

CHAPTER 41C

ROADSIDE SIGN CONTROL AND OUTDOOR ADVERTISING

Authority

N.J.S.A. 27:1A-5, 27:1A-6 and 27:5-5 et seq.

Source and Effective Date

R.2007 d.241, effective August 6, 2007.
See: 39 N.J.R. 164(a), 39 N.J.R. 3395(a).

Chapter Expiration Date

Chapter 41C, Roadside Sign Control and Outdoor Advertising, expires on August 6, 2012.

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Rules on outdoor advertising, formerly codified at N.J.A.C. 16:41-8 and 16:41A, were repealed and replaced by Chapter 41C, Roadside Sign Control and Outdoor Advertising, by R.1992 d.206, effective May 4, 1992.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, Roadside Sign Control and Outdoor Advertising, was readopted as R.1997 d.77, effective January 23, 1997. As part of R.1997 d.77, effective February 18, 1997 (operative March 3, 1997), Subchapter 1, Definitions, was recodified as Subchapter 2, Definitions; 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2, General Provisions, was recodified as Subchapter 1, Declaration of Policy; Subchapter 3, Restrictions, was repealed and a new Subchapter 3, Restrictions, was adopted as new rules. See: 28 N.J.R. 4742(a), 29 N.J.R. 614(a).

Chapter 41C, Roadside Sign Control and Outdoor Advertising, was readopted as R.2002 d.21, effective December 20, 2001. See: 33 N.J.R. 2625(a), 34 N.J.R. 499(a).

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 41C, Roadside Sign Control and Outdoor Advertising, expired on June 18, 2007. See: 39 N.J.R. 164(a).

Chapter 41C, Roadside Sign Control and Outdoor Advertising, was adopted as new rules by R.2007 d.241, effective August 6, 2007. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DECLARATION OF POLICY

16:41C-1.1 Purpose

SUBCHAPTER 2. DEFINITIONS

16:41C-2.1 Definitions
16:41C-2.2 (Reserved)

SUBCHAPTER 3. RESTRICTIONS

16:41C-3.1 General restrictions

SUBCHAPTER 4. LICENSE PROVISIONS

16:41C-4.1 When license required
16:41C-4.2 Bond for non-resident
16:41C-4.3 License expiration date
16:41C-4.4 Disclosure statement requirement for license holders

SUBCHAPTER 5. SIGNS AND PERMITS

16:41C-5.1 Types of signs allowed

16:41C-5.2 Permit requirements
16:41C-5.3 Permit applications
16:41C-5.4 Issuance of permit
16:41C-5.5 Alteration of permit area
16:41C-5.6 Permit holders
16:41C-5.7 Appeal of denial of application

SUBCHAPTER 6. FEES

16:41C-6.1 Permit application fees
16:41C-6.2 Permit fees
16:41C-6.3 Renewal of permits and late renewal charges
16:41C-6.4 Fee for name or ownership change

SUBCHAPTER 7. VEGETATION CONTROL

16:41C-7.1 Vegetation control

SUBCHAPTER 8. STANDARD REQUIREMENTS

16:41C-8.1 General requirements
16:41C-8.2 Directional signs
16:41C-8.3 Public utility signs
16:41C-8.4 Service club and religious notices
16:41C-8.5 Signs on school bus stop shelters
16:41C-8.6 On-premise signs
16:41C-8.7 Off-premise signs
16:41C-8.8 Off-premise multiple message signs
16:41C-8.9 Signs on State property
16:41C-8.10 Signs on transit bus shelters

SUBCHAPTER 9. NONCONFORMING SIGNS

16:41C-9.1 General provisions

SUBCHAPTER 10. VIOLATIONS AND PENALTIES

16:41C-10.1 Notice, protests and hearings
16:41C-10.2 Causes for revocation of license or permit or for suspension of a license
16:41C-10.3 Removal provisions
16:41C-10.4 Penalties

APPENDIX

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.

"Beginning of pavement widening" means that point where a highway begins to widen beyond the width of the main-traveled way, leading toward an exit ramp or another highway.

"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.

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

"Customary maintenance" means all manner of repair or maintenance of a permitted sign, which is done to keep the sign structurally sound and in good repair. Customary maintenance applies to all parts of a sign including its foundation, supporting structure and sign face. Customary maintenance does not include:

1. Any repair, maintenance or improvement of a non-conforming sign that has been removed, abandoned, or totally destroyed;
2. Any repair, maintenance or improvement that changes the sign's setback and/or height;
3. Any repair, maintenance or improvement that causes the sign to be erected in a manner contrary to its permit or approved application;
4. Any repair, maintenance or improvement that results in a change in the material of the sign's supporting structure; or