

## Ordinance #13-1388

**AN ORDINANCE TO AMEND CHAPTER XXXIV, COMPREHENSIVE DEVELOPMENT, OF REVISED GENERAL ORDINANCES OF THE BOROUGH OF MILLTOWN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, TO PERMIT SIDEWALK SIGNS.**

**BE IT ORDAINED** by the Borough of Milltown of the County of Middlesex and State of New Jersey that the Revised General Ordinances of the Borough of Milltown be amended as follows:

**Section 1.** Chapter XXXIV, Comprehensive Development, of the Revised General Ordinances of the Borough of Milltown, Section 33, Specific Performance Requirements, Subsection 23, Signs, is hereby amended as follows:

**34-33.23 Signs.**

a. *Permits and Yearly Fees.*

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5. All persons erecting permanent signs within the Borough of Milltown shall pay a yearly fee in accordance with the following schedule:

- (a) Signs under four (4) square feet: no fee.
- (b) Signs four (4) square feet or over: ten (\$10.00) dollars per year.
- (c) Freestanding or ground signs: twenty (\$20.00) dollars per year.
- (d) Sidewalk signs: twenty (\$20.00) dollars per year.
- (e) No fee shall be charged for a two (2) year period where a nonconforming sign is replaced with a conforming sign.

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j. *Sidewalk Signs.*

1. Pursuant to the provisions of this ordinance, signs may be placed in or extend to the public right-of-way, notwithstanding the provisions of Subsection 34.33(d).

2. Sidewalk signs, including sandwich board and chalkboard signs ("sidewalk signs"), shall be exempt from the requirement of obtaining a building permit. However, no sidewalk sign shall be located or erected without a zoning permit issued by the Department of Code Enforcement in consultation with the Fire Marshal, the Chief of Police and such other officials, or their designees, as may be desirable.

3. Each business located within the B-1, B-2, B-2A and B-3 zones and having its own separate entrance onto the public sidewalk at street level may place within the front yard in a landscaped area or upon the public sidewalk in front of the said place of business; solely during the hours the said business is in operation, and to be removed each day, one (1) sign meeting all of the following restrictions:

- (a) The sign shall have a maximum width of 30 inches, maximum height of 42 inches, and a maximum depth of 20 inches;
- (b) The sign shall be located no closer than ten (10) feet to any side yard property boundary, provided however, that in the case of a property having frontage of less than twenty (20)

feet, the sign shall be located as near to the center of the frontage as practicable. The sign shall be located within four (4) feet of the curb face or the front of the building, provided further, however, that if the sign is placed upon the sidewalk, a sixty (60) inch wide unobstructed path shall be maintained at all times on the sidewalk;

(c) The sign shall be constructed of weather-resistant materials (no paper, fiberboard, foamcore board, corrugated paper or unfinished wood materials shall be permitted), and shall be constructed and/or weighted so as not to be easily moved by strong winds;

(d) No sidewalk sign may be internally illuminated or illuminated by exterior means, may not flash or contain a variable message; and

(e) No strings, streamers, flags, pennants, spinners, balloons, strings of lights or similar devices shall be attached to any sidewalk sign.

4. Each business located within B-4 and B-5 zones may place; solely during the hours the said business is in operation, and to be removed each day, one (1) sign meeting all of the following restrictions:

(a) The sign shall have a maximum width of 30 inches, maximum height of 42 inches, and a maximum depth of 20 inches;

(b) The sign shall be located within ten (10) feet of the main entrance to the business, provided further, however, that if the sign is placed upon a sidewalk, a sixty (60) inch wide unobstructed path shall be maintained at all times on the sidewalk;

(c) The sign shall not be located within the front yard setback area.

(d) The sign shall be constructed of weather-resistant materials (no paper, fiberboard, foamcore board, corrugated paper or unfinished wood materials shall be permitted), and shall be constructed and/or weighted so as not to be easily moved by strong winds;

(e) No sidewalk sign may be internally illuminated or illuminated by exterior means, may not flash or contain a variable message; and

(f) No strings, streamers, flags, pennants, spinners, balloons, strings of lights or similar devices shall be attached to any sidewalk sign.

6. Notwithstanding anything contained in this ordinance to the contrary, the Fire Official and/or Chief of Police shall have the right to prohibit or further restrict the location of any sidewalk sign which, in their sole discretion, they deem by virtue of the sign's construction or location, to constitute a safety hazard to the public. Any violation of the provisions of this Ordinance shall be subject to punishment pursuant to the General Penalty Provision at Section 34-39 of this Code. Each day that a violation persists shall be considered a separate violation of this Section.

7. Notwithstanding the provisions of Subsection 34-33.23(j)(1), each sidewalk sign must immediately be removed by its owner when snow

and/or ice adheres to the sidewalk. Any sidewalk sign not so removed may be removed by the Borough without the Borough having any liability to the sign owner, in order to completely clear the sidewalk of snow and/or ice to promote public safety.

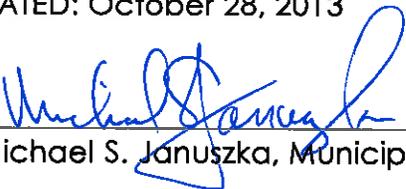
8. All sidewalk signs must comply with any and all other governmental entities with jurisdiction over the area in which the sidewalk sign will be located.

**BE IT FURTHER ORDAINED** that each section or subsection of this ordinance shall be deemed an independent section or subsection, and any section, subsection or part thereof held by a court of competent jurisdiction to be unconstitutional, void or ineffective for any reason shall not be deemed to affect the validity or constitutionality of any other section, subsection or part thereof.

**BE IT FURTHER ORDAINED** that all agreements and ordinances, or parts of agreements or ordinances, either written or oral, inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

**BE IT FURTHER ORDAINED** that the regulations set forth in this ordinance shall be construed in such manner as not to conflict with any provision of New Jersey or federal law.

ADOPTED ON FIRST READING  
DATED: October 28, 2013

  
Michael S. Januszka, Municipal Clerk

ADOPTED ON SECOND READING  
DATED: November 12, 2013

  
Michael S. Januszka, Municipal Clerk

APPROVAL BY MAYOR ON THIS 13<sup>TH</sup> DAY OF November, 2013

  
Eric A. Steeber, Mayor

I, Michael S. Januszka, Clerk of the Borough of Milltown hereby certify that the foregoing is a true copy of an ordinance duly adopted by the Borough Council of the Borough of Milltown, Middlesex County, State of New Jersey at a regular meeting held on November 12, 2013.

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Michael S. Januszka, RMC  
Borough Clerk