

CHAPTER 41C**ROADSIDE SIGN CONTROL AND
OUTDOOR ADVERTISING****Authority**

N.J.S.A. 27:1A-5, 27:1A-6, and the Roadside Sign Control and Outdoor Advertising Act, N.J.S.A. 27:5-5 et seq. (P.L. 1991, c.413).

Source and Effective Date

R.1997 d.77, effective January 23, 1997.
See: 28 N.J.R. 4742(a), 29 N.J.R. 614(a).

Executive Order No. 66(1978) Expiration Date

Chapter 41C, Roadside Sign Control and Outdoor Advertising, expires on January 23, 2002.

Chapter Historical Note

Rules on outdoor advertising, formerly codified at N.J.A.C. 16:41-8 and 16:41A, were repealed and replaced by N.J.A.C. 16:41C, Roadside Sign Control and Outdoor Advertising, by R.1992 d.206, effective May 4, 1992. See: 24 N.J.R. 695(a), 24 N.J.R. 1807(a). Petition for Rulemaking: Notice of Receipt of Petition for Rulemaking. See: 25 N.J.R. 1895(a).

Pursuant to Executive Order No. 66(1978), Chapter 41C was re-adopted as R.1997 d.77, effective January 23, 1997. See: Source and Effective Date. As part of R.1997 d.77, effective February 18, 1997 (operative March 3, 1997), Subchapter 1, Definitions, was recodified as Subchapter 2; Subchapter 2, General Provisions, was recodified as Subchapter 1, Declaration of Policy; Subchapter 3, Restrictions, was repealed and a new Subchapter 3, Restrictions, was adopted as new rules; Subchapter 5, Permits, was renamed Signs and Permits; Subchapter 7, Vegetation Control, was renamed Vegetation Control: Obstruction of Signs; and Subchapter 9, Nonconforming Sign Structures, was renamed Nonconforming Signs. See, also, section annotations.

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SUBCHAPTER 1. DECLARATION OF POLICY**16:41C-1.1 Purpose**

(a) The purpose of this chapter is to balance the need to control and regulate roadside signs and outdoor advertising, promote the scenic beauty of the State, provide for the safety and convenience of the public, and the need to stimulate economic and commercial activity within the State of New Jersey. This chapter requires and provides for the issuing of licenses and permits for roadside signs and outdoor advertising and the establishment, use, maintenance and removal of such signs.

(b) Consistent with Federal law, the State Act and the Agreement as presently existing and hereafter amended, the Commissioner is authorized to promulgate rules, in a manner consistent with the Administrative Procedure Act, governing outdoor advertising including spacing, size, lighting and other requirements pertaining to the issuance or denial of permits for the erection or maintenance of outdoor advertising signs along limited access and non-limited access highways, prescribing the number, locations and types of and specifications for outdoor advertising signs, and designating the conditions under which outdoor advertising signs may be erected and maintained.

(c) Consistent with the State Act, the Commissioner is authorized to charge and collect fees for the issuance of permits and related costs. The moneys received from such fees shall be deposited with the State Treasurer, and be subject to disbursement on order of the Commissioner to defray the expense of administering the provisions of this chapter.

(d) The Commissioner is authorized to designate certain roadside areas as "safety rest areas" or "informational sites" and to provide by rules for the erection and maintenance of signs in such areas.

(e) The Commissioner is authorized to acquire by gift, purchase or condemnation, real and personal property or the right to maintain outdoor advertising signs in any protected area or protected zone of limited access and non-limited access highways for the purpose of implementing the rules in this chapter. All persons whose property is purchased or otherwise acquired, except by gift to the State of New Jersey, shall receive just compensation therefor.

Amended by R.1997 d.77, effective February 18, 1997 (operative March 3, 1997).

See: 28 N.J.R. 4742(a), 29 N.J.R. 614(a).

In (a), added text "of such signs" at end; in (b) substituted "Federal law . . . and hereafter amended" for "the Act and Outdoor Advertising Act" and "advertising signs along" for "advertising signs within protected areas"; substantially amended (c); and in (e), inserted text "or protected zone".

Case Notes

Advertising sign in area of federal interstate system was subject to state zoning regulation. *New York Outdoor v. Department of Transportation*, 95 N.J.A.R.2d (TRP) 21.

SUBCHAPTER 2. DEFINITIONS

16:41C-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Abandoned" means any sign which has not had an advertisement on it, or the advertisement is in need of repair, or the structure is missing components necessary for an advertisement for a period of three months. A sign in good repair containing the message "available" or other similar sales information shall not be considered abandoned.

"Administrator" means the Administrator of Outdoor Advertising of the New Jersey Department of Transportation.

"Advertisement" means any message placed on a sign.

"Advertising structure" means any rigid or semi-rigid material, with or without advertisement displayed thereon, situated upon or attached to real property outdoors, primarily or principally for the purpose of furnishing a background or base or support upon which an advertisement may be displayed.

"Advertising surface area" means the total surface area of a sign face as measured by the smallest rectangle which will encompass the entire area as indicated on the approved application and permit. All dimensions include border, trim and cutouts, but exclude decorative bases and supports.

"Agreement" means the Agreement between the U.S. Secretary of Transportation and the Department establishing size, spacing and lighting standards for effective control of outdoor advertising signs along interstate and Federal aid primary highways as adopted in 1971 and as may be subsequently amended.

"Atlantic City Casino-Recreation District" means that area within the city limits of the City of Atlantic City which is zoned RS-C (Resort Commercial Development District), RS (Resort Service), CBD (Central Business District), URT (Urban Renewal Tract) or Beach (boardwalk) as defined by the City of Atlantic City.

"Business of outdoor advertising" means the display of an advertisement in exchange for any compensation or item or service of value by any person through the erection, use or maintenance of a sign.

"Commercial or industrial activities for purposes of un-zoned commercial or industrial areas" means those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

1. Outdoor advertising signs;
2. Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands;
3. Transient or temporary activities;
4. Activities not visible from the main traveled way;
5. Activities more than 660 feet (201.2 meters) from the nearest edge of the right of way;
6. Activities conducted in a building primarily used as a residence; and
7. Railroad tracks and minor sidings.

"Commissioner" means the Commissioner of the New Jersey Department of Transportation.

"Customary maintenance" means all manner of reasonable repair or maintenance of a sign, including replacement of worn or damaged portions of the structure.