

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

ORDINANCE #8/17

**AN ORDINANCE AMENDING CHAPTER 338 OF THE TOWN OF WEST NEW YORK
MUNICIPAL CODE**

WHEREAS, Chapter 338 of the Town of West New York (Town) Municipal Code governs the requirements for sign erection within the Town; and

WHEREAS, the Town is desirous of updating Chapter 338.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York that:

SECTION ONE

Chapter 338 is deleted in its entirety and replaced with the following:

§ 338-1 Restriction on written or painted matter.

A. No person or persons shall write, paint or place any word(s), bills, signs, symbols, pictures or designs upon any of the sidewalks, curbstones, fire hydrants, retaining walls, telephone poles, street lamp poles, public buildings, walls or structures or park benches, fences or park structures, bus shelters, telephone signal boxes and traffic light signal boxes, or upon anything that may be deposited or erected in or upon any public street or highway within the Town of West New York in the County of Hudson.

B. Signs painted on an exterior or a wall are prohibited.

TEMPORARY CONTROL SIGNS

§ 338-2 Regulation of temporary traffic control signs.

No person, firm, entity, contractor or utility shall erect a temporary traffic control sign on any public street, driveway entrance area, structure, pole, tree, bus shelter, building, steps, utility pole or bench without obtaining the written approval of the West New York Traffic Department before erecting said sign.

§ 338-3 Temporary traffic control signs and fee.

A. Any temporary traffic control sign approved by the Traffic Department shall be of paper, cardboard or other disposable composition and shall be of uniform design to afford immediate

recognition by the public. Each such temporary traffic control sign shall be furnished to the applicant by the Traffic Department at a cost of \$1 per sign.

B. Before erecting any temporary traffic control sign the person, firm or entity shall apply to the Traffic Department indicating the proposed location of the sign, purpose of the sign and duration that the sign will be posted. This information shall be furnished informally by letter or signed memorandum. The Traffic Department shall review said application and may, in its discretion, deny said application if, in its opinion, the posting of said proposed sign will create a traffic safety hazard to the citizens of West New York.

§ 338-4 When effective; enforceability.

This Chapter shall take effect immediately upon passage and publication as provided by law. If any section of this Chapter is ruled to be unenforceable, the remaining sections of this ordinance shall be enforced.

GENERAL SIGN REGULATIONS

§ 338-5 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

AREA OF SIGN

The area of a sign as computed by §338-7 herein.

AWNING

Any roof-like structure, made of cloth or metal with metal frames attached to a building, projecting over a thoroughfare, which may or may not be supported by poles, columns or other structural supports which meet the ground. Awning shall include any structure made of cloth or metal attached to a building, projecting over a thoroughfare which may or may not be retractable. An Awning shall also include a roof-like structure extending over or in front of a door or window for the purpose of providing shelter from the elements. Awnings shall also include structures known as canopies. Awnings which display, reproduce or include any letter, word, name, number, model, insignia, emblem, design, device or representation used for one or more of the purposes contained in the definition of sign below shall be considered a sign for the purposes of this Chapter.

BANNER

Any temporary sign applied to paper, plastic or fabric of any kind, which is displayed vertically or horizontally extending over a public way and not free standing.

BILLBOARD

Any sign erected or maintained for the purpose of displaying outdoor advertising for products or services and is in excess of 40 square feet.

BLADE SIGN

Any sign which is engineered to project from the face of a wall or other structure and typically has multiple faces. Also known as a projecting sign.

BUILDING FRONTAGE

Shall mean the building façade as measured from the ground up to the roof of the building. Building frontage shall not include any parapet.

ERECT

To build, construct, attach, hang, place, suspend or affix; also includes the painting of signs on walls.

FACING or SURFACE

The surface of the sign upon, against or through which the message is displayed or illuminated on the sign.

FREESTANDING SIGN

Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, or a sign designed to be transported. Freestanding signs shall include, but are not limited to, signs converted to A- or T - frames, menu and sandwich-board signs, balloons used as signs, umbrellas used for advertising, vertical banners, flags or pennants, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicles are used in the normal day-to-day operations of the business.

ILLUMINATED SIGN

Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

MAINTENANCE

Includes replacement, without substantial change, of any parts or support of any sign and the painting, without change of text, design or size of any sign, without removal of the sign from the wall or structure supporting it.

MARQUEE SIGN

Any hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare, including signs attached thereto, the supports of which are an integral part of the original structure and which is not retractable.

PENNANT

Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

ROOF SIGN

Any sign erected, constructed and maintained wholly upon or over the roof of any building, with the principal support on the roof surface, sometimes referred to as a "sky sign."

SIGN

Includes any device, either freestanding or attached to a building or structure, erected, painted, represented or reproduced upon or in (to the extent provided herein) any building or structure, which displays reproduces or includes any letter, word, name, number, model, insignia, emblem, design, device or representation used for one or more the following purposes: to identify the premises or occupant or owner of the premises; to advertise any trade, business, profession, industry, service or other activity; to rent or use of all or a part of the premises, including that upon which it is displayed; to sell all or part of the premises, including that upon which it is displayed; to direct vehicular or pedestrian traffic, other than state, county or municipal highway and roadway markers; and shall include any announcement, declaration, demonstration, display, illustration, insignia or any representation used to advertise or intended to advertise or promote the interest of any person. In no event shall the word "sign" be construed to mean any sign in the interior of any structure, except as specifically set forth in this chapter.

TEMPORARY SIGN

Any sign, as defined herein, used temporarily for a period not to exceed 30 days, except as provided by § 338-11. Temporary signs shall include grand opening signs, going out of business signs, banners, pennants, and other like nonpermanent signs which are fixed, mounted or otherwise attached to a building.

WINDOW

Includes any opening in the exterior wall or roof of any structure for the purpose of admitting air or light, whether or not covered with glass, plastic or other covering.

WINDOW DISPLAY SIGN

Includes all signs, as defined herein, including signs which indicate hours of operation, membership in a retail or professional organization or credit card or credit association, show manufacturers' or required licenses or advertisements referable to sales within which are situated within the window surface, or block or otherwise obstruct the view through a window shall be as regulated in § 338-9B.

§ 338-6 Permit required; application; issuance of permits; fees.

A. Application: No sign shall be erected, altered, located or relocated within the municipality except upon application and the issuance of a permit as hereinafter provided.

- (1) Application for a permit for signs in residential districts.
 - (a) Application for a permit for a sign for premises used for residential purposes shall be made, in writing, to the Zoning Officer and presented together with the filing fee pursuant to § 161-2E. Such application shall be sufficient to describe the premises and the location at which the sign is to be affixed, together with a rendering of the sign, inclusive of its dimensions, design and color. There shall also be provided a statement as to the means by which said sign shall be constructed on the premises.
 - (b) Application for a permit for a sign for premises used for commercial purposes shall be made, in writing to the Zoning Officer and presented together with the filing fee pursuant to § 161-2E. An application for a permit pursuant to this subsection shall be triggered by the installation of a new sign, and/or a change in occupancy or ownership. Such application shall be sufficient to describe the premises and the location at which the sign is to be affixed and at minimum the following items:
 - (i) The name and address of applicant.
 - (ii) The name and address of the owner of the premises.
 - (iii) A statement as to whether the owner has consented to the application, if the applicant is other than the owner.
 - (iv) A rendering to scale of the sign, reflecting its composition, colors, dimensions, elevation from grade level and lighting; the address of the premises; specification and location of all existing signs; the sight distances, in the case of freestanding signs, with relation to accessways to the premises on which such sign is to be located and adjacent premises; the information to be stated on the sign; and the method by which said sign shall be secured.
 - (v) Documentation which evidences the Zoning Board has approved the commercial use.

- (vi) A statement as to the means by which said sign shall be constructed on the premises.

(2) Application for a permit for signs in nonresidential districts. Any sign associated with a change in occupancy or ownership necessitates an application for a sign permit. Application for a permit for a permitted nonresidential sign conforming to the regulations set forth herein shall be made, in writing, to the Zoning Officer and presented together with the filing fee pursuant to § 161-2E. Such application shall be sufficient to describe the premises and location at which the sign is to be affixed and shall include at a minimum the following items:

- (a) The name and address of applicant.
- (b) The name and address of the owner of the premises.
- (c) A statement as to whether the owner has consented to the application, if the applicant is other than the owner.
- (d) A rendering to scale of the sign, reflecting its composition, colors, dimensions, elevation from grade level and lighting; the address of the premises; specification and location of all existing signs; the sight distances, in the case of freestanding signs, with relation to accessways to the premises on which such sign is to be located and adjacent premises; the information to be stated on the sign; and the method by which said sign shall be secured.
- (e) A statement as to the means by which said sign shall be constructed on the premises.

(3) Application for a permit for a sign which does not comply with the provisions of this Chapter shall be submitted to the Building Department, including any sign associated with a change in occupancy or ownership which does not comply with the provisions set forth herein. Such application shall be in writing and, upon notice and a public hearing where the same is required by law, submitted at least 10 days next preceding the succeeding public meeting date of the appropriate authority, together with a filing fee as set forth in § 161-2E. Such application shall be in triplicate and accompanied by no fewer than 15 building elevations, where the application is for other than a freestanding sign, each of which shall be drawn to scale and reflect the sign location and designation. In addition, on such drawing or separate sheet, the information set forth in Subsection A (2) above shall be provided.

(4) The Zoning Officer shall act upon an application within fifteen (15) business days of the receipt thereof.

B. Issuance of permit:

(1) A permit shall be issued by the Zoning Officer upon the favorable action of the approving authority, subject to any other applicable governmental regulations, or as otherwise provided herein.

(2) A permit for the replacement of an existing sign may be issued by the Zoning Officer without the necessity of Board approval only upon satisfaction of all of the following conditions:

- (a) There is no physical alteration or expansion to the existing sign beyond the limits permitted herein.
- (b) The sign conforms in all respects to the provisions specified herein.
- (c) No other signage is proposed to be added to the premises beyond that which is permitted herein.

C. Any person obtaining a permit for the erection of a sign shall provide proof to the satisfaction of the Building Inspector that the person, firm or corporation actually doing the erection shall have in force a public liability insurance policy with limits of no less than \$100,000 for property damage and \$500,000 for bodily injury per occurrence.

D. No permit nor fee shall be required for signs as provided in § 338-13B.

§ 338-7 Computation of sign area and sign height.

The following principles shall control the computation of sign area and height:

A. Computation of area of individual signs: The area of a sign face shall be computed by drawing a square or rectangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with the sign frame and any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, or by delineating the area established by reason of distinctive variation in background color or by borders, whichever is greater.

B. Computation of area of multifaced signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such signs faces are part of the same sign structure and are not more than 42 inches apart at any point, the sign area shall be computed by the measurement of one of the faces.

C. Computation of height: The height of a sign shall be computed as the distance from the base of the sign at grade to the top of the highest attached component of the sign.

§ 338-8 Sign content ratio.

Any sign, regardless of type or district in which said sign is located, may not contain a pictorial insignia, logo or emblem which exceeds 50 % of the overall sign. This provision shall not limit the use of a sign which exclusively contains alpha and/or numeric symbols unless otherwise prohibited or restricted in this Chapter.

§ 338-9 Regulations governing signs in nonresidential districts.

A. Wall mounted signs:

(1) Wall mounted signs shall comply with the following:

- (a) Wall mounted signs shall advertise only the permitted use, products or service on the premises on which they are displayed.
- (b) No wall mounted sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.
- (c) Unless otherwise provided with respect to this Chapter's rules regarding signs on awnings, no wall sign shall be permitted to project forward more than 8 inches from a building and shall not be attached to a wall at a height of less than 7 feet above the sidewalk or ground as measured from the signs lowest point.
- (d) No wall sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.

B. Window display signs shall be permitted, provided that the aggregate area employed for such purpose shall not exceed 10% of the total window area in (on) which it is located. Window display signs shall not be illuminated. Window display signs shall not be included in calculating the total signage on a building

C. Signs permitted in residential districts for buildings consisting of only residential use, as regulated by this Chapter, shall be permitted and subject to those regulations and applicable to residential structures that are located within commercial and/or industrial districts.

D. The area of signs in commercial districts, where the lot is exclusive to single commercial occupancy, shall be based on a ratio of two square feet of sign area for each linear foot of building frontage on which the sign will be placed and shall not exceed a maximum area of 40 square feet for the business, retail or professional organization. For such commercial lots which are located on a corner lot, the commercial occupancy shall be limited to complementary signage not to exceed the sign area of the building frontage side of the building for the non-building frontage side of the building.

E. The area of signs in commercial districts, where the lot consists of multiple commercial occupancy, shall be based upon a ratio of two square feet of sign area for each linear foot of building frontage on which the sign will be placed and all signs placed on the building frontage shall not exceed a total maximum sign area of 10% of the building frontage. For such commercial lots which

are located on a corner lot, the corner unit(s) shall be limited to complementary signage not to exceed the sign area of the building frontage side of the building for the non-building frontage side of the building.

F. The area of signs in a commercial district, where the ground level commercial unit maintains a rear entrance for the use of customers, shall not exceed the permitted and existing signage on the building frontage.

G. The area of signs in industrial districts, where the lot is exclusive to single industrial occupancy, shall be based on a ratio of two square feet of sign area for each linear foot of building frontage on which the sign will be placed and shall not exceed a maximum area of 40 square feet for the business, retail or professional organization. For such industrial lots which are located on a corner lot, the industrial occupancy shall be limited to complementary signage not to exceed the sign area of the building frontage side of the building for the non-building frontage side of the building.

H. The area of signs in industrial districts, where the lot consists of multiple industrial occupancy, shall be based upon a ratio of two square feet of sign area for each linear foot of building frontage on which the sign will be placed and all signs placed on the building frontage shall not exceed a total maximum sign area of 10% of the building frontage. For such industrial lots which are located on a corner lot, the corner unit(s) shall be limited to complementary signage not to exceed the sign area of the building frontage side of the building for the non-building frontage side of the building.

§ 338-10 Regulation governing residential signs.

Accept as otherwise provide in this Chapter, § 338-15 (Awnings) and § 338-13 (Sign regulations applicable in all districts), the following rules shall apply to signs in residential districts. Signs in residential districts shall be limited to:

A. Institutional signs.

(1) Signs of schools, colleges, churches, hospitals, sanatoriums or institutions of similar public or semipublic nature, provided that the size of any sign shall not exceed 20 square feet in area.

B. Signs accessory to private parking areas.

(1) Signs designating entrances or exits to or from a parking area shall be allowed, provided that the size of any sign shall not exceed two square feet in area.

(2) Signs designating reserved parking spaces shall be allowed provided that the size of any such sign shall not exceed two square feet in area.

(3) Signs designating the identity and conditions of use of parking areas, provided that the size of any such sign shall not exceed nine square feet in area. Not

more than one sign may be placed upon any property unless such property is located on a corner, in which event two such signs may be permitted, one facing each street.

(4) Shall not be illuminated.

(5) Private parking lot signs may be displayed on a wall, post, and/or fence.

C. Development signs.

(1) Signs advertising the sale or development of the premises.

(a) Signs advertising the sale or development of the premises upon which they are located may be erected by a builder, contractor, developer or other persons interested in such sale or development, provided that the area of any sign shall not exceed 20 square feet.

(b) Not more than one sign may be placed upon any such property, unless such property fronts upon more than one street, in which event one such sign may be erected facing each street.

(c) Such sign shall be removed by the developer within 30 days of the final sale of the property.

(2) Directional signs for developments.

(a) Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent, provided that they are of any sign shall not exceed six square feet in area nor four feet in height.

(b) Not more than one such sign may be erected on each 500 feet of street frontage.

(c) Such sign shall be removed by the developer within 30 days of the final sale of the property.

(3) Signs which set forth the name of a residential development shall be allowed in accordance with the rules for commercial signs in residential districts.

D. Artisans' signs.

(1) Signs of mechanics, painters and other artisans may be erected and maintained during the period in which such persons are performing work on the premises, provided that the size of any such sign shall not exceed 12 square feet in area.

(2) Such sign shall be removed within 10 days of the completion of the work.

E. Private driveways. Signs indicating the private nature of a driveway shall be allowed, provided that the size of any such sign shall not exceed two square feet.

F. Temporary signs and Temporary traffic control signs.

G. Signs relative to Zoning Board approved commercial uses.

H. The total signage on a building which has a Zoning Board approved commercial use in a residential district shall not exceed 28.8 square feet and may only be displayed on the building frontage of the building.

I. If property in a residential district which has a Zoning Board approved commercial use is situated on a corner lot then the non-building frontage side of the building shall be entitled to complementary signage not to exceed the sign area of the building frontage side of the building.

J. If property in a residential district which has a Zoning Board approved commercial use is not situated on a corner lot, but has an abutting side private parking area wherein that abutting side private parking area is visible from the roadway then the non-building frontage side of the building where the private parking area abuts shall be entitled to complementary signage not to exceed the sign area of the building frontage side of the building.

K. A property in a residential district which does not have a Zoning Board approved commercial use shall not be entitled to signage except for residential name plates, artisan signs, real estate signs, and/or any other sign which does not require a permit pursuant to this Chapter.

§ 338-11 Temporary signs.

Temporary signs shall comply with the following:

A. All temporary signage, except as specifically exempted under this Chapter, shall require a permit. Said permit shall be valid for a period not to exceed 30 days from the issuance thereof and may be renewed for a period not to exceed 60 days unless exempted below in Subsection B and shall require a new permit application and fee.

B. No temporary sign shall exceed an area of 12 square feet.

C. Nothing contained herein shall be deemed to permit the erection or installation of any political signs upon any pole or tree located on public property or within the public right-of-way within the Town of West New York, and their erection or installation is hereby specifically prohibited. This section shall not be deemed to prohibit temporary lawn signs or street banners as set forth in § 338-13B.

D. Streamers or flags or pennants and banners shall be permitted as temporary signs in accordance with the permit requirements and time restrictions set forth in Subsection A, above.

§ 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 one 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. Flashing signs, running signs, ticker signs, highly reflective glass or fluorescent paint (red or green) and illuminated tubing outlining roofs, doors, windows or wall edges of a building are prohibited.

D. No sign shall be artificially illuminated after 11:00 p.m. or before 7:00 a.m. unless said premises are occupied and attended, except in the commercial and industrial zone of the town.

E. 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.

F. 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.

G. No sign's illumination shall exceed a color temperature of 2,700 K to 3,000 K (i.e., warm white).

§ 338-13 Sign regulations applicable in all districts.

The following regulations shall apply to all signs in all districts:

A. The following types of signs are prohibited:

(1) Any billboard.

(2) Any freestanding sign.

(3) Any sign which is placed or located or displayed upon any sidewalk or area between sidewalk and curb nor shall they project on or over a sidewalk.

(4) Any roof sign.

(5) Any sign erected, painted or composed of fluorescent, phosphorescent or similar material.

- (6) Any sign which, in whole or in part, is moving, mobile or revolving.
- (7) Any sign erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. Any sign which is attached to a standpipe or fire escape.
- (8) Any sign or other advertising structure which is erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, cause an optical illusion or be confused with any authorized traffic sign, signal or device or which makes use of words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse traffic.
- (9) Any sign other than an official traffic sign, to the exception contained in section 338-3, erected within the right-of-way of any street.
- (10) Any sign or other advertising structure which displays any obscene, indecent or immoral matter.
- (11) Any sign erected on an antenna or tower contrary to § 414-100.
- (12) Any blade sign.
- (13) No sign shall hang over or obstruct another sign.
- (14) Any sign placed on fences, walls, utility poles, trees, railway or road bridges, bridge supports or abutments, retaining walls, parking meters or water towers.
- (15) Marquee signs.

B. No permit, pursuant to § 338-6, shall be required for the following signs:

- (1) Real estate signs not exceeding 6 square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located only. Further, no more than one sign shall be placed upon any property unless such property fronts upon more than one street, in which case two signs may be erected, one facing each street. In any case, any such sign shall be removed within 10 days when the premises are sold or rented.
- (2) Residential nameplates identifying a single-family residence and/or street address, not to exceed one square foot in area. Only one sign shall be permitted per dwelling unit, except in the case of corner lots where two such signs, one facing each street, shall be permitted. For multiple dwelling structures, a single identification sign not exceeding six square feet in area.

- (3) Bulletin boards or signs not over 16 square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions.
- (4) A sign identifying the architect, engineer or contractor, when placed upon a work site under construction, not to exceed 6 square feet in area, provided that the sign is set back at least 15 feet from the curb, and further provided that the same is removed within 24 hours after final certificate of occupancy is issued.
- (5) Memorial signs or tables, names or building and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- (6) Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary, emergency or non-advertising sign or signs of any governmental agency deemed necessary to the public welfare.
- (7) Flags of the United States, State of New Jersey or other governmental or quasi-public agencies, subject to reasonable size and location.
- (8) Holiday decorations and lights on residential premises.
- (9) Signs erected to control the movement of traffic on a premise, provided that these signs shall provide traffic directions only and shall not be used for any advertising purpose. These signs shall not exceed four square feet in area and shall have been approved by the appropriate approving agency.
- (10) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments, provided that all such signs shall be removed no later than 10 days after the last day of the period for which the same are required to be displayed in order to accomplish their purpose.
- (11) Signs of any political party or announcements of the candidacy of any individual for a nomination or office, provided that in any residential district no such sign shall exceed two square feet in area and in any district other than a residential district no such sign shall exceed in area the maximum area of sign display permitted on any lot in that district, provided, further, that all such sign shall be removed no later than ten (10) days after the day of the election to which they pertain and provided that said sign is consistent with the provisions of § 338-11(c).
- (12) Signs advertising only the name, time and place of any bona fide and municipally licensed fair, carnival, festival, bazaar or similar event, when

conducted by a public agency or for the benefit of any civic, fraternal, religious or charitable cause, provided that no such sign in any residential district shall exceed 20 square feet in area or be displayed except on the immediate site of the event to which it pertains, no such sign in any C or I District shall exceed in area the maximum area of sign permitted on any lot in that district and provided further that all such signs shall be removed within 10 days after the last day of the event to which they pertain.

(13) Signs not exceeding two square feet in area warning the public against trespassing on the land on which the same are displayed.

(14) No solicitation signs, so long as such sign does not exceed one square foot.

(15) Signs of whatever size necessary, warning the public of danger, but not containing any advertising material in addition thereto.

§ 338-14 Nonconforming signs.

Any signs existing at the time of the passage of this chapter and which violate any provisions thereof shall be deemed a nonconforming use and may be continued, maintained and repaired upon the present premises or location; provided, however, if such sign is deemed a unsafe or insecure by the Zoning Officer such sign must be removed. Any nonconforming sign which is associated with a change in occupancy or ownership shall necessitate an application to the appropriate approving authority.

§ 338-15 Awnings.

A. Awnings in residential districts, including those which are used in whole or in part as signs, shall not project more than three feet from the building, nor be wider than 12 feet or the width of the building, whichever is less, and shall not extend more than three feet high from its lowest point.

B. Awnings in commercial and industrial districts, including those which are used in whole or in part as signs, shall not project more than three feet from the building, nor be wider than 25 feet or the width of the building, whichever is less, and shall not extend more than three feet high from its lowest point.

C. Awnings shall not be attached to a wall at a height of less than 7 feet above the sidewalk or ground as measured from the signs lowest point.

D. No sign which is displayed, reproduced or included on an awning shall exceed 80% of the overall awning or the total amount of signage allowed on a building frontage side in its relevant zoning district, whichever is less. 80% of the awning shall be measured as the face of the awning, excluding any and all end caps.

§ 338-16 Applicability of Current Building Codes.

A. All signs shall be constructed in accordance with the requirements of the building codes as adopted by the Department of Community Affairs of the State of New Jersey. If the Zoning Officer, Code Enforcement Officer, or any designee of the Zoning Officer or Code Enforcement Officer thereof, shall find that any sign, sign illumination, brackets, supports, poles, rigging, wiring, posts, frames, holders, mountings, or other device utilized to display, hold, or support a sign which is unsafe or insecure, the Zoning Officer, Code Enforcement Officer, or any designee of the Zoning Officer or Code Enforcement Officer thereof, shall give written notice to the owner, agent or person having the beneficial use of the premises upon which such sign may be erected. Such owner, agent, or person having been notified of said violation shall remediate any violation no later than 10 days from the date of the written notice. The Zoning Officer, Code Enforcement Officer, or any designee of the Zoning Officer or Code Enforcement Officer thereof, may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed immediately and simultaneously with the issuance of a written notice.

If such owner, agent or person fails to remove or alter the sign so as to comply with the standards herein set forth within the allotted time period after such notice, such sign or other advertising structure may be removed or altered to comply, by the Zoning Officer, Code Enforcement Officer, or any designee of the Zoning Officer or Code Enforcement Officer thereof, at the expense of the owner, agent or person having the beneficial use of the premises upon which such sign may be erected.

Nothing in this Section shall act to grandfather in any existing sign which is unsafe or insecure as of the effective date of this Chapter.

§ 338-17 Removal of Signs.

A. Any and all signs posted in connection with a business, professional organization, service or other activity, whether for profit or not for profit, must be removed within 10 days after that business has ceased operations at the location whether the sign is erected or placed.

B. When removing any and all signs pursuant to this Chapter the sign owner and the owner of the property, building or land on which the sign was displayed shall remove any and all brackets, supports, poles, rigging, wiring, posts, frames, holders, mountings, or other device utilized to display, hold, or support the sign being removed. Structures removed pursuant to this provision must be removed within 10 days after that business has ceased operations at the location whether the sign is erected or placed.

§ 338-18 Visibility of Sign.

Any and all signs must be designed in such a way that the lettering and/or symbols which represent the message contained on the sign are visibly distinct from the background, such that a casual

observer would be capable of reading each word, letter, number, phrase or symbol which constitutes the message on the sign.

§ 338-19 Violations and penalties.

Any person, firm, entity, contractor or utility who shall violate this Chapter shall be subject to a fine of no less than \$100.00 and no more than \$500.00 per day or each part thereof during which a violation exists. Each sign which violates this Chapter shall be deemed a separate offense.

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

SECTION FOUR

This Ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance governs the permissibility of signs.

Introduced: February 16, 2017

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 **February 16, 2017** and ordered published, and will be further considered before final passage at a public hearing on **March 16, 2017 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