publication: October 22, 2015

Notice to County Planning Board: October 22, 2015