

ORDINANCE NO. 2016-02

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Borough of Belmar wishes to amend Chapter 40, Development Regulations as follows:

Section 40-7.24 Signs shall be deleted in its entirety and replaced with the following:

40-7.24 Signs.

All signs shall conform to the provisions of this section and to the applicable requirements of the New Jersey Uniform Construction Code.

- a. *General Objectives.*
 1. To protect the public health, safety and welfare by restricting signs which impair the public's ability to receive information, violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision.
 2. To encourage signs which promote a desirable visual environment through creative yet orderly design arrangements.
 3. To encourage signs which aid orientation, identify activities, describe local history and character or serve other education purposes.
 4. To encourage the replacement of non-conforming signs by conforming signs through the strict enforcement of the procedures and requirements of this section.
- b. *Application Procedures.* Application for Development Permit.
 1. Application shall be made to the Administrative Officer (Zoning Officer) for the issuance of a Development Permit by any person wishing to erect, alter, modify, or expand any sign, except "Exempt Signs."
 2. If the Administrative Officer (Zoning Officer) determines that a sign requires the issuance of a Development Permit, is not part of an application for site plan, subdivision, conditional use, or variance approval, is permitted as an accessory structure within the zone and meets the applicable sign schedule requirements, the officer shall issue a Development Permit. The applicant may then apply for a sign construction permit and any other permits that may be required.
 3. If the Administrative Officer determines that the proposed sign is part of subdivision, site plan, or conditional use application or that it does not comply with applicable regulations, sign schedule requirements or other sign regulations, the officer shall instruct the applicant that Planning Board Sign Committee approval is required.
 4. Modification of existing signs requires re-application.
- c. *General Standards.* The following general standards shall apply to all signs:
 1. Prohibited Signs.
 - a. Billboards
 - b. No sign with illumination in a beam, beacon, strobe or flashing form resembling an emergency light shall be erected in any location.
 - c. No sign or sign structure shall obstruct a fire escape, door, window, or other required access way. No sign shall be attached to a standpipe or fire escape, except those signs required by the Municipal Authority.
 - d. No sign shall impede traffic safety. The Administrative Officer and/or the Municipal Agency may seek and rely upon the opinion of the Chief of Police with regard to interpretation/enforcement of this section.
 - 1) No sign shall be maintained at any location where by reason of its position, size, shape, content or color, it may obstruct, impair, obscure, interfere with

the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.

2) No sign which uses the words "Stop," "Look," "Caution," "Danger," or any similar wording, which may confuse or mislead the public, shall be permitted.

3) No sign, nor any part of a sign, shall obstruct a sight triangle required by Article 9 of this chapter.

e. No sign or any part of a sign, except publicly owned or authorized signs, shall be placed in or extend into or over any public right-of-way.

f. No advertising flags, flutter flags, banners, pinwheels, portable signs, inflatables or similar advertising devices shall be permitted.

g. No animated or moving signs shall be permitted, except for the required movement of time and temperature displays, and for signs operated by the Borough.

h. No sign may be painted directly on the surface of any building, wall, fence or similar structure, unless approved by the Zoning Officer with advice and consent from the Planning Board Sign Committee.

i. No sign may utilize reflection enhanced or fluorescent colors or contain any material which sparkles, reflects or glitters, however, nothing herein is intended to prohibit the use of reflective paint on signs directing traffic or identifying various locations within a property.

2. Sign Standards

a. Construction, Limitations, and Erection of Property Signs.

1) All signs shall be securely affixed in a permanent manner to either the ground or building, unless specifically stated otherwise in this section.

2) Every Projecting Sign, including the frames, braces and supports thereof, shall be designed by a structural engineer or manufacturer, and shall be approved by the Building Official as in compliance with the Building Code of the Borough of Belmar and by the Board of Fire Underwriters, as in compliance, and shall be constructed of incombustible material and be two (2) faced.

3) If illuminated, any Projecting Sign reflectors shall be provided with the proper glass lenses concentrating the illumination upon the area of the sign and preventing glare upon the street or adjacent property; and no floodlight or spotlight shall be permitted on projecting signs.

4) The lettering or advertising designs to be illuminated may be composed of glass tubing or other transparent or semi-transparent incombustible material.

5) Any movable part of any Projecting Sign such as the cover of a service opening shall be securely fastened by chains or hinges.

6) Every Projecting Sign shall be placed at least ten (10) feet above the public sidewalk over which it is erected and a distance not greater than eighteen (18) inches from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto, nor shall any sign or part thereof extend nearer the curb line than one (1') foot. Every Projecting Sign erected over public driveways, alleys and thoroughfares shall be placed not less than fifteen (15') feet above the level of same.

7) No Projecting Sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No Projecting Sign shall be attached to a stand-pipe, fire escape or to any steel tower of any structure or building.

8) No Projecting Sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP," "LOOK," "DANGER" or any other word, phrase, symbol or character in such a manner as to interfere with or mislead or confuse traffic.

- 9) Projecting Signs shall be attached to walls with galvanized bolts at least three-eighths (3/8") of an inch in diameter, shall be fixed in the wall by means of bolts extending through the wall, shall contain the proper size metal washer or plate on the inside of the wall, and shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area; and shall be constructed to receive dead loads as required in any ordinance or code which has been adopted by the Borough of Belmar. Suitable toggle bolts or lag bolts with shields may be substituted.
- 10) No Projecting Sign shall be secured with wire, strips of wood or nails.

3. Illumination.

- 1) Unless specifically stated otherwise in a Resolution of Approval or in this section, all signs may only be illuminated in accordance with the performance standards found in this Article.
- 2) No sign shall contain blinking, flashing, flickering, tracer or sequential lighting and shall remain stationary and constant in intensity and color at all times, except at Christmastime.
- 3) All wiring for permanent illuminated signs shall be installed and maintained so that it is not within public view. The running of wiring or conduit along the exterior wall of a building to access a sign is specifically prohibited except that the Construction Official may permit exterior conduit if in the judgment of the Official there is no practical way to run the conduit so that it is not within public view.
- 4) No sign with red, green, yellow or blue illumination in a beam, beacon, strobe or flashing form resembling an emergency light shall be erected in any location.

4. Temporary Signs

- 1) Political Signs; provided that such signs are not more than twelve (12) square feet in area if located in a nonresidential district or more than six (6) square feet in area if located in a residential district; are limited to not more than one (1) per lot; are located entirely on private property pursuant to the owner's consent; are erected not more than forty-five (45) days prior to such election; and are removed within seven (7) days following such election. At no time may such signs be in the public right of way.
- 2) Real Estate Signs; temporarily advertising the sale, rental or lease of the premises; provided that such signs are limited to no more than one (1) wall or ground sign per property; are not more than six (6) square feet in area per residential lot; are no higher than six (6') feet if a ground sign. Such signs shall be removed within thirty (30) days after the termination or completion of the matter being advertised.
- 3) Portable "Sandwich Board" signs for display on sidewalks directly in front of the business advertised by the sign; provided there is no more than one (1) such sign per business and does not impede the passage of pedestrians or create a traffic safety hazard.

SECTION II. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.