

## **TOWNSHIP OF HARDYSTON**

### **ORDINANCE 2025-05**

#### **ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING ARTICLE XIX, SIGNS, OF CHAPTER 185, ZONING, OF THE MUNICIPAL CODE OF THE TOWNSHIP OF HARDYSTON TO REMOVE AND REVISE CERTAIN OBSOLETE AND DUPLICATIVE PROVISIONS**

**WHEREAS**, it has come to the attention of the Township Council of the Township of Hardyston that certain provisions the Township Municipal Code regulating signs in the Township have become obsolete; and

**WHEREAS**, the Township Council wishes to remove such obsolete provisions; and

**WHEREAS**, in reviewing the Township Municipal Code accordingly, the Township Council has observed and wishes to revise certain other provisions that are duplicative; and

**WHEREAS**, the Township Council believes these removals and revisions to the provisions of the Municipal Code regulating signs will simplify residents' ability to adhere to same.

**NOW, THEREFORE BE IT ORDAINED** by the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

**SECTION 1.** Article XIX of Chapter 185, "Signs," is amended as follows:

#### **§185-68 Purpose, Intent, and Scope.**

Purpose, intent and scope. It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and nondiscriminatory sign standards. The sign regulations in this section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. In order to preserve and enhance the Township as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the Township is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of enhancing the visual environment of the Township and promoting its continued well-being, and are intended to:

- A. Promote the free flow of traffic and protect pedestrians, bicyclists and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting or illegible signs.
- B. Promote the use of signs that are aesthetically pleasing and of appropriate scale to the building(s) to which they relate.
- C. Promote the use of signs that are integrated with the surrounding buildings and landscape.

- D. Promote the use of signs that are compatible with the Township's character.
- E. Provide functional flexibility, encourage variety, and create an incentive to relate signage to basic principles of good design.
- F. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic.
- G. Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs.
- H. Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain.
- I. Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function.
- J. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites
- K. Preserve, conserve, protect and enhance the aesthetic quality and scenic beauty of all districts of the Township.
- L. Protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness or movement.
- M. Protect property values by ensuring that sign types, as well as the number of signs, are in harmony with buildings, neighborhoods and conforming signs in the area.
- N. Preserve and enhance the character of the Township.

#### **§185-69 General regulations.**

- A. Except as otherwise provided for in this Chapter, no sign shall be constructed, displayed or erected unless written application has been made to the Zoning Officer by the owner of the property and a permit issued upon payment of a fee as set from time to time by the Township Council, and as incorporated herein under §186-77.
- B. When a sign is a temporary sign as permitted in § 185-71, the property owner or applicant shall submit a plot plan or survey indicating the location of the sign, unless exempt from this requirement pursuant to superseding State or Federal law. The Zoning Officer will determine if the proposed location is safe and out of the public right-of-way. In the event that the Zoning Officer has concerns regarding the location of the proposed sign, the Township Engineer will make a determination and, if necessary, recommend an

alternative location. This subsection shall not be applicable to temporary signs that are also exempt, pursuant to §185-70.1.

C. When a permanent sign is not included as part of an approved site plan, the property owner or applicant shall apply to the Zoning Officer for approval. The required application shall include a plot plan or survey detailing the sign location, setbacks, sight triangle, and sign specifications including compliance with the standards established at §185-76.

D. All signs and supporting structures shall be maintained in a structurally safe condition and in good repair, including the maintenance of legibility and all lighting elements. The owner of the premises shall be responsible for the maintenance of the ground area surrounding signs in a neat and clean condition, and all landscaping shall be maintained in good repair.

E. Directional signs having areas of less than two square feet are exempt from area and location regulations, except they shall be located a minimum of five feet from any property line.

F. The applicant shall comply with all applicable county, state and federal sign regulations.

G. No sign shall constitute a hazard to the traveling public, as determined by the Township Zoning Officer or the Township Engineer.

H. Whenever the Zoning Officer shall determine that there is a violation of any sign regulation, he or she shall direct that the sign shall be removed or brought into compliance within a specified time.

#### **§185-70 Prohibited signs.**

The following signs shall be prohibited in all zoning districts:

- A. Any sign which does not pertain to an occupant, service or product actually occupying or provided on the premises where such sign is located.
- B. A sign attached to any building which projects more than six inches from the wall to which it is attached or which extends above the wall to which it is attached.
- C. A roof sign which extends above the highest point of the roof to which it is attached.
- D. Banners, streamers, advertising flags, twirlers and like objects, except as permitted for temporary signs in **§ 185-71**.
- E. Signs posted on fences, posts, utility poles or trees (except for "no trespassing," "no hunting" signs and similar restrictive signs).
- F. Signs posted on municipal property without the consent of the governing body.
- G. Signs standing, installed or painted on sidewalks or curbs.

- H. Exterior moving, rotating, blinking or flashing signs of any nature, except for electronic message signs as permitted in **§ 185-76.1**.
- I. Pole signs, except as permitted in **§ 185-73, 185-74 and 185-76**.
- J. Sandwich boards, banners, placards, or other forms of advertisement, except as permitted for temporary signs in **§ 185-71**.
- K. Sandwich boards, banners, placards, or other forms of advertisement which are carried by, worn by, or otherwise held by one or more individuals.
- L. Signs posted within a public right-of-way without the consent of the public agency which controls the affected right-of-way.

**§185-70.1 Exempt signs.**

The following signs shall be exempt from obtaining a zoning permit but shall comply with all placement and size requirements for the type of sign category under which they are classified (temporary, window signs and lettering, specific uses, multi-use/multi-tenant structures, residential, and nonresidential):

- A. Public signs or notices (sign on behalf of a municipal, county, state, or federal agency).
- B. Sign face changes on existing legally conforming signs.
- C. Directional signs such as "No Parking," "No Loading," "Entrance."
- D. Community organization signs (neighborhood association, church, civic organization).
- E. Real estate signs for residential sales and rent in all residential zones (not to exceed four square feet).
- F. American, state, county and Township flags.
- G. Yard sale/garage sale signs. (Such signs shall be removed within 24 hours of the end of the event.)

**§185-71 Temporary Signs in all zones.**

Temporary signs, as defined in **§ 185-4**, and inclusive of all sign types explicitly referenced in this subsection, shall be permitted as follows:

- A. Temporary signs shall be permitted identifying architects, builders, brokers and contractors on premises where a building is being constructed, altered or repaired. No sign shall be displayed for a period exceeding the time required for such construction, alteration or repair or for one year, whichever is less. Unless affixed to the principal building, such signs shall be set back at least 10 feet from all property lines. There shall

be no more than one such sign on any property. Said sign shall not exceed six square feet in size and shall not stand more than four feet above ground level.

- B. One temporary sign shall be permitted announcing that the property on which it is located is for sale or rent, provided that such sign shall be displayed for only so long as such property is for sale or rent and shall be removed within seven days after such sale or rental. Unless such sign is attached to the principal building, it shall be no closer than 10 feet to any property line. Such sign shall not exceed six square feet in size, nor stand more than four feet above ground level. Commercial sales and rental real estate signs shall not exceed 15 square feet.
- C. Signs locating and advertising subdivision of land projects requiring site plan approvals, which have received preliminary or final approval by the Township, provided that each such sign shall not exceed 24 square feet in area, shall not exceed two in number and shall not be located closer than 20 feet to any property line. Such sign permits shall be valid for not more than one year. All such signs shall be renewed annually by January 31. Such signs shall be removed, in the case of land subdivision, when either 75% of the lots created have been built upon or after 75% of the lots have been sold by the developer, or any combination thereof. In the case of projects receiving site plan approval, such signs shall be removed upon the issuance of a certificate of occupancy.
- D. Grand opening signs, including suspended signs, banners, streamers, advertising flags, twirlers and like objects in nonresidential zones may be allowed by permit from the Township Zoning Officer for a period not to exceed 90 days for new business grand openings. Grand opening signs shall be erected no more than 30 days prior to the grand opening and shall be removed not more than 60 days after the grand opening. Grand opening signs must be a minimum of 10 feet from any property line.
- E. Special promotion and event signs, including banners, streamers, advertising flags, twirlers, suspended signs and sandwich board signs, in nonresidential zones may be granted by permit from the Township Zoning Officer. Special promotion and event signs may be displayed for not more than 30 consecutive days within any established business quarter. A waiver from the above requirements and restrictions can be requested from the Township Council. Special promotion and event signs must be a minimum of 10 feet from any property line and shall not impede, restrict, or otherwise interfere with sight distances in and around the special promotion and event signage.
- F. Sandwich board signs as defined in **§ 185-4** shall not exceed 36 inches in height, and each side of the sign shall not exceed seven square feet in area. Sandwich board signs may only be displayed during business hours and shall not have internal or external illumination, contain moving parts, or have balloons, streamers, pennants or similar adornment attached to them. Sandwich board signs must be a minimum of 10 feet from any property line.
- G. Suspended signs as defined in **§ 185-4** shall not exceed 60 inches in width and 30 inches in height. The bottom edge of the suspended sign shall be a minimum of seven feet from the ground/sidewalk to avoid obstructing the entrance to the establishment.
- H. All temporary signs, as defined in **§ 185-4** and not otherwise explicitly regulated by the above provisions of this subsection, shall be limited to the size of 16 square feet.

**§185-72 Window lettering and window signs.**

Window lettering and signs shall be permitted only in the business zones. For the purpose of enforcing this chapter, window lettering and signs shall not be construed as signs but shall be subject only to the following restrictions:

- A. All window lettering and window signs shall be inside the window.
- B. Permanent window lettering and window signs shall be permitted only if the space confining such lettering and signs or the background upon which it appears does not exceed 40% of the window area. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains lettering or advertising.
- C. Window lettering or window signs shall pertain only to that establishment occupying that portion of the premises where the window is located.
- D. Temporary window lettering or window signs, advertising special sales or events, shall be permitted subject to the following restrictions:
  - (1) Such lettering or window signs shall be subject to the length-of-time restrictions established for temporary grand opening and special sales or events signs pursuant to § 185-71;
  - (2) Such window lettering or window signs, in conjunction with permanent window lettering or signs, shall not cover, in the aggregate, more than 40% of the window area.
- E. Illuminated window lettering and window signs which are not continuously lit or which blink, flash, flicker, use sequential lighting, have a revolving message display, or otherwise produce a glare that interferes with pedestrian or vehicular traffic are prohibited.
- F. All window lettering and signs shall be maintained in good repair.

**§185-73 Sign regulations for specific uses.**

- A. Convenience Stores/Service station signs. Convenience stores, automotive service stations, gas stations and public garages shall be permitted to display only the following signs:
  - 1) One temporary sign, located at a minimum of five feet from the property line, specifically advertising product specials or seasonal servicing of motor vehicles, provided that each face of such sign does not exceed eight square feet.

- 2) One nonmoving, freestanding pole sign advertising the name of the store, service station or garage and/or the principal products sold, including any special company or brand name, insignia or emblem, provided that the actual sign area does not exceed 30 square feet for each face, and further provided that the bottom of each sign face shall be at least 10 feet above ground level and the total height of the sign from the ground to the top of the sign face shall not exceed 20 feet. The sign shall be located no closer than five feet to any property line.
  - 3) Additional signs or lettering displayed over individual entrance doors or bays, bearing legends, essentially the same or similar to the following: "washing, lubrication, repairs, mechanic on duty." There shall be no more than one such sign over each entrance or bay, such signs shall not exceed six square feet in size, nor shall the lettering on such signs be greater than 12 inches high.
  - 4) Customary lettering or other insignia which is an integral part of a fuel pump and consisting only of fuel name, lead warning sign, price indicator and any other sign or signs as required by law. Such sign shall not exceed three square feet in aggregate area on each pump.
  - 5) A single, nonilluminated credit card sign, not exceeding four square feet in size, may be placed on or near each pump island.
  - 6) Window Signs/Lettering shall be permitted in accordance with the standards at §185-72
  - 7) Other signs that may be required by law.
- B. Signs accessory to parking areas, private and public. In all zones, signs designating entrance or exit, and/or street address, to or from a parking area shall be limited to one sign with a maximum area of four square feet for each exit or entrance. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of 32 square feet shall be permitted. Private driveway signs indicating the private nature of a driveway shall be permitted, provided that the size of any such signs shall not exceed four square feet. All such signs shall be located five feet from a property line and have a maximum height of four feet.
- C. Farm signs. In zones permitting agricultural and/or farming uses, the following signs are permitted:
- 1) One identification sign, not more than 18 square feet in area, identifying the farm, the address of the owner, and the type of farm.
  - 2) If seasonal produce is sold on site, not more than two additional signs advertising seasonal farm produce available, the total area of which shall not exceed 16 square

feet. Such signage shall not be permanent and shall be permitted and erected and/or displayed only during the time such seasonal produce is available.

**§185-74 Signs for multi-use or multi-structure developments on 10 acres or more.**

Shopping centers, industrial parks, multifamily developments, multi-tenanted structures or multi-structure developments shall be governed by the following regulations:

- A. Each such development as part of its site plan shall submit a signing plan to the Land Use Board. Such signing plan shall include details on:
  - 1) Letter Style
  - 2) Lighting
  - 3) Color
  - 4) Construction and materials
  - 5) Height of sign
  - 6) Height above grade or below roofline
  - 7) Locations
  - 8) Standards
- B. The signing plan shall be based on an integrated design theme to include all of the elements in Subsection A(1) through (8) above. All of the above elements shall be designed to be in harmony and consistent with each other, the architecture and materials of the principal structure and the landscaping plan. The Land Use Board, in its sole discretion, shall determine if a proposed signing plan meets the goals and objectives of this section.
- C. The total area of all signs affixed to nonresidential structures shall not exceed 20% of the building facade of the structure. The total area of all signs affixed to residential structures shall not exceed 2% of the building facade of the structure.
- D. Canopy or awning signs shall be permitted in accordance with §185-76 as a substitute for the signs permitted in accordance with this subsection.
- E. Modifications to an approved signing plan may be made by application to the Zoning Officer and shall comply with the requirements set forth in this subsection. If there is any question as to the suitability of any sign or as to its meeting the requirements of this chapter, the Zoning Officer may refer the application for said sign to the Land Use Board for review and approval.

**§185-75 Signs in residential districts.**

The following types of signs shall be permitted in residential districts:



- A. Signs accessory to parking areas for institutional uses. Signs designating entrance or exits to or from a parking area shall be limited to one sign for each such exit or entrance, with a maximum size of four-square feet for each sign. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of 32 square feet shall be permitted. Private driveway signs indicating the private nature of a driveway shall be permitted, provided that the size of any such sign shall not exceed four square feet.
- B. Nameplate and identification signs for single-family dwellings. A sign indicating the name or address of the occupant may be permitted, provided that the sign shall be no larger than two square feet on each face. A permitted home occupation may be included with the name of the occupant.
- C. Institutional signs. Signs of schools, colleges, churches and other institutions of a similar public or semipublic nature may be erected and maintained, provided that:
  - 1) The size of any freestanding sign shall not exceed 100 square feet and not more than one such sign is placed on a property, unless such property fronts upon more than one street, in which instance a sign may be erected on each frontage.
  - 2) Signs may be affixed to a maximum of two walls of a structure. The total sign area on each wall shall not exceed 2% of the wall, whichever is less.

**§185-76 Signs in other nonresidential districts.**

The following signs shall be permitted in nonresidential districts not regulated by **§ 185-74** of this article.

- A. Number and size of exterior wall signs. Exterior wall signs on front façade of the building upon which they are affixed shall be permitted, provided:
  - 1) Exterior wall signs shall not exceed 20% of the facade of the building upon which they are located.
  - 2) Each establishment shall be allotted its proportionate share of the total sign area in a ratio of its frontage to the total building frontage.
  - 3) No such sign shall extend farther than six inches from the face of the building wall to which it is attached.
  - 4) The bottom of said sign shall be at least 7 feet above the ground level or sidewalk below the sign.
- B. Rear and side wall signs. Rear and side wall signs shall be permitted on walls with frontage along a public roadway or parking area, provided that:
  - 1) No such sign shall extend farther than six inches from the face of the building wall to which it is attached.
  - 2) The bottom of said sign shall be at least 7 feet above the ground level or sidewalk below the sign.
  - 3) The height of any such sign shall not exceed four feet or 25% of the height of the building wall to which it is attached, whichever is the lesser.

- 4) The total of the widths of any such signs shall not exceed 75% of the width of the building wall to which they are attached.
- C. Canopy/awning signs: a non-residential building containing a canopy or overhang along the building wall and over a sidewalk shall be permitted one sign suspended from or attached to the ceiling of the canopy or overhang for each business establishment subject to the following limitations and requirements:
- 1) Said sign shall be located in front of the commercial establishment.
  - 2) Said sign shall be erected perpendicular to the face of the building wall.
  - 3) The bottom of said sign shall be at least 10 feet above the sidewalk below the sign.
  - 4) Said sign shall not extend beyond the canopy or overhang.
  - 5) Said sign shall not exceed 10 inches in height nor four feet in width.
  - 6) Said sign shall contain only the name of the commercial establishment or the name or description of the principal products sold or services rendered.
- D. Freestanding signs. There shall be permitted one freestanding pole or monument-type sign on any single property, except that the Land Use Board may authorize an additional freestanding sign if the property has access from more than one public street, and provided that:
- 1) Pole signs shall:
    - a. Have a sign face that is at least 10 feet above the ground level and the total height of the sign shall not exceed 20 feet above the ground level.
    - b. Be at least five feet from any property line.
    - c. Not exceed 60 square feet of area on each face.
    - d. As used for multi-tenant properties, not exceed 80 square feet of area on each face and 25 feet in height. The sign may include one sign for each business establishment located on the premises displayed in a ladder fashion below the principal sign surface..
  - 2) Monument signs shall:
    - a. Not exceed 10 feet in height.
    - b. Be at least 15 feet from any property line and shall be placed in such a way as to not impose on the line of sight.
    - c. Not exceed 50 square feet in area on each face.
  - 3) The base of said signs shall be appropriately landscaped and maintained.

**§185-76.1 Electronic Message Signs.**

Electronic signs, as defined in **§ 185-4**, shall be permitted in the B-1, B-2, 1-1, 1-2 and R-C Zones, subject to the following conditions, and shall require approval by the Township of Hardyston Township Zoning Officer:

- A. Shall be consistent with the requirements set forth for freestanding signs in § 185-76, including height, setbacks, and maximum area.
- B. Shall be no more than 36 square feet.
- C. Messages shall change at no less than twenty-second intervals and shall not blink, flash or flicker rapidly when changing as to cause a distraction to drivers.
- D. Illuminated signs shall be turned off between the hours of 9:00 p.m. and 6:00 a.m. when located on lots immediately adjacent to residential districts.

**§185-76.2 Message Board signs.**

Message board signs, as defined in § 185-4, shall be permitted in the B-1, B-2, R-C, I-1 and I-2 Zones, subject to the following conditions:

- A. Message board signs shall be consistent with the requirements set forth for freestanding signs in § 185-76, including height, setbacks, and maximum area.
- B. Message board signs may be installed as part of an existing freestanding permanent sign, subject to the requirements of § 185-76.
- C. New permanent message board signs shall require approval by the Township of Hardyston Zoning Officer.
- D. Illuminated message board signs shall be turned off between the hours of 9:00 p.m. and 6:00 a.m. when located on lots immediately adjacent to residential districts.

**§185-76.3 Fees.**

Application for all new sign uses requiring approval by the Township of Hardyston Zoning Officer or Land Use Board, pursuant to Article XIX, shall be accompanied by a one-time application fee of \$100 per sign.

Applications to replace an existing sign, which received prior approval from the Zoning Officer or appropriate Land Use Board, shall be accompanied by an application of \$25 per sign.

**§185-76.4 Penalties.**

Any person(s) who violates any of the provisions of Article XIX shall be subject to the penalties set forth in the Township's General Penalty Ordinance, Chapter 1, of the Township Code of Ordinances, and each day that the violation persists shall be considered a separate and distinct offense. The Municipal Court shall have jurisdiction to

enforce and collect any such penalty imposed in a summary manner and in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-1, et seq.

**SECTION 2.** If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

**SECTION 3.** All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance may be renumbered for purposes of codification.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

#### **NOTICE**

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Hardyston, County of Sussex, New Jersey, held on May 28, 2025. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey on June 25, 2025 at 7:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk