

**BOROUGH OF WEST CAPE MAY
CAPE MAY COUNTY
STATE OF NEW JERSEY**

ORDINANCE NO. 342-05

**AN ORDINANCE REGULATING SIGNS
IN THE BOROUGH OF WEST CAPE MAY**

WHEREAS, having reviewed the current sign regulations, the Board of Commissioners of the Borough of West Cape May believes that certain provisions should be amended to ensure that the objectives set forth in the Borough's Zoning Ordinance are accomplished; and

WHEREAS, the Board of Commissioners believes it to be in the best interests of the Borough to amend certain sections of these ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of West Cape May as follows:

Section One. The following sections of the West Cape May Code are amended to revise the sign regulations and restrictions:

A. Code Section 27-27.4 is hereby amended as follows:

I. General Provisions and Restrictions

A. The following signs are not subject to restrictions:

- 1) Official traffic signs and street signs;
- 2) Signs displaying the name of the resident or occupant and/or street address;
- 3) Miscellaneous signs authorized by the Chief of Police;
- 4) Signs, including banners, installed, erected or placed by or at the direction of the Borough upon Borough streets, road, sidewalks, rights of way or other real property owned or controlled by the Borough;

- 5) Permanent signs that qualify under the law as legal, pre-existing, non-conforming signs;
- 6) The American flag and any other flag that does not advertise a business or commercial use.

B. Other Provisions

- 1) Unless otherwise specified, the erection of any permanent sign for a commercial, professional and/or institutional use shall require a construction permit.
- 2) No sign shall be erected which is not in accordance with standards established in this Chapter.
- 3) No sign may be placed on or attached to a building or erected independently for any purpose other than to advertise a permitted use conducted on the same premises.
- 4) No sign shall be closer than one (1) foot from a lot line. No sign of any type shall be permitted to obstruct driving visions, traffic signals, traffic directional and identification signs, or vehicular or pedestrian traffic in a public right of way.
- 5) No sign shall be located within any street, road, sidewalk or other public right of way.
- 6) No sign may project above the roof line of the building on which it is mounted.
- 7) No automated signs are permitted.

- 8) No “GoBo” signs are permitted. These include, but are not limited to electronic signs with revolving, permanent, or intermittent messages, or flashing signs.
- 9) No neon signs are permitted.
- 10) No sign shall be attached to trees or utility poles.
- 11) All pole signs shall require the approval of the Planning Board and/or Zoning Board of Adjustment, depending upon which Board has jurisdiction.

II. Regulations Applicable to All Districts

A. Required Signs

The following signs shall be required in all districts and shall not require a construction permit:

- 1) Each principal structure shall have affixed thereto appropriate numbers indicating its street address in a size and location so as to be readily visible from the street.

B. Permitted Signs

The following signs shall be permitted in all districts and shall not require a construction permit, provided the use advertised by any such sign must be a permitted use:

- 1) Private parking and traffic control signs shall be permitted.
- 2) Real estate signs. Real estate signs advertising the sale and/or rental of premises shall be permitted. “For sale” and/or

“sold” signs must be removed from the premises within seven (7) days of closing/settlement.

- 3) Yard sale and/or garage sale signs. Signs advertising yard sales and/or garage sales shall be permitted but must be removed within twenty-four (24) hours after the event.
- 4) Contractor signs. Contractor signs shall be permitted but must be removed within thirty (30) days of the completion of the contractor’s work on the premises.
- 5) Historical signs. Historical signs, stating the historical name of a building and a date (e.g., John Doe House, circa 1850) shall be permitted, subject to the following restrictions:
 - a) The area of a historical sign shall not exceed one and one-half square feet.
 - b) A historical sign shall be one-sided and may only be affixed to the front of a structure.
 - c) Only one historical sign per structure shall be permitted.
- 6) Temporary window signs that advertise a special event (e.g., “Sale”; “Help Wanted”; Lima Bean Festival; Farmers Market; Jazz Festival) shall be permitted.
- 7) Political campaign and election signs shall be permitted, but must be removed within seven (7) days of the election.

- 8) Trespassing signs and signs indicating private ownership of roadways or other private property shall be permitted.
- 9) Special information signs which indicate men's, women's or rest rooms, hours of operation, credit cards accepted, gasoline pump identification, gasoline prices and gallonage register. Such signs shall be permitted only where attached to the building or equipment. No letter or number in excess of four (4) inches vertical height shall be permitted in such signs. The total area of such signs shall not be included in calculating permitted sign areas.

III. Regulations Applicable to Commercial, Professional and Institutional Uses

Signs for commercial, professional and institutional uses are permitted, subject to the following regulations, provided the use advertised by any such sign must be a permitted use:

A. Each commercial, professional and institutional use may erect permanent signs to advertise its business or use under the following provisions:

- 1) The number of permanent signs shall not exceed four (4) per use;
- 2) The total area of all permanent signs for each use shall not exceed thirty (30) square feet. For purposes of computing sign area, all sides of a sign that are readily visible to the public shall be counted.

- 3) The following types of permanent signs shall be permitted:
 - a) Awning, canopy and umbrella signs
 - b) Back lit signs
 - c) Free standing signs
 - d) Front lit signs
 - e) Hanging/projecting signs (these signs must have minimum ground clearance of 10 feet)
 - f) Illuminated signs
 - g) Mural signs (murals with words)
 - h) Pole signs
 - i) Professional name signs
 - j) Wall signs attached to or painted on a building
 - k) Permanent window signs

B. Each commercial use may erect temporary signs to advertise its business as follows:

- 1) The following types of temporary signs shall be permitted provided that all such temporary signs shall only be displayed during regular business hours and must be removed during non-business hours:
 - a) A-frame free-standing signs, e.g., sandwich boards, chalk boards, blackboards, whiteboards
 - b) Menu signs
 - c) Flags and banners, provided that American flags and other flags described in Section I (A)(6) shall not be subject to these restrictions.
 - d) Portable signs
- 2) A construction permit shall not be required for a temporary sign.

B. Code Section 27-27.4 is hereby repealed in its entirety.

IV. Violations and Penalties.

Section One.

- A. Enforcement of all sections of the within Chapter shall be commenced by the filing of a complaint in the Municipal Court.
- B. Any person found guilty of violation of this Chapter, or any Section therein, shall be subject to a fine not to exceed the sum of two hundred (\$200.00) dollars for a first offense. For a second offense or subsequent offense, a fine of not less than two hundred (\$200.00) dollars nor more than five hundred (\$500.00) dollars or imprisonment not to exceed ninety days or both, provided, however, that the Court shall waive or suspend any fines if the Court determines it is appropriate to do so. An individual need not be charged as a subsequent offender in order to be fined as a subsequent offender.

Section Two. All Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section Three. Should any provision of this Ordinance be deemed invalid for any reason, that invalidity shall not affect the remaining provisions of the Ordinance, and the provisions and sections of the Ordinance are hereby declared to be severable with respect to their validity.

Section Four. Upon introduction and passage upon first reading, this Ordinance shall be referred to the Planning Board of West Cape May for review and comment in accordance with state law.

Section Five. This Ordinance shall take effect 20 days after final passage, according to law.

MOVED: _____

SECOND: _____

	Aye	Nay	Abstain	Absent
Jackson				
Kaithern				
Lare				

Robert Jackson, Mayor
Pamela M. Kaithern, Commissioner
Kevin Lare, Commissioner

NOTICE OF FINAL ADOPTION

THE ABOVE CAPTIONED ORDINANCE WAS PASSED ON SECOND READING AND FINAL ADOPTION BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF WEST CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, AFTER PUBLIC HEARING AT A MEETING OF THE BOARD OF COMMISSIONERS HELD ON MARCH 1, 2005.

Lisa Stefankiewicz, RMC
Municipal Clerk

Date: March 1 2005