

**TOWNSHIP OF LONG HILL  
ORDINANCE # 367-15  
REMOVING THOSE SECTIONS OF THE LAND USE ORDINANCE THAT HAVE BEEN  
RENDERED MOOT BY MOVING THE TEMPORARY SIGN REGULATIONS TO THE  
TOWNSHIP CODE AND AMENDING VARIOUS SECTIONS OF THE TOWNSHIP LAND USE  
ORDINANCE**

*STATEMENT OF PURPOSE: To remove those sections of the Zoning Ordinance that have been rendered moot by the ordinance moving the temporary sign regulations to the general police powers section of the Township Code.*

**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**, a separate ordinance is being introduced simultaneously herewith to move the temporary sign regulations to the general police power section of the Township Code;

**WHEREAS**, this ordinance removes those sections of the Zoning Ordinance that have been rendered moot by that ordinance;

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

**Section 1.** Section 111 of the Township Land Use Ordinance entitled "General Terms" is amended by removing the following terms:

**Inflatable sign  
Portable sign  
Real estate sign  
Sidewalk sign  
Temporary sign**

**Section 2.** Section 111 is further amended by amending the definitions of "Permanent Sign" and "Marquee Sign" to read as follows:

**Permanent sign** - ~~any sign that is not a temporary sign as defined herein.~~ A wall sign or ground sign on the subject lot which requires site plan approval. See General Ordinance 3-12 for Temporary Signs which are regulated in that section.

**Marquee sign** - a ground sign designed so that characters, letters, illustrations or other graphics may be changed or rearranged without altering the face or surface of a sign and designed for temporary or permanent display as a freestanding sign located along a public roadway. ~~For the purposes of this Ordinance marquee signs shall be limited to private sector displays and shall not~~

~~include public or semi-public announcement signs of any kind.~~

**Section 3.** Section 155.1 of the Township Land Use Ordinance entitled “General Restrictions” is amended to read as follows:

\*\*\*\* ....

f. ~~Except for temporary off-site farm stand signs permitted by subsection 155.3j, no commercial sign shall be permitted which is not accessory to the business or use conducted on the property. Advertising billboard signs are prohibited unless otherwise permitted by this Section.~~ Advertising billboard signs are prohibited. No commercial sign shall be permitted which is not accessory to the business or use conducted on the property.

g. Bench signs, roof signs, naked light displays, vehicle advertising, and permanent inflatable signs and animated or moving signs of any kind are specifically prohibited, ~~unless otherwise permitted by this Section.~~

h. 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.

i. Banners, spinners, flags, pennants, streamers and other moving objects used for advertising purposes, whether containing a message or not, are prohibited when attached to a building or permanently installed in the ground ~~unless authorized by the provisions of subsection 155.3d.~~

j. ~~No sign shall be erected within or over the right-of-way of any street unless specifically authorized by this or another ordinance of the Township.~~

k. All permanent signs, other than permitted temporary signs, shall be constructed of durable materials and shall be adequately maintained. All cracked, warped or broken members of a sign shall be replaced. Deteriorated surfaces which evidence rusting, flaking or cracking shall be replaced or repaired. All broken or cracked glass shall be replaced. Any sign which fails to meet the maintenance provisions of this Section shall be repaired or removed within thirty (30) days upon written notification by the Construction Official or Code Enforcement Officer.

l. ~~Portable signs, including marquee and sidewalk signs, are prohibited except where permitted by other provisions of this Section.~~

m. ~~Searchlight displays are prohibited unless authorized by a sign permit as part of a grand opening promotion.~~

n. Any permanent sign not specifically permitted by the provisions of this Section is prohibited.

**Section 4.** Section 155.3 entitled “Permitted Temporary Signs” is deleted in its entirety.

**Section 5.** Section 155.9 entitled “Non-conforming Signs” is not consistent with the Municipal Land Use Law (N.J.S.A. 40:55D-68, as interpreted by the court in Camara v. Board of Adjustment of Township of Belleville, 239 N.J. Super. 51 (App. Div. 1990)) and is therefore deleted in its entirety.

**Section 6.** Section 155.10 entitled “Administration and Review” is amended by deleting subparagraph 2 of paragraph b.

**Section 7.** 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 8.** 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 9.** 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 14, 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

*1<sup>st</sup> Reading and Introduction: September 9, 2015*

*1<sup>st</sup> Publication: September 17, 2015*

*Referral to Planning Board: September 10, 2015*

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

*2<sup>nd</sup> Reading and Adoption: October 14, 2015*

*2<sup>nd</sup> Publication: October 22, 2015*

*Filing with County Planning Board: October 22, 2015*