

**READINGTON TOWNSHIP COMMITTEE
MEETING – March 21, 2011**

Mayor Gatti *calls the meeting to order at 6:30 p.m.* announcing that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

PRESENT: Mayor F. Gatti, Deputy Mayor T. Auriemma, Mrs. J. Allen, Mrs. B. Muir
Mrs. D. Simon

ALSO PRESENT: Administrator Mekovetz, Attorney S. Dragan

ABSENT: None

EXECUTIVE SESSION:

Clerk read the following Resolution:

RESOLUTION
EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-6 *et seq.*, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee is of the opinion that such circumstances presently exist and desires to authorize the exclusion of the public from the portion of the meeting in accordance with the act;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the specified subject matter as set forth in the following Exhibit “A.”

EXHIBIT A

<u>Subject Matter</u>	<u>Basis Of Public Exclusion</u>	<u>Date Anticipated When Disclosed to Public</u>
Construction Code.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will be confidential
Police Department.....	Personnel.....	“ “ “
ECHO Unit / Ahearn.....	Contract Negotiations.....	“ “ “
Executive Session Minutes..... March 7, 2011	Attorney-Client Privilege.....	“ “ “
388 Route 22 Readington Realty..... Holdings, LLC v. Twp. of Readington	Litigation.....	“ “ “
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6 & 8; Block 39, Lot 24 & Block 67, Lot 2 (Solberg Aviation).....	Litigation.....	“ “ “

It is anticipated at this time that the stated subject matter will be made public on or about the time set forth in Exhibit “A.”

2. This Resolution shall take effect immediately.

A **MOTION** was made by Mrs. Muir to adopt this resolution, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:35p.m.

Mayor Gatti led those present in the *Salute to the Flag*.

Mayor Gatti announced that the following business was completed during Executive Session:

Personnel / Construction Code Office

A **MOTION** was made by Mrs. Muir to hire Thomas Lance as part-time Building Inspector, to replace Basil Andrews, for 21 hours per week at a rate of \$30/hr, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mr. Auriemma	- Aye
Mrs. Muir	- Aye
Mrs. Simon	- Aye
Mayor Gatti	- Aye

Personnel / Police Department

A **MOTION** was made by Mrs. Allen to make Robert Quinlan a permanent Patrolman after completing his probationary period, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mr. Auriemma	- Aye
Mrs. Muir	- Aye
Mrs. Simon	- Aye
Mayor Gatti	- Aye

A **MOTION** was made by Mrs. Allen to make Steven Rindock a permanent Patrolman after completing his probationary period, seconded by Mr. Auriemma and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mr. Auriemma	- Aye
Mrs. Muir	- Aye
Mrs. Simon	- Aye
Mayor Gatti	- Aye

Contract Negotiations / ECHO Unit / Ahearn

A **MOTION** was made by Mrs. Allen to approve the lease as amended, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mr. Auriemma	- Aye
Mrs. Muir	- Aye
Mrs. Simon	- Aye
Mayor Gatti	- Aye

Attorney –Client Privilege/Executive Session Minutes (March 7, 2011)

A **MOTION** was made by Mr. Auriemma to approve the Executive Session Minutes of March 7, 2011 for content only, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Litigation / 388 Readington Realty Holdings, LLC v. Twp. of Readington

Mayor Gatti stated that this matter remains in Executive Session.

Litigation/Solberg Aviation / Block 48, Lot 23; Block 55, Lot 33; Block 56, Lot 1, 3, 6 & 8; Block 39, Lot 24 and Block 67, Lot 2

Mayor Gatti stated that this matter remains in Executive Session.

CONSENT AGENDA:

Mayor Gatti read the following statement:

All items listed with an asterisk “*” are considered to be routine by the Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a committee member or citizen requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

- * 1. **APPROVAL OF MINUTES** of meeting of March 7, 2011
- * 2. **5th Annual Buckman Sprint Distance Triathlon (Green Brook Racing)** – permission to hold triathlon event September 18th
- * 3. **Team Somerset – Time Trial Event** – request permission to use township roads to Individual time trial bicycling event May 7th
- * 4. **East Whitehouse Fire Department – 11th Annual Coin Toss Fundraiser** permission to hold coin toss July 30th and July 31st
- * 5. **Whitehouse First Aid & Rescue Squad – 2011 Annual Coin Toss Fundraiser** permission to hold coin toss April 30th (rain date: May 7th) and September 24th (rain date: October 1st)
- * 6. **Refund for Overcharge on Permit** – Michael & Barbara Renda (Block 57, Lot 11.39)
- * 7. **Release of Escrow** – Adner Ebeb Realty Corp. Minor Subdivision (Block 39, Lot 8.01)
- * 8. **Firemen’s Membership Application** – Kyle Lasinki
- * 9. **Firemen’s Membership Application** – Nicholas J. Magos
- * 10. **Firemen’s Membership Application** – Katie N. Ricks
- * 11. **Firemen’s Membership Application** – Jordan B. Kaplan
- * 12. **Firemen’s Membership Application** – Myron G. Brown
- * 13. **Blue Light Permit** – Gerald D. Neuman

* 14. ***Tax Lien Redemption***

The following resolution was offered for consideration:

READINGTON TOWNSHIP
HUNTERDON COUNTY, STATE OF NEW JERSEY
RESOLUTION

WHEREAS, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 83, Lot 4 and,

WHEREAS, it is the desire of the Tax Collector to refund to the lienholder the redemption amount.

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$18,055.36, plus a premium paid in the amount of \$5,800.00, known as Tax Sale Certificate #619, to the lienholder, US Bank, Custodian for Empire Tax Fund I, LLC.

* 15. ***Payment of Bills*** – (Complete bill list is on file in Clerk’s Office)

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
SEWER APPROPRIATIONS	0-02	\$ 39,987.75
CURRENT FUND	1-01	\$1,174,364.29
SEWER APPROPRIATIONS	1-02	\$ 1,792.00
TRUST FUNDS	X-03	\$ 9,136.47
MISC REFUND, COUNTY TAX, LIENS	X-05	\$2,047,364.59
PAYROLL DEDUCTIONS	X-06	\$ 146,831.74
2008 CAPITAL	X-88	<u>\$ 615.00</u>
TOTAL OF ALL FUNDS		\$ 3,420,091.84

A ***MOTION*** was made by Mrs. Muir to approve the Consent Agenda, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

- Mrs. Allen - Aye
- Mr. Auriemma - Aye
- Mrs. Muir - Aye
- Mrs. Simon - Aye
- Mayor Gatti - Aye

PUBLIC HEARINGS

As it was after 8:00 p.m., A ***MOTION*** was made by Mrs. Allen to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Auriemma with a vote of ayes all, nays none recorded.

Clerk read by Title:

An Ordinance to Provide for the Acceptance of an Affordable Housing Restriction on a Portion of Block 8, Lot 3 in the Township of Readington from Winfield Management Corp.

Mrs. Allen stated that this property is a mixed retail use which includes a restaurant on the first floor and twelve rental apartments; designated one, two or three bedroom including very low, low and moderate housing and will assist Readington to meet its presently certified COAH plan.

Mayor Gatti stated that these units were rented based on a lottery system.

Mayor Gatti asked if there were any comments from the Governing Body.

There were none.

Mayor Gatti asked if there were any comments from the public.

There were none.

A MOTION was made by Mr. Auriemma to close the Public Hearing and open the regular meeting, seconded by Mrs. Allen with a vote of ayes all, nays none recorded.

Clerk read by Title:

An Ordinance to Provide for the Acceptance of an Affordable Housing Restriction on a Portion of Block 8, Lot 3 in the Township of Readington from Winfield Management Corp.

γ Ordinance # 07-2011

A MOTION was made by Mr. Auriemma to adopt this ordinance, seconded by Mrs. Allen and on Roll Call vote the following was recorded:

Mrs. Allen	- Aye
Mr. Auriemma	- Aye
Mrs. Muir	- Aye
Mrs. Simon	- Aye
Mayor Gatti	- Aye

CORRESPONDENCE / OTHER INFORMATION

1. Memorandum dated March 10, 2011 from Tricia Houck, Deputy Clerk, Township of Clinton, regarding ***Opposing Reduced Allocation of Open Space Tax Levy Funds to Municipal Grant Programs***. No action taken.
2. Memorandum dated March 10, 2011 from Tricia Houck, Deputy Clerk, Township of Clinton, regarding ***An Ordinance Supplementing and Amending Chapter 165 Entitled “Land Use Regulations” of The Code of the Township of Clinton, 2003, as heretofore Supplemented and Amended is Hereby Supplemented and Amended to Create New Regulations Permitting Outdoor Display and Sales of Retail Merchandise Services for Permitted Businesses in the Township***. No action taken.
3. Notice from James Weinstein, Executive Director, New Jersey Transit Corporation regarding ***Intent to Apply for Federal Fiscal Year 2011 Federal Financial Assistance and Federal Fiscal Year 209 and 2010 Carryover Funds***. No action taken.

NEW BUSINESS

1. ***An Ordinance Supplementing and Amending Volume II Chapter 148 Entitled “Land Development” of the Code of the Township of Readington, 2000, as Heretofore Supplemented and Amended, to Amend Regulations Pertaining to Signs***

Mrs. Allen stated that this ordinance is a re-structuring of the Township’s sign ordinance provisions and bringing it into line with first amendment rights.

Attorney Dragan requested to amend some of the language which would include replacing the word *code* with the word *ordinance*, in addition to omitting the two Florida case laws not applicable in New Jersey and on Page 6, under the third **WHEREAS** add after “vested rights” *prior nonconforming use laws*.

The following ordinance was offered for introduction:

AN ORDINANCE SUPPLEMENTING AND AMENDING VOLUME II CHAPTER 148 ENTITLED “LAND DEVELOPMENT” OF THE CODE OF THE TOWNSHIP OF READINGTON, 2000, AS HERETOFORE SUPPLEMENTED AND AMENDED, TO AMEND REGULATIONS PERTAINING TO SIGNS (CHAPTER 114-112-116)

ORDINANCE #08-2011

WHEREAS, the Township Committee of the Township of Readington, in Hunterdon County, New Jersey, finds and determines that the Township’s Land Development Ordinance and its sign regulations were intended to maintain and improve the quality of life for all citizens of the Township; and

WHEREAS, the Township Committee desires to delete sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of the existing ordinance which are obsolete or superfluous, and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction; and

WHEREAS, the Township Committee has determined the need to update and revise the Township’s Land Development Ordinance relative to signs, and wish to ensure that the Township’s Land Development Ordinance as they relate to signs are in compliance with all constitutional and other legal requirements; and

WHEREAS, the Township Committee wishes to further revise its prohibitions as to certain sign types, including commercial billboards; and

WHEREAS, the Township Committee finds that certain types of signs, particularly large signs, create a safety hazard by distracting motorists, pedestrians, and others, and wish to protect the safety of motorists, pedestrians, and others from distraction caused by signs; and

WHEREAS, the Township Committee finds that some signs, particularly large signs, detract from the aesthetic beauty of the landscape, and wish to preserve the aesthetic and natural beauty of the Township; and

WHEREAS, the regulation of signs for purposes of aesthetics has long been recognized as advancing the public welfare; and as far back as 1954 the United States Supreme Court recognized that “the concept of the public welfare is broad and inclusive,” that the values it represents are “spiritual as well as physical, aesthetic as well as monetary,” and that it is within the power of the legislature “to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled” [Justice Douglas in *Berman v. Parker*, 348 U.S. 26, 33 (1954)]; and

WHEREAS, the Township Committee finds and determines that the Township has adopted a Land Development Ordinance in order to implement its Comprehensive Master Plan, and comply with the requirements in the Municipal Land Use Law (the “MLUL”), including the regulation of sign structures in conjunction with the development of land; and

Ordinance #08-2011 cont'd:

WHEREAS, in order to carry out the purposes of the NJ MUNICIPAL LAND USE LAW and the purposes of the Township's Land Development Ordinance, the Township Committee finds and determines that the Township's Land Development Ordinance should regulate signs, including by designating prohibited sign-types that are inconsistent with one or more of the purposes of the Land Development Ordinance, and by prescribing the height, size (area), setback, spacing, location, and number of other sign-types that are not inconsistent with the Land Development Ordinance provided that they conform to appropriate dimensional and other content-neutral criteria for their placement on land within the Township, taking into account the nature of the land use and the function served by the sign-type; and

WHEREAS, the Township Committee finds and determines that the Township has allowed non-commercial speech to appear wherever commercial speech appears; and the Township Committee desires to codify that practice through the specific inclusion of a substitution clause that expressly allows non-commercial messages to be substituted for commercial messages; and

WHEREAS, the Township Committee finds and determines that aesthetics is a valid basis for zoning, and the regulation of the size of signs and the prohibition of certain types of signs can be based upon aesthetic grounds alone as promoting the general welfare [*see United Advertising Corp. v. Borough of Raritan*, 11 N.J. 144, 93 A.2d 362 (N.J. 1952); *United Advertising Corp. v. Borough of Metuchen*, 42 N.J. 1, 198 A.2d 447 (N.J. 1964); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 878 (1970); *Westfield Motor Sales Co. v. Town of Westfield*, 129 N.J. Super. 528, 324 A.2d 113 (N.J. Super. Ct. Law Div. 1974)]; and

WHEREAS, the Township Committee finds and determines that the size, height, and other characteristics of signs can magnify their adverse impacts on both traffic safety and aesthetics, and finds and determines that this ordinance will lessen hazardous situations, as well as confusion and visual clutter otherwise caused by the proliferation, improper placement, excessive height, excessive size, and distracting characteristics of signs which compete for the attention of pedestrian and vehicular traffic; and

WHEREAS, the Township Committee finds and determines that this ordinance will enhance the attractiveness and economic well-being of the Township as a place in which to live, visit, and conduct business; and

WHEREAS, the Township Committee finds and determines that billboards detract from the natural, rural and historic character of the Township, and have not been allowed as a sign type or an allowed business use within the Township [*see, e.g., United Advertising Corp. v. Borough of Raritan*, 11 N.J. 144, 93 A.2d 362 (N.J. 1952); *United Advertising Corp. v. Borough of Metuchen*, 42 N.J. 1, 198 A.2d 447 (N.J. 1964)]; and

WHEREAS, the Township Committee agree with the American Society of Landscape Architects' determination that billboards tend to deface nearby scenery, whether natural or built, rural or urban, and that this characteristic is inconsistent with the land use categories and actual land uses within the Township; and

WHEREAS, the courts have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural or rural agricultural landscape as seen from the highway, whether the view is untouched or altered by human activities, and that it would

Ordinance #08-2011 cont'd:

be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement [see *E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 878 (1970); *John Donnelly & Sons, Inc. v. Outdoor Advertising Bd.*, 339 N.E.2d 709, 720 (Mass. 1975)]; and

WHEREAS, the Township Committee finds and determines that billboards attract the attention of drivers passing by the billboards, thereby adversely affecting traffic safety and constituting a public nuisance and a noxious use of the land on which the billboards are erected; and

WHEREAS, the Township Committee recognize that billboards are a form of advertisement designed to be seen without the exercise of choice or volition on the part of the observer, unlike other forms of advertising that are ordinarily seen as a matter of choice on the part of the observer, and the Township Committee acknowledges that the United States Supreme Court and many federal courts have accepted legislative judgments and determinations that the prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area [see *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); *National Advertising Co. v. City & Town of Denver*, 912 F.2d 405, 409 (10th Cir. 1990), and *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 1231, 1239 (D. Kan. 1999)]; and

WHEREAS, the Township Committee finds and determines that in order to reconfirm that its sign regulations meet constitutional scrutiny, it is appropriate to amend the Township's Land Development Ordinance to emphasize the fact that noncommercial messages may be placed wherever commercial messages appear, that commercial speech is not favored over noncommercial speech, and that any on-site or off-site sign permitted or allowed by law is allowed to contain noncommercial speech in lieu of commercial speech; and

WHEREAS, the Township Committee recognizes that on-site business signs are considered to be part of the business itself, as distinguished from off-site outdoor advertising signs, and finds and determines that it is well-recognized that the unique nature of outdoor advertising and the nuisances fostered by commercial billboard signs justify the separate classification of such structures for the purposes of governmental regulation and restrictions [see, e.g., *United Advertising Corp. v. Borough of Raritan*, 11 N.J. 144, 93 A.2d 362, 365 (N.J. 1952), and *E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1153 (5th Cir. 1970), *cert. denied*, 400 U.S. 878, 91 S.Ct. 12, 27 L. Ed. 2d 35 (1970), quoting *United Advertising Corp. v. Borough of Raritan*, 93 A.2d 362, 365 (1952)]; and

WHEREAS, the Township Committee finds and determines that a prohibition on the erection of off-site outdoor advertising signs will limit the number of driver distractions and the number of aesthetic eyesores along the roadways and highways of the Township [see, e.g., *E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), *cert. denied*, 400 U.S. 878 (1970)]; and

WHEREAS, the Township Committee finds and determines that commercial billboard signs are public nuisances given their adverse impact on both traffic safety and aesthetics; and

Ordinance #08-2011 cont'd:

WHEREAS, the Township Committee finds and determines that billboards are a traffic hazard and impair the beauty of the surrounding area, and the prohibition of the construction of billboards will reduce these harms [*see Outdoor Systems, Inc. v. City of Lenexa*, 67 F.Supp.2d 1231, 1239 (D. Kan. 1999); *Naser Jewelers, Inc. v. City of Concord*, 513 F.3d 27 (1st Cir. 2008)]; and

WHEREAS, the Township Committee finds and determines that the presence of billboards along the federal interstate and the federal-aid primary highway systems, or the state highway systems, may prevent public property from being used for beautification purposes due to view zones established by the state, which would be detrimental to the land use policies of the Township; and

WHEREAS, Scenic America, Inc. recommends improvements in the scenic character of a community's landscape and appearance by prohibiting the construction of billboards, and by setting height, size and other standards for on-premise signs [*see Scenic America's Seven Principles for Scenic Conservation, Principle #5*]; and

WHEREAS, states such as Vermont, Alaska, Maine, and Hawaii have prohibited the construction of billboards in their states and are now billboard-free in an effort to promote aesthetics and protect scenic beauty; and

WHEREAS, the Township Committee finds and determines that in order to preserve, protect and promote the safety and general welfare of the residents of the Township, it is necessary to regulate off-site advertising signs, commonly known as billboard signs or billboards or commercial billboards, so as to prohibit the construction of billboards in all zoning districts, and to provide that the foregoing provisions shall be severable; and

WHEREAS, the Township Committee finds and determines that the prohibition of billboards as set forth herein will preserve the beauty of the Township, maintain the aesthetic and visual appearance and character of the Township, preserve and keep open up areas for beautification on public property adjoining the public roadways, will keep such signs from interfering with the visibility, readability and/or effectiveness of on-site signs by reducing and/or diminishing the visual clutter of off-site signs, will enhance the Township as an attractive place to live and/or work, reduce blighting influences, and will benefit traffic safety by reducing driver distractions; and

WHEREAS, the Township Committee finds and determines that the prohibition of portable signs reasonably advances the governmental goal of protecting the aesthetic and visual character of the environment of the Township [*see Harnish v. Manatee Town*, 783 F.2d 1535 (11th Cir. 1986) and *Don's Porta Signs, Inc. v. City of Clearwater*, 298 F.2d 1051 (11th Cir. 1987), *cert. denied* 485 U.S. 98 (1988)]; and

WHEREAS, the Township Committee finds and determines that the Township has consistently adopted and enacted severability provisions in connection with its land development ordinance provisions, and that the Township Committee wishes to ensure that severability provisions apply to its land development regulations, including its sign regulations; and

WHEREAS, the Township Committee finds and determines that the Township's sign regulations are concerned with the secondary effects of speech, including but not limited to

Ordinance #08-2011 cont'd:

aesthetics and traffic safety, and are not intended to regulate viewpoints or censor speech, and for those and other reasons that the foregoing provisions are not subject to, or would not fail, a “prior restraint” analysis; and

WHEREAS, the severability clause in the Land Development Ordinance of the Township of Readington, at Article XVII §148-126, was adopted with the intent of upholding and sustaining as much of the Township’s regulations, including its sign regulations, as possible in the event that any section or part thereof is held to be unconstitutional, void or ineffective for any cause, so that the validity or constitutionality of each part of each section shall be an independent section or part of a section, and therefore valid and constitutional in its own right; and

WHEREAS, the Township Committee is aware that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause; and

WHEREAS, the Township Committee desires that there be an ample record of its intention that the presence of a severability clause in connection with the Township’s sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances or other provisions are invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the Township Committee desires that there be an ample record that it intends that each prohibited sign-type continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the Township’s sign regulations, other ordinance provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the Township Committee desires that the prohibition on billboards continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the Township’s sign regulations, other Ordinance provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the Township Committee desires that there be an ample record that it intends that the height, size (area), spacing, setback and number limitations on free-standing signs continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the Township’s sign regulations, other ordinance provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the Township Committee is aware that billboard developers seeking to attack a sign ordinance, either in its entirety or as to some lesser portion, have often advanced an argument that the billboard developer has a so-called “vested” right to erect a billboard through the submission of one or more prior permit applications, so that in the event that the billboard developer is successful in obtaining a judicial decision that the entirety or some lesser portion of a sign ordinance or its permitting provisions are invalid or unconstitutional, the billboard developer may then seek to compel the municipality to issue a permit to allow the billboard developers to erect a permanent billboard structure within the municipality’s jurisdiction; and

Ordinance #08-2011 cont'd:

WHEREAS, the Township Committee desires to make it clear that billboards are not a compatible land use within the Town and that there can be no good faith reliance by any prospective billboard developer under New Jersey “vested rights” or prior nonconforming use laws in connection with the prospective erection or construction of new or additional billboards within the jurisdictional limits of the Township; and

WHEREAS, allowing certain signs without permits based upon the function served by the sign (*e.g.*, warning signs, construction signs, real estate signs, and other sign types described herein), is preferred to requiring permits for all such signs or alternatively, banning all such signs, and the Township Committee finds and determines that the dimensional criteria, including but not limited to size (area) and height, established for certain signs and sign-types as set forth in the Land Development Ordinance are not based upon any arbitrary determination but are based upon the function served by the sign and sign-type involved, and serve a legitimate governmental interest of balancing aesthetics and safety with the need for signs that serves a necessary purpose; and

WHEREAS, under current jurisprudence [*see, e.g., Linmark Associates v. Town of Willingboro*, 431 U.S. 85 (1977)], on-site real estate signs, such as “for sale” signs, should be allowed given the important role and unique function that real estate signs, such as “for sale” signs, perform on the premises where they are located; and

WHEREAS, under current jurisprudence [*see, e.g., Ladue v. Gilleo*, 512 U.S. 43 (1994)], signs that allow property owners, especially residential homeowners, to freely express a particular point of view on their own property should be reasonably accommodated and may be uniquely valuable, and the Township Committee wishes to codify current practices that have allowed residential property owners to freely express their point of view on their own property consistent with current jurisprudence set forth in *Ladue v. Gilleo*, 512 U.S. 43 (1994) [*see also, e.g., State v. Miller*, 162 N.J. Super. 333, 392 A.2d 122 (1978), *aff'd*, 83 N.J. 402, 416 A.2d 821 (1980); *Berg Agency v. Township of Maplewood*, 163 N.J. Super. 542, 395 A.2d 261 (Super. Ct. Law Div. 1978)]; and

WHEREAS, under current jurisprudence, election signs are generally accorded a higher level of protection under the First Amendment than any other classification or type of speech; and

WHEREAS, durational limitations on election signs, sometimes referred to as political signs, are frequently problematic when the limitations affect the posting of election signs *prior* to the election concerning the candidate or ballot issue to which they pertain, but durational limits requiring the removal of election signs following such election are generally permissible [*see, e.g., Election Signs and Time Limits, Evolving Voices in Land Use Law*, 3 Wash. U.J.L. & Pol’y 379 (2000); *McCormack v. Township of Readington*, 872 F. Supp. 1320 (D.N.J. 1994)]; and

WHEREAS, free expression signs are sufficient to allow for political speech unrelated to particular candidates or ballot issues; and

WHEREAS, the Township Committee intends to expressly provide that property owners may display at least one sign for free expression at all times, a codification of longstanding actual practice, and to expressly provide that property owners may maintain signs displaying their support or opposition to political candidates and ballot issues before the election to which they pertain; and

Ordinance #08-2011 cont'd:

WHEREAS, the exceptions and/or exemptions for real estate signs, free expression signs, political signs, and certain other sign types are not intended to diminish or lessen the Township's interests in aesthetics or traffic safety, but the same are adopted in recognition of the useful functions and practical needs served by such signs in the Township's commerce and/or in the political freedom that must be accorded its citizens to freely express their points of view and political desires; and

WHEREAS, the Township Committee recognizes that, under current jurisprudence, the Township's sign regulations may be under-inclusive in their reach to serve the Township's interests in aesthetics and traffic safety, while at the same time balancing the interests protected by the First Amendment [*see, e.g., Members of City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984); Cordes, Sign Regulation After Ladue: Examining the Evolving Limits of First Amendment Protection, 74 Neb. L. Rev. 36 (1995)], and the Township Committee may, from time to time, modify the sign regulations herein so as to provide additional limitations to further serve the Township's interests in aesthetics and/or traffic safety; and

WHEREAS, in the context of the NJ Municipal Land Use Law, the Township Committee agrees that considerations of aesthetics and economics are intimately related in the context of conserving property values, and further agrees that an inability to prohibit off-site commercial billboards for the purpose of protecting and preserving the aesthetic and spatial character of Readington's natural, historic, rural and agricultural landscape would be "to succumb to a bleak materialism" [*State v. Miller*, 83 N.J. 402, 416 A.2d 821, 825 (1980), quoting *Metromedia, Inc. v. City of San Diego*, 592 P.2d 728, 735, 154 Cal. Rptr. 212, 219 (1979)]; and

WHEREAS, the limitations on the height, size (area), number, location, spacing, and setback of signs, adopted herein, is based upon the sign types and sign functions, and the Township Committee finds and determines that the dimensional criteria specified in the sign regulations for different sign-types are adequate and do not impair the free flow of protected speech; and

WHEREAS, sign types described herein are related in other ways to the functions they serve and the properties to which they relate (*e.g.*, temporary development entrance signs are allowed at entrances, real estate signs are directly related to the property on which they are posted or, in the case of directional signs, are limited to a certain distance from the property to which they relate [*see Bond, Making Sense of Billboard Law: Justifying Prohibitions and Exemptions*, 88 Mich. L. Rev. 2482 (1980)]), and exceptions to temporary political signs, for sale signs, and the like are founded upon rational and reasonable bases clearly justifying the difference of treatment [*see State v. J & J Painting*, 167 N.J. Super. 384, 400 A.2d 1204 (Super. Ct. App. Div. 1979)]; and

WHEREAS, limitations on various types of signs are also related to the zoning districts for the properties on which they are located, including the conservation, rural and residential districts currently designated as SRR, AR, RR, HR, R-1, VR, SC-2, SC-4, PND and PND-1 Districts, and the non-residential districts currently designated as B, VC, PO, VH, RO, RO-1, ROM-1 and ROM-2 Districts; and

WHEREAS, the predominant concern in establishing sign regulations for the development and use of land is with adverse secondary effects, and not with the content of speech or viewpoint expressed; and

Ordinance #08-2011 cont'd:

WHEREAS, independent scientific study has demonstrated the effects of signs on motorists' behavior and consequent rise in crashes and near crashes when the sign includes movement whether electronically or electro-mechanically induced. The studies support the desirability of banning signs with movement; and

WHEREAS, independent scientific study supports limiting the amount of information included on a sign, since signs with greater information take longer to read and comprehend, and by limiting the amount of information, a sign will be able to convey its message to the motorist in a safe manner; and

WHEREAS, the establishment of sign regulations is intended to regulate the various signs that serve and function as signs for particular land uses, in recognition of the differing or special functions served by those land uses, but such regulation is not based upon any intent to favor any particular viewpoint or control the subject matter of signs; and

WHEREAS, the Township Committee finds and determines that the sign regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising, internet advertising and communications, advertising in shopping guides and pamphlets, advertising in telephone books, advertising on cable, UHF or VHF television, advertising on AM or FM radio, advertising on satellite television or radio, advertising on internet web sites, advertising on internet radio, internet podcasts or other downloadable digital files, advertising via electronic mail messages, advertising via SMS text messaging, advertising via personal wireless telecommunications (cellular phones), advertising via direct mail, and other avenues of communication available in the Township of Readington [*see State v. J & J Painting*, 167 N.J. Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979)]; and

WHEREAS, the Township Committee finds and determines that the following amendments (1) are consistent with all applicable policies of the Township's adopted Master Plan, (2) are not in conflict with the public interest, and (3) will not result in incompatible land uses;

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Readington, in Hunterdon County, New Jersey:

1. Article XII of the Land Development Ordinance regarding the regulation of signs is hereby deleted in its entirety and replaced with a new Article XII as follows:

Article XII

§148-112.A Short title

This section shall be known as the "Sign Regulations of the Township of Readington, Hunterdon County, New Jersey."

§148-112.B Purpose, intent and scope

Ordinance #08-2011 cont'd:

It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and nondiscriminatory sign standards. The sign regulations in this section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. In order to preserve and enhance the Township as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the Township is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of protecting and enhancing the visual character of the Township and promoting its continued well-being, and are intended to:

- (1) Encourage the effective use of signs as a means of communication in the Township;
- (2) Maintain and enhance the aesthetic character, both visually and spatially, and the Township's ability to attract sources of economic development and growth;
- (3) Improve pedestrian and traffic safety;
- (4) Minimize the possible adverse affect of signs on nearby public and private property;
- (5) Foster the integration of signage with architectural and landscape designs;
- (6) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- (7) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (8) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
- (9) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- (10) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- (11) Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;
- (12) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- (13) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (14) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (15) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the Township;

Ordinance #08-2011 cont'd:

- (16) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (17) Protect property values by precluding to the maximum extent possible sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (18) Protect property values by ensuring that sign types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (19) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the Township and that complements the natural surroundings in recognition of the Township's reliance on its natural surroundings and beautification efforts in retaining economic advantage for the community;
- (20) Preserve and enhance the rural and historic character of the Township; and
- (21) Enable the fair and consistent enforcement of these sign regulations.

§148-112.C Prohibited signs

The following signs and sign types are prohibited within the Township and shall not be erected. Any lawfully existing permanent sign or sign type that is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of §148-112.D.

- (1) Billboards.
- (2) Revolving signs.
- (3) Flashing, sparkling or glittering signs.
- (4) Animated signs.
- (5) Wind signs.
- (6) Portable signs.
- (7) Roof signs.
- (8) Abandoned and discontinued signs.
- (9) Snipe signs; bandit signs.
- (10) Projecting signs, except as expressly allowed.
- (11) Bus bench advertising signs; bus shelter advertising signs.
- (12) Signs that emit smoke, visible vapor or smoke, sound, odor, or visible particles or gaseous matter.

Ordinance #08-2011 cont'd:

- (13) Signs that have unshielded illuminating devices and/or that do not fully comply with the Township's lighting ordinance regulations §148-67.
- (14) Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.
- (15) Signs within a sight triangle.
- (16) Signs in the public right-of-way, other than traffic control device signs, warning signs or safety signs.
- (17) Signs other than a traffic control device sign that use the word "stop" or "danger," or present or imply the need or requirement of stopping or the existence of danger, or which copy or imitate an official traffic control device signs, and which are adjacent to the right-of-way of any road, street, or highway.
- (18) Signs prohibited by state or federal law.
- (19) Vehicle sign or signs which have a total sign area on any vehicle in excess of 10 square feet, when the vehicle is not regularly used in the conduct of the business or activity advertised on the vehicle, and is visible from a street right-of-way within 100 feet of the vehicle; and is parked for more than five consecutive hours within 100 feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business or activity" if the vehicle is used primarily for advertising, or for the purpose of advertising, or for the purpose of providing transportation for owners or employees of the business or activity advertised on the vehicle.
- (20) Signs located on real property without the permission of the property owner.
- (21) Beacon signs, except as required by federal or state law.
- (22) Intermittent signs.
- (23) Sandwich board signs, except as specifically provided in individual zone districts.
- (24) Signs located, painted or affixed on a water tower, storage tower, communications tower or other utility structure that are visible from a public street or roadway.
- (25) Signs with changeable copy/graphics that exhibit any one (1) of the following characteristics:
 - a) Change more frequently than once every 24 hours
 - b) Exceed 12 square feet in area
 - c) Are accessory to a principal use that is not specifically permitted
 - d) Would otherwise constitute a prohibited or nonconforming sign
 - e) Transition between messages using scrolling, fading, dissolving, pixilation, zooming, wiping, moving copy or any graphic effect other than an instantaneous static replacement of the message
 - f) Contain/exhibit more than a single color of copy/graphics
 - g) Contain/exhibit more than a single color background
 - h) Contain / exhibit a background color that is lighter in contrast to the copy/graphics color
 - i) Contain /exhibit copy consisting of more than a single font type

26) Banners

Ordinance #08-2011 cont'd:

§148-112.D Nonconforming signs

A nonconforming sign that was lawfully erected may continue to be maintained until the nonconforming sign is substantially damaged or destroyed. At such time that the nonconforming sign is substantially damaged or destroyed, the nonconforming sign must either be removed or be brought into conformity with this section and with any other applicable law or regulation.

§148-112.E Exemptions

This section does not pertain to the following:

- (1) A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.
- (2) A sign on a car, other than a prohibited vehicle sign or signs.
- (3) A statutory sign.
- (4) A traffic control device sign.
- (5) Any sign not visible from a public street, sidewalk or right-of-way; except that the foregoing does not exempt a sign for a commercial use that is visible from an abutting residential property or use.

§148-112.F Permits

- (1) Building permits. It shall be unlawful for any person or business or the person in charge of the business to erect, construct, or alter a permanent sign structure whose construction is subject to the New Jersey Uniform Construction Ordinance, without first obtaining such building permit from the Township as may be required by the New Jersey Uniform Construction Ordinance. Permit fees, if any, shall be paid in accordance with the applicable fee schedules. The requirement of a building permit under the New Jersey Uniform Construction Ordinance is separate and independent of the requirement for a sign permit under this section.
- (2) Sign permits.
 - (a) Allowed temporary signs, except for special event signs, of the type described in Subsection M of this section shall be exempt from sign permitting hereunder. Temporary special event signs shall require a permit.
 - (b) Allowed permanent signs of the type described in Subsection M of this section shall be exempt from sign permitting hereunder.
 - (c) No sign permit shall be issued for the erection of a prohibited sign.
 - (d) Unless exempt from permitting as provided in Subsection M of this section, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and appropriate fee, if any, is paid to the Township.
 - (e) A sign lawfully erected under permit may be repainted or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a new sign permit; however, if such sign is to be structurally altered in any

Ordinance #08-2011 cont'd:

manner, a new sign permit shall be required and the altered sign must meet all requirements of this section and this Ordinance.

(3) Sign permit application and issuance of sign permit.

(a) A sign permit application shall be made upon a form provided by the Township. The sign permit application is in addition to any building permit application required by the New Jersey Uniform Construction Ordinance. The sign permit application shall be accompanied by plans and specifications drawn to scale, together with any site plan required by this section or this Ordinance. The applicant shall furnish the following information on or with the sign permit application form:

[1] The block, lot and street address of the real property where the sign is proposed to be located.

[2] The zoning district for the real property on which the sign will be located.

[3] The name, mailing address and telephone number (where available) of the owner(s) of the real property where the sign is proposed to be located.

[4] A notarized statement of authorization signed by the owner(s) consenting to the placement of the proposed sign on the real property.

[5] The name, mailing address and telephone number of the sign contractor.

[6] Type of proposed sign (e.g., wall sign or freestanding sign).

[7] The proposed sign area.

[8] The cost of the proposed sign.

[9] If the proposed sign is a freestanding sign:

[a] The height of the proposed freestanding sign.

[b] The sign area of the freestanding sign and the dimensions utilized to calculate the size.

[c] The distance between the closest existing freestanding sign and the proposed freestanding sign as measured in each direction along each abutting street or right-of-way.

[d] The location, height and area of any existing freestanding sign on the same lot where the proposed freestanding sign will be located.

[e] The front and side yard setbacks for the proposed sign.

[10] If the proposed sign is an attached sign, the building frontage for the building to which the attached sign shall be affixed.

[11] The number, type, location, and surface area for all existing signs on the same lot and/or building on which the sign will be located.

[12] Whether the proposed sign will be an illuminated or nonilluminated sign.

(b) An applicant shall deliver a sign permit application for a permanent sign to the Township's Zoning Officer or his or her designee, or such other person as designated by

Ordinance #08-2011 cont'd:

the Township. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this section and any applicable zoning law. The review of the sign permit application shall be completed within 10 calendar days from the date of receipt of the application, and the application shall be granted or denied within that time frame. In the event that no decision is rendered within 10 calendar days following submission, the application shall be deemed granted; however, the application shall be deemed denied if the application is for a prohibited sign and the applicant may appeal to the Board of Adjustment pursuant to the MLUL.

(4) Fees.

- (a) Sign permit fees. Every person making an initial application for a sign permit shall pay a sign permit fee to the Township at the time of the application. This sign permit fee shall be deemed a zoning permit fee and shall be in accordance with the zoning permit fee schedule set forth in Article XI of this Ordinance.
- (b) Building permit fees distinguished. The sign permit fee, if any, shall be separate and apart from any required fee for a building permit for the erection of a sign covered by the New Jersey Uniform Construction Ordinance.

(5) Conditions.

- (a) Duration of permit. If the work authorized under a sign permit has not been completed within 180 days after the date of issuance, the permit shall become null and void and a new application for a sign permit shall be required.
- (b) Maintenance of signs.
 - [1] All visible portions of a sign and its supporting structure shall be maintained in a safe condition and neat appearance according to the following:
 - [a] If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner.
 - [b] If the sign is painted, the painted surface shall be kept in good condition.
 - [c] Every sign shall be kept in such manner as to constitute a complete or whole sign.
 - [2] Lawfully erected nonconforming signs may suffer only ordinary and customary repairs and maintenance. A lawfully erected nonconforming sign shall not be structurally altered except in full conformance with this section.

(c) Unlawful cutting of trees or shrubs.

- [1] No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:
 - [a] Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the Township or agency having jurisdiction over the streets.
 - [b] On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express

Ordinance #08-2011 cont'd:

authorization of the person owning the property where such trees or shrubs are located.

§148-112.G Sign illumination

The illumination of signs, where allowed, shall comply with § 165-67 of the Land Development Ordinance of Readington Township.

§148-112.H Substitution of noncommercial speech for commercial speech

Notwithstanding anything contained in this section or this Ordinance to the contrary, any sign erected pursuant to the provisions of this section or this Ordinance with a commercial message may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial to a noncommercial message, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign type, and provided that the size, height, setback and other dimensional criteria contained in this section and this Ordinance have been satisfied.

§148-112.I Content neutrality as to sign message (viewpoint)

Notwithstanding anything in this section or this Ordinance to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

§148-112.J Setback measurement

Required setbacks for signs in all zoning districts shall be measured from the property line to the nearest part of the sign.

§148-112.K Double-faced signs

Double-faced signs shall be permitted in all zoning districts, provided the signs are designed and constructed such that the two sign faces are back to back with a maximum distance of 18 inches between the two sign faces and directionally oriented 180 degrees from each other. The maximum sign area allowed shall be permitted for each sign face.

§148-112.L Temporary on-site special event signs

- (1) Temporary on-site special event signs shall be permitted in all districts provided they have been approved by the Zoning Officer as meeting the following content-neutral criteria:
 - (a) The signs are temporary signs for a limited time and frequency, limited to one per event;
 - (b) The signs are for a special event as defined herein (see special event sign);
 - (c) The temporary signs will not exceed 24 square feet in sign area and six feet in height;

Ordinance #08-2011 cont'd:

- (d) The temporary signs will not conceal or obstruct adjacent land uses or signs;
 - (e) The temporary signs will not conflict with the principal permitted use of the site or adjoining sites;
 - (f) The temporary signs will not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
 - (g) The temporary signs will be installed and maintained in a safe manner; and
 - (h) The display of temporary signs for a special event shall not begin any earlier than three weeks before the event and shall be removed within two business days after the event.
- (2) Consistent with Subsection I of this section, approval or disapproval shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such signs. The Zoning Officer shall render a decision within 10 days after an application is made for such temporary signs. In the event that no decision is rendered within 10 calendar days following submission, the application shall be deemed granted; however, the application shall be deemed denied if the application is for a prohibited sign, and the applicant may appeal to the Board of Adjustment. Such a decision shall be deemed an administrative interpretation, and any person adversely affected has the right to appeal the decision to the Board of Adjustment pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-70; however, the appeal shall be accelerated and shall be heard by the Board of Adjustment and determined within 30 days after the appeal is filed, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-70.

§148-112.M All districts

The regulations in this section apply in every zoning district, except where otherwise specified or indicated. Sign permits are not required for the signs and sign types described and identified in this subsection.

- (1) Street address signs. For each parcel, residence or business, one street address sign may be displayed. For each residence, the street address sign shall not exceed two square feet in sign area unless required by applicable law. For each business or parcel in nonresidential use, the street address sign shall not exceed six square feet in sign area unless required by applicable law.
- (2) Nameplate or occupant identification signs. For each residence, business or other occupancy, one nameplate sign may be displayed. For residences the nameplate or occupant identification signs shall not exceed two square feet in sign area. For any nonresidential use, the nameplate or occupant identification sign shall not exceed six square feet in sign area.
- (3) Directional signs. Noncommercial on-site directional signs, not exceeding 2.5 square feet in sign area and 3.5 feet in height, shall be allowed on each parcel.
- (4) Parking space signs. Noncommercial on-site parking space number signs, not exceeding one square foot of sign area, shall be for a noncommercial use having multiple parking spaces on site. One such sign shall be allowed for each parking space.
- (5) Free expression signs. For each parcel, one free expression sign not exceeding four square feet in sign area may be displayed. The free expression sign may be displayed as an attached sign or as a freestanding sign; if displayed as a freestanding sign, the freestanding sign shall not exceed three feet in height. A free expression sign is in

Ordinance #08-2011 cont'd:

addition to any other sign permitted under this section and is permitted in any zoning district. Only one such sign shall be permitted on each lot.

- (6) Election signs. For each parcel, one election sign for each candidate and each issue may be displayed. An election sign may be displayed as an attached sign or as a freestanding sign. The election sign shall not exceed four square feet in sign area if located on a lot in a residential district and shall not exceed 24 square feet in sign area if located on a lot in a nonresidential district. If the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed three feet in height. An election sign shall be removed within seven calendar days following the election to which it pertains.
- (7) Flagpoles. One flagpole is allowed for each parcel. A flagpole shall not exceed 35 feet in height and shall be subject to setbacks in the applicable zones in which it is located.
- (8) Flags. For each flagpole, two flags not greater than 24 square feet in sign area each may be displayed.
- (9) Warning signs and safety signs. Warning signs and safety signs, not exceeding four square feet in sign area, shall be allowed in all districts.
- (10) Temporary construction signs. One temporary construction sign shall be allowed on a lot, subject to the following limitations:
 - (a) Number. For each lot, one temporary construction sign shall be permitted.
 - (b) Size and height. For a lot in a residential district, a temporary construction sign shall not exceed four square feet in sign area and three feet in height; and for a lot in a nonresidential district, a temporary construction sign shall not exceed 24 square feet in sign area and six feet in height.
 - (c) Setback. Temporary construction signs shall be set back from any lot line by at least five feet.
 - (d) Duration. Temporary construction signs shall be removed within seven days following the issuance of the certificate of occupancy or the expiration date of any applicable building permit, whichever shall first occur.
- (11) Temporary real estate signs.
 - (a) Number. One temporary real estate sign may be displayed on each parcel of land or part thereof that is for sale, lease, or rent; however, when more than one dwelling unit or nonresidential space on a parcel of land is for sale, lease, or rent, there may be one real estate sign for each such unit or space. For a parcel with dual street frontage, such parcels may have one additional temporary real estate sign per frontage.
 - (b) Size and height. For residential uses, the temporary real estate sign shall not exceed four square feet in sign area and three feet in height; and for a nonresidential use, the temporary real estate sign shall not exceed 24 square feet in sign area and six feet in height.
 - (c) Setback. Temporary real estate signs shall be set back from any lot line by at least five feet.
 - (d) Duration. Temporary real estate signs shall be removed within seven days following the closing or settlement of a sale, lease or rental of the real estate that was offered for sale, lease, or rent.

Ordinance #08-2011 cont'd:

- (12) Temporary garage-yard sale signs. For each parcel with a lawful residential use, a temporary garage-yard sale sign may be displayed, subject to the following limitations:
- (a) Number. One temporary garage-yard sale sign may be displayed.
 - (b) Size and height. A temporary garage-yard sale sign shall not exceed four square feet in sign area and three feet in height.
 - (c) Setback. A temporary garage-yard sale sign shall be set back from any lot line by at least five feet.
 - (d) Duration. A temporary garage-yard sale sign may not be displayed for a period longer than three days twice a year.
- (13) Temporary window signs. For each lot, one or more temporary window signs may be displayed. On lots that are in residential use, the temporary window sign(s) shall not exceed an aggregate of three square feet in sign area. On lots that are in nonresidential use, the temporary window sign(s) shall not exceed an aggregate of 24 square feet in sign area. Temporary window signs shall not cover more than 25% of any window surface.
- (14) Temporary future development signs. A temporary future development sign shall be allowed in new subdivisions, subject to the following limitations:
- (a) Number. No more than one such sign shall be allowed upon any property held in single and separate ownership.
 - (b) Size and height. A temporary future development sign shall not exceed 24 square feet in sign area. A temporary future development sign shall not exceed six feet in height.
 - (c) Setback. A temporary future development sign shall be set back from any lot line by at least five feet.
 - (d) Duration. Temporary future development signs shall be removed within seven days after the last dwelling has been sold.
- (15) Government or government agency signs

§148-112.N Residential districts

In addition to the permanent and temporary signs and sign types that are allowed pursuant to Subsection M of this section, the following permanent and temporary signs are also allowed within the residential districts designated in the Readington Township Land Development Ordinance, as amended from time to time. The permanent signs described below require a sign permit.

- (1) Freestanding signs and wall-mounted signs for multifamily residential uses. For each permitted multifamily residential use, there may be one (1) permanent freestanding identification sign located on each public street frontage from which public vehicular access is derived and one (1) wall identification sign for each building. A permanent freestanding identification sign shall be set back at least 10 feet from any property line, shall not exceed 24 square feet in sign area and shall not exceed six (6) feet in height. A permanent wall identification sign shall not exceed four (4) square feet in sign area.

Ordinance #08-2011 cont'd:

- (2) Freestanding signs and wall-mounted signs for institutional, quasi-public and public uses. For each permitted institutional, quasi-public or public use, there may be one (1) permanent freestanding or wall-mounted identification sign that does not exceed 20 square feet in sign area. Freestanding signs shall not exceed six (6) feet in height.
- (3) Temporary agricultural signs. For a permitted agricultural farm stand or agricultural-entertainment use, four (4) temporary agricultural signs may be displayed. A temporary agricultural sign shall not exceed four (4) square feet in sign area. A temporary freestanding agricultural produce sign shall not exceed four (4) feet in height.
- (4) Permanent agricultural signs. For a permitted active agricultural use, one (1) freestanding or attached sign at the entrance to the farm may be displayed. Such a sign shall not exceed 16 square feet in sign area. If freestanding, it shall not exceed six (6) feet in height and shall not be located closer than 10 from a property line or street right-of-way.

§148-112.O Non-residential districts

In addition to the permanent and temporary signs and sign types that are allowed pursuant to Subsection M and Subsection N of this section, the following permanent signs are also allowed within the non-residential districts designated in the Readington Township Land Development Ordinance, as amended from time to time. Other than incidental signs, the permanent signs described below require a sign permit.

1. B and PO Zones.

One (1) permitted freestanding sign based on the following schedule [Amended 4-15-2002 by Ord. No. 9-2002]:

- (a) For lots less than two (2) acres in size, a freestanding sign shall not exceed 20 square feet in area.
- (b) For lots from two (2) acres to less than five (5) acres in size, a freestanding sign shall not exceed 35 square feet in area.
- (c) For lots five (5) acres or greater in size, a freestanding sign shall not exceed 50 square feet in area.
- (d) Freestanding signs shall be located a minimum of 10 feet from any property line.
- (e) The height of a freestanding sign shall not exceed eight (8) feet above the street pavement elevation.
- (f) The freestanding sign for a multi-tenanted center or building (three or more tenants) shall contain only the name or name and address of the center.
- (g) Facade signs shall be permitted based on the following schedule:
 - (1) Single tenanted buildings shall be permitted one (1) facade sign not to exceed one (1) square foot of sign area per linear foot of the front building façade, not to exceed 24 square feet. If no freestanding sign exists or is proposed, the area of the facade sign may be increased, provided that the amount of the increase does not exceed the maximum permitted sign area that would have otherwise been allowed for a freestanding sign.

Ordinance #08-2011 cont'd:

(2) For multi-tenanted buildings where the primary entrance to each tenant's space is directly from the exterior of the building, one (1) facade sign per tenant shall be permitted that does not exceed one (1) square foot of sign area per linear foot of the facade of the space occupied by a the business that contains the main entrance to the business' portion of the building, but sign area shall not exceed 12 square feet.

(3) For multi-tenanted buildings where the primary entrances to each business' space is from an internal lobby, hallway or common area, individual businesses shall not be permitted to have an external facade sign unless the business has a private customer or client entrance to the exterior. In this case, one (1) facade sign shall be placed immediately adjacent to the private external entrance and shall not exceed six (6) square feet in area. Anchor businesses with major external entrances shall be permitted one (1) facade sign per major entrance not to exceed 24 square feet in area. At the main common entrances to multi-tenanted buildings, one (1) facade sign per such entrance shall be permitted to indicate the name of the center or building and shall not exceed 24 square feet in area.

(a) Within multi-tenanted buildings and multi-building complexes, the signs shall be of the same construction type and uniform in design, letter type and colors used.

(b) Within multi-building complexes, on-site directory signs shall be permitted as approved by the Board, each sign shall not exceed 12 square feet in size and six feet in height.

2. VC Zone.

(a) One (1) freestanding sign shall be permitted per lot that does not exceed 20 square feet in area. Freestanding signs shall not exceed six (6) feet in height and shall be located a minimum of two (2) feet from a sidewalk or from the edge of road pavement whichever is greater.

(b) One (1) facade sign per building is permitted that does not exceed a total of one (1) square foot of sign area per linear foot of the front facade. In the VC Zone, a facade sign may be two-sided and attached perpendicular to the building, provided that the bottom of the sign is not less than eight (8) feet above grade if it overhangs a sidewalk. If no freestanding sign exists or is proposed, the area of the facade sign may be increased, provided that the amount of the increase does not exceed the maximum permitted sign area that would have otherwise been allowed for a freestanding sign.

(c) Signs in this zone shall be oriented to pedestrian traffic and shall be designed to complement the architecture of the building. Internally illuminated signs shall be discouraged.

(d) Sandwich board sign. Non-residential uses in the VC zone may have one sandwich board sign per property that does not exceed a height of 3 feet and an area of 6 square feet.

3. ROM-1, ROM-2 and RO Zones.

(a) One (1) permitted freestanding sign is permitted per road frontage, not to exceed two (2) freestanding signs, based on the following:

Ordinance #08-2011 cont'd:

- (1) For lots less than 10 acres in size, a freestanding sign may have an area not exceeding one (1) square foot per five (5) linear feet of road frontage and exceeding 35 square feet in size.
- (2) For lots 10 acres in size or greater, a freestanding sign area may have an area not exceeding equal to one (1) square foot per five (5) linear feet of road frontage and not exceeding 50 square feet in size.
- (3) Where developments contain three or more tenants or uses on one lot, the freestanding sign shall contain only the name of the development or the name and address of the development.
- (4) Freestanding signs shall be set back a minimum of 50 feet from the street right-of-way and shall not exceed eight (8) feet in height above the grade.

(b) Facade signs shall be permitted based on the following schedule:

- (1) Single-tenant buildings shall be permitted one (1) facade sign at the main entrance with a maximum permitted sign area equal to one (1) square foot per linear foot of the front building façade, not to exceed 24 square feet.
- (2) For multi-tenanted buildings where the primary entrance to each business' space is directly from the exterior of the building, one facade sign per business shall be permitted that does not exceed one (1) square foot of sign area per linear foot of facade of the business space containing the main entrance to the business' portion of the building, not to exceed 12 square feet.
- (3) For multi-tenanted buildings where the primary entrance to each business' space is from an internal lobby, hallway or common area, individual business signs shall not be permitted. One (1) facade sign identifying the building shall be permitted and shall not exceed six (6) square feet in sign area.

(c) Within multi-building complexes, on-site directory signs shall be permitted as approved by the Board, each sign shall not exceed 12 square feet in size and six (6) feet in height.

4. Incidental signs.

- (a) Up to four (4) incidental signs are permitted to be attached to a freestanding sign structure or to a building wall, but not perpendicular to the wall. An incidental sign shall not exceed one (1) square foot in area.

§148-112.P Administration and enforcement

- (1) The Zoning Officer shall be the enforcing official of this section.
- (2) Whenever a temporary sign is erected or maintained in violation of this section, the Zoning Officer may remove the same at any time without notice.
- (3) Whenever a temporary sign is erected or posted on public property in violation of this section the same shall be considered litter and may be removed at any time.
- (4) Whenever a permanent sign is erected or maintained in violation of this section or any other provision of this Ordinance, or whenever in the opinion of the Zoning Officer any sign becomes unsafe or endangers the safety of a building or premises or the public safety, the Zoning Officer shall send a letter by certified mail to the owner of said sign

Ordinance #08-2011 cont'd:

and/or the owner of the premises on which the sign is located, ordering that such sign be brought into conformance or removed within 30 days of receipt of the letter. If the sign is not brought into conformity or removed by the end of the thirty-day period, the Zoning Officer may cause the same to be removed at the expense of the owner of the sign and the owner of the premises on which the sign is located.

- (5) The Zoning Officer may cause any sign or sign structure to be removed summarily and without written notice at the expense of the owner of the sign and the owner of the premises on which the sign is located, if it is an immediate peril to persons or property by virtue of its construction or moorings.

§148-112.Q Appeals to the Board of Adjustment

Whenever it is alleged that there has been an error in any order, action, decision, determination, or requirement by an administrative official in the enforcement and application of any provision contained within this section (including any allegation that an administrative official has failed to act within applicable time frames), the aggrieved party shall file a written appeal with the Board of Adjustment in accordance with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-70. The appellate decisions of the Board of Adjustment shall be deemed final, subject to judicial review as provided by law.

§148-112.R Violations and penalties

Any person, firm or corporation who shall violate, disobey, omit, neglect or refuse to comply with any provision of this section shall be, upon conviction thereof, liable to all of the penalties set forth in Chapter 148-124 except imprisonment.

§148-112.S Transition Rules

Any permit issued prior to the effective date of the adoption of the sign regulations that comprise this section shall remain valid until the earlier of the date that said permit expires by its own terms or 90 days after the effective date of the adoption of this section.

§148-112.T Severability.

- (1) Generally; severability where less speech results. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section, even if such severability would result in less speech, whether by subjecting previously exempt signs to this section's permitting requirements, or otherwise.
- (2) Severability of provisions pertaining to billboards and other prohibited signs and sign types. Without diminishing or limiting in any way the declaration of severability set forth above or elsewhere in this section, this Ordinance or in any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section or any other law is declared or held to be unconstitutional or invalid by any court of competent jurisdiction, such declaration or holding shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section that pertains to prohibited signs, including specifically the prohibition on billboards and those signs and sign types prohibited and not allowed under Subsection C of this section.

Ordinance #08-2011 cont'd:

2. Section 148-9 entitled "Definitions" of Article II entitled "Definition of Terms" is hereby supplemented and amended to add and modify definitions relating to the regulation of signs:

§148-9 Definitions

ABANDONED OR DISCONTINUED SIGN OR SIGN STRUCTURE

A sign or sign structure whose owner has failed to operate or maintain said sign or sign structure for a period of six months or longer. The following conditions shall be considered as the failure to operate or maintain a sign or sign structure:

- (1) A sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed; or
- (2) A sign which is blank.

ANIMATED SIGN

A sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.

AWNING SIGN

See "canopy sign."

BANDIT SIGN

See "snipe sign"

BANNER

Any sign or string of one or more signs, usually made of fabric or other lightweight material, which is used to attract attention, whether or not imprinted with words or characters, including but not limited to balloons and pennants. Flags shall not be considered banners.

BEACON

A stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar agency. This definition does apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

BILLBOARD

A sign structure and/or sign utilized for advertising an establishment, an activity, a product, service or entertainment which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign structure and/or sign is located.

Replaces the existing definition of "billboard" from §148-9:

BILLBOARD

~~Any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes other than on a building or the grounds to which the advertising applies.~~

Ordinance #08-2011 cont'd:

CANOPY SIGN

Any sign that is a part of or attached to an awning or canopy, i.e., a fabric, plastic, or structural protective cover constructed over a door, entrance, window, or outdoor service area that is constructed as an integral part of a building.

COMMERCIAL MESSAGE

Any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

CONSTRUCTION SIGN

A temporary on-premise sign identifying the ongoing construction activity during the time that a building permit is active and prior to completion of the work for which the permit was issued, containing sign copy that is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site.

COPY

The linguistic or graphic content of a sign.

DIRECTIONAL SIGN

A noncommercial on-site sign providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message (e.g., "entrance," "exit," "caution," "no parking," "one way only," "no trespassing," and the like).

Replaces the existing definition of "directional sign" from §148-9:

DIRECTIONAL SIGN

~~Any sign other than a traffic control device which is designed and erected solely for the purpose of traffic or pedestrian direction.~~

DOUBLE-FACED SIGN

A single sign with copy on both sides of the sign and mounted as a single structure.

ELECTION SIGN

A temporary sign erected or displayed for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which the voters of the Township shall vote.

ERECT

To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

FABRIC

Flexible material comprised of natural or artificial fibers that are woven, felted or knitted.

FACADE

The side of a building that faces a public or private street.

Ordinance #08-2011 cont'd:

FLAG

Any fabric or bunting containing distinct colors, patterns or symbols, used as an ornamental flag or as a symbol of government, political subdivision, corporation or business or other entity. (See also "ornamental flag")

FLAGPOLE

A pole on which to raise a flag.

FLASHING SIGN

A sign which permits light to be turned on or off intermittently more frequently than once per minute or any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and changes more frequently than once per minute.

FREE EXPRESSION SIGN

A sign, not in excess of four square feet in size (area) per side and whose top is not more than three feet off the ground, communicating information or views on matters of public policy, or public concern or containing any other noncommercial message, that is otherwise lawful.

FREESTANDING SIGN

A sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure.

FRONTAGE

The length of the property line of a parcel of land, which runs parallel with and along a road right-of-way or street, exclusive of alleyways.

FUTURE DEVELOPMENT SIGN

A sign that functions to advertise the future or proposed development of the premises upon which the sign is erected.

GARAGE OR YARD SALE SIGN (GARAGE-YARD SALE SIGN)

Any on-site temporary sign pertaining to the sale of personal property in, at or upon any residentially zoned property located in the Township. Garage or yard sales shall include but not be limited to all such sales, and shall include the advertising of the holding of any such sale, or the offering to make any sale, whether made under any name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, home sale, attic sale, rummage sale, patio sale, flea market sale, or any similar designation.

ILLEGAL SIGN

Any sign which was unlawfully erected or which has been determined to be in violation of any provision of §148-112 of the Readington Township Land Development Ordinance

ILLUMINATED SIGN

Any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

INCIDENTAL SIGN

Ordinance #08-2011 cont'd:

A sign not exceeding one square foot in size attached to a freestanding sign or affixed to a wall that either:

- (1) Identifies credit cards accepted by the owner, tenant, or occupant of the parcel where the incidental sign is located; or
- (2) Provides an official notice of services required by law or trade affiliation.

INTERMITTENT SIGN

A sign which permits light to be turned on or off intermittently more frequently than once every 12 hours or which is operated in a way whereby light is turned on or off intermittently more frequently than once every 12 hours, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color more frequently than once every 12 hours

NAMEPLATE SIGN or OCCUPANT IDENTIFICATION SIGN

A sign indicating the name and/or profession or address of a person or persons residing on the premises or legally occupying the premises

NONCOMMERCIAL MESSAGE

Any message that is not a commercial message.

NONCONFORMING SIGN

A sign that was lawfully erected but no longer conforms to the regulations provided in §148-112 of the Readington Township Land Development Ordinance.

OBSCENE

That which to the average person, applying contemporary community standards, when considered as a whole, is patently offensive in the description or representation of sexual matters or has, as its dominant theme or purpose, an appeal to the prurient interest.

OFF-PREMISES SIGN or OFF-SITE SIGN

Any sign relating in its subject matter to commodities, accommodations, services or activities on premises other than the premises on which the sign is located.

ON-PREMISES SIGN or ON-SITE SIGN

Any sign relating in its subject matter to the commodities, accommodations, service or activities on the premises on which the sign is located.

ORNAMENTAL FLAG

Any fabric or similar material containing patterns, drawings or symbols used for decorative purposes and designed to be flown as a flag.

PENNANT

Any series of small flag-like or streamer-like pieces of cloth, plastic, paper or similar material attached in a row to any staff, cord, building, or at only one or two edges, the remainder hanging loosely.

PERMANENT SIGN

Ordinance #08-2011 cont'd:

Any sign which, when installed, is intended for permanent use. For the purposes of this section any sign with an intended use in excess of 12 months from the date of installation shall be deemed a permanent sign.

PORTABLE SIGN

Any sign, banner, or poster that is not permanently attached to the ground or structure. For purposes of this chapter, an inflatable sign shall be considered a portable sign.

PROJECTING SIGN

Any sign affixed perpendicularly to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of such building or wall.

PUBLIC VIEW

Visible from a public thoroughfare, public lands or buildings or navigable waterways.

REAL ESTATE SIGN

A sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed temporarily.

REVOLVING SIGN or ROTATING SIGN

Any sign that revolves or rotates.

ROOF SIGN

Any sign erected and constructed wholly on or over the roof of a building, which is supported by the roof structure, or any sign that extends in whole or in part above the roofline of a building. For purposes of this definition, "roofline" shall mean the highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal eave or the highest line common to one or more principal eaves of a roof. On a flat roof, the roofline is the highest continuous line of a roof or parapet, whichever is higher.

SAFETY SIGN

See "warning sign"

SANDWICH BOARD SIGN

A temporary, portable, double-faced, freestanding sign.

SECONDARY BUILDING FACADE

A building facade which is not the primary entrance facade and is not the building facade which faces the street.

SIGN

Any device, fixture, placard or structure which uses color, form, graphics, illumination, architectural style or design with text, or writing to advertise, attract attention, announce the purpose of or identify the purpose of any person or entity, or to communicate information of any kind to the public. The term sign includes sign structure. The following shall not be considered signs subject to the regulations of this chapter: artwork, holiday or seasonal decorations, cemetery markers, machinery or equipment signs, memorial signs or tablets.

Ordinance #08-2011 cont'd:

Replaces the existing definition of “sign” from §148-9:

SIGN

~~Any building or structure or portion thereof on which any announcement, declaration, demonstration, display, illumination, insignia or other visual communication is used to advertise or promote the interest of any person, products or service when the same is placed in view of the general public. Permanent signs shall be limited to the name of the person or company conducting business on the premises and the nature of that business, but shall not list the articles for sale or services in detail or by trade name.~~

SIGN AREA

The total area, as measured in square feet, of a sign surface, including all parts thereof devoted to the background, computed by bounding the exterior of the sign structure or surface with a series of straight or curved lines tangent thereto. The area of a sign painted directly on a wall or awning and signs with letters attached directly to walls or awnings shall be calculated by constructing an imaginary series of straight lines or lines formed, bounded or characterized by curves around the outside of all elements of the sign.

SIGN FACE

The part of the sign that is or can be used to identify, display, advertise, communicate information, or for the visual representation, which attracts or intends to attract the attention of the public for any purpose.

SIGN HEIGHT

The vertical distance measured from ground level nearest the base of the sign to the highest point on the sign.

SIGN MAINTENANCE

Replacing, repairing or repainting of a portion of a sign structure, or periodically changing changeable copy or renewing copy, which has been made unusable by ordinary wear.

SIGN STRUCTURE

Any structure which is designed specifically for the purpose of supporting a sign, which has supports or which is capable of supporting a sign. The definition shall include any decorative covers, braces, wires, supports, or other components attached to or placed around the sign structure.

SNIPE SIGN (BANDIT SIGN)

Any sign tacked, nailed, posted, pasted, glued or otherwise attached to trees, rocks, or other natural features, or poles, stakes, or fences with the message appearing thereon not applicable to the present use of the premises upon which the sign is located. This shall not include warning signs such as no trespassing signs or no hunting signs.

SPECIAL EVENT SIGN

A sign, regardless of its content, providing notice of or direction to an event, gathering, assembly or meeting that is open to the public at large.

STATUTORY SIGN

Ordinance #08-2011 cont'd:

A sign required by any statute or regulation of the State of New Jersey or the United States.

STREET ADDRESS SIGN

Any sign denoting the street address of the premises on which it is attached or located.

SUBSTANTIALLY DAMAGED OR DESTROYED

As it pertains to a nonconforming sign:

- (1) Fifty percent or more of the upright supports of a sign structure are physically damaged such that normal repair practices of the sign industry would call for, in the case of wooden structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least 25% of the length above ground of each broken, bent, or twisted support; or
- (2) That more than fifty 50% of a wall or attached sign is physically damaged such that normal repair practices of the sign industry would call for the same to be replaced or repaired.

TEMPORARY SIGN

A sign intended for a use not permanent in nature. For the purposes of this chapter, a sign with an intended use of one year or less shall be deemed a temporary sign.

Replaces the existing definition of “temporary sign” from §148-9:

TEMPORARY SIGN

~~A sign which is not permanently attached to a building structure or permanently affixed to a freestanding structure and which may be erected for a limited period of time in compliance with the provisions of this chapter.~~

TRAFFIC CONTROL DEVICE SIGN

Any sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the national standard. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

VEHICLE SIGN

Any sign or signs where the total sign area covers more than 10 square feet of the vehicle

WALL SIGN

A sign, which is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane with the plane of the building facade or wall, that does not extend above the height of the vertical wall or eaves, which is used for advertising.

WARNING SIGN or SAFETY SIGN

A sign that functions to provide a warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that functions to provide a warning of a violation of law (e.g.,

Ordinance #08-2011 cont'd:

no trespassing, no hunting allowed, etc.).

WINDOW SIGN

Any sign mounted in any fashion on the interior or exterior of the surface of a window.

WIND SIGN

A sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include banners, pennants, ribbons, spinners, streamers or captive balloons; however, the term wind sign shall not include flags.

3. Severability. If any paragraph, section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any Court or administrative agency 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 paragraphs or sections hereof.
4. Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
5. Effective Date. This ordinance shall take effect immediately upon final passage and publication thereof according to law and upon filing with the Hunterdon County Planning Board.

A MOTION was made by Mrs. Allen to introduce this amended ordinance, seconded by Mr. Auriemma and on Roll Call vote the following was recording:

Mrs. Allen	- Aye
Mr. Auriemma	- Aye
Mrs. Muir	- Aye
Mrs. Simon	- Aye
Mayor Gatti	- Aye

A Public Hearing was scheduled for April 4, 2011 at 8:00 p.m.

- * 2. ***5th Annual Buckman Sprint Distance Triathlon (Green Brook Racing)*** – permission to hold triathlon event September 18th

This matter was addressed under the Consent Agenda.

- * 3. ***Team Somerset – Time Trial Event*** – request permission to use township roads to Individual time trial bicycling event May 7th

This matter was addressed under the Consent Agenda.

- * 4. ***East Whitehouse Fire Department – 11th Annual Coin Toss Fundraiser*** permission to hold coin toss July 30th and July 31st

This matter was addressed under the Consent Agenda.

- * 5. **Whitehouse First Aid & Rescue Squad – 2011 Annual Coin Toss Fundraiser** permission to hold coin toss April 30th (rain date: May 7th) and September 24th (rain date: October 1st)

This matter was addressed under the Consent Agenda.

- * 6. **Refund for Overcharge on Permit** – Michael & Barbara Renda (Block 57, Lot 11.39)

This matter was addressed under the Consent Agenda.

- * 7. **Release of Escrow** – Adner Ebeb Realty Corp. Minor Subdivision (Block 39, Lot 8.01)

This matter was addressed under the Consent Agenda.

- * 8. **Firemen's Membership Application** – Kyle Lasinki

This matter was addressed under the Consent Agenda.

- * 9. **Firemen's Membership Application** – Nicholas J. Magos

This matter was addressed under the Consent Agenda.

- * 10. **Firemen's Membership Application** – Katie N. Ricks

This matter was addressed under the Consent Agenda.

- * 11. **Firemen's Membership Application** – Jordan B. Kaplan

This matter was addressed under the Consent Agenda.

- * 12. **Firemen's Membership Application** – Myron G. Brown

This matter was addressed under the Consent Agenda.

- * 13. **Blue Light Permit** – Gerald D. Neuman

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz asked Attorney Dragan about an amendment to the Agricultural Development Area. Attorney Dragan stated that Block 94, Lot 11 was not in the ADA and the County has since told us that it is the subject of a farmland preservation easement; therefore a letter should be sent requesting that it be included in the ADA.

A MOTION was made by Mrs. Allen to send this letter and also include the attributes of the property that make it qualify for the ADA, seconded by Mrs. Muir with a vote of ayes all, nays none recorded.

Administrator Mekovetz reported that Joel Kerwin had provided additional information on the red light and although the cost of the light was \$100, there would be no installation cost. Mrs. Muir stated that she was not in favor of providing red lights to personnel other than police and the blue light should be sufficient. The Committee agreed with this recommendation.

Mrs. Simon stated that she had a request from a resident to see if the Committee would discuss the possibility of having contact information available via email and asked what the current policy was. Administrator Mekovetz stated that the present policy is to take a message when someone requests to contact a committee member. Mayor Gatti stated that currently the Mayor's email is available to residents on the website. Administrator Mekovetz stated that a voicemail box would be available for Committee members; however, there would be a cost involved. Mrs. Allen and Mrs. Muir stated that they felt that the current policy was working well.

Administrator Mekovetz stated that the Board of Education requested to do a presentation before the Township Committee and suggested possibility at the April 4th meeting.

ATTORNEYS REPORT

Attorney Dragan stated that she had nothing further to report.

Mrs. Allen asked Attorney Dragan to comment on information regarding rescinding a judgeship. Attorney Dragan stated that there was an issue at the last meeting and she had done some research on whether or not the Committee has the authority to rescind a judgeship. Attorney Dragan stated that the Committee only has the ability to appoint a judge for a three year term and any type of removal falls under the court system.

COMMITTEE REPORTS

Frank Gatti

Mayor Gatti reported that he had received an email from Kathy Caterino, of the Safe Communities Coalition, and he will be meeting with her on March 29th regarding a federal grant that they had received and to discuss the possibility of forming a non-profit organization for defensive driving for teens in light of the recent Kevin Gilbert tragedy.

Mayor Gatti stated he also received an email from Mark Harwell, a resident on Route 523, requesting that Committee make a request to the freeholders to ban trucks on 523. Mrs. Muir suggested forwarding the email to the freeholder director.

Julia Allen

Mrs. Allen stated that she attended the Annual New Jersey Land Rally on Saturday and was pleased to hear they are about to appropriate the funding for the \$400 million which was voted on in 2009.

Mrs. Allen stated that hopefully the Township's application for cooperative projects with the County will be heard at the next freeholder meeting.

Mrs. Allen stated that the Open Space Walk on Round Mountain took place yesterday with approximately 35 people attending.

Thomas Auriemma

Mr. Auriemma stated that he had nothing further to report.

Beatrice Muir

Mrs. Muir stated that the County Board of Health informed us there is an abandoned well on the former Romano Tract and requested that it either be capped and locked or filled.

Donna Simon

Mrs. Simon reminded everyone that tomorrow between 4:00-6:00 Congressman Leonard Lance will be here for a Town Hall meeting.

Mrs. Simon stated that she had reached out to Judge Shamey to request a meeting to review revenue and expenses for the municipal court.

Mrs. Simon reported she was in communications with Senator Doherty regarding a bill S-2664 issued by NJ Cable Communications and was pleased to announce it was pulled today.

COMMENTS FROM THE PUBLIC

Mayor Gatti stated that although he encourages good discussion he would like the comments from the public to be exactly that; allowing the Committee the opportunity to respond in *Comments from the Governing Body* and at that time if a resident's question has not been satisfactorily answered, it may take place after the meeting.

Jerry Cook, Railroad Lane, asked the Committee if there would be representation from the Township at the NJDEP public hearing regarding the matter of discharged sanitary wastewater into the Rockaway River Creek. Mr. Cook requested permission from the Committee to leave notices alerting the public on this matter.

Warren Cooper, Hunterdon Democrat, commented on the order of the agenda in regard to the timing of Executive Session and perhaps allowing public comment at the beginning of the meeting.

COMMENTS FROM THE GOVERNING BODY

Mayor Gatti stated that a number of representatives from the Township will be attending the public hearing on the discharge into the Rockaway Creek.

Mayor Gatti stated that the agenda has always been handled in this order. Administrator Mekovetz explained that every meeting is opened in public and then the Committee goes into Executive Session after which the Committee goes back out to the public portion of the meeting.

Mrs. Allen stated that it is extremely rare that the Committee goes out of Executive Session before 7:30 p.m.

Mrs. Muir stated that maybe it would be more appropriate to indicate that the approximate time of the body of the public meeting would be sometime *from 7:30 until the time the executive session ceases*.

Mrs. Simon stated she would have no issue with having public comment at the beginning of the meeting.

Mrs. Muir and Mr. Auriemma stated that they felt agenda is working fine the way it is and were in favor of keeping it the same.

As there was no further business, ***A MOTION*** was made by Mrs. Muir at 8:33 p.m. to adjourn the meeting, seconded by Mr. Auriemma with vote of all ayes, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, RMC/MMC/RPPO
Municipal Clerk