

55-181. SIGNS. [Amended 8-4-97 by Ord. No. 1997-17 § 1]

55-181.1 Division I: East of Parkway.

A. Definitions.

- (1) *Construction sign* shall mean any on-site sign advertising the prime contractor, subcontractor(s), architect, Financing institution. and similar data for the period of construction.
- (2) *Contractor sign* shall mean any on-site sign advertising the name or business of a mechanic, contractor or artisan performing work on the premises where the sign is placed.
- (3) *Developer signs* shall mean any on-site or off-premise sign identifying or directing traffic to a particular site or development for an approved period of time longer than thirty (30) days.
- (4) *Home occupation signs* shall mean any sign for a home occupation as defined in §55-300, in a residential or commercial district, duly approved by the Site Plan Review Subcommittee or municipal Board pursuant to §§ 55-5,E and 55-141.
- (5) *Information and direction signs* shall mean House number designations, household name plates, postal boxes, on-site directional and parking signs.
- (6) *Off-premise sign* or *off-premise advertising* shall mean any sign or advertising on a property other than the property where the use is located.
- (7) *Political signs* shall mean any sign temporarily giving notice of any municipal, county, State or national election campaigns.
- (8) *Public utility signs* shall mean any sign needed for the identification, protection and operation of public utilities facilities.
- (9) *Real estate sign* shall mean any sign temporarily advertising the sale, rental or lease of the premises or portion thereof on which the sign is erected.
- (10) *Residential district* shall mean any property within the R-6, R-7.5, RC-7.5, R-10, R-20, R-40, or R-MF Zones; and properties in other Zones on which a residential dwelling unit exists, exclusive of

properties with an approved commercial use and an accessory apartment.

- (11) *Sign* shall mean any building or structure or portion thereof on which any announcement, declaration, display, demonstration, illumination, insignia, or other visual communication is used to advertise or promote the interest of any person, products, use or service when the same is placed in view of the general public.
- (12) *Special event sign* shall mean any sign advertising a fair, bazaar, flea-market, dance, race, or special event promoting commerce, tourism or industry, holiday celebration, or other public event sponsored by the Township of Barnegat, a nonprofit entity or other civic organization. Signs erected by an ongoing business, commercial enterprise or an individual, as a means of furthering its purpose or as means of selling real property shall not fall within this special activity designation.
- (13) *Temporary sign* shall mean any sign approved for a period of time not to exceed thirty (30) days, exclusive of "construction signs", "contractor signs" and "developer signs".
- (14) *Warning signs* shall mean any announcement or admonition sign such as "Beware of Dog", "Private Property", "No Trespassing", "No Hunting" or, advising the public of the use of herbicides or pesticides.

B. *General Provisions.*

- (1) No sign shall be placed on, or attached to a building, or erected independently, for any purpose other than to advertise a permitted business or use conducted on the same premises unless specifically permitted herein.

- (2) No billboards, commercial billboards or off-premise sign shall be erected or replaced except as otherwise specifically provided within this section for "developers signs."
- (3) Any sign having a message which in and of itself is lewd and licentious or advocates an act in violation of any municipal, county, State or Federal law shall be prohibited.
- (4) No signs shall be erected, altered or replaced which are not in accordance with the standards established in this section.
- (5) No sign except traffic signs and those of a duly constituted governmental body shall be erected within the street right-of-way.
- (6) No sign shall be placed on any property without the consent of the property owner.
- (7) No sign of any type shall be permitted to obstruct driving vision, pedestrian or vehicular traffic, traffic signals, traffic directional and identification signs, walkways, entrances, exits, fire escape, doorways, other places of business, or other signs or windows of the building on which they are located, or in any way affect the safety of the public. The Township of Barnegat is authorized to remove any such sign at the expense of the permittee or owner of the property upon which it is located or person or entity responsible for erecting the sign.
- (8) No signs shall be attached to utility poles, public structures, trees, stumps, fence-posts, other signs or sign posts, but shall be free-standing or attached to buildings in accordance with this section, except as otherwise provided herein for "warning signs".
- (9) No sign shall be erected so as to project over the property line.

- (10) No signs shall be clustered and no Commercial, Shopping Center or Office Complex Identification Signs shall contain signs for individual tenants except a part of an approved Site Plan or with waiver of Site plan approval by the appropriate municipal agency pursuant § 55-14IB.

C. *Standards.*

- (1) Animated, flashing and illusionary signs. Signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement are prohibited.
- (2) Height. No free-standing sign shall be higher than twenty-five (25) feet measured from the crown of the road or the top of the curb closest to the sign. The minimum clearance for a sign extending more than six (6) inches beyond a building facade or wall over a pedestrian way shall be nine (9) feet from the lowest part of the sign to the walkway.
- (3) Free-standing signs. Free-standing signs shall be supported by one or more columns or uprights which are firmly imbedded in the ground. Exposed guy wires, chains or other connections shall not be a support for a free-standing sign. One (1) such sign not to exceed eighty (80) square feet in area and not extending beyond a vertical plane two (2) feet inside the lot from the street line shall be permitted on an industrial or commercial site. Any such signs shall be in lieu of, and not in addition to other multiple sign structures permitted in this section.
- (4) Illuminated signs.
 - (a) Illuminated signs shall be arranged to reflect the light and glare away from adjoining streets.

- (b) Any source of light shall be steady and stationary and shall not have detrimental off-premise effects.
 - (c) Signs shall not cast objectionable light upon any dwelling, residential lot or mixed residential/commercial use.
 - (d) No sign with red, green, blue or amber illumination in a beam, beacon or flashing form resembling an emergency light shall be erected in any location.
- (5) Home occupation signs: Home occupation signs are permitted in residential and commercial districts for such uses approved by the Site Plan Review Subcommittee or Municipal Board pursuant to §§ 55-5; 55-141 and 55-226 of the Barnegat Township Land Use Code. No such sign shall exceed four (4) square feet in area or be higher than five (5) feet above grade level and shall not extend beyond a vertical plane two (2) feet inside the property line. No other displays or changes in facade that alter the residential character of the building shall be permitted in any residential district.
- (6) Information and Direction Signs: Information and direction signs, such as those indicating entrance, exit, parking, etc. are permitted in all zoning districts but are not considered in calculating sign area. No such sign shall exceed three (3) square feet in area. House numbers shall be a minimum of three (3) inches in height and shall be of a reflective material or contrasting color for easy identification by emergency vehicles.
- (7) Maintenance: Signs, and in the case of freestanding signs, the mounting area on the ground level beneath the sign must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated or unsightly.

- (a) Signs which are not maintained as noted herein shall be subject to removal ten (10) days after written notice from the Zoning Officer and revocation of any permit(s).
 - (b) Signs advertising commercial products and services no longer in use shall be removed within thirty (30) days of the termination of use.
 - (c) Any sign erected without permit approval shall be subject to removal upon direction by the Zoning Officer.
 - (d) Any sign removed at the direction of, or after written notice by the Zoning Officer shall be at the expense of the permittee or owner of the property upon which it is located.
- (8) Multiple sign structures. Commercial, industrial, shopping center or office complexes with multiple tenants shall be permitted to erect identification signs containing signs for individual tenants as part of an approved site plan or with site plan waiver approval by the appropriate municipal agency. Multiple sign structures shall be free standing and not attached to any building. Such structures shall be supported by one or more columns or uprights which are firmly imbedded in the ground. Exposed guy wires, chains or other connections shall not be used as a support. A maximum of two (2) such signs shall be permitted for any one (1) site, and the maximum area of the sign portion itself shall not exceed one hundred (100) square feet measured on one side. Any such signs shall be in lieu of and not in addition to other free-standing signs permitted in this section.
- (9) Political signs. Political signs shall be located on private property, set back so as not to interfere with the sight triangle at intersections or

driveways and in no other way interfere with pedestrian or vehicular vision and safety. No such sign shall exceed thirty-two (32) square feet in area. Signs shall be permitted in all zoning districts within forty-five (45) days prior to any election and shall be removed within seven (7) days after the election. Political signs do not require a permit.

- (10) Projecting signs. One (1) projecting sign shall be permitted on any commercial or industrial site. Such signs shall not project beyond a vertical plane two (2) feet inside the lot from the street line, shall not extend more than eight (8) feet from the building, shall not exceed sixteen (16) square feet in area, and shall be no closer than nine (9) feet from the lowest part of the sign to the ground or any walkway.
- (11) Public utility signs. Public utility signs shall not exceed two (2) square feet in area and do not require a permit.
- (12) Real estate signs. [Amended 8-20-01 by Ord. No. 2001-32] Real estate signs shall be located on private property and, if not attached to the building, shall be set back from all street property lines at least five (5) feet. Signs shall not exceed six (6) square feet in area and shall be removed at the expense of the advertiser within thirty (30) days after completion of the business being advertised. Sold signs shall be permitted between the signing of the contract of sale and the date of the legal closing. Temporary directional real estate signs may be temporarily erected to advertise an "Open House" hosted by a licensed New Jersey real estate broker or agent, provided such signs are erected for a period not to exceed six (6) consecutive hours in one (1) day and are thereafter immediately removed. All real estate signs do not require a permit.

- (13) Sign area: The area of a sign shall be measured around the edges of a framed or enclosed sign or by the area utilized by isolated words and/or symbols, including the background whether open or enclosed, but said area shall not include any supporting framework or bracing incidental to the display itself.
- (14) Signs with two exposures. Such signs shall be measured for area by using the surface of one side of the sign only. Both sides may be used. The sign shall be considered two (2) signs where the sides of the sign form more than a forty-five degree (45°) angle from each other.
- (15) Wall, fascia or attached signs. Wall, fascia or attached signs shall be firmly secured to the exterior of a building. Parallel attached signs shall not project more than six (6) inches from the building nor shall they project beyond the end of the building wall upon which they are attached, and shall not occupy more than twenty percent (20%) of the total area of the wall or facade upon which it is attached, provided further it does not exceed one hundred (100) square feet. Such signs shall not project more than three (3) feet above the roof line or parapet wall.
- (16) Warning signs. Warning signs shall not exceed one (1) square foot in area and shall not be placed closer than fifty (50) feet to each other. Unless mounted on a fence inside the property line, they shall be placed no closer than one (1) foot from a property line or right-of-way. Warning signs do not require a permit.

- (17) Window signs. Signs placed on the interior of a window shall not be considered in computing the allowable signs and do not require a permit provided, however, that such interior signs shall not exceed twenty-five percent (25%) of the total window area.
- (18) Temporary signs.

- (a) Social event signs. Temporary signs advertising special events shall not exceed thirty-two (32) square feet in area and shall be erected or placed so as not cause a safety hazard. Such signs do not require a permit and are allowed one (1) month prior to the event being advertised and must be removed within ten (10) days following the conclusion of the event.
- (b) Banner style signs. Temporary banners of a noncommercial nature extending across the street right-of-way do not require a sign permit, provided that permission is obtained from the Township Committee and that they meet the traffic and safety standards and duration of display specified in paragraph (a) hereinabove.
- (c) Construction signs. One (1) on-site temporary construction sign shall be permitted, not exceeding thirty-two (32) square feet in area for the period of construction, renovation or alteration, provided that said sign is not on any existing or proposed street or easement and is set back at least ten (10) feet from all street and lot lines. Construction signs do not require a permit but shall be removed prior to the issuance of the first certificate of occupancy, certificate of continued occupancy, certificate of approval or temporary certificate of occupancy.
- (d) Contractor signs. One (1) on-site temporary contractor sign shall be permitted only during the period when the mechanic, contractor or artisan is actively performing work on the lands or premises where the sign is placed. The sign shall not exceed twelve (12) square feet, inclusive of all mechanics, contractors or

artisans performing work on said premises, and shall be set back at least ten (10) feet from all street and property lines. Contractor signs do not require a permit but shall be removed prior to the issuance of the first certificate of occupancy, certificate of continued occupancy, certificate of approval or temporary certificate of occupancy.

- (e) Developer signs (on-site). Development projects that have received final Planning or Zoning Board approval shall be allowed to construct an on-site temporary sign identifying the project. The applicant shall submit a copy of the final site plan or subdivision map showing the exact location of the proposed sign and shall conform to the general provisions and standards of this section. One (1) sign structure per site shall be permitted and shall not exceed thirty-two (32) square feet in area. Such signs are to be removed when the site's permanent sign is installed, construction is completed, prior to requesting release of bonds or performance guarantees, or whenever the project is dormant for more than three (3) months.

Developer signs (off-premise): Any off-premise sign directing traffic to a development site, sales office, model homes, etc. shall require a change of use application for site plan exemption and approval by the Site Plan Review Subcommittee of the Planning Board pursuant to §§55-141 and 55-226 of the Barnegat Township Land Use Code. In reviewing the application, the Site Plan Subcommittee shall apply the following criteria: Prior to submitting application, the applicant shall obtain outside agency

approvals (or letter of no interest) as may be required by reason of jurisdiction by the New Jersey Department of Transportation, County of Ocean, Pinelands Commission, Department of Environmental Protection, etc. Signs shall not exceed four (4) square feet in area and three (3) feet in height measured from the crown of the road or the top of the curb, except a maximum height of two and one half (2 1/2) feet within a sight triangle. Off-premise signs shall not be clustered and no such sign shall be placed within fifty (50) feet of any other sign.

- (f) Garage sale signs: In addition to the general provisions and standards of this section, garage or yard sale signs shall be subject to the requirements for signs under the General Codes, Chapter 49 (Garage Sales) and Chapter 55C (Anti-Litter Ordinance), but do not require a sign permit.
 - (g) Mobile Signs. Signs upon vans, truck beds or other vehicles are prohibited in all zoning districts within the Township.
 - (h) Portable signs. Folding A-frame signs or sandwich board signs shall be permitted only during hours of operation of a business and otherwise stored indoors at all times. Such signs shall not exceed eight (8) square feet on each side and shall not interfere with vehicular or pedestrian traffic and otherwise comply with all general provisions and standards for vision clearance and public safety.
- (19) Street Signs. Street signs shall be in conformance with the New Jersey Department of Transportation Standards and the Manual on Uniform Traffic

Control Devices for Streets and Highways. The location of street signs shall be determined by the Township Engineer, but there shall be at least two (2) street signs furnished at each intersection. All signs shall be installed free of visual obstruction.

- D. *Signs in Commercial and Industrial Districts.* Properties in Commercial and Industrial Zones within the Township of Barnegat shall be permitted to have: One (1) free-standing sign, one (1) projecting sign and one (1) wall sign, except that properties with frontage on more than one street shall be permitted one (1) additional sign for each additional street frontage provided that such signs shall be in lieu of and not in addition to either signs for those additional facades and frontages.

Commercial, industrial, shopping center or office complexes with multiple tenants shall be permitted to erect two (2) identification signs containing signs for individual tenants. Such signs shall be in lieu of, and not in addition to other permitted free-standing signs.

- E. *Signs in the Barnegat Historic District.* The following regulations shall apply to all properties within the Barnegat Historic District (hereinafter "BHD"), and shall be in addition to the general provisions and standards of this section.

(1) General Regulations.

- (a) Prior to filing any application for signs within the BHD, applications are to be submitted for review and report by the Historic Preservation Commission or by the chairperson of said Commission pursuant to Chapter 11C of the Barnegat Township Code §HC-9 (as amended by Ordinance No. 1995-9), §11C-10 and the Land Use Code §55-33. The Historic Preservation Commission or its chairperson shall provide guidance regarding

the overall design, materials, lettering and colors that will be appropriate to individual properties and to the BHD.

- (b) Multiple sign structures and identification signs for commercial, industrial, shopping center or office complexes, containing individual signs for multiple tenants shall not be permitted within the BHD, except as otherwise provided herein below in this section.
- (c) No developer signs, off-premise signs or off-premise advertising shall be permitted within the BHD.
- (d) Signs shall not be lighted from within but shall be illuminated from the outside according to the General Provisions and Standards of this ordinance. Neon signs are prohibited.
- (e) Signs, including supports, shall be no higher than thirteen (13) feet measured from the crown of the road or the top of the curb, provided further that no sign shall be higher than the cornice or parapet of the building it serves.
- (f) Signs shall not be painted directly unto walls or other architectural elements except where appropriate historic precedent exists and, with approval by the Historic Preservation Commission or its chairperson and the Planning Board or its Site Plan Review Subcommittee.
- (g) Signs shall not conceal any architectural elements that contribute to the historic character of the building.

- (h) All vending machines must be located inside a building and in no case shall they be placed outdoors or on a sidewalk area.
- (2) Signs in the R-7.5 Residential Zone. The following signs shall be permitted on residential properties:
 - (a) Home occupation signs.
 - (b) Information and direction signs (house numbers are exempt from review by the Historic Preservation Commission.)
 - (c) Real Estate Signs.
 - (d) Warning Signs.
 - (3) Signs in the CV Village Commercial Zone. Residential properties in the CV Zone shall be permitted the signs allowed in the R-7.5 Zone. The following signs shall be permitted for non-residential properties in the CV Zone according to the general provisions and standards of this section and further subject to the following regulations:
 - (a) Maximum number of signs. Only one (1) sign shall be permitted to any site and can be either a free-standing, projecting or wall signs, except as otherwise provided herein.
 - (b) Maximum area of signs. Free-standing signs shall be single or double post with a sign area not to exceed twelve (12) square feet. Projecting signs shall not exceed fifteen (15) square feet in area, including trim. Wall signs shall not exceed fifteen (15) square feet, including trim.
 - (c) Exceptions. Corner lot properties with double frontage within the BHD shall be permitted to erect their choice of any two (2) signs of the styles and size permitted hereinabove for the

BHD, provided that only one (1) sign per street frontage is permitted.

Properties with multiple tenants or businesses within one (1) site may apply for a second sign listing multiple occupants, provided that the overall dimensions of such sign shall not exceed the maximum area permitted hereinabove for that type or style of individual sign within the BHD, and further provided that all components of any list must be uniform in scale and design.

- (4) Temporary Signs. No temporary sign, other than those listed herein below and in compliance with their specific requirements and standards shall be permitted within the BHD:
- (a) Special event and banner style temporary signs when in compliance with the standards set forth in paragraph C18(a) and (b) of this section.
 - (b) Construction signs not to exceed an area of six (6) square feet.
 - (c) Contractor signs not to exceed an area of three (3) square feet.
 - (d) Garage sale signs subject to the general provisions and standards of this section, and to the requirements for signs under the General Codes, Chapter 49 (Garage Sales) and Chapter 55C (Anti-Litter Ordinance).

F. *Jurisdiction.*

- (1) All signs within the Township of Barnegat shall be subject to the provisions of this section.
- (2) Additional permits may be required by reason of jurisdiction by the New Jersey Department of

Transportation, County of Ocean, Department of Environmental Protection, etc.

- (3) All signs west of the Garden State Parkway shall also be subject to the mandatory sign provisions for the Pinelands. §55-299D and as noted within Article II of the Land Use Code.

G. *Permits, Fees.*

- (1) All signs, excluding those specifically exempted within this section, shall require a sign permit from the Zoning Officer and, if applicable, a building permit from the Construction Code Official. The applicant shall furnish the Zoning Officer a fee as required and the necessary information from which to determine whether the subject sign meets the requirements of this section.
- (2) Any sign exceeding the maximum area, height, or otherwise not in conformance with the requirements of this section shall require application and approval for minor site plan with waiver(s).
- (3) Individual signs placed within a multiple sign structure subsequent to its installation shall require a separate permit.
- (4) Where the erection of a sign has not been completed within six (6) months after the date of issuance of the permit, the permit shall become null and void and subject to reapplication. The Zoning Officer shall have the discretion to grant a reasonable continuation of time where unavoidable conditions prevented the initiation or completion of work within the prescribed time period.
- (5) Fees shall be established pursuant to the requirements of § 55-80.1 of the Land Use Code.

- H. *Exemptions.* Notwithstanding the provisions of this section, the Township Committee in its absolute and sole discretion, or by contract or agreement, may provide advertising for any business, organization or use, when such advertising is deemed to be in furtherance of the public good, health, safety and/or general welfare.
- I. *Enforcement.*
- (1) If the Zoning Officer shall find that any sign regulated herein is unsafe, insecure, in need of repair, equipped with flashing or blinking lights, or otherwise in violation of this section, the Zoning Officer shall give written notice to the owner thereof or to his/her attorney. If the owner fails to remove, alter or repair the sign within ten (10) days after such notice, the Zoning Officer may initiate further action as provided in this section in order to abate or remedy the violation.
 - (2) Upon failing to comply with the violation notice from the Zoning Officer within the time specified, the Zoning Officer is authorized to cause the removal of the sign and any expense incidental thereto shall be paid by the permittee or owner of the property upon which the sign is located.
- J. *Violations and remedies.*
- (1) *Penalties.* Any violation o. any provision of this section shall be punishable upon conviction by a fine of not less than fifty (\$50.00) dollars and not to exceed one thousand (\$1,000.00) dollars; or by imprisonment in the county jail for any term not exceeding ninety (90) days; or by a period of community service not exceeding ninety (90) days; or by a combination of any of the above. The following individuals shall be subject to potential punishment:

- (a) The owner, tenant or occupant of a building, premises, or part thereof where such a violation has been committed or does exist; and
- (b) Any agent, contractor, corporation or other person who commits, takes part or assists in the violation.

Each day a violation continues shall constitute a separate and distinct offense, punishable as such in accordance with the following:

- (a) A minimum penalty of one hundred (\$100.00) dollars per day shall be imposed; and
- (b) Any person or entity who is convicted of violating any provision of this section within one (1) year of the date of a previous violation of the same provision of this section, and who was fined for the previous violation, shall be sentenced by the Municipal Court an additional fine as a repeat offender. The additional fine imposed by the Court upon such person or entity for a repeat offense shall not be less than the minimum fine fixed for a violation of the section, but shall be calculated separately and in addition to the fine imposed for the violation of this section.

The imposition of penalties herein shall not preclude the Township of Barnegat or any other person from instituting an action to prevent the unlawful construction, reconstruction, installation, alteration, repair, conversion or use of a sign, or to restrain, correct or abate a violation.

- (2) Injunctive and other relief. In addition to the foregoing, the Township of Barnegat may institute and maintain a civil action for injunctive or other relief as provided in the Municipal Land Use Law

(N.J.S.A. 40:55D-1 et seq.) and other applicable laws.

K *Waivers.* The Planning Board or, when having jurisdiction of an application for development the Zoning Board of Adjustment, shall have the power to grant exceptions from the requirements of this section if an applicant or his or her agent shall clearly demonstrate to the Planning Board or the Board of Adjustment that, because of peculiar conditions pertaining to his or her property, the literal enforcement of the requirements of this section is impracticable or will exact undue hardship. However, any exception granted by municipal agency must be reasonable and within the general purpose and intent of the rules, regulations and standards established by this section.