

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #17/18

**AN ORDINANCE AMENDING CHAPTER 338 OF
THE CODE OF THE TOWN OF WEST NEW YORK ENTITLED “SIGNS”**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, Chapter 338-12 permits signs to be illuminated throughout the Town, but with limitations; and

WHEREAS, the use of illumination in and around businesses has expanded through the years; and

WHEREAS, the Board of Commissioners now seeks to update and amend Chapter 338-12 with respect to illumination.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York, that Chapter 338-12 entitled “Illumination” shall be amended as follows:

Section One

Chapter 338-12 shall be deleted in its entirety and replaced as follows:

§ 338-12 Illumination.

- A. No sign shall be an illuminated sign except as provided herein.
- B. No sign shall be illuminated externally by more than three (3) floodlight per surface of said sign. Such lighting shall be at grade and properly directed and shielded so as not to produce glare or offensive light off the property.
- C. No sign shall be flashing, running or blinking. All illumination must be fixed and solid. Any sign that changes images must have 10 second intervals between images.
- D. All illumination outlining roofs, doors, windows and wall edges must be fixed and solid.

- E. No sign shall be artificially illuminated after 11:00 p.m. or before 7:00 a.m., unless said business is operating and/or attended and open to the public. Accordingly, a business that is not open to the public and is not in operation shall not have an artificially illuminated sign.
- F. No sign in a residential district shall be illuminated other than by indirect lighting with the source thereof so shielded that it illuminates only the face of the sign.
- G. Awnings which are used as signs may be illuminated by indirect lighting with the source thereof so shielded that it illuminates only the face of the sign and may be backlit with the source thereof so shielded that it illuminates only the face of the sign.
- H. No sign's illumination shall exceed a color temperature of 8500 nits.

Section Two

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section Three

Repealer. All ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, or the extent of such conflict or inconsistency, it being legislative intent that all ordinances or portions of ordinances now existing or in effect shall remain in effect unless the they are in conflict or inconsistent with any provision of this Ordinance.

Section Four

When Effective. This ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 338-12 and updates the use of illuminated signs throughout the Town of West New York

Introduced: 10/17/2018

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **October 17, 2018** and ordered published, and will be further considered before final passage at a public hearing on **November 28, 2018 at 6:30 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk