

ARTICLE XVII, Signs [Amended 12-27-2001 by Ord. No. 01-23R]

§ 184-148. Purpose.

- A. The Borough of Fanwood is a small community of approximately one square mile. It consists of residential zones and various commercial zones and a light industrial zone. The lots in the commercial and light industrial zones are bordered by or within view of lots in residential zones. The residential zones in many instances consist of older homes of Victorian style and vintage which the Borough seeks to protect.
- B. In light of the foregoing, it is the intent and purpose of this Article XVII to regulate signs throughout the Borough so as to balance the interests in conveying information through the use of signs with the interest of the Borough in protecting its Victorian history and the natural aesthetic differences between commercial areas and residential areas. Within the commercial areas, the Borough of Fanwood, consistent with its Master Plan, seeks to regulate signs so as to promote a "village" atmosphere as opposed to an unsightly "strip commercial" type of development and encourage inviting, pedestrian oriented retail shopping. It is also recognized that in some instances signs can cause traffic safety concerns and the following regulations are also intended, in part, to help alleviate those concerns.

§ 184-149. Applicability; general provisions.

- A. Permit required. No person shall erect, repair, replace or alter any sign, fixed awning, canopy, projecting object or other advertising structure, except those exempted under this article, without first obtaining a zoning permit and a building permit and making payment of the fee required by the Code of the Borough of Fanwood. The erection or relocation of a freestanding sign shall require site plan submission prior to issuance of any permit.
- B. Each application shall be accompanied by plans showing the area of the sign: size, composition and character; the method of illumination, if any; the method of attachment; the exact location proposed for such sign; adjacent streets, all structures on the lot, proposed inscriptions, details of its support, its overall height above the normal ground level; and in the case of a projecting sign, the proposed method of fastening such sign to the building structure, the horizontal distance between such sign and building structure, the horizontal distance between such sign and the curb and the distance between such sign and the right-of-way.
[Amended 8-13-2002 by Ord. No. 02-18R]
- C. Computation of sign area. The Borough of Fanwood has determined the appropriate size and location of signs within the Borough. The area of a sign as set forth below is computed based on the area of an individual sign and not the total for all signs on a premise. The maximum permitted area of such sign shall be the size of one side only, except as provided otherwise herein. The area of the sign shall include each and every part of the sign, including moldings and frames. Where the sign is supported by a post or pylon the surface of which is being used for advertising purposes, the area of the post, pylon or other supporting member

shall be considered as part of the total allowable sign area. Wherever the name or advertising message on a sign is divided between a number of panels or parts, all of the panels or parts shall be considered as the total area of the smallest rectangle which can enclose all of the letters or numbers.

- D. Signs erected flat against the side of a building shall not extend above the height or beyond the sides of the vertical wall or cornice to which they are attached. Such facade sign shall not extend from the face of the wall on which it is attached more than eight inches.
- E. No sign or any part thereof shall be located closer than 15 feet to any lot line or closer than the distance any existing wall of the principal structure on the lot is to the lot line, whichever is closer to the lot line, except as provided herein.
- F. Any sign erected in conjunction with a specific use will be removed upon the discontinuation or removal of that use. Signs that fall into disrepair or are no longer properly supported shall be deemed to be abandoned.
- G. No existing conforming sign shall be enlarged, rebuilt, structurally altered or relocated except in accordance with the provisions of this article and until a permit has been issued. The issuance of a permit shall not relieve the owner or lessee of the premises from the duty of maintaining safely any such signs.
- H. Nonconforming signs may be continued in use but may not be enlarged, relocated, altered, rebuilt, extended nor made less conforming. In the event that there is a cessation of use of any nonconforming sign for a period of 30 consecutive days the same shall be presumed an abandonment of any nonconforming sign. Signs which fall into disrepair or are no longer properly supported shall be deemed to be abandoned. Signs associated with a business enterprise on a premises which vacates this premises or ceases doing business shall be considered to be abandoned after the passage of 30 consecutive days from such vacation or ceasing of business.
- I. Any sign located within a building or structure visible from the exterior and within three feet of the window or door through which it is visible shall not be neon or internally illuminated. [Amended 7-8-2003 by Ord. No. 03-14R]
- J. Motor vehicles used as signs. No unregistered, uninsured or inoperable motor vehicle with advertising signage of any type nor any motor vehicle with the sole purpose to be used as advertising signage of any type shall be parked on any portion of a lot visible from a public street in any commercial or industrial zone.
- K. At the termination of any professional, business or use of any premises, the permission to display signs associated with such use of the premises shall forthwith terminate, and all such signs shall be removed or obliterated from the premises within 30 days from the date of termination of such use.

§ 184-150. Exempt signs not requiring sign permits or fees.

Signs exempt from the requirement of obtaining a sign permit shall be as follows:

- A. Professional signs, where permitted, indicating the name and profession of the occupant, provided that such signs do not exceed one square foot. They may be illuminated by a nonflashing light.

- B. Temporary paper signs or signs of like construction inside windows of commercial establishments so long as the signs do not cover more than 25% of the total window area. Temporary signs inside windows announcing local events, such as benefits, theatrical productions and the like, displayed as a public service by the business are also permitted.
- C. Signs forbidding trespassing, hunting, fishing or trapping as authorized by the fish and game laws.
- D. Temporary signs, indicating a political preference or a political cause, not to exceed six square feet for each sign on any one lot in any zone. Signs relating to a local, state and/or federal election, initiative or referendum or other public issue shall be removed within five days after such event.
- E. Temporary signs announcing fund-raising for charitable purposes.
- F. Decorative nonilluminated signs, showing the name and/or address of a house or family, not larger than one square foot in area. Not more than one such sign shall be erected for each dwelling unit.
- G. Official signs, including temporary and permanent traffic signs and signals erected by the municipality, county, state or federal government.
- H. Official signs or legal notices erected, maintained or owned by governmental units and those signs deemed necessary by the Planning Board to inform or guide the public or the promotion of the health, safety, convenience or welfare of the general public.

§ 184-151. Prohibited signs.

The following types of signs shall not be permitted in any zone:

- A. A flashing, fluttering, animated, moving, vibrating, sequential, tracer, electronic or rotating sign.
- B. Signs with any lighting or control mechanism that may cause radio or television interference.
- C. Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as a means of egress or ingress or for fire-fighting purposes or placed so as to interfere with any opening required for legal ventilation.
- D. Any sign which is of such a form, character or shape as to confuse or dangerously distract the attention of the operator of a motor vehicle, including but not limited to signs visible from the street using the word "stop" or "danger" or any other word, phrase, symbol or character with the effect of simulating a public safety warning or traffic sign.
- E. Any advertisement which uses a series of two or more signs or units placed in a line parallel to the highway, or in similar fashion, all carrying a single advertising message, part of which is contained on each sign.
- F. Signs which in any way simulate official, directional or warning signs erected or maintained by the State of New Jersey, a county or municipality thereof, or by any railroad or public utility or similar agency concerned with the protection of the public health or safety.

- G. Billboard and/or outdoor display structures not associated with a business on the same lot.
- H. Roof signs and signs on the side of any structure extending above the edge of the roof
- I. Signs on railroad or vehicular overpasses.
- J. Any use of flags or similar displays, not otherwise referenced in this section, to attract attention, except in connection with a particular holiday or season of the year. [Amended 8-13-2002 by Ord. No. 02-18R]
- K. Any use of pennants or similar displays, not otherwise referenced in this section, to attract attention. [Added 8-13-2002 by Ord. No. 02-18R]
- L. Any commercial exterior use of outdoor icicle or string lighting. Notwithstanding the foregoing, icicle or string lighting is permitted when such lights are used to illuminate merchandise on display or for purposes of indicating that a commercial establishment is open, subject to the following: [Added 8-13-2002 by Ord. No. 02-18R; amended 5-13-2003 by Ord. No. 03-04R]
 - (1) Such lights are to be small, white and unblinking.
 - (2) No such lights may be used when the exterior of the building is floodlit, "floodlit" being defined as a strong beam of light that is used to illuminate a substantial portion of a building exterior or grounds.
 - (3) All such lights must be turned off at the close of business for an establishment using such lights.
- M. Signs tacked, pasted, painted or otherwise attached to or inserted into public buildings, poles, posts, trees, fences, sidewalks or curbs.
- N. Signs which obstruct driving vision, traffic signals, sight triangles and traffic direction and identification signs.
- O. Ionized inert gas sign lighting where the light source tubing is directly exposed to view, except neon "open" signs as permitted by § 184-157B(4).
- P. Signs which identify that a property has been sold or is no longer available for rent.
- Q. Banner-type signs, except in celebration of a public event or to call attention to holidays of public significance and, in such cases, only when erected by the Borough itself or authorized by the Mayor and Council.
- R. The term "internally illuminated sign" shall include awnings and vending machine displays which are translucent or transparent and which meet the definition of signs as contained herein which are illuminated from the rear so that such awning or vending machine display acts as an internally illuminated sign. [Amended 7-9-2002 by Ord. No. 02-16R]
- S. Signs projected by light on to the facade of a building.
- T. Banner-type signs, except in celebration of a public event or to call attention to holidays of public significance and, in such cases, only when erected by the Borough itself or authorized by the Mayor and Council and to announce a "grand opening" of a business provided that the banner is affixed to the building of the business celebrating its "grand opening", the banner is erected for a period not to exceed 30 days, and the banner is no more than two feet high and no longer than 3/4 of the width of the side of the building to which it is affixed.
- U. Any signs not specifically permitted are hereby prohibited.

§ 184-151.1. Prohibition of signs posted on utility poles. [Added 8-12-2003 by Ord. No. 03-16R]

- A. Findings. The Mayor and Council hereby find the following:
- (1) The posting, erection or maintenance of signs on public utility poles is expressly prohibited by P.L. 1991, c. 413 (N.J.S.A. 27:5-9).
 - (2) Said statute does not assess any penalty for violations of the same.
 - (3) Such prohibition is not widely known or followed.
 - (4) The posting of signs on public utility poles jeopardizes the safety of utility workers, damages the aesthetics of the Borough, promotes unlicensed and unregulated businesses, and creates safety hazards by creating distractions to motorists travelling the public streets.
 - (5) The practice of posting printed, silk-screened or otherwise mass-produced signs advertising, for example, business opportunities, articles or services for sale, or offers of employment, has become increasingly prevalent. These signs are posted using nails, bolts, screws or other devices intended to prevent removal.
 - (6) Such signs that are posted using nails, bolts, staples, screws, or other semipermanent means of attachment, are particularly hazardous to utility workers and are deleterious to the aesthetics of the community and foster enduring visual pollution. For the purposes of this section, a "means of attachment" is "semipermanent" if the nail, bolt, staple, screw or other device cannot be easily removed with one hand without the use of a tool.
 - (7) The practice of attaching bumper stickers, decals and stickers to utility poles, traffic control devices and similar structures is becoming increasingly prevalent, and such practice constitutes litter, pollution, vandalism and trespass. When attached to traffic control devices such practice also constitutes destruction of public property.
- B. Posting of certain signs expressly prohibited.
- (1) The posting of any sign as described in Subsection A(5) above to any utility pole in the Borough using nails, bolts, staples, screws, or other semipermanent means of attachment is expressly prohibited.
 - (2) The placing of a bumper sticker, decal or other sticker to any utility pole or traffic control device in the Borough is expressly prohibited.
- C. Violations. Any violation of this section shall result in a fine of not more than \$1,250 and/or the imposition of 50 hours of community service. Every sign posted in violation of this section shall be deemed a separate offense. Every day that a sign is posted in violation of this section shall be deemed a separate offense.
[Amended 5-10-2005 by Ord. No. 05-10R; 6-13-2006 by Ord. No. 06-11R]

§ 184-152. Signs over public right-of-way.

No portion of any sign shall be located within or suspended over a public right-of-way, including a pedestrian walk, except as may be permitted on awnings or canopies.

§ 184-153. Setback from residential district.

When signs in a nonresidential district are located along the district boundary line of any residential district, they shall be set back not less than 50 feet from such residential district boundary line.

§ 184-154. Sign maintenance.

Any sign that is or shall become dangerous or unsafe in any manner whatsoever shall be repaired, made safe and attractive in conformity with this chapter or shall be removed by the owner, lessor, agent or occupant of the building, property or land upon which it is placed or to which it is attached. A written notice shall be served upon the owner, lessor, agent or occupant of a building, property or land upon which a dangerous or unsafe sign is located by the Construction Official, Building Subcode Official or Zoning Officer. Said notice shall require necessary action to be taken within 10 days from the date of service or the notice upon such person or within such lesser time as shall be deemed reasonable in cases where the danger to the public health, safety and general welfare is so imminent as to require more immediate abatement. All signs shall be painted and maintained in good repair at all times. Failure to keep signs painted, illuminated or in good repair for a period of 90 consecutive days shall constitute abandonment, and such sign may not then be repaired, replaced or reused but shall be removed.

§ 184-155. Location of signs.

No sign shall be erected or located to obstruct the vision of drivers entering a public street; nor shall any sign be erected which obstructs existing signs on adjacent properties to a degree that the message contained on the obstructed sign is no longer visible for a reasonable distance therefrom.

§ 184-156. Construction materials and sign design.

- A. All permanent outdoor signs shall be constructed of natural or synthetic, weather-resistant materials.
- B. Permanent signs shall consist of either dark colored letters on a light colored background or light colored letters on a dark background.
- C. Any illumination of signs shall be external only, except as otherwise permitted in Article XVII. White lighted halo signs that illuminate the wall but not the sign are permitted. No sign shall be architecturally or aesthetically incompatible with other signs and structures on the same property.

§ 184-157. Permitted signs.

- A. Residential zone districts. In any residential zone, the following signs shall be permitted:
 - (1) A name or announcement sign accessory to a church or other place of worship, a public or quasi-public building and any permitted institutional or similar conditional use not to exceed 10 square feet in area. Not more

than one such sign shall be permitted on a lot. Directional signs shall be permitted in such quantities and in such locations as deemed necessary for the information, guidance, convenience or safety of the general public, including but not limited to "entrance," "exit," "parking," "public telephone," "public rest rooms," "no trespassing" "no soliciting" and/or other words or directions of similar import. Each such individual sign shall not exceed two square feet in area and, where appropriate, two or three signs may be combined within a single sign structure with not more than two square feet in area for each sign. The upper edge of all freestanding directional signs shall be not more than three feet above the ground surface.

- (2) Official signs of the federal government and the state or any of their agencies, the county and the Borough.
- (3) Signs showing the name and/or street number of the owner or tenant of the residential premises which shall not exceed one square foot in size in the aggregate of all such signs.
- (4) One nonilluminated temporary sign identifying the owner, architect, builder, realtor and contractor on premises on which a building is being constructed, altered or repaired. Such a sign shall not exceed 24 square feet in area. It may be displayed on the premises affected for the time required for such construction, alteration or repair or for one year, whichever period is less. Unless the sign is affixed to a building, it shall be set back from the street curb line a distance of not less than 24 feet. Only one sign may be used to identify all of the above persons who are performing services with respect to the premises. The temporary sign shall be removed within seven days after completion of the construction.
[Amended 5-9-2006 by Ord. No. 06-06R]
- (5) One freestanding sign on a subdivision which has been approved by the Planning Board. Such a sign shall not exceed 24 square feet in area and shall be removed after residences have been constructed on 95% of the lots in the subdivision or after 95% of lots have been sold by the developer, whichever period is less. In no case shall any such subdivision sign be permitted after two years have lapsed from the time when the first sign was so erected. The sign shall be set back at least 10 feet from the street sideline.
- (6) One sign announcing that a building or lot is available for sale or rental is permitted, subject to the following conditions:
 - (a) Such sign shall not exceed four square feet in area, which shall include the area of the support in the same plane as the sign.
 - (b) Such sign and its supports shall be constructed exclusively of wood and/or metal and/or plastic.
 - (c) The top of such sign shall be no higher than three feet above the surface of the ground and the bottom of the sign no closer than six inches to the surface of the ground.
 - (d) Such sign may contain a message on both sides and may be erected perpendicular or parallel to the roadway which the property fronts.

- (e) Such sign shall not be illuminated in any manner.
 - (f) Such sign shall be located only in the front yard and shall be set back at least 10 feet from the street curbline. For purposes of this subsection the street sidelines shall be the curbline on streets with curbs or the edge of the gravel or dirt shoulder where it abuts grass or other vegetation on streets without curbs. For premises which have a front yard of less than 20 feet, such sign shall be affixed to the building or erected within six inches of the front of the building.
 - (g) Such sign shall not remain on the premises after the property is sold. For the purpose of administering this subsection, the premises shall be deemed to be sold when a contract has been signed and the property withdrawn from the market.
 - (h) Such sign is located only on the premises of the building or lot for sale or lease. Signs on other premises or at intersections directing persons to buildings or lots for sale or lease are prohibited.
- (7) All signs located in the residential districts may be freestanding, but no sign shall be internally illuminated.
- (8) Signs for home-based occupations shall comply with the requirements of § 184-141C.
- B. All zones, except residential zone districts. In all zones except the R-75, R-150, MAH, TAH and LGAH, the following regulations apply:
- (1) A permanent sign or rigid awning sign shall be mounted above the front entrance. Such sign must indicate the trade name of the establishment. Office buildings may include a directory of all tenants as per §184-157B(6). Businesses must have a street number on the front of the building visible from the street. A sign mounted above the front entrance shall not exceed a height of 30 inches nor a length equal to the length of the wall front to which it is attached, less a distance of five feet, or 20 feet, whichever shall be the lesser. No sign mounted above the front entrance shall be closer than 21/2 feet to the end of the front wall to which it is attached. A rigid awning may extend the entire front of the building, but no signage on the awning shall be within 21/2 feet of each end of the awning or 20 feet, whichever shall be the lesser.
 - (2) In addition to a sign or rigid awning sign on the front facade of a building, a sign on each other side of a building visible from a public street is permitted. Such sign shall not be larger than 121/2 square feet, unless there is an entrance accessible from a rear parking lot, in which case such sign shall comply with the requirements of § 184-157B(3).
 - (3) A sign centered above the rear entrance door is permitted on any building with an entrance accessible from a rear parking lot intended for patron parking. Such sign shall not be larger than 4 feet wide and 11/2 feet high.
 - (4) One nonflashing sign of neon tubing stating only the word "open" is permitted in a window near the principal entrance. The word "open" may be enclosed in a border of neon tubing. Such sign, including any border, shall not exceed six inches high by 12 inches wide.

- (5) Any office building is permitted to display a directory sign visible from the road way listing the names and/or types of business of all tenants. Each tenant listing shall be not more than three inches high.
- (6) A directory sign bearing the name and/or type of business of the principal tenants renting space in the rear or the upper floors of the building may be located at the principal entrance of such rented areas. The area of such sign devoted to each such tenant shall not exceed 72 square inches, and the total area of such sign shall not exceed five square feet.
- (7) Credit card signs and trading stamp signs may be displayed on windows, provided that the total area of all such signs shall not exceed two square feet in area.
- (8) Signs required by law to be exhibited by the occupant of the premises may be displayed, provided that the same do not exceed six square feet in total area.
- (9) Special signs indicating public conveniences, such as "notary public," "public telephone," "public rest rooms" or words or directions of similar import may be displayed, provided that each such sign does not exceed 72 square inches in total area and only one sign of each type is displayed.
- (10) Nonilluminated signs displayed on the interior of windows to give notice of sales or special functions shall be permitted. No more 25% of the total area of window on which such signs are displayed shall be covered. Such temporary signs shall be removed after 30 days.
- (11) On parking lots or parking facilities which are not adjacent to the business or commercial buildings or structures which they serve, a freestanding sign for the entrance to the separate parking lot or parking facility, which shall not exceed eight square feet in area. In no case shall the base of such sign be less than eight feet from ground level, and in no case shall the top of such sign be greater than 11 feet from ground level. The purpose of this sign shall be to show that the parking lot or parking facility is available for use by the patrons or employees of the business or commercial enterprise so identified.
- (12) Gasoline stations. A gasoline station may have one freestanding, stationary, illuminated or nonilluminated sign identifying only the company name or brand name of the gasoline sold, including any associated insignia or emblem, provided that such sign shall not exceed 45 square feet in area, that the top of such sign shall not be more than 17 feet above the ground surface. Such sign may not be internally illuminated, but may be two-sided. Signs affixed to the exterior surfaces of gasoline pumps shall be permitted, limited to identification of the company name or brand name of the gasoline sold, including any associated insignia or emblem, gasoline type and/or grade and such other information as may be required by law. Such signs shall not extend or project beyond the surfaces on which affixed more than 15 inches. In addition, price indicator signs not exceeding 150 square inches in area may be attached to, supported by or suspended from each gasoline pump.

- (13) No sexually oriented business shall display more than two exterior signs, consisting of one identification sign, which shall not be more than one square foot and one sign giving notice that the premises are off limits to minors, which shall be at least two square feet.
- (14) Painted window signs. Signs may be permanently painted on windows so long as the letters are not painted on any background and no more than 25% of the window surface consists of the painted sign.
- C. All property along South Avenue in the Commercial or Light Industrial Zones and in the General Commercial Zone on North Avenue. For all properties along South Avenue in the Commercial or Light Industrial Zones and in the General Commercial Zone on North Avenue, the following additional regulations shall apply: [Amended 7-9-2002 by Ord. No. 02-16R]
 - (1) Except for gasoline stations, one freestanding sign is permitted as an alternative to a sign or rigid awning sign mounted above the front entrance or permitted signs that could be mounted on the walls visible from a public street so long as the building which the freestanding sign serves is set back 30 feet or more from the front lot line. Such freestanding sign shall not be larger than 16 square feet, a maximum height of eight feet measured from the ground to the top of the sign and no dimension shall exceed five feet. Such freestanding signs shall not be closer than 10 feet to any lot line. Such sign shall not be internally illuminated. The sign may be perpendicular or parallel to the street to which the building fronts and lettering shall not be larger than 10 inches.
 - (2) Exit and enter signs. Notwithstanding anything in this article to the contrary, exit and enter signs for driveways may be not larger than two feet wide and two feet high. The signs may include a corporate logo and the words "Enter" or "Exit".
- D. Prohibited signs. Any signs not specifically permitted are hereby prohibited.
- E. Illumination. Illumination devices, such as but not limited to flood or spotlights, shall be so placed and so shielded so as to prevent the rays of illumination thereof from being cast into residential properties off the subject premises or onto a public right-of-way.
- F. Traffic control on private property. Signs controlling traffic entering and leaving any property, excluding enter and exit signs, shall conform to the designs recommended in the Manual on Uniform Traffic Control Devices for Streets and Highways.