

BOROUGH OF DUNELLEN

ORDINANCE 2013-01

The following ordinance is being Introduced for first reading on February 4, 2013. It will be presented for second reading, public hearing, and adoption, on February 19, 2013. For the week prior to this date, copies of the full ordinance will be posted on the Municipal Bulletin Board and available to members of the public.

AMENDED SIGNAGE ORDINANCE FOR THE BOROUGH OF DUNELLEN

- I. Purpose. The purpose of these sign regulations is to provide each business enterprise with reasonable identification and visibility, and:
 - A. To encourage the effective use of signs as a means of communication in the Borough of Dunellen
 - B. To maintain and enhance the aesthetic and historic environment and the Borough's ability to promote sources of economic development and growth
 - C. To improve pedestrian and vehicular traffic safety
 - D. To control the effect of signs on adjacent public and private property
 - E. To provide a means of enforcement of the sign regulations. Signs should provide each business enterprise with reasonable identification and visibility
 - F. To preserve and protect the public health, safety and welfare of the citizens of the Borough of Dunellen
 - G. To prevent property damage and personal injury from signs that are improperly constructed or poorly maintained
 - H. To promote the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the community's expressed desire for quality development
 - I. To protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape that affects the image of the Borough of Dunellen.

- J. Provide an improved visual environment for the citizens of, and visitors to, the Borough of Dunellen

 - K. To allow law enforcement sufficient visual access to a building and/or business.
- II. Applicability. A sign may be erected, placed, established, painted, created, or maintained in the Borough only in conformance with the standards, procedures, exemptions, and other requirements of this chapter.
- III. Interpretation: Where a particular type of sign is proposed in a sign permit application that is neither expressly allowed nor prohibited by this ordinance, or where a sign is proposed on a structure that is not a "building" as defined in the Land Use Ordinance, the Architectural Review Committee (ARC) shall have discretion to approve or disapprove the proposed sign based on whether it is more similar to a type of sign that is expressly allowed or to one that is expressly prohibited.
- IV. Permits required. Unless otherwise provided in this section, no sign may be placed, constructed, erected, or modified without the issuance of a sign permit. Any application for a sign permit for a commercial use shall be accompanied by a Master Signage Plan in accordance with the requirements herein (Section XII.)
- V. Permits not required.
- A. In commercial zones, permits are not required for incidental signs, if they are one (1) square foot or less in area.

 - B. On any lot in any zoning district, permits are not required for the following signs:
 - 1. One (1) sign of two (2) square feet or less in area for each lot, erected for fifteen (15) day or less in connection with educational, charitable, philanthropic, civic, religious or like campaigns. The location of such signs shall be limited to circumstances that do not interfere with the safety or convenience of the public.

 - 2. Flags of the United States, the State of New Jersey, the Borough, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. A flag's area, however, shall be in reasonable proportion to the length of the pole from which it is displayed. The top of the flagpole shall be no higher from the ground level than thirty-two (32) feet. Display of flags shall be in accordance with generally accepted standards of flag display etiquette.

3. Building marker signs.
4. Governmental signs and legal notices.
5. Signs displayed within the interior of a building that are not visible from the exterior of the building.
6. Address numbers, provided they do not exceed one (1) square foot in area.

VI. Signs exempt from regulation under this section. The following signs shall be exempt from regulation under this chapter to the extent herein stated:

- A. In commercial zones, holiday lights and decorations with no commercial message, but only from November 15 to the next January 15. Such lights shall not blink or flash.
- B. Any traffic control sign on private property, such as “Stop,” “Yield,” or similar signs, the face of which meet Department of Transportation standards and which contains no commercial message of any sort.
- C. Signs or banners no larger than two (2) square feet that promote educational, charitable, philanthropic, civic, or religious events or campaigns. They shall be displayed for a maximum of thirty (30) days before the event and shall be removed within three (3) days after the event; Or for a maximum length of thirty-three (33) days.
- D. Political signs. There shall be no more than one (1) sign for any office on any lot. They shall be non-illuminated, have no greater area than four (4) square feet, and shall be displayed for a maximum of thirty (30) days before an election and shall be removed within three (3) days after the same election.

VII. Signs in the public right-of-way. The only signs allowed in the public right-of-way shall be the following:

- A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- B. Bus stop signs erected by a public transit company.
- C. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.

- D. Awnings, flags, and signs projecting over a public right-of-way in conformity with the provisions of this chapter.
 - E. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work with the public right-of-way.
 - F. Signs with more display surfaces than the two (2) faces of a freestanding vertical sign. Examples of this type of sign are sandwich boards. Only one sign per business is allowed and must be pulled in at closing time
- VIII. Prohibited signs. All signs not expressly permitted under this chapter or not exempt from regulation hereunder in accordance with the two (2) preceding sections are prohibited in the Borough. Such signs include, but are not limited to:
- A. Signs located or worded to constitute a hazard to pedestrian or vehicular traffic.
 - B. Signs in the public right-of-way, with the exception of those listed herein (Section VII.)
 - C. Inflatable signs and tethered balloons, except non-communicative decorative small balloons.
 - D. Flashing, animated, fluttering, or rotating signs (with the exception of barber poles) or signs with the optical illusion of movement, including running lights having the primary effect of calling attention to a building or to elements of a building.
 - E. Strings of lights not permanently mounted, with the exception of holiday lights displayed from November 15 to the next January 15. Such lights shall not flash or blink.
 - F. Wind signs, such as flags, pennants, or spinners, except as permitted herein (Section XIV.F).
 - G. Portable signs for commercial purposes.
 - H. Window signs above the first floor with the exception of professionally painted gold leaf lettering on the window. Such lettering will include the business name only, and shall not exceed 15% of the window's area.

- I. Signs placed, inscribed, or supported upon the roof or upon any structure that extends above the roof of any building, except such directional devices as may be required by Federal aeronautical authorities.
 - J. Any sign indicating, that a property has been leased or sold with such language as (but not limited to) “SOLD”, “LEASED”, “TOO LATE”, and “GONE”.
 - K. Billboards.
 - L. Signs incorporating projected images.
 - M. Signs on standpipes or fire escapes.
 - N. More than one internally illuminated sign, using gas, chemical, or fluorescent colors, including white, where tubing is visible. This includes all signs commonly described as “neon” signs, “neon-like” and/or fluorescent “neon” type. Neon used to border windows is prohibited.
 - O. Signs that cause glare on adjacent property.
 - P. Signs for commercial purposes other than the use being made of the premises on which the sign is located.
 - Q. Beacons and searchlights.
 - R. No internally illuminated box signs.
- IX. Construction, maintenance, lighting, and design.
- A. Construction, maintenance, and lighting.
 - 1. Except for banners, flags and signs to be displayed, under the terms of this chapter, for only a limited period of time, and window signs, all signs shall be constructed of permanent materials and shall be permanently attached to the ground or a building by direct attachment to a rigid wall, frame, or structure.
 - 2. All signs shall be maintained in good structural condition and appearance, in compliance with all building and electrical codes, and in conformance with this chapter at all times.
 - 3. If signs are illuminated, they must be externally illuminated.

4. Lighting location. Freestanding illuminated signs and illuminated wall mounted signs shall have their light source located wither on the ground shinging up or mounted on the top of the sign shining down

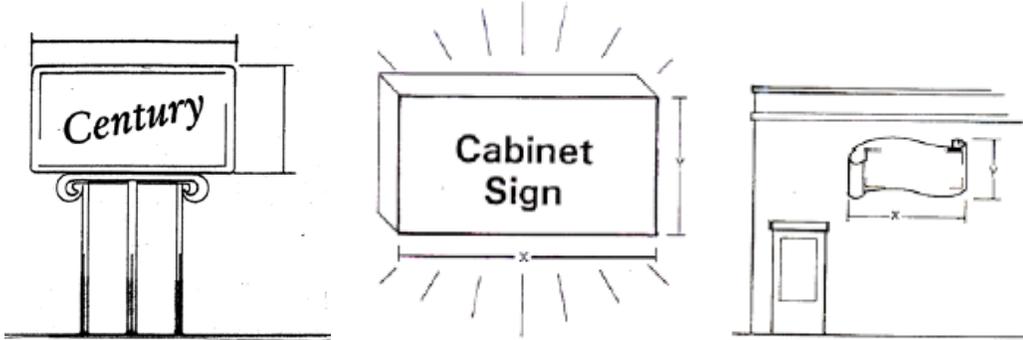
B. Design guidelines. To the maximum extent possible, signs shall adhere to the following design guidelines:

1. On buildings designed for commerce, signs should fit in the existing features of the façade, such as when façade bands of decorative moldings create natural frames for signs. Signs should be aligned with signs on adjacent storefronts.
2. On lots with buildings built as residences but now put into commercial use:
 - a) Freestanding signs are preferred. If a sign must be placed on such a building, it should be limited to one (1) small identification panel at each entrance.
 - b) If signs are illuminated, they must be externally illuminated.
3. The name of the business should be the only message on the principal sign. Secondary signs in windows or the front door may inform of products or services rendered.
4. Good legibility communicates a sign's message quickly and easily. The clearer the type style, the more readily it will be understood.
5. Color contrast greatly influences legibility. The strongest impact occurs with a dark background, and a dark and muted background helps a sign fit more naturally into most older buildings, especially if the sign's colors compliment those of the building's materials.
6. Signs painted on windows are more legible in pale paint or gold leaf.
7. Lettering for any sign shall not exceed twelve inches (12") in height, unless otherwise restricted in this ordinance.

X. SIGN MEASUREMENT CRITERIA.

A. SIGN AREA MEASUREMENT. Sign area for all sign types is measured as follows:

1. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.



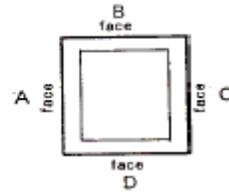
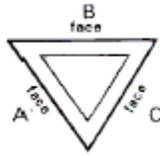
2. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.



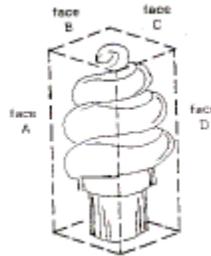
3. Multi-face signs are measured as follows: Two (2) face signs: If the interior angle between the two (2) sign faces is forty-five degrees (45°) or less, the sign area is of one (1) sign face only. If the angle between the two (2) sign faces is greater than forty-five degrees (45°), the sign area is the sum of the areas of the two (2) sign faces.



- Three (3) or four (4) face signs: The sign area is fifty percent (50%) of the sum of the areas of all sign faces.

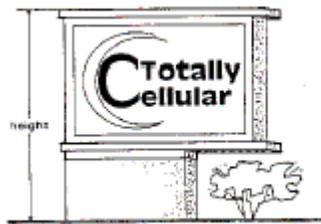


- Spherical, free-form, sculptural, or other non-planar sign area is fifty percent (50%) of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four faces are prohibited.

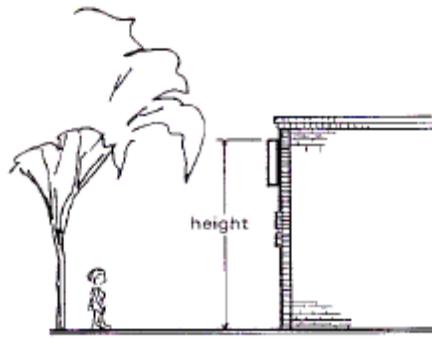


B. SIGN HEIGHT MEASUREMENT. Sign height is measured as follows:

- Freestanding Signs: Sign height is the distance measured from grade at the base of a sign to the topmost portion of a sign, excluding decorative embellishments as permitted in Section XIV.B.6. of this ordinance. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.



- Building Mounted Signs: The height of wall, fascia, mansard, parapet or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.



- XI. General permit procedures. The following procedures shall govern the application for and issuance of all sign permits and the submission and review of Master Signage Plans under this chapter.
- A. Applications for sign permits of any kind and application approval of a Master Sign Plan shall be submitted to the Architectural Review Committee (ARC) via the Zoning Officer on an application form or in accordance with application specifications published by the Zoning Officer. The Architectural Review Committee (ARC) then make a recommendation to the Zoning Officer.
 - B. Fees. Each application for a sign permit or for approval of a Master Signage Plan shall be accompanied by the applicable fees, which shall be established by the Council of the Borough.
 - C. Completeness. Within ten (10) business days of receiving an application for a sign permit, a member of the Architectural Review Committee (ARC) shall review it for completeness. If the ARC member finds that it is incomplete, the Zoning Officer shall, within such ten (10) day period, communicate to the applicant specific ways in which the application is deficient, with appropriate references to the applicable sections of this chapter.
 - D. Action. Zoning Officer shall approve or reject the sign application within ten (10) business days after the submission of a completed application. The sign permit shall be issued if the signs that are the subject of the application conform in every respect with the requirements of this chapter and, in the case of a commercial use, with the applicable requirements for a Master Signage Plan. In the case of rejection, The Zoning Officer shall specify the section or sections of the ordinance with which the sign and/or Master Signage Plan is inconsistent. The applicant may appeal the decision to the board having jurisdiction.
 - E. Signage on development applications. Before acting on development applications for a business use where installation or modification of any sign is proposed, the Planning Board shall immediately after receipt of a complete application, refer the

Master Signage Plan to the Zoning Officer , who shall within ten (10) business days review the Master Signage Plan and submit his recommendations to the Board.

XII. Master Signage Plan. Any application for a sign permit in a commercial zone shall be accompanied by a Master Signage Plan. A Master Signage Plan shall also be included in any development plan or site plan required by the Borough for a proposed development in which the installation or modification of any sign is proposed. The following information shall be included on a Master Signage Plan for each existing and proposed sign, with the exception of incidental signs:

- A. Size and area
- B. Letter style
- C. Lighting
- D. Color
- E. Construction and materials
- F. Height of sign above grade
- G. Location
- H. Scaled drawings with sign copy

The Master Signage Plan shall include a sketch or photograph showing the dimensions of each façade, window, and canopy of the building to which a sign is to be attached, in sufficient detail to show the location, dimension and area of all existing and proposed permanent signs affixed to the walls, windows, and awnings to the building. These dimensions shall be shown either on the sketch or on the photograph.

In addition, for lots with existing or proposed free-standing signs, a plot plan shall be submitted, showing the location of buildings, parking lots, driveways, and landscaped areas, as well as the existing or proposed signs.

XIII. Language. It is the opinion of those who represent the Government of the Borough of Dunellen that an issue of public safety must be addressed relating to the use of public signs in the Borough by merchants and the business community wherein the language of said sign is not in English. This problem presents the complications wherein law enforcement and safety personnel cannot identify the nature of a business, within,

based upon non-English signage. Without having the opportunity to identify the nature of a business, by way of readable English signage, law enforcement and safety personnel are faced with a variety of unknown factors when they enter the building of said business. Often, it is critical to law enforcement and safety personnel that they should know what to expect when entering a building hosting a business, particularly in the context of the storage or sale of products that might place said law enforcement or safety personnel at risk. English signs provide the Borough representatives with a necessary advance indication of the nature of the business with which they are about to become involved, on an emergency basis, thereby providing important advance preparation so as to protect the safety of the occupants, those in the area and the law enforcement or safety personnel. A posted sign, in English, provides valuable information to law enforcement and safety personnel as to the nature, extent, and potential dangers of the business or products therein.

In this context, it has been determined that exterior public signs must be in English so as to protect the health, safety and welfare of the citizens of the community.

All exterior public signs in a language other than English must be duplicated in dimensions fifty percent (50%) greater than the non-English sign, in English. No Non-English public commercial signs shall be permitted unless an English Sign fifty percent (50%), ~~25%~~ larger is also conspicuously installed in close proximity to the non-English sign. Both signs shall be calculated toward the total allowed signage allowed by this ordinance.

XIV. Commercial zones. The following signs are permitted:

- A. Wall signs. Wall signs are permitted only on the facades of buildings fronting on a street, parking lot, or public right of way. The following restrictions shall apply:
 - 1. Number and size.
 - a) No more than one wall sign per façade shall be permitted. The size shall not exceed two-thirds ($2/3$) or 66% of the length of the façade and/or sign band and three-quarters ($3/4$) or 75% of the height of the building's sign band. On a façade where no sign band is present, the wall sign shall not exceed twenty (24) square feet in size.
 - b) No more than one (1) externally illuminated wall sign per separate front façade shall be permitted.
 - c) For the purpose of this Subsection, in a building whose ground floor is divided side to side into separate units with separate fronts

entrances, each unit shall be treated as having a separate front façade.

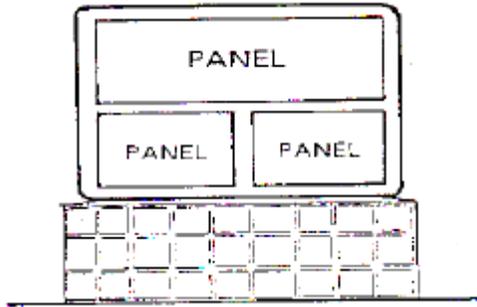
- d) Externally illuminated projecting signs are permitted with the requirement that the illumination spread cannot be beyond the boundary of the sign area.

- 2. Placement and projection. A wall sign shall not extend beyond the ends of the wall surface on which it is placed and shall be below the top of the first story, or below the top of the parapet of the premises, or not over seventeen (17) feet above grade, whichever shall be lower. No part of the sign shall be more than six (6) inches beyond the building façade.
- 3. Lighting. Lighting shall be prescribed herein (Section IX.A.3)

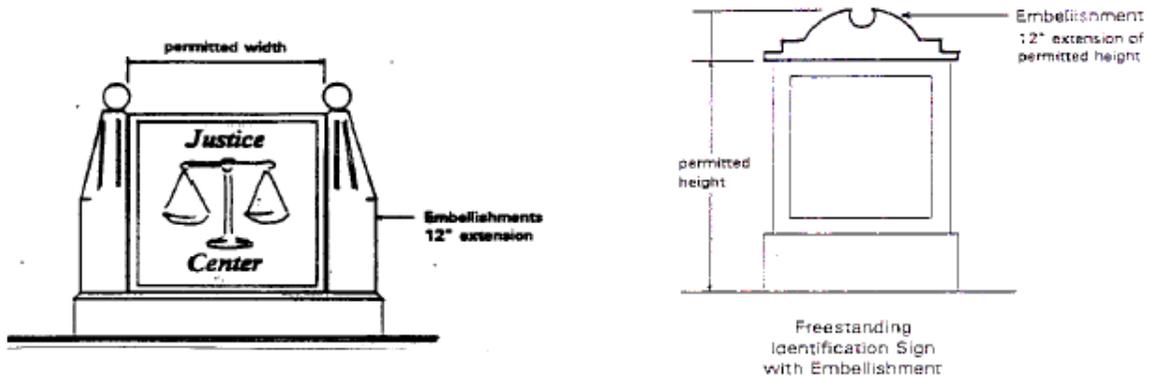
B. Freestanding signs. The following restrictions shall apply:

- 1. Only one (1) freestanding sign shall be permitted on any single lot, regardless of the number of establishments on the property, except when the Planning Board authorizes the following:
 - a) One (1) additional freestanding sign when the property has access from more than one public street.
 - b) One (1) freestanding sign for each individual building on a lot occupied by condominium units.
- 2. Size. The area of freestanding signs is limited as follows:
 - a) If externally illuminated and constructed of wood, material resembling wood, or masonry materials, a sign may not exceed 24 square feet.
 - b) If more than one (1) business is located on a lot, the sign area permitted shall be as follows:
 - (1) The single freestanding sign may be a directory sign with a total area as regulated in this ordinance, or if that does not accommodate a minimum of one (1) square foot panel for each tenant, a sign area sufficient to do so shall be allowed; or

- (2) The single freestanding sign may identify the building or the primary occupant and a non-illuminated directory sign not exceeding one (1) square foot per tenant may be permitted on the ground floor façade.
3. Height. The height of a freestanding sign shall not exceed six (6) feet, excluding structure enhancements and embellishments. Height shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (a) existing grade before construction, or (b) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavation solely for locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption:
 - a) That the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road, or
 - b) The grade of the land at the principal entrance to the principal structure of the lot, whichever is lower.
4. Landscaping. A landscaped area located around the base of the sign equal to two and one-half (2.5) square feet for each square foot of sign area, is required for all freestanding signs. The landscape area shall contain living landscape material consisting of shrubs, and/or perennial ground cover plants placed throughout the required landscape area having a spacing of not greater than three (3) feet on center. Where appropriate, the planting of required deciduous or evergreen trees, installed in a manner that frames or accents the sign structure is encouraged.
5. Sign panels. A freestanding sign may consist of more than one (1) sign panel provided all such sign panels are consolidated into one common integrated sign structure. In the event a sign is installed that does not utilize the maximum sign area permitted, any supplemental additions shall conform within, and be compatible with the existing sign structure.



6. Sign structure enhancements and embellishments. Freestanding sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of sign structure enhancement or embellishment, provided such extension does not exceed a maximum of twelve (12) inches on any side.



7. Sign location.

- a) The leading edge of any freestanding sign is required to be set back a minimum of ten (10) feet from the street side property line, and the sign structure a minimum of ten (10) feet from any interior side lot line. Where site design and/or specific circumstances of a site are such that sign setbacks may not be met, reductions to the set back requirements may be requested and granted upon documentation that such need exists. And provided that in any case, the horizontal distance between freestanding signs on adjacent lots must be not less than the height of the taller sign.
- b) Should there be less than twelve (12) feet between the street front line property line and the building foundation, the sign shall be centered between the building and the property line, but in no case closer than three feet from the sidewalk or, if there is no sidewalk, the property line.

- c) Signs shall not be placed within the area at a street corner where there should be a sight easement as described in this chapter.
 - d) Freestanding signs shall not be installed within thirty (30) feet of any residential district.
8. Side or rear entrance signs. When a business, in addition to a front entrance, also has a public entrance at the side or rear of a building and no other side or rear wall sign, a non-illuminated or externally illuminated sign identifying the occupant shall be permitted at such an entrance, provided it does not exceed six (6) square feet in area.
9. Awnings.
- a) Awning shapes. No boxed awnings are permitted. Awning may be round, barreled-shaped, or pitch topped. They shall be constructed of canvas or non-glossy vinyl.
 - b) No awnings shall extend more than five (5) feet from the building façade, nor have less than a minimum height of seven (7) feet from the base of the door they are covering. No awning shall extend into the second floor line.
 - c) Awning signage.
 - (1) Signage is only permitted on pitch topped shaped awnings that have a valance (fringe) face.
 - (2) The valance face shall be no more than 40% of the total awning height. All awning signage must be located on the valance.
 - (3) Signs placed on awnings shall identify only the name and/or address or logo of the business or occupant. Telephone numbers, list of items, web addresses, etc. are not permitted.
 - (4) The name and/or address or logo of the business or occupant shall be located on the valance (fringe) of the awning; the lettering or logo shall not exceed twelve (12) inches in height.
 - d) Illuminated awnings are not permitted.

e) In the event that a building has more than one awning, then all awnings shall be uniform in color, shape, and design.

C. Projecting signs. One (1) projecting sign per premises shall be permitted. The projecting sign shall be hung from the ground floor façade at least ten (10) feet above ground level, shall project no more than three (3) feet from the building façade, have a total area not exceeding four (4) square feet, and illumination shall only be external. The issuance and continuation of such a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form and amount as the Borough Administrator may reasonably from time to time determine, provided that the amount of such liability insurance shall be a least one million dollars (\$1,000,000.).

D. Incidental signs. Incidental signs of one (1) square foot or less in area are allowed, require no permit, and are not included in any maximum total sign area or number of signs allowed on a single lot. No more than two (2) incidental signs may appear in any single storefront.

E. Window signs. In addition to the signs allowed elsewhere in this ordinance first floor windows signs are allowed. The total area of all signs in a window shall not exceed twenty percent (20%) of the total area of the window. Not more than one illuminated (neon) sign per business occupant shall be placed in any one (1) window. In calculating maximum window coverage as described herein, the figure used for any illuminated sign will be fifteen percent (15%) of the total window area.

F. Special event displays. Non-communicative decorative flags, strings of pennants, and banners of no more than ten (10) square feet shall be permitted as a display for a period of not more than fourteen (14) days at a time. Such displays shall be permitted for any business on no more than two (2) occasions in any calendar year, providing that a letter of intent shall be reviewed by the Architectural Review Committee (ARC) and approved by the Zoning Officer.

G. Decorative flag. One (1) decorative flag per business premises displaying only a generic logo or design (no lettering) and composed only of a lightweight fabric or woven material (no plastic). No such flag shall be larger than three by five (3 X 5) feet and must be hung from the ground floor façade at least ten (10) feet above ground level and project no more than three (3) feet from the building façade.

XV. Residential zones. In addition to those signs enumerated in Section V (Permits not Required) and Section VI (Signs exempt from regulation under this section), the following signs are permitted in residential zones and on wholly residential use lots in non-residential zones.

- A. Nameplates. Nameplates mounted flush on the wall near an entrance and bearing the name of the family unit residing on the premises are allowed without a sign permit. Not more than one (1) sign shall be permitted for each family unit on the premises, and each sign may not exceed seventy-two (72) square inches in area.
 - B. Home professional occupation. A nameplate bearing the name and/or business of the person engaged in a home occupation and residing on the premises, provided that such signs shall not exceed one (1) square foot in area. This nameplate may be attached to a building or to a post, which post shall not exceed five (5) feet in height. Such signs may be externally lit if the Planning Board determines it after a public hearing that the proposed illumination is reasonable for the public convenience. Conditions may include the prevention of glare and the requirement that such illumination be extinguished at a particular time.
 - C. Real estate, work in progress, and garage sale signs. One (1) sign not exceeding four (4) square feet pertaining to the lease or sale of, or work in progress on, or a garage sale upon the lot or building, which sign shall be placed no nearer the street than three (3) feet from the sidewalk or, if there is no sidewalk or, no nearer the street than three (3) feet from the front line of the property. Any such sign shall be removed after the signing of a lease or purchase agreement for the purchase of the premises, or completion of the work in progress, or completion of the garage sale. However, a garage sale sign may be displayed for no more than three (3) days on a property every six (6) months and one (1) work in progress sign for no more than forty-five (45) days every year.
- XVI. Individual signs of historic or cultural significance. Signs that may be unusual, significant, or meaningful to the Dunellen streetscape and its history may be worthy of special recognition and consideration. The purpose of identifying individual signs with historic or unique characteristics within the Borough of Dunellen, is to prevent the unintentional loss of significant cultural or historic resources and where possible, to provide a means for their retention and restoration.
- A. Applicability. A sign located within commercial zone boundaries of the Borough of Dunellen, which is found to meet the criteria for historic designation as listed in "B2" below, is a candidate for special consideration.
 - B. Permits. The Planning and Zoning Board may declare a sign or group of signs to be "historic" or "unique." Application for special consideration under this provision shall be made by the property owner having control over the sign that meets the criteria of this section, or may be initiated by the borough. Notwithstanding safety, maintenance, or structural regulations of the Sign Code, or currently adopted Uniform Building Code, a sign designated by the Planning & Zoning Board will be deemed to conform to this ordinance. Individual signs proposed for retention and restoration shall meet the following criteria:

1. The sign has been in continuous existence at its present location for not less than forty (40) years, and;
2. The sign is of exemplary technology, craftsmanship, or design for the period in which it was constructed; uses historic sign materials or means of illumination; and/or is unique in that it demonstrates extraordinary aesthetic quality, creativity or innovation;
3. The sign is structurally safe or is capable of being made so without substantially altering its historical character or significance. If the sign has been altered, it must be restorable to its historic function and appearance; and
4. The sign complies with movement, bracing, and illumination requirements contained in other sections of this Chapter and/or the Land Use Code.

C. Designation. Once a sign is designated to be of historical significance, and is restored to its historic function and appearance, the historic sign will be included on a list of historic structures within the Borough of Dunellen. Nothing in these provisions shall have the effect of prohibiting the owner of a designated sign from removing or altering such sign, subject to review by the appropriate review body.

XVII. Non-conforming signs

- A. All wall and freestanding signs that are not in conformity with this chapter but were erected prior to October 1, 2005, and not thereafter modified, or were thereafter erected or modified pursuant to a proper sign permit or other municipal approval may remain, subject to being maintained in good structural condition and appearance, and in compliance with all building and electrical codes.
- B. Non-conforming signs may not be modified and/or changed unless the modification brings them into conformity with the regulations in this chapter.
- C. If a change of use occurs for a business premises, all signs on that business premises or relating to it must be brought into conformance with this chapter.
- D. If any construction or modification occurs relating to or affecting any sign on a business premises for which a building or sign permit is or should have been issued, all signs on that business premises or relating to it must be brought into conformance with this chapter.

XVIII. Abandoned signs. Except as otherwise provided in this section, any sign that is located on property that becomes vacant and is unoccupied for a period of three (3)

months or more, or any sign that pertains to a time, event, or purpose that no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises within thirty (30) days.

XIX. Sign maintenance. It shall be unlawful for any owner of record, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land to fail to maintain the property and all signage thereon, in conformance with the Land Use Code. Failure to maintain signs and/or property constitutes a violation of the Dunellen Land Use Ordinance.

A. MAINTENANCE. Complete maintenance is required for all signs, whether or not in existence before adoption of this ordinance. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to conform to the requirements and contents of the sign permit issued for its installation and provisions of this ordinance.

B. LANDSCAPE MAINTENANCE. Replacement of plant materials that do not survive after installation in required landscaped areas is required within the next planting season or within six months of the plant's demise. Required landscaped areas contained by a fixed border, curbed area, or other perimeter structure shall receive regular repair and maintenance.

C. REMOVAL OF OBSOLETE SIGNS. Signs which conform to the provisions of this ordinance, but which reflect obsolete sign copy may remain in place, provided the sign copy is left unlit and/or blank, for a time period up to ninety (90) consecutive days after the use or activity it identified has ceased and/or the property has become vacant. A one-time extension of ninety (90) days may be granted by the Zoning Officer, provided the copy has been left unlit and/or blank, and when such extension is requested by the owner or person in control of the vacant property.

D. REMOVAL OF UNSAFE SIGN STRUCTURES. In addition to remedies provided for the Land Use Code, the Architectural Review Committee (ARC) will offer suggestions to the Zoning Officer. The Zoning Officer shall have the authority to order the repair, maintenance, or removal of any sign or sign structure that has become dilapidated or represents a hazard to safety, health, or public welfare. If such a condition is determined by the ARC to exist, that committee shall give notice thereof by certified mail, return receipt requested, to the sign owner at the address shown on the sign permit, unless information that is more

recent is available. If, within fourteen (14) calendar days from service of notice, the order is not complied with, the Zoning Officer may cause the sign to be removed or repaired, and the cost of such removal or repair to be charged against the sign owner and/or the property owner.

- XX. Enforcement. If any sign that is in violation of this Section shall remain for fourteen (14) calendar days, or reappear within one (1) year after the Zoning Officer shall have given written or verbal notification to any owner, or occupant of the property, or to the owner of any agent or employee of the owner of the sign, that such sign is in violation, such owner or occupant of the property, or the owner of the sign, as the case may be, shall be subject to prosecution under this chapter and to the penalties set forth in Section XXI.
- XXI. Fees and Enforcement. Fees and enforcement of this ordinance by the Zoning Officer shall follow those outlined in the New Jersey Uniform Construction Code (N.J.A.C. 5:23)
- XXII. Severability. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

DEFINITIONS

SIGHT EASEMENT AT INTERSECTION – A triangular shaped area established in accordance with the requirements of this chapter in which no grading, planting or structure shall be erected or maintained higher than two (2) feet in height, except for street signs, fire hydrants and light standards.

SIGN – A visible device appearing on or apparent from a building or structure that uses letters, symbols, color, or form to advertise or announce the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN AREA – The dimensions or area of a sign shall be considered as being the smallest rectangle enclosing all letters, symbols, and other devices, or the area of its background if distinguishable from a larger background such as the wall of a building. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, the sign area shall be computed by the measurement of one of the faces. See Sign Measurement Criteria (Section X.)

SIGN BAND: A horizontal area above a building's entrances, architecturally designed to accommodate signage.

SIGN, BUILDING MARKER – Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

SIGN, DIRECTORY – A sign listing names of businesses or offices in a building or complex.

SIGN, FREE STANDING – Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

SIGN, ILLUMINATED – All external light sources for signs shall be white. An externally illuminated sign is one the surface of which receives light from outside the sign. An internally illuminated sign is one where the surface of the sign receives light from within or from the rear of the sign.

SIGN, INCIDENTAL – A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

SIGN, MODIFICATION AND/OR CHANGE – Changing of surface sign space, sign insert, ornamental molding, frames, trellises or ornamental features or landscaping below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, or other embellishments.

SIGN, PORTABLE – Any sign shall not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be a transported by means of wheels, signs converted to A- or T-frames; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless any such vehicle is used in the normal day-to-day operations of the business.

SIGN, PROJECTING – Any sign affixed to a building or wall in such a manner that its leading edge extends beyond the surface of such building or wall.

SIGN, WALL – Any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

SIGN, WINDOW – A sign, as herein defined, placed inside within one (1) foot of, or upon the inside of any glass or translucent material in, a wall opening of a building. Each such opening separated by a vertical supporting structural member shall be considered a separate

single window, regardless of the number of lights or panes, or whether it is a window or a door.