

**ORDINANCE 2013-9**

**AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, PROVIDING FOR THE LICENSING OF TEMPORARY SECONDARY SIGNS FOR BUSINESS ESTABLISHMENTS.**

**WHEREAS**, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to Statute (N.J.S.A. 40:48-1, et seq.); and

**WHEREAS**, municipalities are required by Statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

**WHEREAS**, the Chester Business community has requested permission for the use of secondary signage which is temporary in nature, in order to promote their businesses, and in turn the overall economic viability of the Chester Borough; and

**WHEREAS**, the Borough Planning Board has suggested the creation of a licensing process to allow Chester Borough business owners an opportunity to use secondary signage, which shall be uniform in nature throughout the Borough; and

**WHEREAS**, upon review of the Borough Planning Board's suggestions, the Mayor and Council agree that it is in the best interests of the residents of the Borough of Chester to adopt the recommended ordinance; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Chester, County of Morris, State of New Jersey that the Borough Code is hereby amended as follows:

**SECTION 1:** The Code of the Borough of Chester is hereby amended to include a new Chapter 213, entitled "Temporary Secondary Signs," which shall provide as follows:

**§213-1. License.** Temporary secondary signs for retail or food handling establishments (but not for home occupations) which have a valid business license pursuant to Chapter 180 of this Code, are permitted by special license in all zones where non-residential uses are permitted to use temporary secondary signs, when such signs are designed, constructed, and placed in conformance with this Chapter.

**§213-2. General Requirements.** Temporary secondary signage is permitted for each licensed business, subject to the following conditions:

- A. No sign shall be placed within 15 feet of any intersection or abutting a property line.
- B. No sign shall be placed within 20 feet of a residential zone or a parcel containing only residential uses.
- C. No sign shall be illuminated in any way or incorporate electrical, electronic or reflective enhancements or elements.
- D. No sign shall contain any obscene material.
- E. No sign shall reference any activity or use other than the business of the licensee at the licensed location.
- F. On Main Street between Route 206 and Collis Lane, no free standing sign shall be placed more than 20 feet from the establishment's pedestrian entrance, provided that the sign shall not interfere with building access. [*See Ord. §163-91 (N)*].
- G. No sign shall contain sharp edges or sharp corners that are potentially hazardous to pedestrians.
- H. No sign shall have movable parts or copy.

- I. No sign shall have any audible functions or features.
- J. Nothing shall project more than one inch (1") from the sign face, and nothing shall extend beyond the sign frame.
- K. Any sign pursuant to this Chapter shall comply with the specifications (including materials, design, color and dimensions) for a permitted sign adopted pursuant to §213-3(H), of this Chapter.
- L. Nothing, including but not limited to a picture, poster, pennant, pinwheel, streamer, or balloons for example, shall be affixed, taped or attached to a permitted temporary secondary sign. [*See also Ord. §163-91(L)*].
- M. A permitted sign shall be displayed only when the establishment is open, but no earlier than 6:30 AM nor later than 10:00 PM prevailing time. At all other times, temporary secondary signs must be stored indoors.
- N. A free standing, double-sided sign may be placed in or near the sidewalk only where a minimum five-foot clear sidewalk is maintained (an unobstructed area serving as circulation space for pedestrians). A free standing, double-sided sign may be placed adjacent to the sidewalk if the existing sidewalk is less than five-foot wide, consistent with Subparagraph P of this Subsection, below, provided that the existing sidewalk remains clear.
- O. A free standing, double sided sign located along a permitted street parking area shall maintain a three-foot setback from the curb or edge of the nearest parking space.
- P. A temporary secondary sign may be placed on a patio, porch, courtyard, or mounted flush onto a building, wall, or railing.
- Q. If a licensee qualifies for more than one temporary secondary sign, only one temporary secondary sign per public pedestrian entrance to the business may be displayed at the same time.
- R. No license for a temporary secondary sign shall be issued to any business owner if there is any outstanding building or zoning violation.

**§213-3. Procedures and limitations.** The following procedures and limitations apply to all applicants for a temporary secondary sign license:

- A. Only business owners having a current business license are eligible to apply for a temporary secondary sign license.
- B. The temporary secondary sign license shall be valid for one calendar year.
- C. An applicant for a temporary secondary sign shall submit the required fee as identified in Chapter 127.
- D. The applicant shall submit an informal plan view sketch with sufficient detail and measurements to clearly show the proposed sign location. The submission shall be reviewed by the Zoning Officer, in consultation with a sign advisory committee established for this purpose.
- E. More than one business owner may apply for and share a single temporary secondary sign license, provided that not more than one temporary secondary sign is displayed at a time, which shall be established by agreement of the applicants.
- F. If the sign location is within a County, State, or local right-of-way, evidence of approval or exemption from the appropriate authority shall be a condition of issuance of the local temporary secondary sign license.

- G. By license, subject to approval and conditions of a temporary secondary sign license issued in accordance with this Chapter, all permitted temporary secondary signs shall conform to the Specifications set forth in Exhibit A-1 attached hereto.

**§213-4. Temporary Secondary Sign Advisory Committee.**

- A. Establishment. There is hereby established each year a Temporary Secondary Sign Advisory Committee that shall review and approve applications for temporary secondary signs and issue licenses for same.
- B. Term. The term for each member of the temporary secondary sign committee shall be the regular calendar year.
- C. Membership. The Temporary Secondary Sign Advisory Committee shall consist of three (3) members, composed of the Zoning Officer, a member of the Borough's governing body, and a member of the Planning Board, appointed by the Mayor with the advice and consent of the Council, for one-year terms. The Committee shall function as a subcommittee of the Planning Board.
- D. Duties. In lieu of minor site plan approval with respect to secondary temporary secondary sign license applications only, the Committee is authorized to meet informally with the applicant and administratively approve such licenses by consensus, reporting such approvals to the Planning Board. In this process, the Committee may allow reasonable deviations from the design standards of this ordinance.
- E. Appeals. If the Committee does not approve an application for secondary temporary sign license, then the Committee shall advise the Planning Board of its reasons in writing. The applicant may appeal a decision or denial by the Committee to the Planning Board within ten days of the denial. The Planning Board shall then hold a hearing and within 45 days report its findings and recommendations to the Borough's governing body. No notice or publication shall be required for a Planning Board hearing appealing a determination of the Committee. The Borough's governing body may decide the matter on the report and recommendations of the Planning Board within 45 days of receipt.

**§213-5. Application.**

- A. The Borough Clerk shall prepare an application form for a temporary secondary sign special license, which shall be available at the office of the Zoning Officer.
- B. The Application shall require the following:
  - (1) The name, address, and telephone number of the applicant;
  - (2) The name, address, and telephone number of the business owner or operator;
  - (3) The address at which the requested sign is to be located;
  - (4) Submission of an informal plan view sketch with sufficient detail and measurements to clearly show the proposed temporary secondary sign location; and
  - (4) Such other information which the Borough Clerk and/or Zoning Officer may deem appropriate.
- C. The Zoning Officer shall review the application for completeness, and make recommendations to the temporary Secondary Sign Advisory Committee regarding the conformity of the proposal with the requirements of this Chapter.

D. Any license issued pursuant to this Chapter shall include an acknowledgement form signed by the applicant, which specifies the type of sign permitted by the license issued, and the permitted location of same.

**§213-6. Enforcement and penalties.**

A. Summary removal. The Zoning Officer, a Police Officer, the Borough Engineer, or Construction Official may immediately confiscate and remove a temporary secondary sign which is in violation of this Chapter, including but not limited to being unlicensed, or which violates any condition of its license, including time of display and/or approved location. If a business owner's sign is confiscated for a second time, then the Zoning Officer shall revoke the business owner's license for the current year, and the business shall be ineligible to apply for a temporary secondary sign license for the succeeding calendar year.

B. Penalties. Violations of this ordinance shall also be subject to a fine as set forth in § 1-17 of the Code of the Borough of Chester.

**§213-7. Sunset.** This ordinance shall expire on December 31, 2016, and be come of no further force and effect. Upon expiration of this ordinance, no secondary signage shall be permitted unless specifically approved by the Borough Planning Board, or Zoning Board of Adjustment.

**SECTION 2 :** Chapter 127, entitled "Fees" of the Code of the Borough of Chester is hereby amended and supplemented to include the following fees associated with temporary secondary signs:

<b>Chapter</b>	<b>Section</b>	<b>Description</b>	<b>Amount</b>
<b>213</b>	<b>3</b>	<b>Temporary secondary sign (1-sided):</b>	<b>25.00</b>
<b>213</b>	<b>3</b>	<b>Temporary secondary sign (2-sided):</b>	<b>50.00</b>

**SECTION 3.** If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

**SECTION 4:** All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 5:** This ordinance shall take effect upon passage and publication according to law.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Robert L. Davis, Mayor

Attest:

\_\_\_\_\_  
Valerie A. Egan, Administrator/Borough Clerk

**LEGAL NOTICE OF PENDING ORDINANCE**

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris, New Jersey, held on the 2<sup>nd</sup> day of July 2013. It will be further considered for final passage after public hearing thereon, at a meeting of said Mayor and Council to be held in the

Chester Borough Hall, 50 North Road, in said Borough, on August 6, 2013 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in said Borough Hall building to members of the general public who shall request the same.

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Valerie A. Egan, Borough Clerk

# EXHIBIT A

## **Overall Specifications**

**Overall Width x Height x Depth:** 25½" x 26" x 42"

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**Features:** Double-Sided, Outdoor, Separate Header Area

**Material:** Wood

**Color:** Mahogany

**Weight:** 24.50lbs

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## **Notice & Message Board**

**Write-on Width x Height:** 23½" x 28"

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**Header Width x Height:** 23½" x 6½"

**Backing Surface Type:** Marker Board

**Number of Headers:** 2

**Markers to Use:** Wet Erase, Liquid Chalk

**Backing Surface Color:** Black

**Notice Board Style:** Open Face