

SUBCHAPTER 5. PERMITS

16:41C-5.1 Types of signs permitted

(a) No permit shall be issued by the Commissioner for outdoor advertising signs to be erected or maintained in any protected area visible from the main-traveled way of any portion of limited access or non-limited access highways except such signs as set forth in (a)1 through 5 below. All such signs are subject to all of the rules in this chapter.

1. Directional and other official signs and notices outside the State right-of-way. These signs are categorized as follows:

i. Directional signs: Signs deemed by the Commissioner to be in the interest of the traveling public and containing directional information about public places owned or operated by Federal, State or local governments or their agencies; publicly or privately-owned natural phenomena; historic, cultural, scientific, educational and religious sites; and areas of natural scenic beauty or those naturally suited for outdoor recreation;

ii. Official signs and notices: Signs and notices erected and maintained by public officers of public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with Federal, State or local law. Historical markers authorized by State law and erected by State or local governmental agencies or nonprofit historical societies may be considered official signs;

iii. Public utility signs: Warning signs, informational signs, notices or markers which are customarily erected and maintained by publicly or privately owned public utilities and are essential to their operation;

iv. Service club and religious notices: Signs and notices whose erection is permitted by law, relating to meetings of nonprofit service clubs, charitable associations or religious services; and

v. Public service signs: Signs located off the right-of-way on benches or school bus stop shelters, which are authorized or approved by city, county or State law, regulation or ordinance, and at places approved by the city, county or State agency controlling the highway involved.

2. On-premise signs, which may be categorized as follows:

i. Signs advertising the sale or lease of property on which they are located; and

ii. Signs advertising activities conducted on the property on which they are located.

3. Off-premise advertising signs within the protected area of the Interstate System may be permitted in the following areas:

i. Commercial or industrial zones within the boundaries of incorporated municipalities as they existed on September 21, 1959;

ii. Areas where the land use as of September 21, 1959, was clearly established by State law as commercial or industrial within 660 feet of the nearest edge of the right-of-way; and

iii. Zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way, any part of which was acquired on or before July 1, 1956.

4. Off-premise advertising signs within the protected area on the Primary System may be permitted in the following areas:

i. Areas which are zoned industrial or commercial under the authority of State law; and

ii. Signs located in areas determined to be industrial or commercial pursuant to State law.

5. Off-premise signs in any other area not covered by (a)3 or 4 above may be permitted as follows:

i. Signs located in areas which are zoned industrial or commercial pursuant to State law; and

ii. Signs located in areas determined to be industrial or commercial pursuant to State law.

6. In those instances where the Commissioner deems it to be in the public interest, he or she may issue a permit for a sign on public property which would not otherwise be permitted under the provision of the State Act and impose conditions as he or she deems appropriate.

Case Notes

Commissioner of Transportation's action in issuing permit for outdoor advertising sign was arbitrary, capricious and unreasonable; Commissioner gave no weight to state expressway authority's experts, who painstakingly described high volume and dangerous quality of traffic in vicinity of proposed site, noting numerous hazardous maneuvers made by motorist using exit, dangerous quality of expressway-parkway interchange, and fact that a motorist's view of the exit ramp was obstructed until it passed under an overpass, as well as describing existing traffic signs at or near proposed billboard which would demand a motorist's attention. *Philadelphia Outdoor v. New Jersey Expressway Authority*, 221 N.J.Super. 207, 534 A.2d 77 (A.D.1987) appeal dismissed 114 N.J. 470, 555 A.2d 598.

16:41C-5.2 Permit requirements

(a) Any person, municipality or other jurisdictional authority whether required to be licensed or not, must obtain a permit from the Department for each outdoor advertising display before erecting, maintaining or using any outdoor advertising structure or other object other than those erected by the Department and directional and other official signs and notices for the display of outdoor advertising.

(b) No permit issued to a person required to obtain a license pursuant to this chapter shall be valid unless the license is in full force and effect.

(c) A permit shall be in force from the date issued to the following May 15, unless revoked.

16:41C-5.3 Permit applications

(a) An application for a permit may be obtained from the New Jersey Department of Transportation, Outdoor Advertising Section. Completed applications should be returned to the New Jersey Department of Transportation, Outdoor Advertising Section.

(b) Each application shall specify the location where the sign is to be placed and maintained. If, after approval of such application and issuance of a permit, the sign is removed or placed in a different location from the approved location, such permit shall be null and void.

(c) An application for a permit shall be accompanied by a drawing or sketch of the structure (that is, pylon, tower, and the like) indicating what area of it will be put to advertising use.

(d) If the name or address of a permittee changes, notice of the change shall be filed with the Department's Outdoor Advertising Section within thirty days of the change.

(e) A single application may cover a double-faced, back-to-back, side-by-side or V-type sign. The fee charged will be for the total advertising surface area at the permitted location.

16:41C-5.4 Alteration of surface area

(a) Multiple message signs are limited to the restrictions of N.J.A.C. 16:41C-3.2(a)12.

(b) When a permittee desires to enlarge the surface area of a sign, an application for a new permit shall be made and the applicable application and permit fees shall be paid.

(c) Any permittee seeking to add to an already existing advertising structure or object for which he has a valid permit shall apply for a new permit and pay the applicable application and permit fees if the area to be added exceeds the permitted area.

(d) Cutouts and/or extensions may be added to an existing conforming sign, provided the sign's permit authorizes an area equal to or larger than the smallest rectangle enclosing the sign and all cutouts. The area of the sign including cutouts shall not exceed 1,000 square feet for ground mounted signs or 1,200 square feet for wall or roof mounted signs. The advertising surface of the sign, including cutouts, shall not exceed 25 feet in height (30 feet for wall or roof mounted signs) or 60 feet in width.

i. When cutouts are added to signs with back-ups, their back side shall be painted to blend in with the existing backdrop.

ii. The dimension of conforming signs authorized by a permit of 1,000 square feet (1,200 square feet for wall or roof) or less will be allowed to vary in order to accommodate cutouts and/or extensions. Up to an additional 2.5 feet will be allowed on either side as well as 5.5 feet on the top and two feet on the bottom of the existing sign providing all additions are within the rectangular envelope authorized by the sign's permit.

16:41C-5.5 Permit holders

(a) The name of the permittee and the application number of the sign shall be placed in a conspicuous location on the sign structure within 30 days after issuance of the permit or erection of the sign, whichever is sooner, except as specified in (b) below.

(b) If a ground structure is not built within 60 days of the date of issuance of the permit, the permittee must place a sign 18 inches by 24 inches at the site parallel to the roadway and within 10 feet of the right-of-way line. The sign must be fabricated on aluminum, fiberglass or approved equal with two inch black letters on a white background. It shall contain the name of the permit holder and application number for the sign. The sign shall be mounted on a steel post at a height seven feet above ground.

SUBCHAPTER 6. FEES

16:41C-6.1 Permit application fees

(a) A \$50.00 application fee shall be submitted with each new application for an off-premise outdoor advertising permit for signs with an advertising surface area of 100 square feet or less.

(b) A \$200.00 application fee shall be submitted with each new application for an off-premise outdoor advertising permit for signs with an advertising surface area exceeding 100 square feet.

(c) No application fee will be charged for a change of name or address or no fee permits.

(d) No refund will be made after an application for a permit has been filed.

(e) If an outdoor advertising sign is erected or modified prior to submitting an application and obtaining a permit for same, the following late application charges shall be imposed in addition to the regular fees: