

**BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY**

**ORDINANCE 2021-14**

**AN ORDINANCE AMENDING CHAPTER 450: "ZONING" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO AMEND SECTION 450-49: "EXEMPT SIGNS AND AWNINGS" TO ADOPT NEW REGULATIONS REGARDING THE PLACEMENT, APPEARANCE, AND UTILIZATION OF TEMPORARY COMMERCIAL SIGNS WITHIN THE LIMITS OF THE BOROUGH.**

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Mayor Fox offered the following Ordinance and moved its introduction:

**WHEREAS**, the Mayor & Council of the Borough of Bradley Beach (the "Borough") seek to maintain the streetscapes and visual appeal of the Borough's neighborhoods; and

**WHEREAS**, to enhance its neighborhoods, the Borough finds it necessary to greater regulate the placement, appearance, and utilization of temporary commercial signage within the limits of the Borough; and

**WHEREAS**, the Borough hereby adopts new regulations regarding the placement, appearance, and utilization of temporary commercial signage within the Borough;

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Section 450-49 entitled "Exempt Signs and Awnings" in Article X: "Signs and Awnings" of Chapter 450 entitled "Zoning" of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

**§ 450-49 Exempt Signs and Awnings.**

The following signs and awnings shall be exempt from the provisions of this article, which require a permit, but all other provisions regarding size, location and type shall apply where appropriate.

- A. *Governmental signs.* All signs and awnings that are erected by the Borough of Bradley Beach or any of its departmental committees or agencies or by the State of New Jersey or County of Monmouth.
- B. *Political signs.* All signs which are political in message, provided that said signs are erected not more than 45 days prior to an election and removed no later than 10 days after an election and provided further that the aggregate total of all said signs per property shall not exceed ~~40~~twenty (20) square feet.

- C. *Religious, civic signs.* Church, civic, or nonprofit temporary signs not to exceed four feet by eight feet, provided that special permission is granted by ~~resolution~~ of the Mayor and Council. A request for permission for placement of a sign under this subsection shall be made to the Zoning Officer, in writing, and permission may be granted only by resolution approved by a majority vote of the Mayor and Council.
- D. *Temporary special signs.* Any temporary sign or banner may be erected for a period not to exceed 30 days by permission ~~granted by resolution~~ of the Mayor and Council. A request for permission for placement of a sign under this subsection shall be made to the Zoning Officer, in writing, and permission may be granted only by resolution approved by a majority vote of the Mayor and Council.
- E. *Grand opening and going out of business.* Any sign or banner that is used to designate a grand opening of a business or a going-out-of-business event; provided, however, that said sign shall be limited to 40 square feet per property and shall be removed within 30 days after commencement.
- F. *Residential signs.* ~~One nonilluminated temporary sign that must be properly maintained which advertises the sale or rental of the lot or building on which the sign is located, that said sign is not greater than nine square feet in total area.~~
- F. *Temporary Commercial Signs.* Temporary commercial signs are permitted as follows:
- (1) Signs announcing that the premises on which the signs are located is available for sale or rent, provided that:
    - (a) One sign shall be permitted for each property regardless of its street frontage(s), except that, if under apartment, condominium or cooperative ownership, one sign is permitted for each unit.
    - (b) Such sign, unless affixed to a principal building, shall be placed not more than ten feet from the principal building, and shall not be higher than four feet from the ground at its highest point.
    - (c) No artificial illumination shall be used.
  - (d) No such sign shall exceed four square feet in area.
    - (e) Such sign shall be displayed only for as long as such premises is in fact available for sale or rental, and shall be removed upon the issuance of a certificate of occupancy by the Borough for such sale or rental. In the event of a recurring or short-term rental property or unit, no advertising signage shall be displayed while the property or unit is occupied by a current rental.

- (f) In addition to "For Sale" signs and subject to the same number, height, setback and size restrictions, "Open House" signs shall be permitted during the actual time period of an open house.
- (2) Signs identifying a real estate development involving the construction of single-family dwellings in a subdivision, a multifamily development of more than four units or a nonresidential building, provided that:
  - (a) One sign shall be permitted for each property regardless of its street frontage(s).
  - (b) No such sign shall exceed four square feet in area.
    - (c) Such sign, unless affixed to a principal building, shall be placed not more than ten feet from the principal building, and shall not be higher than four feet from the ground at its highest point.
    - (d) No artificial illumination shall be used.
    - (e) Such sign shall be displayed only for such period of time as there are any homes, apartments, nonresidential space or lots remaining unsold or unrented but such period of time shall in no event exceed two years from the start of construction.
    - (f) No more than one sign may be displayed at any permitted time under this subsection.

G. *Commercial windows.* Window signs and lettering shall be permitted in nonresidential zones subject to the following restrictions:

- (1) *Business.* Window lettering and signs shall pertain only to the business occupying that portion of the premises where the window is located as defined in § 450-4, "~~permanent window lettering~~ Window Lettering, Permanent."
- (2) *Permanent lettering and signs.* Permanent lettering and signs shall be permitted, provided that the space containing the lettering and signs or the background for it does not exceed 20% of the window area. Any painted area of the window shall be construed as window lettering or signs.
- (3) *Temporary window lettering or signs.* Temporary window lettering or signs are permitted, provided that they do not cover more than 30% of the window area and together with any permanent window signs do not cover more than 50% of the window area. Temporary window signs or lettering shall not exceed a period of 30 consecutive days, and temporary lettering shall not exceed an aggregate of 180 days in each calendar year.

H. Sidewalk, freestanding, and sandwich-board-type. Sidewalk, freestanding, and/or sandwich-board-type signs are prohibited, except:

1. As may be permitted by leases with concessionaries on public property; and
2. One (1) such sign per storefront along Main Street placed directly in front of the business advertised and within ten (10) feet of the front entrance to said business, provided that such sign shall not exceed 24 inches wide or 40 inches tall, and provided that a pathway area not less than four (4) feet wide between the adjacent building and the adjacent curb shall be maintained at all times. The pathway area shall be unobstructed by trees, tree wells, light poles, trash receptacles, sign poles and posts, telephone booths and similar structures. The pathway area shall not meander around.
3. Such sign may be displayed on a public property or thoroughfare if there is no reasonable location available directly in front of the business advertised, but such sign shall not be located more than fifteen (15) feet from the front entrance to said business and the placement of such sign shall maintain a pathway area not less than four (4) feet wide between any adjacent building and any adjacent curb at all times. The pathway area shall be unobstructed by trees, tree wells, light poles, trash receptacles, sign poles and posts, telephone booths and similar structures. The pathway area shall not meander around. A request for permission to place a sign under this subsection 450-49(H)(3) shall be made to the Zoning Officer, in writing, and such sign must meet all other requirements set forth in Chapter 450 to be considered, and permission may be granted only by resolution approved by an affirmative vote of a 2/3 majority of the Mayor and Council.

SECTION 2. Section 450-53 entitled "Prohibited Signs" in Article X: "Signs and Awnings" of Chapter 450 entitled "Zoning" of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

**§ 450-53 Prohibited signs.**

The following types of signs are specifically prohibited in all zones:

- A. Outdoor or rooftop advertising signs and billboards or electronic billboards of any kind, including freestanding and/or sandwich-board-type signs, except for sidewalk, freestanding, and sandwich-board-type signs permitted under § 450-49H.
- B. Any permanent or temporary signs which do not pertain to an occupant, service or product actually occupying or provided on the premises where such sign is located, including temporary signs identifying or advertising architects, builders or any other contractors on a premises where a building is being constructed, altered, repaired, renovated, or demolished.
- C. Roof signs extending above the wall to which they are attached.

- D. Signs posted on fences, posts, utility poles, trees, and street signs or traffic signs.
- E. Signs painted on municipal property or placed in the right-of-way or planting strips without the consent of the Mayor and Council.
- F. Signs painted directly on buildings, sidewalks or curbs.
- G. Signs on accessory buildings that are specifically defined by this chapter.
- H. Signs that flash, are illuminated (such as neon), make noise, imitate official traffic signs or signals or that otherwise contribute a hazard to the traveling public.
- I. Banners, streamers or advertising flags, except as set forth under § 450-49D and E.
- J. All signs not authorized by this chapter are prohibited.

SECTION 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Bradley Beach, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

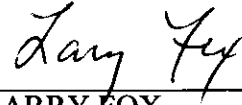
SECTION 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Bradley Beach for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough's Mayor & Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 6. This Ordinance shall take effect upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final adopted Ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

**SO ORDAINED** as aforesaid.



ERICA KOSTYZ  
Municipal Clerk



LARRY FOX  
Mayor

Introduced: June 22, 2021

Date of Hearing and Adoption: 7/27/21