

ORDINANCE NO.2401

AN ORDINANCE AMENDING CHAPTER XL, SECTION 3002  
OF THE CODE OF THE BOROUGH OF ROSELLE PARK  
ENTITLED "SIGNS"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, and State of New Jersey as follows:

SECTION 1: 40-3002 Signs.

A. *Types and Area of Signs.* A sign shall include banners, streamers, whirling or lighting devices or any other type of attention-attracting device and may be a single-faced, double-faced or a V-type structure. The following terms are defined as indicated below:

1. **Business Sign.** A sign which directs attention to the sale of goods or to professional services, other services or entertainment rendered or offered upon the premises where such sign is located.
2. **Billboard.** A sign, in excess of twenty-four (24) square feet in area, that directs attention to a business, commodity, service, entertainment or facility and is not located upon the business premises.
3. **Flashing Sign.** Any illuminated sign on which the artificial light is not maintained stationary and constant in intensity or color at all times when such sign is in use, including, but not limited to moving, rotating, flashing, oscillating, shuttered or similar signage.
4. **Directional Sign.** A sign containing no advertising other than a name, either temporary or permanent that serves as a convenience to the public to show direction to a place or activity.
5. **Campaign Sign.** A temporary sign advertising the name of the candidate for elevation, including the name of a political party.
6. **Temporary signs, including banners and pennants, shall be permitted for special public and semi-public events and for private grand openings, special sales events, contractors, mechanics, painters and artisans.**
7. **Illuminated Sign.** Any sign which is designed to be seen at night by virtue of artificial light from within, behind or upon such sign, but not including reflector-type signs unless the source of light is made a part of, or is related to, such sign.
8. **Sign Area.** The gross area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display unless such structural elements are purposely illuminated to form a part of the display. In the case of an open sign, made up of individual letters, figures or designs, the space between such letters, figures or designs shall be included. In computing the area of a double-faced sign, both sides shall be considered, regardless whether both sides are identical.

9. Wall Sign. A sign attached to or painted on a wall and subject to all sign regulations herein.

10. Pole Sign. A sign constructed of one (1) or two (2) poles with the sign permanently affixed to the pole(s) and containing one (1) or two (2) sign faces.

11. Hanging Sign. A sign that hangs off of brackets or chains.

12. Bulletin Board. A sign describing events, schedules, functions and the like, not exceeding twenty-four (24) square feet in area and set back at least one-third (1/3)\* from any existing front yard.

13. A-Frame Signs. A-frame signs shall be allowed for businesses such as restaurants, liquor stores, etc., to advertise daily specials. The A-frame signs shall be no greater than two (2) foot wide x four (4) foot tall, total size above finished grade and must be maintained against the building so as not to impede pedestrian traffic. The A-frame signs can only be exhibited during business hours and must be removed at the conclusion of business hours.

14. Free-Standing Banners. A Free-Standing Banner shall be allowed for all businesses facing the Westfield Avenue Corridor. The Free-Standing Banner shall be no greater than one (1) foot wide x eight (8) feet tall, total size above finished grade and must be maintained against the building so as not to impede pedestrian traffic or obstruct visual path of vehicular traffic. The Free-Standing Banner may only be exhibited during business hours and must be removed at the conclusion of business hours.

B. Signs in R-1, R-2, R-3 and R-4 Residential Districts as defined in this Land Use Chapter of the Borough of Roselle Park. No sign shall be placed where it obstructs pedestrian or vehicular views.

1. The following signs may be erected and maintained, subject to the conditions specified:

a. One (1) non-illuminated nameplate and exceeding one (1) square foot in area announcing the name and address of the occupants of the residence.

b. One (1) sign of a professional, including without limitation to physician, dentist, or lawyer or a person conducting a home occupation on the premises, having no greater dimension than eighteen (18) inches by nine (9) inches, which sign shall not be illuminated.

c. One (1) bulletin board, which may be illuminated by non-flashing, uncolored, diffused or indirect lighting.

d. One (1) sign, not exceeding fifteen (15) square feet in area, identifying a place of worship, school, clinic or a public or semi-public institution, which sign may be illuminated by non-flashing, uncolored, diffused or indirect lighting, and such sign shall be set back at least one-third (1/3) from any existing front yard.

e. One (1) non-illuminated real estate sign not exceeding four (4) square feet in area. Any such real estate sign shall be limited specifically to a "for sale" or "for rent" sign and must be removed within three (3) days of closing of title or beginning of tenancy.

f. "No trespassing" signs and signs indicating private ownership of a property or a road, not exceeding one and one-half (1 1/2) square feet in area, and located no closer to the street than the existing building setback.

g. One (1) incidental sign shall be permitted for any multifamily dwelling in which a business or rental office is located, which sign shall have an area not exceeding two (2) square feet; and, in addition, one (1) sign announcing the name of the multifamily dwelling project having an area not exceeding eight (8) square feet, which sign may be illuminated with non-flashing, uncolored, diffused or indirect light.

h. Temporary signs of contractors, mechanics, painters and artisans, erected and maintained on the premises during the duration of the work only, one such sign per trade, each having an area of not more than four (4) square feet; and provided, however, that each such sign shall be removed three (3) days of the completion of the work to which it refers; shall not be limited; and shall be located no closer than ten (10) feet from the street line.

i. Business signs or signs for any permitted commercial activity. A sign or signs for any permitted commercial activity. A sign may be erected and maintained in the same building or premises as used to which it refers, provided that:

(1) The number of such signs shall not exceed two (2); provided, however, that only one (1) of such signs shall be installed in the front of any building.

(2) The maximum total area of the primary sign permitted in the front of the building shall not exceed ten (10%) percent of the wall of the building on which it is attached, and the maximum total area of the other permitted sign shall not exceed eight (8) square feet; provided, however, that any such sign shall be mounted flush with the face of the building and shall not protrude more than three and one-half (3 1/2) inches from the face of the building. No sign shall extend beyond the roof of the building.

2. Signs conforming to paragraph B,1c. and/or d. above shall not be subject to site plan approval.

C. Awnings and Signs in R-1, R-2, R-3, R-4, B-1, B-2, B-3, SCH and PD Districts as defined in this Chapter XL, Land Use of the Revised General Ordinances of the Borough of Roselle Park.

The following signs may be erected and maintained, subject to the conditions specified. No sign shall be placed where it would obstruct pedestrian or vehicular view.

1. Awnings shall be permitted on all retail buildings in the Borough in all zones. All awnings shall be constructed and installed so that the awning compliments the overall building design. No awning shall extend more than four (4) feet from the building facade. No awning frame shall be less than eight (8) feet above the ground, and no valance shall be closer than seven and one-half (7 1/2) feet from the ground.

a. Where applicable, awnings shall be colors generally consistent with traditional architectural design. Awnings of bold patterns, checks or stripes are prohibited.



d. The sign may be lighted by internal means only, provided that any illumination shall not produce any significant lighting effect measured at a horizontal distance five (5) feet beyond the sign; and

e. The total permitted height of the sign, including the post, shall not exceed twenty (20) feet.

D. Signs in the ROB District as defined in this Chapter XL, Land Use, of the Revised General Ordinances of the Borough of Roselle Park. The following signs may be erected and maintained, subject to the conditions specified:

1. Any sign permitted in residential districts; provided, however, that real estate signs permitted by this section may be increased to an area not exceeding twelve (12) square feet for each street frontage.

2. Business signs or signs for any permitted commercial activity. A sign may be erected and maintained on the same building or premises as the use to which it refers, provided that the number of such signs shall not exceed two (2), only one (1) of which shall be installed in the front of a building.

3. One (1) sign designating the name and address of the building may be attached to the front wall of the building; provided, however, that the following restrictions shall apply:

a. Such sign shall not have electric lights or fixtures attached to it nor be lighted in any manner other than by general floodlighting illuminating the facade of the building.

b. Such sign shall be a flat sign against the building and shall not project beyond the ends or above the roof of the building.

c. Such sign shall not have an area greater than five (5%) percent of the total area of the wall of the building to which it is attached or sixty (60) square feet, whichever is less.

4. One (1) pole sign describing the business or businesses located on the lot in question: provided, however, that the following restrictions shall apply:

a. Such sign shall not have an area greater than fifteen (15) square feet per face.

b. Such sign shall be set back from the front property line at least ten (10) feet.

c. The sign may be lighted by internal means or with floodlights from ground level only, provided that the illumination shall not produce any significant lighting effect measured at a horizontal distance five (5) feet beyond the sign.

d. The total permitted height of the sign, including the post shall not exceed eight (8) feet.

5. One (1) directory sign bearing the name and/or business of the occupants of a multi-occupancy building may be located at the principal entrance to such building, provided that no such sign shall exceed an area of eight (8) square feet, and the area devoted to each occupant shall not exceed seventy-two (72) square inches.

E. Signs in the Industrial District as defined in Chapter XL, Land Use, of the Revised General Ordinances of the Borough of Roselle Park. The following signs may be erected and maintained, subject to the following conditions specified:

1. Any sign permitted in any other district.
2. Signs for commercial use in the Industrial District shall be in accordance with the provisions of subsection C. hereinabove.
3. Pole signs shall be permitted, subject to the following requirements:
  - a. Such sign shall not have an area greater than thirty (30) square feet per face;
  - b. Such sign shall be within the property lines and shall not overlay the public right-of-way;
  - c. The sign may be lighted by internal means only, provided that any illumination shall not produce any significant lighting effect measured at a horizontal distance five (5) feet beyond the sign; and
  - d. The total permitted height of the sign, including the post, shall not exceed twenty (20) feet.
4. On any lot, one (1) billboard extending not more than thirty (30) feet in height, such billboard having a display area no greater than eight (8) feet high and thirty (30) feet long, the bottom of the sign not less than ten (10) feet above the ground, and provided that none of the above signs shall be permitted within a required front yard. No billboard shall be located any closer than one thousand (1,000) feet to any other billboard.

F. *General Sign Regulations.* The following shall apply to all signs in the Borough.

1. No sign shall be erected or maintained so as to prevent free and safe ingress to and egress from any window, door or fire escape and no sign shall be attached to a fire escape.
2. No sign shall be erected or maintained at the intersection of streets or at a driveway entrance or exit so as to obstruct free and clear vision, and if, located near or within a line of vision of any traffic control sign or signal, such sign shall have no red, green or amber illumination.
3. Signs may be painted on or affixed flat against the walls of buildings or may project there from not more than three and one-half (3 1/2) inches.
4. Directional signs of a public or semi-public nature, not exceeding ten (10) square feet in area, may be erected in any district; provided, however, that no advertising matter shall be contained thereon, which signs may be used for the following purposes:
  - a. To indicate name or location of a municipality or public facilities, including without limitation, parking, administrative offices, community centers, schools and places of worship.
  - b. To indicate an event of general public interest lasting not more than seven (7) consecutive calendar days, including without limitation, a garage sale, flea market,

car wash, trade show, fair, benefit, general election and the like. Any such sign shall be deemed a temporary sign and subject to the conditions governing temporary signs.

5. Whenever a sign becomes dilapidated or structurally unsafe or endangers the safety of the public, a building or premises, the Construction Official or authorized designee shall give written notice to the owner of the sign or the owner of the premises upon which such sign is located, and such sign shall be made safe, repaired or removed, as applicable, within a period of ten (10) days from receipt of such written notice; otherwise such owner shall be in violation of this chapter.

6. Neon, argon, or similar tubular gaseous illuminated signs shall be permitted only pursuant to the following regulations:

a. Those signs which are located in the interior of a building, but are intended to be viewed from the outside, are limited to one (1) sign per window and shall be no larger than six (6) square feet, or ten (10%) percent of the total window area, whichever is less.

b. Those signs located on the exterior of the building shall be counted in the overall regulated sign area, and shall be shielded by a translucent diffusing cover in order to minimize glare.

7. Temporary Signs.

a. Temporary signs, including affixed banners and pennants, shall be permitted for special public and semi-public events and for private grand openings and special sales events.

b. One (1) temporary sign used by a business shall not be used more than four (4) times in any calendar year with each use limited to not more than thirty (30) days.

c. No temporary sign shall exceed five percent (5%) of the wall to which it is attached, or ten percent (10%) of the wall to which it is attached if the building faces the Westfield Avenue Corridor. Temporary signs shall require a permit from the Zoning Official. No banner shall be affixed to a freestanding permanent sign.

8. No hanging sign shall be permitted in any district of the Borough of Roselle Park.

#### G. *Sign Permits, Bond and License.*

1. Permits. A sign permit shall be required for all signs regardless of size, excluding: temporary window signs for businesses that do exceed thirty percent (30%) of the window to which it is attached and temporary signs for contractors, mechanics, painters and artisans.

a. All signs shall incorporate the Borough's design standards for signage, as same may be amended from time to time.

2. Signs designating schools, nonprofit organizations, charities, places of worship, political signs, etc. are exempt from requiring a permit but must comply with any other requirements and regulations of this chapter.

3. All illuminated signs, regardless of size, shall require a sign permit, and such illumination shall be installed in accordance with applicable electric codes in force in the Borough, and further provided that all signs shall incorporate the Borough's design standards for signage, as same may be amended from time to time.

4. Permit Fees. No sign permit shall be issued until a sketch showing the size, location, and text and owner has been indicated in writing and a fee has been submitted as set forth in Chapter XVI, Building and Construction, of the Borough Code to the office of the Construction Official, together with license or bond, if required.

5. Bond or Liability Insurance Policy and License. For any sign in any district containing more than fifty (50) square feet and for any sign of any size which projects over public property, a liability insurance policy or an indemnity bond in an amount of ten thousand (\$10,000.00) dollars payable to the Borough of Roselle Park and in a form satisfactory to the Borough Attorney, shall be posted by the owner or erector of such sign; and any such sign and any roof sign of whatever size, shall be erected by an experienced sign erector and certified by a licensed engineer.

H. *Lawful Pre-existing Nonconforming Signs.* The following provisions shall apply to any sign which was lawful prior to the adoption, revision or Amendment of the Chapter XL, Land Use, but which fails to conform to the requirements of the Land Use Chapter by reasons of such adoption, revision or amendment:

1. Routine Maintenance. Routine maintenance for any nonconforming sign shall be permitted, provided that such maintenance shall comply with the provisions of subsections H2,3 and 4 below. The term "routine maintenance" is intended to include such activities as cleaning, replacement of light bulbs, and repainting.

2. Restoration or Repair of Partial Destruction. Any nonconforming sign existing at the time of the passage of this chapter or any amendment thereto may be continued upon the lot so occupied, and any such sign may be restored or repaired in the event of partial destruction thereof.

3. Effect of Removal. Nothing contained herein shall be construed to prohibit the removal and subsequent reinstallation of a nonconforming sign for purposes of maintenance, restoration, and repair or permitted alteration.

4. Alterations. The following provisions shall regulate alterations of nonconforming signs:

a. Alteration of nonconforming sign use. Any sign which does not conform to the requirements of the district in which it is located shall not be enlarged, extended or relocated. Alterations to the sign face and/or message and any lighting appurtenant thereto shall be permissible.

b. Alteration of nonconforming sign structure. A nonconforming sign structure may be altered only if such alteration reduces the extent of nonconformity or changes the structure to a conforming structure.



5. Reversion to Nonconforming Sign Prohibited. A sign which is a nonconforming use and which is changed to a conforming use may not thereafter be changed back to a nonconforming use. A nonconforming sign structure and/or message which is changed to a conforming or less nonconforming structure and/or message may not thereafter be changed back to nonconforming or more nonconforming structure and/or message.

6. Abandonment of Nonconforming Sign. Any nonconforming sign which is abandoned by way of lack of maintenance, restoration or repair or due to the restrictions on alteration as required by this subsection H. shall be removed in its entirety prior to the issuance of any further sign permit.

I. *Prohibited Signs and Sign Activities.* The following signs and activities shall be prohibited throughout the Borough of Roselle Park, unless otherwise permitted by this chapter in specific circumstances:

1. Any sign which is a principal use on the lot, including but not limited to billboards;
2. Signs which are not associated with and accessory to the use on the same lot, excluding billboards;
3. The parking or storage of a motor vehicle or other mobile unit displaying a sign or signs so as to be visible from the public right-of-way or abutting residential zone district;
4. Flashing, fluttering, animated, moving, vibrating, sequential tracer, rotating or revolving signs, except for barber poles;
5. Signs attached to public buildings (except for official signs of the government entities using such buildings), sidewalks, curbs, traffic signs, trees, fences, retaining walls, freestanding walls, utility poles and other poles or posts which are not designed or intended specifically and primarily for the support of such signs;
6. Signs on railroad or vehicular overpasses, except for official railroad or traffic signs or directional signs;
7. Signs which simulate official directional or warning signs erected or maintained by the Federal Government, the State of New Jersey, and County or municipality thereof or by a railroad, public utility or similar agency concerned with the public health, safety and welfare;
8. Signs, illustrations or symbols placed so as to interfere with the opening of an exit door of any building, to obstruct any window opening of a room in a dwelling, to interfere with the use of any fire escape or to create a hazard to pedestrians;
9. Any sign which falsely identifies the premises or occupant of any premises or building or which falsely advertises for sale on any premises or in any building any product or service not available therein;
10. Any sign accessory to a home occupation; and
11. Signs containing obscene, pornographic or lewd messages.

J. *Real Estate Signs.* Real estate signs which are customary and necessary in the offering of real estate for sale or to rent by the owner or by his real estate agent or broker are permitted in all zones provided the following requirements are complied with:

1. Type of Sign: One (1) nonilluminated free-standing real estate for sale/for rent sign is permitted for each property (residential only).
2. Size of Sign: Not to exceed two (2) feet by four (4) feet in size.
3. Location of Sign: On the property which is for sale or for rent, and set back, at its closest point, not less than ten (10) feet from the outer edge of the curb or the pavement of the cart way.
4. Local Address. Signs shall only advertise a residence within the Borough of Roselle Park.
5. Removal: Sign on private property must be removed not later than thirty (30) days after the property is leased or "under contract," as defined by the Garden State Multiple Listing Service. Signs on public property may only be displayed between the hours of 9:00 a.m. and 7:00 p.m. on Saturday and Sunday.
6. Prohibited Sign: Signs indicating that the property has been recently sold or leased by the owner, broker or real estate agent are prohibited.
7. Open House signs shall not be affixed to any tree, utility pole or other sign.
8. Open House: In the event the owner, broker or real estate agent conducts an open house at the premises, an additional sign stating "open house" day and hours may be added on the property on the condition that it may not exceed three (3) square feet and it is posted for a period not to exceed four (4) days prior to the open house. If the open house sign is a rider to the original sign, not exceeding two (2) square feet, it may be up for six (6) days including the day of the open house.
9. Directional Signs: During the hours an open house is in progress, four (4) directional signs, not to exceed five (5) square feet each are permitted. Two (2) may be placed on a main thoroughfare, such as a county or local road within one-quarter (1/4) mile of the property limited to one (1) per company and two (2) may be placed in the neighborhood of the premises, to assist persons in locating the home in which the open house is being held. No balloons, streamers or other appendages are permitted to be attached to any directional sign. No sign advertising an open house shall be located within one (1) foot of the curb, nor shall any sign be located on Westfield Avenue but may be permitted within one hundred (100) feet of said intersection.
10. *Penalty.* Any person, firm or corporation who violates any provision of this subsection, for which another penalty is not prescribed, shall be fined twenty-five (\$25.00) dollars per day or the sign may be removed by the Borough, in which case the owner of the sign and the owner of the property shall be jointly and severally liable to the Borough for the costs of removal.

(1980 Code § 128-113; amended by Ord. No. 1348; Ord. No. 2045; Ord. No. 2168 § I; Ord. No. 2174; Ord. No. 2274 § 1; Ord. No. 2275 § I; Ord. No. 2309; Ord. No. 2343)

SECTION 2: If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3: All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4: This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Introduced: February 20, 2014

Adopted:

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Mayor

Attest: \_\_\_\_\_

Borough Clerk