

ORDINANCE NO. 2023-1

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING
SECTION 55-181, ENTITLED "SIGNS" TO AMEND
VARIOUS SECTIONS**

WHEREAS, on November 8, 2022, "a majority of the voting citizens within Barnegat Township voted "yes" in response to the following referendum question: Should the Township of Barnegat adopt regulations prohibiting the placement of signs on public property and within the public right-of-way within the Township?"; and

WHEREAS, the following implements said regulations in response to the positive referendum result.

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that:

SECTION 1. Chapter 55 of the Township Code entitled "Land Use" to revise Section 55-181.1 entitled "Division I. East of Parkway" so as to revise subsection "B" which shall read and shall read as follows:

§55-181.1 Division I. East of Parkway.

A. Unchanged.

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, fenceposts, 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".

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- (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 § 55-141B.
- (11) No signs except for those of a duly constituted governmental body shall be erected on public property.

C. Unchanged.

D. Unchanged.

E. Unchanged.

F. Unchanged.

G. Unchanged.

H. Unchanged.

I. Unchanged.

J. Unchanged.

K. Unchanged.

SECTION 2. Chapter 55 of the Township Code entitled “Land Use” to revise Section 55-181.2 entitled “Division 2. West of Parkway” so as to revise subsection “E” which shall read and shall read as follows:

§55-181.2 Division 2. West of Parkway.

A. Unchanged.

B. Unchanged.

C. Unchanged.

D. Unchanged.

E. No signs except for those of a duly constituted governmental body shall be erected on public property, including within public rights-of-way. Temporary signs and banners of a noncommercial nature across the right-of-way are permitted as an exception by the Zoning Board of Adjustment, provided that permission is obtained from the Township Committee, they are erected in a location in which they will not cause a traffic hazard, they meet safety standards and are maintained and removed when their temporary use is completed.

F. Unchanged.

G. Unchanged.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **1st day of January, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **7th day of February, 2023, at 10:00AM** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk

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