

§ 34-17. SIGNS.

§ 34-17.1. Short Title. [Ord. #13-02 § 17.1]

This section shall be known as the "Midland Park Sign Regulations".

§ 34-17.2

ZONING

§ 34-17.4

§ 34-17.2. Definitions. [Ord. #13-02 § 17.2]

As used in this section, unless the context otherwise indicates, the following terms shall have the meanings indicated:

ADVERTISE — Giving or attempting to give or intending to give any notice or information, or any activity which gives, or attempts to give or intends to give notice, information or warning.

ERECT — To build, construct, attach, hang, place, reface, suspend or affix, and shall also include the painting of wall signs.

PERSON — Any person, individual business entity, partnership, association, corporation, company or organization of any kind.

PREMISES — A building or structure, or a piece or tract of land or real estate, vacant or otherwise.

SIGN — Any device, freestanding or attached to a building or structure, or erected, painted, represented or reproduced upon or in (to the extent provided herein) any building or structure, which displays, reproduces or includes any letter, word, name, number, model, insignia, design, device or representation used for one (1) or more of the following purposes: to identify the premises or occupant or owner of the premises; to advertise any trade, business, profession, industry, service or other activity; to advertise any product or item; to advertise the sale or rental or use of all or part of any premises, including that upon which it is displayed; to direct vehicular or pedestrian traffic, other than State, County or municipal highway and roadway markers; and shall include any announcement, declaration, demonstration, display, illustration, insignia or any representation used to advertise or intended to advertise or promote the interests of any person. In no event shall the word "sign" be construed to mean any sign in the interior of any structure unless specifically set forth in this chapter.

STRUCTURE — Any building, edifice, construction or piece of work or any part thereof or any combination of related parts.

WINDOW — Any opening in the exterior wall or roof of any structure for the purpose of admitting air or light whether or not covered with glass, plastic or other covering.

WINDOW SPACE — The aggregate square footage of all windows on any given side and any given story of any structure regardless of the angle or angles at which they are set. In computing window space, there shall be included all portions of any door which if part of a wall would constitute a window.

ZONING PLAN or ZONING CHAPTER — This chapter entitled "Chapter 34, The Zoning Regulations of The Code of The Borough Of Midland Park."

§ 34-17.3. Intentionally Omitted.

§ 34-17.4. Area of a Sign. [Ord. #13-02 § 17.4]

The area of a sign is the area within a line drawn around the surface of a sign, including all decorations, but excluding any supports whether decorative or not. In computing sign area,

the area of all surfaces used or employed or designed for use as a sign or for sign purposes shall be included and totaled, except a two-sided sign as provided for in this section.

§ 34-17.5. Permitted and Prohibited Signs. [Ord. #13-02 § 17.5]

- a. It shall be unlawful for any person to erect or relocate any sign within the Borough of Midland Park, as defined by this chapter, without first obtaining a permit from the Construction Official pursuant to Subsection 34-17.12 of this chapter.
- b. The Construction Official shall issue permits only for such signs as are specifically allowed for the particular premises and district by the provisions of this chapter which govern, unless otherwise ordered pursuant to a sign exception granted under Subsection 34-17.10 of this chapter.
- c. Job site signs are permitted during construction of the project and must be removed when job is completed.
- d. Garage sale are signs only permitted on private property during the sale and must be removed immediately after the sale has concluded.

§ 34-17.6. R-1 Residential Zones. [Ord. #13-02 § 17.6]

Within the one-family zones only the following signs shall be permitted:

- a. On premises used for residential purposes, a sign or signs identifying the resident or the street address, or both, and no such sign shall have an area of more than two (2) square feet, nor shall the aggregate square footage of such signs, if there be more than one (1), exceed three (3) square feet in area.
- b. On premises used for residential purposes which contain a professional office, in addition to the sign or signs, permitted by Subsection a., a professional announcement sign, the dimensions of said sign not to exceed eight by twenty (8 x 20) inches.
- c. On premises used for church, hospital, library, museum, or other charitable purposes allowed by the Zoning Ordinance of Midland Park, New Jersey, a sign referring to the premises upon which it is located or displayed or to the activities carried on therein, not to exceed sixteen (16) square feet in area, whether affixed to the structure or freestanding, said sign to be permitted in addition to any sign allowed under Subsection a above.

§ 34-17.7. R-2 Residential and R-3 Residential/Industrial Zones. [Ord. #13-02 § 17.7]

There shall be permitted within the R-2 Residential and R-3 Residential/Industrial Zones such signs that are permitted in the R-1 Zone, as well as signage identifying the name of the building or complex, subject to the size limitations set forth in Subsection 34-17.6.

§ 34-17.8. Business and Industrial Zones. [Ord. #13-02 § 17.8]

Within the retail business and industrial zones only the following signs shall be permitted:

- a. Any sign permitted by the provisions of Subsections 34-17.6 and 34-17.7 of this section.
- b. Regulations.
 1. In addition to the foregoing, a sign or signs referring to or advertising the premises upon which it is located or displayed, or to the identity of the occupant thereof, or to a service rendered thereon or therein, or to a product or item available therein, or to a trade, business or profession carried thereon or therein; one (1) such sign may be erected on any entrance wall and one (1) on any wall facing on a street, and one (1) on any wall facing a municipal or public parking area, and shall be erected parallel to the face of such wall, not extending more than three (3) inches from the face of said wall shall have the bottom of said sign structure not less than eight (8) feet above the ground level.
 2. The maximum aggregate total sign area of all signs shall not exceed one and one-half (1-1/2) square feet for each linear foot of that portion of the building front occupied by the applicant. The maximum height of such sign shall not exceed two (2) feet if the building front is forty (40) feet or less in width, two and one-half (2-1/2) feet high if building front is more than forty (40) feet but less than eighty (80) feet in width, and three (3) feet high if the building front is eighty (80) feet or more in width.
 3. The maximum width of such sign shall not exceed ninety percent (90%) of the width of the store front or wall of that portion of the premises occupied by the occupant erecting the sign and upon which it is attached. In determining maximum width of the store front or main entrance wall of the premises or the width of the wall upon which any such sign shall be erected, whichever is less, shall govern.
 4. Awnings are permitted provided they comply with the BOCA Code and the requirements of this section. Signage is permitted on the front vertical edge only and the lettering shall not be more than eight (8) inches in height.
 5. Signs are to be removed within two (2) weeks after a vacancy of premises.
 6. Signs painted or placed or hung within forty-eight (48) inches from the inside window glass of any building shall be limited to twenty (20%) percent of the area of said glass, but in no event shall they exceed a total area of thirty-six (36) square feet, the more restrictive limitation shall apply.
- c. In the case of premises other than motor vehicle service stations, in which the structure is set back at least thirty (30) feet from the curblin, a freestanding sign of an area not in excess of twelve (12) square feet may be erected for the purposes set forth in Subsection b, provided that the top of such sign shall not be more than fifteen (15) feet above the level of the ground and shall not extend over the property line.
- d. In addition to any sign or signs permitted under Subsections a, b, and c, a sign or signs limited to those purposes set forth in Subsection b and to show or evidence membership

in a retail or professional organization or credit card or credit association or plan, to show manufacturers' or legally required licenses, attached to or painted on a store window or windows on the exterior or interior of any structure, the total area of such sign or signs not to exceed thirty (30%) percent of the window space.

- e. Motor Vehicle Service Station. In addition to any sign or signs permitted in other sections of this chapter, one (1) sign bearing the brand or trade name of the gasoline sold on the premises of a design specified by the manufacturer, permanently affixed to the building or its own metal substructure, said sign not to exceed thirty (30) square feet in area which shall be rigidly and securely attached to the ground surface so as to create no danger to life or limb and shall not exceed eighteen (18) feet in height overall. The area of a two-sided sign shall be determined by dimensions of one (1) side.

§ 34-17.9. General Prohibitions. [Ord. #13-02 § 17.9]

Without limiting the generality of the preceding provisions of this section:

- a. No billboard or billboard signs shall be permitted. No sign otherwise lawful under this chapter shall be prohibited because of this section.
- b. No sign shall be placed or located or displayed upon any sidewalk or area between sidewalk and curb.
- c. No roof sign often known also as "sky sign" shall be permitted. No sign otherwise lawful under this section shall be prohibited because of this subsection.
- d. No sign projecting on or over a sidewalk shall be permitted.
- e. Except as otherwise specifically provided in this section, no freestanding signs shall be permitted.
- f. No signs shall be erected or painted or composed of fluorescent, phosphorescent or similar material.
- g. No sign shall be, in whole or in part, moving, mobile or revolving.
- h. No strings or streamers of flags, pennants, spinners or other similar devices strung across, upon, over or along any premises or building, whether or not as a part of any sign, shall be allowed within any zone, except those which shall be specifically exempted under Subsection 34-17.10 of this section.
- i. No neon signs may be installed or placed in or upon any property in any zone.
- j. The portion of a sign identifying a business use shall be removed within thirty (30) days after the business ceases operation on the premises.

§ 34-17.10. Exemptions. [Ord. #13-02 § 17.10]

The provisions and regulations of this section shall not apply to the following signs; provided, however, that said signs remain subject to the provisions of size, number and location and the provisions of Subsection 34-17.13 of this section.

- a. A professional nameplate affixed to the door or adjacent wall of premises so used, not to exceed eight by twenty (8 x 20) inches per professional occupant.
- b. A bulletin board not exceeding five (5) square feet in area for public charitable or religious institutions when located upon the premises of said institutions, said bulletin board to be in addition to any sign or signs permitted under Subsection 34-17.6c of this section.
- c. A memorial sign or tablet, or a sign indicating the name of a building or the date of its erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material.
- d. The following signs, customary and necessary to the operation of filling and motor vehicle service stations:
 1. Lettering on buildings displayed over individual entrance doors consisting of the words "washing," "lubrication," "repairing" or words of similar import, provided that there shall be not more than one (1) such sign over each entrance and that the letters shall not exceed ten (10) inches in height.
 2. Lettering or other insignia which are a structural part of a gasoline pump consisting only of a brand name, lead-warning sign and other signs as required by law.
 3. A credit card sign not exceeding two (2) square feet in area affixed to the building.
 4. A sign attached to each gas pump with the price of the product, as required by law.
 5. The maximum aggregate area of all signage, excluding signage permitted by Subsection 34-17.8c, shall not exceed twenty (20) square feet.
- e. Signs of every kind and nature erected by or on behalf of the United States of America, the State of New Jersey, the County of Bergen and the Borough of Midland Park, traffic controls in private ways and parking lots, legal notices, railroad crossing signs, or other signs required by law, and such temporary signs for public and charitable purposes as may be approved by the Zoning Official for a period of time not to exceed thirty (30) days.
- f. A sign customary and necessary in the offering of real estate for sale or to let by the owner thereof and his agent or broker in R-1, Residence Zone, not to exceed three (3) square feet in area.
- g. Signs customary and necessary in the offering of real estate for sale or to let by the owner thereof and his real estate agent or broker in retail business and industrial zones not to exceed sixteen (16) square feet in area.

- h. Signs customarily used to indicate that real estate offered for sale or to let has been sold or leased by the real estate agent or broker concerned in R-1, R-2 and R-3 Residence Zones, not to exceed six (6) square feet in area and not to be maintained more than two (2) weeks after closing.
- i. Signs customary and necessary in the offering of a newly constructed building for sale or to let by the owner thereof and his real estate agent or broker in the R-1, R-2 and R-3 Residence Zones, not to exceed three (3) square feet in area, and in the retail business and industrial zones, not to exceed sixteen (16) square feet in area.
- j. Temporary signs customary and necessary in connection with the erection of buildings or other construction work shall be limited to one (1) sign for each construction project, to include only the identification of the project, the architect, the builder and the subcontractors. Such sign may be freestanding or attached to the premises, but shall not exceed twenty (20) square feet in area, and shall be removed at the completion of construction, rental or sale.
- k. The interior contents of lawfully permitted signs specifically designed to be changed from time to time, such as church announcement boards, theater marquees, restaurant menus and the like.
- l. Temporary signs for governmental, political, religious and charitable purposes, provided that the same are not in excess of fifty (50) square feet in area and do not violate the placement or construction provisions of this chapter, including exterior decorating for holiday or patriotic purposes for a period not to exceed thirty (30) days.
- m. **Flags and banners customarily used in connection with the opening of a new business or enterprise shall be permitted to be displayed on the face of the building within which the enterprise or business is opening, on the day of opening thereof and for ten (10) consecutive business days thereafter, provided only that the person or entity desiring to so display flags and banners on the opening of the business shall obtain a permit in accordance with Subsection 34-17.12 of this section and be charged a minimum permit fee.**
- n. All signs referred to in Subsections f through m may be freestanding or attached to the premises.

§ 34-17.11. Lighting and Illumination. [Ord. #13-02 § 17.11]

Any sign permitted by the provisions of this section or allowed pursuant to a sign exception granted under Subsection 34-17.14 of this section may be nonilluminated or nonflashing-illuminated. Illuminated signs shall have sources of illumination shielded in such a manner that such sources are not visible from the street or adjoining property.