

ORDINANCE 2013-11

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, PROVIDING FOR THE LICENSING OF 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 pursuant to this Chapter shall comply with the specifications (including materials, design, color and dimensions) set forth in Schedule A-1 appended to 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 existing sidewalk remains clear.
- O. A temporary secondary sign may be placed on a patio, porch, courtyard, or mounted flush onto a building, wall, or railing.
- P. 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.
- Q. 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, and a decision rendered thereon with 21 days of submission.
- 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, (Chair of Community Relations), 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 that specifies the type of sign permitted by the license issued, and the permitted location of same.
- E. The Zoning Officer shall advise the Planning Board of license application determinations, at the next regularly scheduled Planning Board meeting following such determinations.

§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 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.

Schedule A-1 (Temporary Secondary A-Frame Sign Specifications) See Attached.

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:

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

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 FINAL ADOPTION

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Chester, in the County of Morris, State of New Jersey, held in the municipal building on the 6th day of August 2013, and the same came up for final passage at a meeting of the said Borough Council on the 3rd day of September, 2013 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law. By order of the Borough Council of the Borough of Chester, County of Morris and State of New Jersey.

Valerie A. Egan, Municipal Clerk

**CHAPTER 213 (TEMPORARY SECONDARY SIGNAGE)
SCHEDULE A-1**

I. A-FRAME SIGNS

A. Dimensions:

Open:	25-1/2"w x 26"h x 42"d
Closed:	25-1/2"w x 2-1/8"h x 42"d
Viewable area:	23-1/2"w x 28"h
Header:	23-1/2"w x 6-1/2"h
Weight :	24.5 lbs

B. Overall Specifications:

Overall Width x Height x Depth	25½" x 26" x 42"
Features	Double-Sided, Outdoor, Separate Header Area
Material	Wood
Color	Cherry
Weight	24.50lbs

C. Notice & Message Board Area:

Write-on Width x Height	23½" x 28"
Header Width x Height	23½" x 6½"
Backing Surface Type	Marker Board
Number of Headers	2 (One shall be "Historic Chester Borough")
Markers to Use	Wet Erase, Liquid Chalk
Backing Surface Color	Black with gold trim
Notice Board Style	Open Face

D. Illustrative Examples:

See attached photo

See: <http://www.displays2go.com/P-16031/24-x-28-Menu-Board-Use-with-Wet-Erase-or-Chalk-Markers> (with cherry finish).

II. Wall or Railing Mounted Signs:

A. Maximum Dimensions (not to exceed):

Overall Width x Height	21.5" x 28.5"
Writable Area Width x Height:	18" x 25"
Subject to display and mounting restrictions	

B. Overall Specifications:

Frame Material:	Wood
Frame Color:	Cherry
Wall Mount:	Ready, with ease of quick sign removal
Rail Mount:	Ready, with ease of quick sign removal
Backing Surface Type	Marker Board
Number of Headers	1: shall be "Historic Chester Borough"
Markers to Use	Wet Erase, Liquid Chalk
Backing Surface Color	Black with gold trim
Notice Board Style	Open Face

— BUSINESS NAME —

HISTORIC CHESTER BOROUGH

