

ORDINANCE 21-04C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 205 AND PERTAINING TO THE REGULATIONS OF SIGNS, IN CHAPTER 160 AND PERTAINING TO THE REGULATIONS OF SIGNS, AND IN CHAPTER 64 AND PERTAINING TO CONSTRUCTION REGULATIONS RELATING TO SIGNS

THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DOES ORDAIN:

WHEREAS, the proliferation of for rent signs on properties has overwhelmingly increased as a result of the explosion in online advertising of rental properties, including websites dedicated to properties listed for rent by owners; and

WHEREAS, for rent signs are placed on properties for significantly longer durations than for sale signs, and, in some cases, are placed on properties perpetually or indefinite periods of time far in excess of other similar permitted signs; and

WHEREAS, the proliferation of for rent signs at properties has and will have a negative impact upon the public and environmental welfare, health, and safety, as well as negatively impact the development and promotion of business, industry, and property values by negatively impacting the environment, aesthetic harmony, and the overall aesthetics and beauty of neighborhoods;

WHEREAS, the Township of Long Beach ("Township") has, therefore, concluded that additional restrictions on for rent signs are necessary and proper to protect the public health, welfare, and safety; and

WHEREAS, in addition, the Township has further elected to ensure that all sign regulations are located, to the extent possible, in one section of the Township Code for ease of access and reference; and

WHEREAS, the Township adopts this Ordinance in order to promulgate new for rent sign regulations and otherwise revise, amend, and reformat the sign regulations as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of Long Beach, Ocean County, State of New Jersey, in accordance with the aforesaid Recitals, which are incorporated herein by reference, as follows.

STATEMENT OF PURPOSE

This Ordinance strikes Chapter 160, moves all zoning regulations relating to signs to Chapter 205, amends various regulations concerning the zoning and placement of signs, including additional restrictions on for rent signs, and amends Chapter 64 to include regulations relating to the construction of signs.

SECTION I

Chapter 160 is hereby repealed in its entirety and marked as "(Reserved)".

SECTION II

Chapter 205, Article V, is hereby repealed and replaced as follows.

Article V Signs

§205-62. Purpose.

The purpose of this Article is to establish regulations for the installation, placement, and use of signs, banners, symbols, markings, and advertising devices. The standards are designed to protect and promote the public and environmental health, welfare,

and safety, as well as aid in the development, promotion, and preservation of business, industry, and property values by providing sign regulations that encourage aesthetic harmony, overall aesthetic concerns, preservations of the environment, effectiveness, flexibility, and safety concerns in the design, placement, and use of such devices.

§205-63. **Definitions.**

As used in this Article, the following terms shall have the following meanings indicated.

ABANDONED SIGN

A sign that no longer advertises a bona fide business, lessor, owner, product, activity conducted, or product available or that directs persons to a location where such goods, products, services, or facilities are no longer available.

AREA OF SIGN

The area of the largest single face of the sign within a perimeter that forms the outside shape, including any frame, that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than 1 section or module, all areas will be totaled. Where poster panels or bulletins are installed back-to-back, 1 face only is considered as area. If there is a difference, the larger face will be counted.

BANNER

A strip of flexible material or cloth and/or narrow flag-type sign bearing copy, color, design, and/or any other symbol.

CHANGEABLE SIGN

A manual or electronically or electrically controlled sign that changes copy on the sign.

CONSTRUCTION SIGN

A temporary sign identifying a building or construction site and any or all of the architects, engineers, financial institutions, contractors, and suppliers involved.

COPY

Any wording on a sign surface.

COPY AREA

The area in square feet of the smallest geometric figure that describes the area enclosed by the actual copy of a sign.

DIRECTIONAL SIGN

Any sign that serves solely to designate the location of any place or area.

ELECTRICAL SIGN

Any sign containing electrical wiring that is attached or intended to be attached to an electrical energy source.

FACE OF SIGN

The entire area of sign upon which copy could be placed.

FASCIA SIGN or WALL SIGN

A sign attached to or against a wall of a building, with the face parallel to the building wall, and extending not more than 1 foot therefrom.

FEATHER FLAG

A banner or flag with a feather-like structure and/or feather shaped.

FLAG

A piece of cloth or other flexible material varying in size, shape, color, and design, usually attached on 1 edge to a staff or cord bearing copy, color, design, and/or any other symbol and often employed to display the symbol of a nation, state, or organization.

FLASHING SIGN

Any sign that contains an intermittent or flashing light source or that includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs, such as public service time, temperature, and date signs or electronically controlled message centers are classed as changeable signs, not flashing signs.

ILLUMINATED SIGN

Any sign that is lighted from within, without, or reflects from a source intentionally directed upon it, for example, by means of floodlights, goose-necked reflectors, or externally mounted light fixtures.

LED

LED, or light emitting diode, is an electronic device that emits light when an electrical current is passed through it.

MULTIPRISM SIGN

Signs made with a series of sections that turn and stop or flip to show several pictures or messages in the same area.

PENNANT

A tapering flag.

PORTABLE SIGN

Any sign not permanently attached to the ground or a building.

PREMISES

An area of land with its appurtenances and buildings that, because of its unity of use, is 1 unit of real estate.

REAL ESTATE OR PROPERTY FOR SALE, RENT, OR LEASE SIGN

Any sign to sell, lease, or rent land or buildings, but not a sign identifying or advertising a real estate broker's office or other office devoted to the sale of real estate.

SEASONAL OR HOLIDAY SIGNS

Signs such as Christmas decorations or those used for an historic holiday and installed for a limited period of time.

SIGN

Any identification, description, illustration, symbol, collection of symbols, statue, any landscaping where letters or numbers are used, or device illuminated or nonilluminated that is visible from any public place designed to advertise, identify, or convey information, or direct the public's attention to a product, services, business, non-profit, religious organization, or any other commercial or residential location, with the exception of non-commercial and non-business related flags. Any and all regulations relating to permitting of signs and the safety and maintenance of signs shall be deemed to include the sign structure, as well, whether or not sign structure is also set forth in the provisions thereof. The definition of sign shall include, where applicable, any structure that supports, has supported, or is designed to support any type of sign, banner, feather flag, pennant, or flag. A decorative cover is part of a sign structure.

TEMPORARY SIGN

A sign that is not permanently affixed. All devices, such as banners, pennants, flags (not intended to include non-commercial flags), searchlights, twirling or sandwich-type signs, sidewalk or curb signs, and balloons or other air or gas-filled figures.

§205-64. General Regulations.

Except as otherwise provided in this Article, all signs shall be subject to the following regulations.

- A. All signs not specifically permitted are prohibited and no sign shall be placed or erected except in accordance with this Article.
- B. All signs shall be designed, constructed, installed, and maintained to be compatible with their surroundings and in a manner so that they do not endanger the public health, welfare, and safety. All signs shall be constructed in accordance with all Code requirements, including Chapter 64 and all applicable State and local building codes.
- C. The Code Enforcement Officer, the Zoning Officer, and/or their designees shall be the Designated Public Officers charged with the authority to carry out the provisions of this Article.
- D. Every sign and sign structure, including any sign exempted from permit requirements, shall be maintained in good structural, aesthetically pleasing, presentable, safe, neatly painted, clean, and in otherwise good and well-maintained condition.
- E. No sign shall be maintained whereby reason of its position, size, shape, content, or color, it may, in the opinion of the Chief of Police or his/her designee, obstruct, impair, obscure, or interfere with the view of, or be confused with, any traffic control sign, signal, or device, or where it may interfere with, mislead, or confuse traffic or the public.
- F. Unless expressly authorized by this Article, no illuminated or flashing signs shall be permitted and no authorized illuminated signs shall include exposed bulbs or tubings or flashing lights.
- G. All signs lawfully installed or placed by a governmental entity are permitted.
- H. All signs shall relate to the use, business, activity, product, or occupancy of and/or relating to the property upon which the sign is located.

- (1) Signs relating to the business or profession conducted on the property shall advertise only the name of the owner or lessee, the name of the establishment, the type of establishment, goods or services or the trade name of the establishment and the goods manufactured or sold or services rendered, except for traffic and public convenience signs.
- I. No sign shall be affixed to any roof, tree, fence, or other similar structure.
- J. No signs, except those owned and operated by a duly constituted government authority, shall be placed on any public right-of-way, including any curb, sidewalk, post, pole, utility pole, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare or on any public property except as shall expressly be authorized by this Article.
- K. Except as provided in §205-64A(3), preexisting nonconforming businesses in a residential zone are permitted to erect signs as if located within a business zone.

§205-65. Zone District Regulations.

- A. Residential Zones. Except as otherwise provided in this Article, the following regulations shall apply to all residential zones.
 - (1) All signs shall be placed within the property lines, but outside the public right-of-way, or no less than 10 feet back from the curb or paved area, whichever is greater, or on the interior of windows, as permitted by this Article.
 - (2) The trim or framing devices of all signs shall not exceed 10% of the sign area.
 - (3) Only 1 home occupation or profession announcement sign shall be permitted and shall be no greater than 6 square feet in size.
- B. Commercial and Marine Zones. Except as otherwise provided in this Article, the following regulations shall apply to all non-residential zones.
 - (1) Only 1 illuminated professional office announcement sign shall be permitted per property and shall be no greater than 6 square feet in size.
 - (2) Only 1 illuminated sign shall be permitted in a driveway at a property in use as a church, school, public museum, or other non-profit and shall not exceed 20 square feet in area and shall be setback a minimum distance of 20 feet from any street line.
 - (3) Signs used by properties to provide directions to specific buildings and off-street parking areas shall not exceed 4 square feet in area and shall be setback a minimum distance of 20 feet from any street line. Signs painted on pavement surfaces shall be restricted to traffic control markings only.
 - (4) Directional signs for public buildings, public utilities, buildings, structures, hotels, motels, apartment houses, and other structures designed for occupancy by more than 2 families, boatyards, and marinas shall be no greater than 8 square feet in area and each use shall be permitted no more than 2 signs.
 - (a) Each sign shall be no greater than 8 square feet in area; and
 - (b) Each use shall be permitted no more than 2 signs.
 - (5) Premises or point-of-sale signs, including illuminated types otherwise in

compliance with this Article, but excluding flashing or moving signs shall be permitted provided they comply with the following.

- (a) No more than 2 signs shall be permitted on any parcel or use with an aggregate area not exceeding 40 square feet, plus 10% of the sign area for border area, and the aggregate length of the sign or signs shall not exceed 12 feet.
 - (b) No attached sign shall project more than 5 feet beyond the building line nor more than 6 feet beyond the face of any building.
- (6) The trim or framing device shall not exceed 20% of the sign area.
- (7) Signs may be painted upon or attached to the exterior of a commercial structure, provided that it or they may not exceed in total over 10% of the ground-floor plan area (with a maximum of 3,000 square feet in any event) actually devoted to the business described in such sign; and provided, further, that no such sign shall exceed 5 feet in height and there shall not be more than one sign per side or front of such building; and provided further that 1 sign may be more than 5 feet in height if its width does not exceed 5 feet. No sign thus arranged vertically shall exceed 12 feet from the bottom of the sign.
- (a) Where more than 1 tenant exists at a property, each tenant may have 1 building-attached sign. Such signage shall be exclusively located along the business frontage, being that portion of the business serving as the primary entryway for customers.
- (8) Point of sale signs and feather flags may be placed on the property owned or leased by the proprietor of a business where the business is being conducted. The sign may only be used for the purposes of advertising the proprietor's business. A maximum of 4 feather flags may be placed on the lot. No sign or feather flag shall be placed within the corner clearance area or site triangle.
- (9) Each business may place, solely during the hours the business is in operation and to be removed each day, 1 sign meeting all of the following restrictions.
- (a) The sign shall have a maximum width of 30 inches, maximum height of 42 inches, and a maximum depth of 20 inches.
 - (b) The sign shall be located within 10 feet of the main entrance to the business, provided further, however, that if the sign is placed upon a sidewalk, a 60-inch-wide unobstructed path shall be maintained at all times on the sidewalk.
 - (c) No strings, streamers, flags, pennants, spinners, balloons, strings of lights or similar devices shall be attached to any sidewalk sign.
 - (d) Notwithstanding the foregoing, each sidewalk sign must be immediately removed by its owner when snow and/or ice adheres to the sidewalk.

§205-66. Permits and Inspections.

- A. Except as otherwise provided in this Article, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign, or cause the same to be done, without first obtaining a sign permit for each such sign from a Designated Public Officer.

- (1) No permit shall be required for a change of copy on any sign, nor for the repainting, cleaning, normal maintenance, or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign and sign structure are not modified in any way. No new permit is required for signs that have permits and that conform with the requirements of this Article on the date of its adoption unless and until the sign is altered or relocated.
 - (2) No person shall erect, construct, or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building, if any, or their authorized representatives.
- B. Application for a permit shall be made upon a form provided by the Designated Public Officer and shall be accompanied by such information as may be required to ensure compliance with all appropriate laws and regulations, including, at a minimum, the following.
- (1) The name, address, and contact information of the owner and the person in possession of the premises where the sign is located or to be located and the name, address, and contact information of the owner of the sign.
 - (2) A drawing depicting the location of the sign and all other existing signs located on the same premises.
 - (3) A description of the type of sign, material components of the sign, and nature and intended use of the sign.
 - (4) A drawing depicting the sign structure, sign size, electrical components, and method of attachment and character of the structural members to which attachment is to be made. If required by the Designated Public Officer, engineering data shall be supplied on plans submitted, certified by a duly licensed structural engineer.
- C. Application for permits shall be filed with the Zoning Officer, together with a permit fee; provided, however, that the minimum fee for a permit shall be \$20.
- D. When a sign permit is denied by the Designated Public Officer, he or she shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.
- E. Any sign permit issued shall become null and void if construction is not commenced within 180 days from the date of such permit. If work authorized by such permit is suspended or abandoned for 120 days any time after the work is commenced, a new permit shall be first obtained before any work shall recommence.
- (1) The person erecting, altering, or relocating a sign shall notify the Designated Public Officer upon start of construction and upon completion of the work for which permits are required.
 - (2) All freestanding signs are subject to a footing inspection and all electrical signs are subject to a final electrical inspection.
- F. If the Designated Public Officer shall find that any sign or part thereof is unsafe or insecure, he/she shall give written notice to the owner of the sign or the owner of the property. If the sign is not removed or repaired within 48 hours after the issuance of such notice, the Designated Public Officer shall cause the removal, transportation, and storage of the sign, at the expense of the owner of the property upon which it is located.

§205-67. Exempt Signs.

The following signs shall be exempt from the permit requirements in §205-65, but shall nevertheless comply with all applicable requirements set forth in this Article and the Code.

- A. Construction signs. Construction signs for which a valid building or zoning permit has been issued.
 - (1) During construction or alteration of a property for which a construction or zoning permit has been issued, 1 sign may be maintained on the construction site by each of the contractors and subcontractors concerned, provided that such sign does not exceed 6 square feet in area. Termination of the construction shall be determined by the Code Enforcement Officer. All construction signs shall be removed from the property prior to the issuance of any certificate of occupancy or certificate of approval.
 - (2) During construction on a private easement having no frontage on a public street, construction signs shall be permitted pursuant to Subsection (1) above and shall further be permitted to be placed in the site triangle where the private easement meets the public street or right-of-way.
- B. Directional or instructional signs. Signs that provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed 4 square feet in area, such as signs identifying rest rooms or walkways, or signs providing direction, such as parking lot entrance and exit signs, as well as those of similar nature. This exemption is limited to business and marine zones.
- C. Flags. Flags not used for any commercial or business-related advertising purposes.
- D. Holiday signs. Signs of a primarily decorative nature clearly incidental and customary, and commonly associated with any national, local, or religious holiday, provided that such signs shall be displayed for a period of not more than 45 consecutive days nor more than 60 days in any 1 year. Such signs may be of any type, number, area, height, illumination or animation and shall be set back not less than 10 feet from all boundary lines of the lot, provided that a clear area be maintained to a height of 72 inches within 55 feet of the center line of the intersection of 2 streets and a street and driveway. Subject to the foregoing, any type of holiday decorations that partially camouflage or divert attention from traffic signals or directional signals are specifically prohibited.
- E. House numbers, name plates, and security signs. House numbers, name plates, and security signs not exceeding 2 square feet in area for each residential building and residential dwelling unit.
- F. Interior signs. In business and marine zones, signs located within the interior of any building or shopping center or within an enclosed lobby or court of any building and signs for and located within the inner or outer lobby, court, or entrance of any theater that are not visible from the public right-of-way. In residential zones, for rent and for sale signs shall be permitted in the interior and visible from the public right-of-way.
- G. Memorial signs. Memorial signs or tablets or names of buildings placed so as to be part of the building.
- H. Notice bulletin boards. Notice bulletin boards not to exceed 24 square feet in area for medical, public, charitable, or religious institutions where the same are located on the premises of said institution.
- I. No-trespassing or no-dumping signs. No-trespassing or no-dumping signs not to exceed 1 for every 50 feet per lot, except that special permission may be

granted by the Designated Public Officer for additional signs under special circumstances.

- J. Plaques. Plaques or nameplate signs not more than 2 1/2 square feet in area that are fastened directly to the building.
- K. Political signs. Signs on behalf of candidates for public office or measures on election ballots, provided that said signs are subject to the following regulations.
 - (1) May be erected not earlier than 45 days prior to said election and shall be removed within 15 days following said election.
 - (2) No sign shall be permitted on any public property or located within or over the public right-of-way, including, but not limited to, on any fire hydrants, traffic signs, utility poles, or similar public fixtures.
 - (3) No sign shall be erected on any private property without the express consent of the owner, who shall then be responsible for compliance with this Article.
 - (4) No sign in excess of 8 square shall be permitted to be placed on grounds or yards facing any public street. All such signs shall be at least 8 feet from the inner sidewalk line, and, if there is no sidewalk, 10 feet from the street line.
 - (5) No sign in excess of 8 square feet shall be permitted on any private building, except that each political candidate shall be entitled to 1 sign exceeding that size on 1 private building designated as said candidate's campaign headquarters.
- L. Public notices. Official notices posted by public officers or employees in the performance of their duties.
- M. Public signs. Signs required or specifically authorized for a public purpose by any law, statute, or ordinance, which may be of any type, number, area, height above grade, location, illumination, or animation required by the law, statute, or ordinance under which the signs are erected.
- N. Real estate signs. Signs advertising the property for real estate sale or rental purposes, provided that only 1 sign shall be permitted on a property and shall not exceed an area of 6 square feet with the maximum dimension of 4 feet.
 - (1) For Sale signs. Shall be limited to 1 sign on any property, provided that such sign is located entirely within the property to which the sign applies. 1 additional sign for sale sign is permitted where a property has an excess of 300 feet of frontage or fronts on 2 streets. All for sale signs shall be removed within 15 days after the sale has been consummated.
 - (2) For Rent signs. Shall be limited to 1 sign on any property, shall not be permitted outside on the property, and shall only be displayed on the interior of 1 window located at the property. 1 additional interior for rent sign is permitted in 1 additional window where a property fronts on 2 streets.
 - (3) Open house signs. Open house signs shall comply with the requirements for real estate signs above set forth and the following.
 - (a) The open house advertised by an open house sign shall be for a maximum period of 48 hours per event.
 - (b) An open house sign utilized as a directional sign may be placed in the public right-of-way, provided that it does not obstruct the free passage of pedestrians or lawfully operated vehicles and

further is not placed in such a manner as to cause corner sight obstructions.

- (c) No open house sign shall be permitted on any median.
- (d) No open house sign shall have attached thereto balloons, flags, or any other attention-attracting attachments of any sort, kind nor description.
- (e) Open house signs may only be displayed from 8:00 a.m. to 5:00 p.m. on the 2 days of a permitted open house event.
- (f) 1 real estate sign advertising a property located on a private easement and having no frontage on any public street or thoroughfare advertising a property on the private easement for sale or for rent is permitted in the sight triangle where the private easement meets the public street or right-of-way.

O. Window signs in Business and Marine Zones.

- (1) For each ground floor occupancy of a building in the commercial and marina zones, not more than 2 permanent signs that may be painted on or otherwise displayed from the inside surface of any window, showcase, or other similar facility. Said signs shall be in addition to those signs permitted under the other provisions of this Chapter. The total copy area of such signs, however, shall not exceed a maximum of 25% of the total window area or 1 square foot per lineal front foot of the premises occupied, whichever is the lesser.
- (2) Signs in the display window. Signs in the display window of a business use which are incorporated with a display relating to services offered.
- (3) Temporary signs in the window, provided that the area of window mounted signs displayed does not exceed 25% of the area of the window in which they are mounted.

P. Symbols, insignia, historical, and architectural signs. Religious symbols, commemorative plaques of historical agencies, or identification emblems of religious orders or historical agencies, and signs setting forth historical or architectural designations, provided that no such sign shall exceed 4 square feet in area, shall be placed flat against a building, are limited to 1 facade, and contain no commercial advertising.

Q. Temporary signs. Temporary signs not exceeding 4 square feet in area pertaining to drives or events of civic, philanthropic, charitable, educational, or religious organizations, provided that said signs are posted only during said drive or no more than 30 days before said event and are moved within 7 days of the event. The Board of Commissioners may grant a temporary permit for signs or banners in sizes it authorizes over a street or public way.

R. Warning signs. Signs warning the public of the existence of danger but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger. Provided that such signs are limited to no more than 2 façade or ground-mounted signs per occupancy, are no more than 3 square feet in area each, are non-illuminated, and, if ground mounted, are no higher than 3 feet in height.

S. Real estate tract development signs. During the development of a tract of land which has been subdivided pursuant to the Code into 3 or more lots, a sign erected and maintained by the subdivider on the premises advising the public of the subdivision and of the availability of lots for sale therein. Such signs shall not exceed 50 square feet in size nor shall its largest dimension exceed 7 feet. The square footage and maximum dimension shall include any trim or framing device utilized with the sign. The top of such sign shall not be

located more than 12 feet above grade of the street on which the lot fronts where the sign is located and the sign shall not be erected until the Planning Board has granted final subdivision approval and the subdivision map has been signed and filed with the County of Ocean. Once erected, the sign shall not be permitted to remain beyond the earlier of the sale of the last lot or 36 months from the date of its erection. In addition to the sign advertising the subdivision, each lot therein will be permitted a real estate sign as provided by this Chapter.

- T. Special event, private sale, and event signs. Signs announcing private sales or events, provided that such signs are no more than 6 square feet in area, are located entirely on the property where such sale or event is to be conducted or on other private property pursuant to the owner's consent and which are clearly marked with the name, address, and telephone number of the person responsible for the removal of such sign. Such signs shall not be erected more than 36 hours in advance of such sale or 45 days in advance of such event and they shall be removed on the day following the conclusion of such sale or event. No more than 4 signs may be placed on any business property nor more than 1 on any residential property and shall be removed no more than 3 days after such sale or event.

§205-68. Prohibited signs.

The following types of signs are expressly prohibited in all zones, except as otherwise provided by this Article.

- A. Illuminated, animated, moving, flashing, and LED signs. Except as provided in this Article and below, no illuminated LED, fiber-optic, neon, or otherwise electronically lighted or unlighted message sign, sign board, sign box, other type of sign structure, or object which is moving, animated, scrolling, flashing, variable, blinking, auto-changing, any other means of providing constant illumination, or programmable shall be permitted, except for the required movement of time-and-temperature displays. Time-and-temperature display signs shall be permitted only as part of a site plan approved by the Land Use Board.
 - (1) All governmental entity signs shall be permitted.
 - (2) Signs at gasoline stations on which the unit pricing of fuel is shown electronically shall be permitted, provided that the remainder of the sign remains static at all times, and further provided that the unit pricing changes no more than 1 time every 24 hours.
 - (3) Changeable signs shall be permitted.
- B. Miscellaneous signs and posters. The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences, or other structures is prohibited unless specifically permitted by this Article.
- C. Moving signs. No sign or any portion thereof shall be permitted that moves or assumes any motion constituting a nonstationary or nonfixed condition, except for the rotation of barber poles, changing signs, or multiprism units. Indexing multiprism units must not exceed a speed of 2 complete revolutions every 20 seconds. This section is not meant to prohibit any form of vehicular sign, such as a sign attached to a bus or lettered on a motor vehicle.
- D. Abandoned signs and sign structures. Abandoned signs and sign structures are not permitted.
- E. Advertising vehicles. Except as provided below, no person shall operate or park any vehicle or trailer on a public right-of-way or on private property so as to be visible from a public right-of-way that has attached thereto or located thereon any sign or advertising device for the primary purpose of

advertisement of products and/or directing people to a business or activity or premises, nor shall any said sign advertise any property or any other premises for sale or rent.

- (1) This regulation shall not prohibit a sign attached to a bus or lettered on a motor vehicle unless the primary purpose of such vehicle is for such advertising.
 - (2) This regulation shall not prohibit a sign or advertisement attached to a vehicle owned by the business being advertised and used for business purposes and lawfully parked at the business property.
 - (3) This regulation shall not prohibit any business that advertises for other businesses and operates the vehicle with signs affixed thereto on the road for purposes of advertising and promotion.
- F. Banners. Banners, pennants, searchlights, twirling signs, sandwich-board signs, sidewalk or curb signs, and balloons and other gas-filled figures shall not be used, except that they shall be permitted at the opening of a new business in a commercial district for a total period not to exceed 5 days and in residential districts in conjunction with a demonstration of model homes in a new subdivision for 2 days prior to the opening of such demonstration to 2 days after and not to exceed a total period of 15 days in any calendar year. The signs shall also be permitted at special events of a civic or philanthropic nature upon application to and approval by the Designated Public Officer.
- G. A-frame signs. A-frame, sandwich-board, sidewalk, or curb signs are prohibited, except as otherwise provided by this Article.
- H. Portable signs. Portable or wheeled signs are prohibited except for new business openings for a maximum period of 15 days. This shall not be interpreted to prohibit identification lettering on motor vehicles or advertising on buses.
- I. Billboards. The further erection, construction, or enlargement of signs known as commercial advertising billboards is prohibited. Existing billboards may be repaired or maintained in the same location, but may not be enlarged, relocated to another lot, or replaced in the event of the total destruction thereof.
- K. Other signs. The following signs are also prohibited:
- (1) Signs visible to the public which bear or contain statements, words, or pictures of an obscene, indecent, or pornographic character.
 - (2) Signs that are painted on or attached to any fence (except temporary fences around construction sites) or any wall or structure (other than structures for permitted signs) that is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure and the street address or no-trespassing signs.
 - (3) Signs that operate or employ any stereopticon, motion picture projection, or media in conjunction with any advertisements or have visible moving parts or give the illusion of motion.
 - (4) Signs that emit audible sound, odor, or visible matter.
 - (5) Signs that, by reason of their size, location, movement, content, coloring, or manner of illumination purport to be an imitation or may be confused with or construed as a traffic sign, traffic signal, a device or light of an emergency or road equipment vehicle, or which hide from view any traffic sign, signal, device, or other governmental sign installed

or placed to direct the public or otherwise intended to protect the public health, welfare, and safety.

- (6) Signs that directly or indirectly cause or produce any glare into a street or upon any dwelling unit. Exposed sources of light, including bare bulbs and tubules and immediately adjacent reflecting surfaces shall be shielded so as not to create a nuisance across lot lines.
- (7) Any sign on a vacant or unimproved lot other than a for sale or real estate development tract signs.
- (8) Signs that will obstruct the visibility of the motorist or pedestrian proceeding along the public way or entering or leaving a lot, driveway, access road, or intersection.
- (9) Signs with lighting or control mechanisms that may cause interference with radio, television, wireless facilities, or utilities.
- (10) Signs which use the words stop, look, caution, danger, or any similar wording that may confuse or mislead the public.

§205-69. Nonconforming Signs.

- A. Signs that received permits and were considered lawful prior to the adoption of this Article may be continued although such signs do not conform to the regulations specified by this Article, except that a legal nonconforming sign shall immediately lose its legal nonconforming designation if:
 - (1) The sign is altered in any way in structure that tends to or makes the sign less in compliance with the requirement of this Article than it was before the alteration;
 - (2) The sign or sign structure is relocated;
 - (3) The sign (except for copy on a changeable copy sign) is replaced; or
 - (4) In the opinion of the Designated Public Officer or the Chief of Police the sign or sign structure constitutes a traffic hazard, a public hazard, a nuisance, or otherwise poses a threat to the public health, welfare, and safety.
- B. In the event a sign becomes nonconforming pursuant to Section A above, the Designated Public Officer shall order it removed on 10 days written notice, giving the reason therefor.
- C. Nothing in this Article shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this Article regarding safety, maintenance, and repair of signs, or otherwise permit such signs that constitute a traffic hazard, public hazard, or nuisance. Provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign or sign structure in any way that makes it more nonconforming.

§205-70. Conflict.

If any portion of this Article is found to be in conflict with any other provision of any zoning, building, fire safety, or other regulations set forth in the Township Code, the provision which establishes the higher standard shall prevail.

§205-71. Violations and penalties.

- A. A violation of this Chapter shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.

- B. In the event that a sign constitutes a threat to the public health, welfare, and safety, the Designated Public Officer may order it removed on 10 days written notice, giving the reason therefor. In the event a sign is removed on the basis of the public health, welfare, and safety, the Designated Public Officer shall certify the cost of removal, transportation, and storage to the Board of Commissioners. The Board of Commissioners shall examine the certificate, and, if it shall be found correct, shall cause the cost as shown thereon to be charged against the lands and structures from which the sign was removed. The amount so charged shall forthwith become a lien upon the lands and shall be added to become and form a part of the taxes next to be assessed and levied upon the property, the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

SECTION III

§64-14 is hereby repealed and replaced as follows.

§64-14. Signs.

- A. All signs and sign structures shall comply with all applicable State and local building codes.
- B. Required Support and Anchoring. In addition to the requirements of all applicable State and local building codes, all signs structures shall comply with the following.
- (1) Freestanding sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Foundations shall be designed to carry the weight and wind load of the sign in the soil which it is placed. Such structures or poles shall be fabricated only from painted or galvanized steel or such other materials as may provide equal strength.
 - (2) A parapet wall or roof shall be designed for and have sufficient strength to support any sign that is attached thereto.
 - (3) Wire and cable supports shall have a safety factor of 4. All metal, wire cable supports and braces, and all bolts used to attach signs to brackets and signs to the supporting building or structure shall be of galvanized steel or of an equivalent material. All sign supports shall be an integral part of the sign design.
 - (4) Signs and sign structures shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action, unless specifically designed by means of bearings or other methods approved to allow for movement.
- C. Glass. When glass is used for sign letters or transparent or translucent panels, it shall be at least double strength thickness for sign areas up to and including 300 square inches. When glass is used for sign letters or transparent or translucent panels for sign areas in excess of 300 square inches, at least ¼ inch wire glass shall be used, and the maximum span between supports shall be 4 feet.
- D. Wind loads. All signs and sign structures, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows.
- (1) For solid signs: 30 pounds per square foot on 1 face of the sign.
 - (2) For signs that are not solid: 36 pounds per square foot of the total face area of the letters and other sign surfaces or 10 per square foot of the

gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

SECTION IV

§205-66, §205-67, and §205-68 shall become §205-72, §205-73, and §205-74, respectively.

SECTION V

All Ordinances or part of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION VI

If any word, phrase, clause, section or provision of this Ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

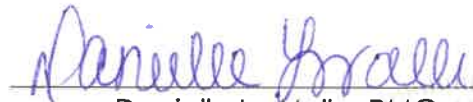
SECTION VII

This Ordinance shall take effect upon publication thereof after final passage according to law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Monday, February 1, 2021 at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Monday, March 1, 2021 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.



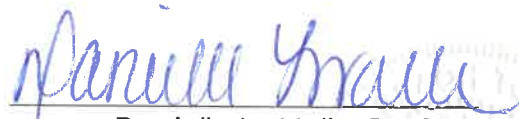
Danielle La Valle, RMC
Municipal Clerk



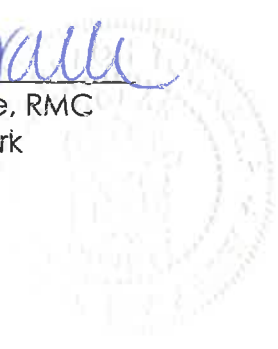
First Reading: February 1, 2021
Publication: February 4, 2021
Second Reading: March 1, 2021
Final Publication: March 4, 2021
Effective: March 4, 2021

CERTIFICATION

I, DANIELLE LA VALLE, RMC, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 21-04C was duly adopted by the Board of Commissioners at their meeting held on Monday, March 1, 2021 at 4:00 p.m.



Danielle La Valle, RMC
Municipal Clerk



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