

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

ORDINANCE #8-12

**AN ORDINANCE OF THE BOROUGH OF MENDHAM AMENDING
CHAPTER 215, ZONING, ARTICLE III, GENERAL REGULATIONS,
§ 215-8, BILLBOARDS, SIGNBOARDS AND ADVERTISING SIGNS,
OF THE CODE OF THE BOROUGH OF MENDHAM**

BE IT ORDAINED by the Mayor and Council of the Borough of Mendham, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 215, Zoning, Article III, General Regulations, § 215-8, Billboards, Signboards and Advertising Signs, is hereby amended and supplemented to read in its entirety as follows:

“§215-8. **SIGN REGULATIONS.**

A. INTENT AND CONSTRUCTION.

The intent of this section is to regulate all signs within the Borough so that they do not intrude upon the small-town, 19th Century atmosphere that has been created by the presence of the many 18th and 19th Century buildings that have been so well maintained throughout the years. The standards established herein are designed to implement the Goals and Objectives as set forth in the Mendham Borough Master Plan's Vision Statement and the Elements addressing the Borough's Land Use Plan, Historic Preservation and Community Facilities Plan in particular. To the extent permitted by general law, the provisions of this section shall be construed to serve that purpose.

B. DEFINITIONS.

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

AWNING/CANOPY SIGN

Any sign in the form of lettering or graphic display that is incorporated into an awning or canopy.

BILLBOARD SIGN

A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

CIVIC EVENT SIGN

A temporary sign in conformance with the requirements of this Chapter which is not a commercial sign, posted to advertise a civic event sponsored by a public agency, school, house of worship, civic-fraternal organization, or similar noncommercial organization located within Mendham Borough. A Civic Event Sign may consist of a Portable Sign or a Temporary Window Noncommercial Sign in accordance with the standards of this Chapter.

CONTRACTOR SIGN

A temporary sign identifying an architect, engineer, contractor, subcontractor, material supplier, landscape architects, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

DIRECTIONAL SIGN

A sign which directs traffic, indicates parking, prohibits trespassing, designates public conveniences or contains other directions or prohibitions.

ELECTRONIC MESSAGE BOARD SIGN

A sign with a fixed or changing display and/or message composed of a series of lights that may be changed through electronic means such as but not limited to Light Emitting Diodes (LED) or Liquid Crystal Display (LCD) technology.

FREESTANDING PERMANENT SIGN

A non-movable permanent structure made up of one or more signs, which structure is not affixed to a building but is standing apart therefrom.

INSTITUTIONAL SIGN

A sign, which by symbol or name identifies an institutional use such as schools, colleges, houses of worship and other institutions of a similar public or semipublic nature, and may also provide the announcement of services or activities to be held therein.

LIGHT-EMITTING DIODE/DISPLAY (LED) AND LIQUID CRYSTAL DISPLAY (LCD)

Electronic devices that channel light through tubes to produce words and graphics, which may be static or changing, for the purpose of conveying information and advertisement.

NEON SIGN

Any sign that uses neon, argon, or any similar gas to illuminate transparent or translucent tubing or other materials, or any use of neon, argon, or any similar gas lighting on or near the exterior of a building or window.

NONCONFORMING SIGN

A sign lawfully erected and maintained prior to the adopting of this ordinance that does not conform with the requirements of this Chapter.

OFF PREMISE OPEN HOUSE SIGN

A readily removable sign announcing the proposed sale or rental of property other than the property upon which the sign is located and providing directions to the subject property.

POLITICAL SIGN

A temporary sign announcing or supporting candidates or issues in connection with any national, state, county or local election.

PORTABLE SIGN

A sign designated or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, a frame, a building, or other structure. Portable signs shall be limited to 'A' frame signs (also referred to as sandwich boards) and wire frame signs. Portable signs may include Civic Event Signs in accordance with the standards of this Chapter.

REAL ESTATE SIGN, ON SITE

A sign announcing the sale or rental of the property upon which the sign is located.

ROOF SIGN

Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

SIGN

The name, identification, description, illustration or any other visual display which is affixed to, painted on upon a building, structure or land.

SIGN AREA

The area included within the outer dimensions of a sign or signs, including borders and frames, but not including structural frames or supports if they are not used for advertising purposes. The sign area of a sign or signs with no clearly defined border is the area within the perimeter of a rectangle, triangle or circle which would enclose such a sign or signs.

WALL SIGN

A sign which is affixed to or painted on any exterior wall of a building.

WINDOW SIGN, PERMANENT

A sign which is attached to or painted on either the inside or outside of an exterior window or which is placed or intended to be viewed through an exterior window.

WINDOW SIGN, TEMPORARY, NONCOMMERCIAL

A sign providing notice of a current civic event as defined in this Chapter and in accordance with the standards herein.

C. SIGNS IN ALL RESIDENTIAL ZONES.

The following signs are permitted in all residential zones:

(1) **Nameplate and identification signs.**

A sign indicating the name or address of the occupant is permitted, provided that the sign shall be no larger than two square feet. Identification of a permitted home occupation may be included on the sign. Only one sign per dwelling unit is permitted in addition to a mailbox identification sign.

(2) **Real estate, on-site contractors, civic event signs, and political signs.**

Signs advertising the sale or rental of the premises upon which they are located, contractors as defined in this Chapter performing work on the site containing the sign, civic events as defined in this Chapter and political signs may be permitted, provided that:

- (a) The size of any such sign shall not exceed six square feet.
- (b) The placement of any sign shall be ground-mounted only and shall not exceed a height of four feet from grade.
- (c) The maximum number of such signs of any combination permitted to be displayed at the same time shall not exceed two (2).
- (d) Real estate, on-site contractors and civic event signs shall be removed when the premises are sold or rented or when work has been completed on the premises or within two days following the conclusion of the civic event.
- (e) The restrictions shall not apply to signage placed upon a property by an agency of the State of New Jersey or a Federal agency.
- (f) Civic Event signs shall be limited to portable signs as defined in this Chapter and shall comply with the following requirements:
 - [1] Maximum of ten (10) signs per event to be posted within the Residential Zone Districts with a limit of one sign per lot
 - [2] Total sign area shall not exceed six (6) square feet
 - [3] Maximum height shall not exceed four (4) feet above grade
 - [4] A Civic Event sign shall not be erected sooner than two weeks prior to the event and must be removed **two days** after the event. No sign permitted hereunder shall remain standing for longer than three weeks.
 - [5] Civic Event signs on Borough-owned property shall be limited to Mountain Avenue Park and Westfield Park.
 - [6] No civic event portable signs shall be permitted on any property located in the Historic District Overlay Zone
 - [7] The cumulative maximum number of civic event portable signs permitted at any time in the Main Street Corridor shall not exceed two (2).

- (3) Developments with four or more homes for sale may be advertised with one sign, of which the sign area shall not exceed 25 square feet. Such signs shall be removed when 95% of the lots have been initially sold. Said restrictions shall not apply to signage placed upon a property by an agency of the State of New Jersey or a Federal agency.

(4) **Institutional signs.**

Signs of schools, colleges, houses of worship and other institutions of a similar public or semipublic nature may be erected and maintained on the premises containing the principal use associated with the signs, provided that:

- (a) A maximum of two permanent freestanding signs for each institution subject to the standards in (b) and (c), below.
- (b) One freestanding sign shall be permitted with a maximum sign area of twenty-five (25) square feet and a maximum height of six (6) feet above grade.
- (c) One freestanding sign to serve as a bulletin board only to identify and announce the activities of the institution with a maximum sign/display area of twelve (12) square feet and a maximum height of six (6) feet above grade.

(5) Off Premise Open House Sign

Signs advertising the sale or rental of a premises other than the property upon which the sign is located and providing directions to the subject property in accordance with the procedures set forth in subsection E.

D. SIGNS IN ALL BUSINESS ZONES.

The following signs are permitted in each of the Borough's Business Zone districts.

(1) Freestanding signs subject to the following:

- (a) No more than one freestanding sign shall be permitted on a lot regardless of the number of establishments on the property.
- (b) Maximum sign area shall not exceed twenty-five square feet.
- (c) Maximum height shall not exceed ten feet above existing grade.

(2) Wall and window signs which direct attention exclusively to a permitted business conducted on the premises on which such sign is located or to a product sold or service supplied by such business and deemed to be an integral part of it. Said signs shall comply with the following:

- (a) The sign area of wall signs shall not exceed five percent of the area of the building face fronting on the street, as measured by the width times the height to the roof line or the ceiling of the second story, whichever is less.
- (b) For the purpose of determining allowable sign area on any premises, permanent window signs shall be treated as wall signs and shall be included in the total sign allowance.
- (c) Signage in windows, excluding temporary, noncommercial window signs as defined in this Chapter, shall not exceed thirty percent of the window surface area.

(3) Portable signs other than civic event signs by permitted businesses shall be allowed under the following terms and conditions:

- (a) The signs shall be made of permanent quality material and shall contain professional lettering.
- (b) Each sign shall be not larger than two feet by three feet.
- (c) Maximum height shall not exceed four (4) feet from grade.
- (d) Not more than one such sign shall be allowed per lot.
- (e) No sign shall be placed in any parking space, traffic aisle or pedestrian walkway, between the street and sidewalk, or in a manner to cause any pedestrian or vehicular traffic obstruction.
- (f) A portable sign shall be displayed only during the regular business hours of the business and shall be removed from view at the close of the business day.
- (g) A portable sign may contain advertisement for more than one business on the same property, provided that said sign complies with all other applicable requirements. No sign may direct attention to a business conducted on a property other than that on which the sign is located.
- (h) Each portable sign shall be subject to the issuance to the tenant or property owner of an annual permit by the Zoning Officer, which permit shall specify the terms and conditions of this subsection. The fee for the permit shall be as set forth in Chapter 102.
- (i) The terms and conditions of this subsection shall be enforced by the Police Department or Zoning Officer of the Borough of Mendham.

- (j) Violators shall be subject to a written warning for the first offense, a fine not to exceed \$100 for the second offense and a maximum fine not to exceed \$250 for each subsequent offense. All illegal signs may be confiscated by the police or Zoning Officer of the Borough of Mendham. If the signs are not picked up or retrieved within 24 hours of such confiscation, they may be discarded.
 - (k) All tenants or property owners must display a current sign permit, as determined by the Zoning Officer, on the face of the sign.
- (4) **Civic Event Signs.** Civic event signs advertising annual activities or temporary events sponsored by a public agency, school, house of worship, civic-fraternal organization, or similar noncommercial organization shall be subject to the following standards:
- (a) Portable Signs
 - [1] Total sign area shall not exceed six square feet.
 - [2] Maximum height shall not exceed four feet from grade.
 - [3] A Civic Event sign shall not be erected sooner than two weeks prior to the event and must be removed within two days after the event. No sign permitted hereunder shall remain standing for longer than three weeks.
 - [4] Such signs shall not interfere with traffic visibility.
 - [5] No activity or event may be advertised more than once at the same lot in any calendar year. All signs permitted hereunder shall require sign permits but shall be exempt from the permit fee.
 - [6] No civic event portable signs shall be permitted on any property located in the Historic District Overlay Zone
 - [7] The cumulative maximum number of civic event portable signs permitted at any time in the Main Street Corridor shall not exceed two (2).
 - (b) Window Sign, Temporary, Noncommercial
 - [1] Limit of one sign per business establishment
 - [2] Maximum sign area of each sign shall not exceed four (4) square feet
 - [3] A Civic Event sign shall not be erected sooner than two weeks prior to the event and must be removed within two days after the event. No sign permitted hereunder shall remain standing for longer than three weeks.

E. GENERAL REGULATIONS.

- (1) Signs requiring site plan approval shall be governed by the following:
 - (a) A sign plan shall be submitted to the Planning Board or, where applicable, the Zoning Board of Adjustment, for approval. To promote a desirable visual environment, the sign plan shall be consistent with the architecture and materials of the principal structure and landscaping plan and shall be consistent with and not substantially different from the existing neighborhood pattern.
 - (b) Freestanding signs and window and wall signage shall comply with the requirements as set forth in this Chapter.
- (2) A sign permit is required and shall be obtained from the Borough Zoning Officer and the Construction Code Official for the erection, alteration or reconstruction of any sign except:
 - (a) Nameplate and identification signs
 - (b) Real estate signs
 - (c) On-site contractors signs
 - (d) Political signs

- (e) Civic event signs which qualify as a “window sign, temporary, noncommercial” sign as defined in this Chapter.
- (3) Fees for all sign permits pursuant to Chapter 102 shall be required, except for a Civic Event sign which shall not require a fee for issuance of a permit and the signs listed in E (2) in this section.
- (4) No moving or apparently moving signs shall be permitted.
- (5) No signs which use reflective material shall be permitted.
- (6) All permanent signs permitted by this section may be lighted, provided that:
 - (a) Such lighting shall be by white light only.
 - (b) Lights for signs must be so shielded that the light produced shall not shine on adjacent properties.
 - (c) No sign shall have its light source from within the sign.
 - (d) No exposed neon tubing or signs utilizing Light Emitting Diodes (LED) or Liquid Crystal Display (LCD) technology shall be permitted.
- (7) The outside dimensions of all structural frames or supports for a freestanding sign shall not exceed the sign area height or width by more than two feet.
- (8) No wall sign shall project more than eight inches beyond the building wall to which it is affixed.
- (9) No sign shall be above the top or beyond the ends of the wall surface upon which it is placed.
- (10) Signs, whether portable, permanent or temporary, other than Borough, county, state signs or signs to alert the general public to an emergency situation or pertaining to work in progress within or proximate to the travelled way shall not be erected within the right-of-way of any street or approved sight easement, nor shall any sign be located so as to constitute a traffic hazard nor in a manner to cause any pedestrian or vehicular traffic obstruction.
- (11) Directional signs having a sign area of less than four square feet are exempt from sign allowance, area and location regulations, provided that they do not constitute a hazard to the public. Directional signs are to be included in the signing plan for those developments requiring site plan approval.
- (12) All signs shall be kept in good repair. Structural elements, casings, faces, lettering and lighting shall be maintained.
- (13) Whenever a sign shall become structurally unsafe or endanger the safety of the building or the public, the Construction Official shall order such sign to be made safe or removed. Such order shall be complied with within 10 days of the receipt thereof by the owner of the building or premises on which such unsafe sign is affixed or erected. Where the Construction code Official determines that an unsafe sign presents an immediate danger to the public, he shall have the authority to dispense with the order to repair or remove and proceed to have sign removed with the cost for such removal to be attached as a lien against the property.
- (14) The owner of any location where business goods are no longer sold or produced or where services are no longer provided shall have 90 days following notification by the Borough to remove any remaining or derelict on-premises signs at the expense of the owner of such property. Where due written notification has been given by the Borough and compliance has not been made within the required ninety-day period, the Borough may cause removal of such sign, with the cost for such removal to be attached as a lien against the property.
- (15) Nothing in this section is intended to supersede any county, state or federal regulation except that, to the extent permissible under general law, any provision of this section which is more restrictive than county, state or federal regulations shall prevail.
- (16) Signs shall not be affixed to any telephone or utility company pole, stanchion or appurtenance within Mendham Borough.

- (17) Signs, including placards, flyers, ribbons, balloons and like medium, shall not be affixed to any tree situate within the public right-of-way within Mendham Borough without the express written consent of the Borough Council.
- (18) All freestanding permanent signs, window signs and wall signs erected, altered or reconstructed within the Main Street Corridor or the Historic District Overlay Zone, excluding signs classified as a "window sign, temporary, noncommercial" as defined in §215-8, B and signs exempt from a sign permit requirement as set forth in E (2) of this section, shall be subject to review by the MSC Design Review Committee or the Historic Preservation Review Commission in accordance with the guidelines established in Article XIA of Chapter 195 or Article XV of Chapter 215 of the Borough Code, as applicable.
- (19) Off premise open house signs will be permitted on private residential property, subject to the property owner's consent, on the day of the event. No more than one such sign shall be permitted on a lot. The signs will be restricted to weekends and must be removed by 6:00 p.m. on the day of the event. Placement of said sign within the public right-of-way, including public sidewalks is prohibited. No permit or fee shall be required however, any person wishing to place an off premise open house sign shall provide the Borough Administrator's office with the name of the realtor, the property owner and location for the proposed sign. The size of any such sign shall not exceed six (6) square feet and the placement of said sign shall be ground-mounted only and shall not exceed a height of four (4) feet from grade.
- (20) Banners may be permitted in accordance with Borough policy.

F. NONCONFORMING SIGNS.

No nonconforming sign shall be altered or replaced except in such a manner as to comply with the requirements of this chapter, except that worn, fading, or accidentally damaged signs may be restored to their original condition or replaced with identical signage.

G. PROHIBITED SIGNS.

The following signs are prohibited in all zone districts within Mendham Borough:

- (a) Billboards
- (b) Neon lighting
- (c) Electronic Message Boards
- (d) LED and LCD signs.
- (e) Roof signs

Section 5. If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion, and such holding shall not affect the validity of the remaining portions hereof.

Section 6. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 7. This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

