

ORDINANCE 2015-10

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 243 “ZONING AND LAND USE”, ARTICLE X “SIGN REGULATIONS,” OF THE CODE OF THE TOWNSHIP OF LOPATCONG.

WHEREAS, the Township Code regarding sign regulations was first adopted in 1974 and the most recent amendments to those Code sections were made in 1992 and 2001; and

WHEREAS, the New Jersey and United States Supreme Courts have issued several decisions regarding sign regulations since the Township’s sign ordinance was adopted; and

WHEREAS, the Township Council of the Township of Lopatcong wishes to update its sign regulations and permit application process to ensure constitutional compliance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren, State of New Jersey, that Chapter 243 “Zoning and Land Use”, Article X “Sign Regulations” of the Code of the Township of Lopatcong is hereby amended as follows:

Section 1:

Chapter 243. Zoning and Land Use, Article X. Sign Regulations shall be deleted in its entirety and replaced with the following:

Chapter 243. Zoning and Land Use

Article X. Sign Regulations

§ 243-52. Permit required; application requirements and process

- A. Permit Required. It shall be unlawful for any person, firm, or corporation, to erect, alter, locate or relocate, reconstruct or change in any manner any sign greater than redesigned, relocated and reconstructed within the Township any sign or signs having an area greater than six square feet, without first having obtained and paid for and having in force a permit therefor from the Zoning Officer.
1. The following two operation shall not be considered creating a new sign and therefore shall not require a sign permit:
 - a) Replacing Copy: the changing of the advertising or message on an approved sign which is specifically designed for the use of a replaceable copy
 - b) Maintenance: painting, cleaning and other normal maintenance and repair of a sign or sign structures, unless a structural change is made or there is a change in message.

- B. Application for a permit for signs over six square feet in area shall be made on a form provided by the Zoning Officer, which application shall include:
 - 1. The name, address, and telephone number of the applicant.
 - 2. The location of the building upon which the sign is to be erected.
 - 3. A color photo of the building upon which the sign is to be erected or any immediately adjacent building(s).
 - 4. A description of the size and construction of the sign.
 - 5. Such other pertinent information as the Zoning Officer may require in order to determine properly whether such application complies with the provisions of this chapter and other ordinances.
- C. The Zoning Officer shall issue or deny a permit for a sign within ten calendar days of the receipt of a complete and satisfactory application.
- D. Appeal from Permit Denied. Any applicant who feels aggrieved by the decision of the Zoning Officer may appeal to the Zoning Board from such decision and the Zoning Board may affirm, reverse or modify such decision of the Zoning Officer.
- E. Issuance of a sign construction permit. Upon approval of the application by the Zoning Officer or after approval by the Zoning Board, the Zoning Officer shall issue a permit for construction of such sign.

§ 243-53. General sign regulations.

- A. The limitations of signs set forth for the various zones by this chapter shall not apply to any sign or directional device erected by the federal, state, county or local government or agency thereof.
- B. The limitations of sign area as set forth by this chapter for the nonresidential zones shall not apply to parking lot markers, directional signs, entrance and exit signs and other such signs which are erected on the premises, provided that such signs do not exceed four square feet in area and do not contain any advertising of the use on the premises.
- C. No flashing, oscillating or animated sign of any type may be erected within the Township.
- D. No signs shall be so placed, colored or lighted as to impede or interfere in any way with the operation of a traffic light, traffic directional signal or general traffic vision.
- E. No freestanding sign shall be erected in the Township which exceeds a height of five feet, except that in a service station such sign shall not exceed a height of 15 feet. Advertising signs, where permitted, shall meet the height requirements of § 243-77.1.
- F. Under no circumstances shall any sign be located on the roof of any building, and no exceptions within this chapter shall be interpreted as applying thereto or creating such permission.
- G. Advertising signs shall be permitted as a conditional use in particular zones subject to the requirements of § 243-77.1, Advertising signs.

§ 243-54. Signs permitted in all zones.

The following signs will be permitted in all zones:

- A. One non-flashing, non-illuminated, temporary sign pertaining to the lease, rental or sale of the same lot or building upon which it is placed, and not exceeding four square feet in area, provided that such sign is erected or displayed not less than 10 feet inside of the property line or within the building. This sign must be removed from the premises within 30 days after the property is sold or rented.
- B. One illuminated, non-flashing sign identifying a school, park or public building, located not less than 10 feet inside the property line and not exceeding 10 square feet in area.
- C. One personal nameplate sign for each permitted dwelling unit, situated within the property lines and not exceeding one square foot in area.

§ 243-55. Signs permitted in nonresidential zones.

The aggregate area of all business signs placed or inscribed on the front facade of a building and freestanding business signs shall not exceed two square feet for each one foot of width of the front facade of the building. In any case, the aggregate area of such signs shall not exceed 100 square feet, except that for structures containing several tenants, a separate sign area may be computed for each ground floor tenant based upon the front facade width of the tenant.

- A. One freestanding sign shall be permitted for each lot. Such sign shall not exceed 25 square feet in area, plus five square feet for each separately operated use or activity in the lot, if there is more than one. In no case shall any sign exceed 100 square feet in area. Such signs shall be located at least 20 feet from a street or property line and in accordance with all regulations of site plan review. Such signs may be illuminated by non-flashing light.
- B. One sign may be placed or inscribed upon the front facade of a building for each permitted use or occupant. Such sign may be illuminated by non-flashing light.

Section 2:

§ 243-77.1. Advertising signs shall be deleted in its entirety and replaced with:

§ 243-77.1. Advertising signs.

- A. Advertising signs are defined as a sign which directs attention to a business, commodity, or service conducted, sold or offered elsewhere.
- B. Advertising signs shall be permitted in the HB and ROM Zones east of the intersection of State Highway Nos. 57 and 22, if found appropriate, as a conditional use, under the following conditions:

- (1) Such signs shall constitute an allowed second principal use on site.
- (2) Advertising signs shall only be allowed along State Highway Nos. 22 and 57 and shall be located within 70 feet of the state highway right-of-way. Setback from the right-of-way shall be sufficient to allow installation and maintenance without encroachment into the right-of-way.
- (3) Advertising signs shall not exceed 675 square feet in area per side, 50 feet in length and 14 feet in sign height. Total height of sign and mounting structure shall not exceed 25 feet above the elevation of the closest edge of the traveled way of the highway.
- (4) No advertising sign shall interfere with the required sight distances necessary for the safe ingress and egress to a site.
- (5) Signs shall be located so as to allow clear visibility to approaching traffic for a minimum distance of 600 feet. No advertising sign shall interfere with the required visibility of any other advertising sign. No advertising sign shall interfere with the required visibility of any on-premises business sign. No advertising sign shall be within 3,000 feet of any other advertising sign.

C. Any advertising sign erected in these zones must comply with the permit process outlined in § 243-52 after receiving the requisite Board approval.

Section 3 - Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4 - Repealer

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5 - Effective Date

This Ordinance shall take effect as required by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on August 5, at 7:00 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on September 2, 2015, at 7:00 PM, or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Beth Dilts, Township Clerk