

OUTDOOR ADVERTISING

**ADJACENT TO INTERSTATE AND
FEDERAL AID PRIMARY HIGHWAYS**

NEW JERSEY



RULES AND REGULATIONS

APRIL 1979

**New Jersey Department Of Transportation
Bureau Of Maintenance - Outdoor Advertising Section**

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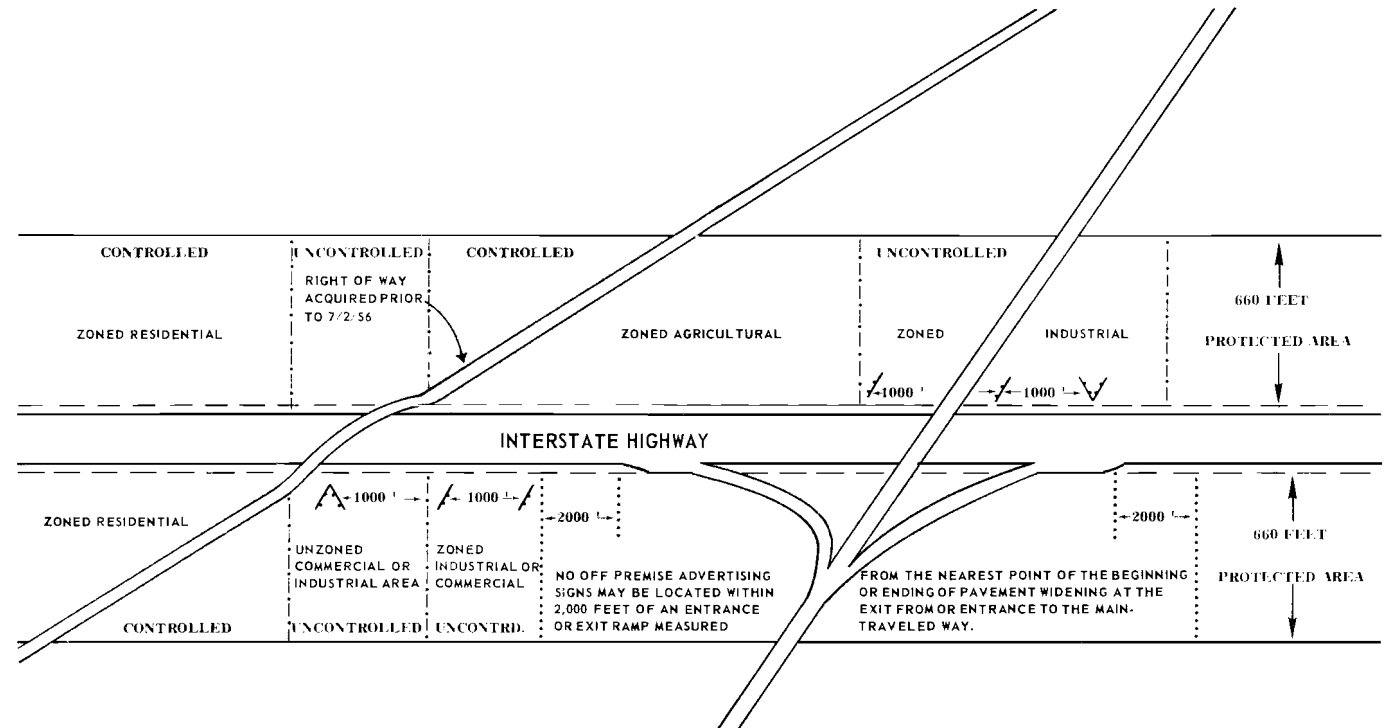
FOREWARD

This booklet has been prepared for distribution to the general public and those concerned with the control of outdoor advertising adjacent and visible to Interstate and Federal Aid Primary Highways in New Jersey.

The contents herein have been extracted directly from Chapter 41, Subchapter 8 of Title 16 of the New Jersey Administrative Code. The regulations were originally filed and promulgated by the Commissioner of Transportation in April 1973. These regulations have been supplemented and amended as dated in the context of the Administrative Code.

The Outdoor Advertising permit applications referred to herein are available upon request from:

N.J. Department of Transportation
Bureau of Maintenance
Outdoor Advertising Section
12 Farrell Avenue
Trenton, New Jersey 08625
Telephone 609-292-4247



ADVERTISING ADJACENT TO THE INTERSTATE HIGHWAY SYSTEM

FIG. 1

SUBCHAPTER 8.

OUTDOOR ADVERTISING ON LIMITED
ACCESS HIGHWAYS AND NONLIMITED
ACCESS HIGHWAYS ON THE FEDERAL AID
PRIMARY SYSTEM

Authority

Unless otherwise expressly noted, all provisions of this subchapter 8 of chapter 41 were adopted by the Commissioner of Transportation, pursuant to authority delegated at N.J.S.A. 27:7A-14, and were filed and became effective prior to September 1, 1969. Revisions were also filed and became effective April 10, 1973, as R.1973 d.100. See: 4 N.J.R. 141(a), 5 N.J.R. 167(b).

16:41-8.1

PERMITS

Definitions

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

“Act” means section 131 of Title 23, United States Code (1965), commonly referred to as Title 1 of the Highway Beautification Act of 1965.

“Advertisement” means the outdoor display upon real property within public view of any writing, printing, picture, painting, emblem, drawing, sign or similar device intended to invite or draw the attention of the public to any goods, merchandise, property, business, services, entertainment or amusement.

“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 posted or displayed.

“Advertising surface” means the advertising surface shall be the total surface area of a sign upon which advertising may be placed, including border, trim cutouts and extensions, but excluding decorative bases and supports.

“Area of advertising surface” means the area in square feet measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign.

“Back to back sign”—See “back up.”

“Back up” means an advertising structure erected upon the ground in the rear of another structure, at a distance of not more than 25 feet to allow for crossbraces, which conforms with the general lines and measurements of the other structure.

"Business of outdoor advertising" means the engaging by any person in the selling of outdoor advertising for profit through the erection, use or maintenance of advertising structures or spaces, or the posting or display of advertisements.

"Commercial or industrial activities for purposes of unzoned 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 structures;
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 from the nearest edge of the right of way;
6. Activities conducted in a building principally used as a residence;
7. Railroad tracks and minor sidings.

"Controlled portion of the interstate system" means any portion of an interstate highway which is constructed upon any part of right-of-way, the entire width of which was acquired subsequent to July 1, 1956, excluding those segments which traverse commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, and which traverse other areas where the land use, as of September 21, 1959, was clearly established by the laws of the State as industrial or commercial.

"Entrance roadway" means any public road or turning roadway, including acceleration lanes, by which traffic may enter the main-traveled way of any Limited Access or Non-Limited Access Highway from the general road system, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to change of advertising message or normal maintenance or repair of a sign or sign structure.

"Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a limited access or non-limited access highway to reach the general road system, irrespective of whether traffic may also enter the main-traveled way of such road or turning roadway.

“Federal-aid primary highway” means any highway within that portion of the State highway system as designated or as may hereafter be so designated by the State, which has been approved by the Secretary of Transportation pursuant to subsection (b) of Section 103 of Title 23, United States Code.

“Freeway” means a State highway especially designed for through mixed traffic over which abutters have no easement or right of light, air or direct access, by reason of the fact that their property abuts upon such way, with or without service roads.

“Ground structure” means any advertising structure or display erected upon the ground.

“Imprint” means the name, mark, symbol, seal or signature of a licensee.

“Incorporated municipalities” means cities, towns, townships, villages, boroughs and any municipalities governed by a Board of Commissioners or an Improvement Commission.

“Informational site” means an area or a site established and maintained within or adjacent to the right-of-way of a limited access highway by or under the supervision or control of the Department of Transportation, wherein panels for the display of advertising and informational signs may be erected and maintained.

“Interstate system” means those highways constructed within this State and approved by the Secretary of Transportation of the United States as an official portion of the National System of Interstate and Defense Highways pursuant to the provisions of Title 23, “Highways”, of the United States Code, as amended.

“Licensee” means any person, firm, corporation, co-partnership or association who is the holder of any valid and unrevoked license to engage in the outdoor advertising business in this State.

“Licensed location” means a place, spot, site or space for which an outdoor advertising permit has been duly issued for the erection or maintenance of an advertising structure or display to be used for advertising purposes within one year without regard to whether the same has actually been constructed, painted or posted.

“Licensed structure or display” means any object or space used or to be used for outdoor advertising purposes for which a permit has been duly issued.

“Limited access highway” means a highway especially designed for through traffic, over which abutters have no easement or right of light, air or direct access by reason of the fact that their property abuts upon such limited access highway. For purposes of these rules, interstate highways, parkways and freeways shall be considered limited access highways.

“Main-traveled way” means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way

of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways or parking areas.

“Non-limited access highway” means highways, excluding freeways, parkways and the interstate system where the right of reasonable access is not denied.

“Parkway” means a State highway especially designed for through passenger traffic over which abutters have no easement or right of light, air, or direct access, by reason of the fact that their property abuts upon such way, with special treatment in landscaping and planting between roadways and along its borders, which borders may also include service roads open to mixed traffic, recreational facilities such as pedestrian, bicycle and bridle paths, overlooks and picnic areas and other necessary non-commercial facilities.

“Permit” means a certificate, issued by the Outdoor Advertising Section granting permission to erect a sign at the location described thereon.

“Permittee” means any person holding a valid and unrevoked outdoor advertising permit.

“Premises” means that portion of the property wherein any industry, commerce, business, occupation, trade or service is conducted.

“Protected areas” means all areas inside the boundaries of this State within 660 feet of the edge of the right-of-way of limited access and non-limited access highways. Protected areas also include all areas inside the boundaries of this State which are beyond 660 feet of the edge of the right-of-way of the interstate system or primary system outside urban areas.

“Route” means a highway or set of highways including roads, streets, boulevards, parkways, bridges and culverts needed to provide direct communication between designated points.

“Safety rest area” means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the traveling public.

“Scenic area” means any public park or area of particular scenic beauty or historical significance, as designated by the Commissioner of Transportation or other State agency having and exercising such authority.

“Signs” means any outdoor sign, display, device, figure painting, drawing, message, placard, poster, billboard or other thing, whether placed on the ground, rocks, trees, tree stumps or other natural structures or on a building, structure, sign board, billboard, wallboard, frame, support, fence or elsewhere, and any lighting or other accessories used in conjunction therewith, which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from the main-traveled way of a limited access or non-limited access highway.

“Thickly settled district” means a commercial or industrial zoned or unzoned area where business buildings or houses are less than 200 feet apart along the street for one-quarter mile or over.

“Trade name” includes the brand name, trademark, distinctive symbol or other device or thing used to identify particular products or services.

“Traveled way” means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

“Turnpike” means the New Jersey Turnpike and its branches.

“Unzoned commercial or industrial areas” means those areas which are not zoned by State or local law, regulation or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 800 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing and landscaped areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway.

“Urban areas” means an urbanized area or in the case of an urbanized area encompassing more than one state, that part of the urbanized area in this State, or an urban place as designated by the Bureau of Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary of Transportation of the United States. Such boundaries shall, as a minimum, encompass the entire place designated by the Bureau of Census.

“Visible” means the advertising copy or informative contents which are capable of being seen without visual aid by a person of normal visual acuity.

“V-type sign” means a single structure having two faces in the shape of the letter “V” when viewed from above, with the faces oriented in opposite directions.

“Zoned commercial or industrial areas” means those areas which are zoned for business, industry, commerce or trade pursuant to a State or local zoning ordinance or regulation.

As amended, R.1977 d.426, eff. November 16, 1977.
See: 9 N.J.R. 188(b), 9 N.J.R. 593(d).

16:41-8.2 General provisions

(a) The Commissioner of Transportation is authorized, following public hearings, to promulgate rules governing outdoor advertising which shall include space, size, lighting and other requirements pertaining to the issuance or denial of permits for the erection or maintenance of outdoor advertising signs within protected areas of 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.

(b) In connection with the issuance of permits for outdoor advertising signs, the Commissioner of Transportation is authorized to charge and collect fees in such amounts as set forth in section 9(Permit fees) of this subchapter for the issuance of such permits. The moneys received from such fees shall be deposited with the State Treasurer, and be subject to disbursement on order of the Commissioner of Transportation to defray the expense of administering the provisions of this subchapter.

(c) In the promulgation of rules pursuant to this section, the Commissioner of Transportation shall give due consideration to the safety, convenience and enjoyment of travel on the highways to which the rules contained in this subchapter apply, to the public investment in such highways, and to the type of information needed by the traveling public when using such highways.

(d) The Commissioner of Transportation 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 sites. In the establishment and maintenance of such sites, the Commissioner of Transportation is authorized to use existing right-of-way, notwithstanding any prohibition against such use set forth in section 3(Signs prohibited within right-of-way) of this subchapter, or safety or roadside rest areas as in his judgment are needed for this purpose. The use of such land for safety rest areas or informational sites is a "highway purpose" under the laws of the State of New Jersey.

(e) The Commissioner of Transportation 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 of limited access and non-limited access highways for the purpose of implementing the rules in this subchapter. All persons whose property is purchased or otherwise acquired, except by gift to the State of New Jersey, pursuant to these rules shall receive just compensation therefor.

16:41-8.3 Signs prohibited within right-of-way

No outdoor advertising signs shall be erected or maintained within the right-of-way of any portion of limited access or non-limited access highways within the State of New Jersey, except that this prohibition shall not apply to signs, public notices or markers erected or maintained by the Department of Transportation, or the signs erected or maintained at the "informational sites" designated by the Commissioner of Transportation pursuant to section 2 (General provisions) of this subchapter.

16:41-8.4 General restrictions

(a) Any roadside signs permitted by section 5 (Types of signs permitted) of this subchapter shall be by permit from the Commissioner of Transportation as provided in section 2 (General provisions) of this subchapter and pursuant to the conditions set forth in such permits, which conditions will be consistent with the following.

1. No off-premise outdoor advertising signs may be erected along the Garden State Parkway or along portions of the New Jersey Turnpike which are not incorporated into the Federal Aid Interstate Highway System.

2. No outdoor advertising signs may interfere or be likely to interfere with the ability of the operator of a motor vehicle to have a clear and unobstructed view of the street or highway ahead or of approaching, merging or intersecting traffic, or of official signs, signals or traffic control devices.

3. No outdoor advertising signs may attempt or appear to attempt to direct the movement of traffic or interfere with, imitate, or resemble any official traffic sign, signal or device, or utilize lighting equipment or reflectorized materials which emit or reflect a red, amber or green color, except as may be authorized by agreement between the Commissioner of Transportation and the United States Secretary of Transportation.

4. Illumination of outdoor advertising signs must be effectively shielded so as to prevent light from being directed at any portion of the main-traveled way of the street or highway, or if not so shielded, be of such low intensity or brilliance as not to cause glare or impair the vision of operators of motor vehicles on such street or highway, or otherwise impair the operation of a motor vehicle.

5. Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited, except those giving public service information, such as, time, date, temperature, weather or similar information.

6. All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the State of New Jersey.

7. No outdoor advertising sign may be painted, drawn, erected or maintained upon trees, rocks or other natural features.

8. No outdoor advertising signs may be of such a type, size or character as will endanger or injure public safety, health or morals or be injurious to property in the vicinity thereof.

9. No outdoor advertising signs will be permitted which advertise activities that are illegal under Federal or State laws or rules in effect at the location of those signs or at the location of those activities.

10. No outdoor advertising signs will be permitted which have any animated or moving parts, except those giving public service information, such as, time, date, temperature, weather or similar information.

11. All outdoor advertising signs must be maintained in a safe condition with due regard for conditions of climate, weather and terrain.

12. No outdoor advertising sign will be permitted that is not clean or in good condition.

13. No outdoor advertising structure will be permitted which is abandoned or disused for a fixed period of one year after originally reported by outdoor advertising staff. The permittee shall be officially notified by letter of said classification of disuse or abandonment in order that appropriate remedial action may be taken.

i. A sign shall be considered abandoned when it is determined to be structurally unsound by a professional engineer, or it is in an aesthetically blighted condition, when 25 per cent of the surface requires a reconditioning of the protective or decorative coating as evidenced by, but not limited to, peeling or flaking paint.

ii. A sign which remains blank, void of advertising copy for a fixed period of one year shall be considered disused.

14. No outdoor advertising sign will be permitted which would injuriously affect any public interest. In determining whether the issuance of a permit would adversely affect any public interest, the administrator of outdoor advertising shall consider public sentiment as expressed by the governing authorities and agencies of the United States, State of New Jersey or the county or municipality within those boundaries the application is made.

15. Adjustment, alteration, or removal of existing natural landscaping within the right-of-way in order to increase or enhance the visibility of an advertising structure will not be allowed, unless approval is obtained from the department.

As amended, R.1976 d.350, eff. November 9, 1976.

See: 8 N.J.R. 442(a), 8 N.J.R. 581(b).

As amended, R.1977 d.426, eff. November 16, 1977.

See: 9 N.J.R. 188(b), 9 N.J.R. 593(d).

16:41-8.5 Types of signs permitted

(a) No permit shall be issued by the Commissioner of Transportation 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 paragraphs 1 through 4 of this subsection, which are subject to all of the rules promulgated by the Commissioner of Transportation in this subchapter.

1. Directional and other official signs and notices. These types of signs may be categorized as follows.

i. Directional signs: Included in this category are signs 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 naturally suited for outdoor recreation, deemed by the Commissioner of Transportation to be in the interest of the traveling public.

ii. Official signs and notices: Included in this category are signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in Federal, State or local law for the purposes of carrying out an official duty or responsibility. 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: Included in this category are warning signs, informational signs, notices or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

iv. Service club and religious notices: Included in this category are signs and notices whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations or religious services.

v. Public service signs: Included in this category are signs located on school bus stop shelters, which shelters 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:

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

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. Signs located in commercial or industrial zones within the boundaries of incorporated municipalities as those boundaries existed on September 21, 1959.

ii. Signs located in all other 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.

iii. Signs located in 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 of limited access (other than the interstate system) and non-limited access highways may be permitted in the following areas.

i. Signs in areas which are zoned industrial or commercial under the authority of State law.

ii. Signs located in unzoned commercial or industrial areas.

16:41-8.6 Standard requirements

(a) A sign is subject to the requirements of its type as indicated below. In those cases where a sign is erected so that it is visible to two or more roadways, the more stringent requirements shall be applicable.

Note: The rules in subsections (a) and (b) of this section apply to directional and other official signs and notices which are erected and maintained within 660 feet of the nearest edge of the right-of-way of the interstate and Federal-aid primary system, and which are visible from the main-traveled way of the system. These standards do not apply to directional and other official signs erected on the highway right-of-way. A "no fee" permit is required, as detailed in section 10 of this subchapter.

1. Directional signs:

i. Activities or attractions eligible for directional signing shall be limited to natural wonders, scenic attractions, historical attractions, educational, cultural, scientific and religious institutions or activities, and outdoor recreational areas.

ii. To be eligible, privately-owned attractions or activities must be nationally or regionally known and of outstanding interest to the traveling public. Final determination of eligibility shall be made by the Commissioner of Transportation.

iii. The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers or exit numbers. Superfluous information or pictorial or photographic representation of the activity or its environs is prohibited.

iv. Directional signs must not exceed twenty feet in length, width or height, or 150 square feet in area including border, trim, cutouts and extensions, but excluding decorative bases and supports.

v. Double-faced, back-to-back or V-type signs shall be considered as two signs. Maximum size of signs shall apply to each face.

vi. Illumination of directional signs is permitted, subject to Section 4, General restrictions, of this Subchapter.

vii. Each location of a directional sign must be approved by the Commissioner of Transportation.

viii. No directional sign may be located within 2000 feet of an interchange or intersection at grade along a limited access highway or within 500 feet of an interchange or intersection at grade along a non-limited access highway (measured along the highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

ix. Signs may not be located within 2000 feet of any of the following which are adjacent to limited access highways or within 500 feet of any of the following which are adjacent to non-limited access highways:

- (1) Scenic areas designated as such by the Commissioner of Transportation or other State agency having and exercising such authority;
- (2) Safety rest areas;
- (3) Informational sites.

x. No two directional signs facing the same direction of travel shall be spaced less than one mile apart.

xi. Not more than three directional signs pertaining to the same activity and facing the same direction may be erected along a single route approaching the activity.

xii. Directional signs on limited access highways shall be within 75 miles of the activity and directional signs on non-limited access highways shall be within 50 miles of the activity.

2. Official signs and notices:

i. Public utility signs:

(1) Applications for erection of signs, notices or markers on limited access and non-limited access highways, essential to the operation of a particular public utility installation shall be reviewed by the Commissioner of Transportation who shall determine the size, spacing, lighting, location and number of signs permitted.

(2) In no event shall such signs exceed ten feet in length, width or height or 100 square feet in area, including border, trim, cutouts and extensions, but excluding decorative bases and supports.

ii. Service club and religious notices:

(1) No more than one sign or notice shall be erected on each side of a highway.

(2) Such signs shall be located no further than two miles from the organization or activity and shall not exceed eight square feet in area.

(3) No sign shall be located within 2000 feet of an interchange or intersection at grade along a limited access highway or within 500 feet of an interchange or intersection at grade along a non-limited access highway (measured along the highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

(4) Illumination of these signs is permitted, subject to Section 4, General restrictions, of this Subchapter.

(5) No sign may be located within 500 feet of any of the following which are adjacent to the highway:

(A) Scenic Areas designated as such by the Commissioner of Transportation or other State agency having and exercising such authority;

(B) Safety rest areas;

(C) Informational sites.

(6) Double-faced, back-to-back or V-Type signs are prohibited.

iii. Public service signs:

(1) Public service signs must identify the donor, sponsor or contributor of said shelters;

(2) The signs must contain safety slogans or messages, which shall occupy not less than 60 per cent of the area of the sign. No other message is allowed;

(3) Such signs may not exceed 32 square feet in area;

(4) Not more than one sign on each shelter shall face in any one direction.

3. On-premise signs on limited access and nonlimited access highways:

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

(1) These types of signs must carry wording notifying the public that the property is for sale or lease. The name, address and telephone number of the owner or agent and a description of the area for sale or lease may also be included. No superfluous descriptive information will be permitted.

(2) Such signs must not exceed 20 feet in length, width or height, or 150 square feet in area, including border, trim, cutouts and extensions, but excluding supports.

(3) Not more than one such sign advertising the sale or lease of the property will be allowed on any one street frontage. Maximum size limitations shall apply to each side of a sign structure.

As amended, R.1976 d.350, eff. November 9, 1976.

See: 8 N.J.R. 442(a), 8 N.J.R. 581(b).

(4) Signs may be illuminated; however, the lighting must comply with section 4 of this subchapter.

ii. Signs advertising activities being conducted upon the property where the signs are located.

(1) These types of signs shall be limited to one sign at a distance greater than 50 feet from the advertised activity, unless such property fronts on more than one street, in which case such sign may be erected on each street frontage. Signs adjacent to the Interstate Highway System must not exceed 20 feet in length, width or height, or 150 square feet in area, including border, trim, cutouts and extensions, but excluding decorative bases and supports. On limited

access highways, these signs must be displayed in such a manner as to have only one face visible to traffic proceeding in any one direction.

(2) Not more than one sign may be erected within 50 feet of the advertised activity. Signs adjacent to the Interstate Highway System must not exceed 25 feet in height or 60 feet in horizontal dimensions or 1,000 square feet in the area, including border, trim, cutouts and extensions, but excluding decorative bases and supports.

As amended, R.1976 d.350, eff. November 9, 1976.

See: 8 N.J.R. 442(a), 8 N.J.R. 581(b).

(3) Any writings, displays, signs or other devices erected upon or attached to a main building (the advertised activity) will not be limited in size, number, location or direction. However, such signs, displays, writing or other advertisements are subject to section 4 of this subchapter.

(4) Illumination of these signs is permitted subject to the general restrictions outlined in section 4 of this subchapter.

(5) In the event there is a change in the use of the premises, unless the sign is changed to reflect the different use, an off-premise advertising permit must be obtained as of the date the change of use becomes effective.

(6) Any person who after a change in use continues to advertise the former business conducted on the premises or advertise anything other than the business conducted on the premises, without a permit, is deemed to be in violation of the law and subject to the same terms and conditions for removal and penalties as any other permittee.

(7) At any time prior to the date of removal, any person in violation of the law may make application for a permit in order to comply with the statute.

(8) On nonlimited access highways, a sign whose entire surface slowly rotates may be permitted if determined to be nondistracting to the motorist and not otherwise contrary to the interest of highway safety. Written approval must be obtained from the administrator of outdoor advertising and permits.

As amended, R.1976 d.350, eff. November 9, 1976.

See: 8 N.J.R. 442(a), 8 N.J.R. 581(b).

4. Off-premise advertising signs permitted within the uncontrolled portion of interstate highways and within the protected area of all other limited access highways in zoned and unzoned commercial or industrial areas.

i. The maximum area for the advertising surface of any one sign shall be 1,000 square feet. The overall advertising surface of the sign structure shall not exceed a maximum height of 25 feet and a maximum length of 60 feet, except where the sign is erected upon or attached to a building. In such event the maximum area may be 1,200 square feet, the maximum height 30 feet and the maximum length 60 feet. All dimensions include border, trim, cutouts and extensions, but exclude decorative bases and supports.

ii. Signs may not be located within 2,000 feet of any of the following which are adjacent to the highway:

(1) Scenic areas designated as such by the Commissioner of Transportation or other State agency having and exercising such authority;

(2) Safety rest areas;

(3) Informational sites.

iii. Spacing between signs along each side of the highway shall be a minimum of 1,000 feet.

iv. No sign may be located within 2,000 feet of an interchange or intersection at grade (measured along the limited access highway or freeway from the nearest point of the beginning or ending or pavement widening at the exit from or entrance to the main traveled way).

v. Illumination of such signs is permitted, subject to Section 4, General restrictions, of this Subchapter.

vi. In counties having a population of over 500,000, signs erected upon or attached to buildings may exceed the limitations set forth in subparagraph i of this paragraph provided the Commissioner of Transportation determines that such is customary use within the county. In no event shall any sign exceed 3,500 square feet in area.

vii. The maximum size limitations shall apply to each side of a sign structure. Signs may be placed back-to-back, side-by-side or in V-type construction with not more than two displays to each facing, and such sign structure shall be considered as one sign.

viii. The above spacing between structures provisions do not apply to structures separated by a building or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

ix. In addition to the spacing requirements set forth in this subsection, no sign shall be placed so that it restricts the line of sight to any existing sign to less than the distance in lineal feet equal to twice the square feet licensed by the existing permit.

5. Off premise advertising signs erected within the protected area of non-limited access highways in zoned and unzoned commercial or industrial areas as defined herein.

i. The maximum area for the advertising surface of any one sign shall be 1,000 square feet. The overall advertising surface of the sign structure shall not exceed a maximum height of 25 feet and a maximum length of 60 feet, except where the sign is erected upon or attached to a building. In such event the maximum area may be 1,200 square feet, the maximum height 30 feet and the maximum length 60 feet. All dimensions include border, trim, cutouts and extensions, but exclude decorative bases and supports.

ii. In counties having a population of over 500,000 signs erected upon or attached to buildings may exceed the limitations set forth in subparagraph i. of this paragraph, provided the Commissioner of Transportation determines that such is customary use within the county. In no event shall any sign exceed 3,500 square feet in area.

iii. The maximum size limitations shall apply to each side of a sign structure. Signs may be placed back-to-back, side-by-side, or in V-type construction with not more than two displays to each facing, and such sign structure shall be considered as one sign.

iv. Signs may not be located within 500 feet of any of the following which are adjacent to the highways:

(1) Scenic areas designated as such by the Commissioner of Transportation or other State agency having and exercising such authority;

(2) Safety rest areas;

(3) Informational sites.

v. Outside of all incorporated cities and thickly settled districts, no two structures shall be spaced less than 300 feet apart. Within all incorporated cities and thickly settled districts, no two structures shall be spaced less than 100 feet apart.

vi. The above spacing between structures provisions do not apply to structures separated by a building or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

vii. In addition to the spacing requirements set forth in this subsection, no sign shall be placed so that it restricts the line of sight to any existing sign to less than the distance in lineal feet equal to twice the square feet licensed by the existing permit.

viii. Illumination of these types of signs is permitted subject to Section 4, General restrictions, of this Subchapter.

6. Explanatory notes:

i. Official and on-premise signs, as defined in Section 5, Types of signs permitted, of this Subchapter shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

ii. The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

7. Interpretation:

i. The provisions contained herein shall constitute the standards for effective control of signs, displays and devices consistent with the Highway Beautification Act.

ii. The provisions contained herein pertaining to the size, lighting and spacing of outdoor advertising signs permitted in zoned and unzoned commercial and industrial areas shall apply only to those signs erected subsequent to the effective date of Chapter 353, Laws of N. J. 1971, except for those signs erected within six months after the effective date of Chapter 353,

Laws of N. J. 1971, in zoned or unzoned commercial or industrial areas on land leased prior to such effective date, provided that a copy of such lease be filed with the New Jersey Department of Transportation within 30 days following such effective date.

8. Notice of effective control: At any time that a bona fide State, county or local zoning authority has made a determination of customary use in zoned commercial or industrial areas within the geographical jurisdiction of such authority, and has established within such areas regulations which are enforced with respect to the size, lighting and spacing of outdoor advertising signs consistent with the intent of the Highway Beautification Act of 1965, as amended, and with customary use, such regulations regarding size, lighting and spacing shall apply in lieu of the controls outlined in this section, and the State of New Jersey shall notify the Federal highway administrator of this fact as notice of effective control.

As amended, R.1977 d.426, eff. November 16, 1977.
See: 9 N.J.R. 188(b), 9 N.J.R. 593(d).

16:41-8.7 License provisions

(a) Any person, group of persons, municipality or other jurisdictional authority who shall engage in the business of outdoor advertising for profit through rental or other compensation received for the erection, use or maintenance of outdoor advertising structures and other objects upon real property within public view is required to obtain a license.

(b) An application for a license may be obtained from the New Jersey Department of Transportation, Outdoor Advertising Section, 1035 Parkway Avenue, Trenton, New Jersey 08625. Completed applications should be returned to the outdoor advertising section along with the annual fee of \$200.00.

(c) A license shall remain in effect until March 31 following the date of issue. An application for renewal shall be filed with the Department of Transportation Outdoor Advertising Section on or before March 15 preceding its expiration. Any licensee not intending to remain in the business of outdoor advertising beyond the expiration date of its license shall notify the outdoor advertising section to that effect not later than March 15 preceding its expiration.

(d) An applicant for a license who does not reside in this State or which is a foreign corporation not authorized to do business in this State, is required to file with his or its application, a bond running to the State in the sum of \$2,000, satisfactory to the Commissioner of Transportation and with surety approved, conditioned upon the observing and fulfilling by the applicant of all the provisions of the law and the rules contained in this subchapter. Upon default in the condition of such bond. Appropriate action shall be taken to enforce the collection thereof in a court of competent jurisdiction. A bond shall remain in full force and effect so long as any obligation to the State in such license shall remain unsatisfied.

(e) A licensee who places his or its imprint on a sign but does not own

same must indicate, along with his or its imprint, whether such sign is painted, maintained or both by such licensee.

As amended, R.1977 d.426, eff. November 16, 1977.
See: 9 N.J.R. 188(b), 9 N.J.R. 593(d).

16:41 8.8 Permit provisions

(a) The rules regarding when a permit is required are as follows.

1. Any person, whether required to be licensed or not, before erecting, maintaining or using any outdoor advertising structure or other objects as outlined in section 5 (Types of signs permitted) of this subchapter other than directional and other official signs and notices erected by the Department of Transportation, for the display of outdoor advertising matter in "protected areas", must obtain a permit from the New Jersey Department of Transportation.

2. Advertisements on theatre marquees other than the one on which the marquee is located are required to apply for and obtain a permit.

(b) Rules concerning the application for permit are as follows.

1. An application for a permit may be obtained from the New Jersey Department of Transportation, Outdoor Advertising Section, 1035 Parkway Avenue, Trenton, New Jersey 08625. Completed applications should be returned to the New Jersey Department of Transportation Outdoor Advertising Section.

2. No refund shall be made after an application for permit has been filed with the outdoor advertising section.

3. If an outdoor advertising sign is erected prior to obtaining a permit for same, the following late filing charges shall be imposed in addition to the regular statutory fees:

When statutory fees are more than	But are not more than	Late filing charge is
\$0.00	\$2.00	\$10.00
2.00	4.00	15.00
4.00	10.00	20.00
10.00		30.00

(c) The 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 from the approved location, such permit shall be null and void.

(d) A single application may cover a double-faced, back-to-back or V-type sign. A separate fee (if applicable) shall be charged for each advertising surface.

(e) Rules concerning the alteration of surface area are as follows.

1. In the case where a permittee desires to enlarge or reduce the surface area of an advertising display, application for a new permit shall be made in the same manner as in the case of an application for an original permit. The application must be accompanied by the required fee.

2. Whenever a permittee finds it necessary to add one or more panels to an already existing advertising structure or object for which he has a valid permit, he is required to apply for an additional permit and pay the permit fee for each permit. Any additional panels must be of identical measurements with the existing panels.

(f) Rules concerning the name of holder of the permit are as follows.

1. The name of the permittee shall be placed in a conspicuous position on the advertising structure for which a permit has been issued within 30 days after the date of issuance. Failure to do so may result in revocation of the permit.

2. Whenever a ground structure is not built within 30 days after the date of issuance of the permit, the permittee is required to put up a post at the extreme end of the licensed location nearest to the highway and affix his name to it. Failure to do so may result in revocation of the permit.

(g) In the case of advertising structures other than the kind customarily used for outdoor advertising, the application 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.

(h) Rules concerning the advertising area to be enclosed are as follows.

1. The area of any billboard, structure or other object affixed to or painted upon the wall of any building or structure not especially erected and maintained for outdoor advertising purposes, for which billboard, structure or object a permit has been granted, shall be enclosed within a molding or border which is clearly visible.

2. Whenever a wall space is not in use after 30 days from the date of issuance of a permit, the permittee is required to identify the surface area of that portion of the wall where the advertisement is to be placed by affixing or inscribing his name thereon.

(i) A permit shall be in force from the date issued to the following March 31, unless revoked.

(j) Rules concerning the renewal of permit and late renewal charges are as follows.

1. A permit, unless revoked or cancelled, may be renewed for the following year by application under the same terms and conditions of the original application and filed not later than March 15 preceding its expiration date. Application of renewal shall be in the form of an official invoice or similar official billing record of the outdoor advertising section, which is to be submitted with the appropriate annual fee.

2. The renewal of a permit shall not be approved if altered from the original application, except for a change of address of the permittee. The advertised display location is subject to reinspection as deemed necessary by the administrator of outdoor advertising.

3. If an application for the renewal of a permit is made after the expiration date of the last valid permit, the following late filing charges shall be imposed in addition to the regular statutory fees:

When statutory fees are more than	But are not more than	Reinstatement charge is
\$0.00	\$4.00	\$5.00
4.00	10.00	10.00
10.00		20.00

4. A permittee who fails to renew a permit shall be required to remove the sign not later than the expiration date of the permit.

(k) No permit issued to a person required to obtain a license under the law is valid unless the license is in full force and effect.

As amended, R.1977 d.426, eff. November 16, 1977.

See: 9 N.J.R. 188(b), 9 N.J.R. 593(d).

16:41-8.9 Permit fees

(a) In connection with the issuance of permits for outdoor advertising, the Commissioner of Transportation shall charge and collect permit fees for certain types of signs as outlined in subsection (b) of this section, in accordance with the fee schedule contained in subsection (c) of this section. The moneys received from such fees shall be deposited with the State Treasurer, and be subject to disbursement on order of the Commissioner of Transportation to defray the expenses of administering the provisions of the rules contained in this subchapter.

(b) The following list indicates the types of signs subject to permit fees.

1. Directional and other official signs and notices (no fee required—see section 10, No fee permits).

Cross-reference
N.J.A.C. 16:41-8.5(a)

2. On premise signs (no fee required).

Cross Reference
N.J.A.C. 16:41-8.5(b)

3. Off premise advertising signs within the uncontrolled portion of interstate highways and within the protected area of all other limited access highways (fee required based on sq. footage of advertising surface — see subsection (c) of this Section).

Statutory Reference
N.J.S.A. 27:7A-17

Cross Reference

N.J.A.C. 16:41-8.5(c)

4. Off premise advertising signs within the protected area of non-limited access highways (fee required based on sq. footage of advertising surface — see subsection (c) of this Section).

Statutory Reference

N.J.S.A. 27:7A-17

Cross Reference

N.J.A.C. 16:41-8.5(d)

(c) The fee for each sign requiring a permit pursuant to N.J.A.C. 16:41-8.8(a) will be based upon the size of the advertising surface area as follows:

Advertising Surface Area in Square Feet		Annual Fee	Interim Fee
Over	Not More Than		
	50	\$ 2.00	\$ 1.00
50	100	4.00	2.00
100	150	6.00	3.00
150	200	8.00	4.00
200	250	10.00	5.00
250	300	12.00	6.00
300	350	15.00	7.00
350	400	20.00	10.00
400	450	25.00	12.50
450	500	30.00	15.00
500	550	35.00	17.50
550	600	40.00	20.00
600	650	45.00	22.50
650	700	50.00	25.00
700	750	60.00	30.00
750	800	70.00	35.00
800	850	80.00	40.00
850	900	90.00	45.00
900	950	100.00	50.00
950	1000	110.00	55.00
1000		125.00	62.50

(d) An annual fee is required for a permit issued between April 1 and September 30, inclusive.

(e) An interim fee is required for a permit issued between October 1 and the following March 31 inclusive.

(f) The renewal fee for a permit will be based on the annual rate and will be accepted under the same terms and conditions of the original application.

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

16:41-8.10 No fee permits

(a) Rules concerning when no fee permits are granted are:

1. A no fee permit shall be granted for directional signs and notices as detailed in Section 5, Types of signs permitted, of this Subchapter.

2. An application for a no fee permit may be obtained from the Department of Transportation, Outdoor Advertising Section, 1035 Parkway Avenue, Trenton, New Jersey 08625.

3. Before such permit may be issued, the sign must be in conformance with the applicable provisions of the law and the rules and regulations promulgated in this Subchapter. The permit is subject to the same terms and conditions regarding revocation.

(b) Rules concerning permit duration and renewal of permit are:

1. A no fee permit shall remain in effect until March 31, following date of issuance.

2. A no fee permit may be renewed by filing with the Bureau on or before March 15, preceeding its expiration, an application for renewal on forms available from the Outdoor Advertising Section.

16:41-8.11 Causes for revocation of license or permit

(a) A license or permit may be revoked for cause for any of the following reasons:

1. Whenever any statement made in the application for a license or permit is knowingly false or misleading;

2. Whenever any provision of the law or rules contained in this subchapter are violated;

3. Whenever a stipulation made in the granting of the license or permit is violated;

4. Whenever the advertising area used is in excess of the licensed area;

5. Whenever a licensed structure is not maintained in a safe, sound and good condition;

6. Whenever the licensed display is being maintained upon public property without the express permission of the governing authority;

7. Whenever the licensed display is being maintained without the consent of the owner of the property or his duly authorized agent;

8. Whenever the existing natural landscape of the right-of-way has been trimmed, altered, or destroyed in any way by the permittee, or agent thereof, without the approval of the Department of Transportation, in order to enhance and increase the visibility of the advertising structure.

As amended, R.1977 d.426, eff. November 16, 1977.

See: 9 N.J.R. 188(b), 9 N.J.R. 593(d).

16:41-8.12 Notice of revocation of license or permit

(a) When it shall appear to the administrator of outdoor advertising that any person has committed a violation or offense as stated in section 11, Causes for revocation of license or permit, of this subchapter, such person will be given a written notice stating the violation or offense, and within 30 days he must:

1. Correct the violation or offense, if same is subject to correction or compliance; or

2. Remove all signs, spaces, advertisements and advertising structures; or

3. File a protest in writing under oath, signed by himself or his duly authorized agent, stating the reason for the protest. In addition, the licensee or permittee may request a hearing (see section 13, Nature of hearings, of this subchapter).

Note: The filing of a protest and request for a hearing does not abate any penalties due, nor stay the right of the Commissioner of Transportation to remove any signs, spaces, advertisements or advertising structures within 30 days of the giving of notice, unless the licensee furnishes security of the kind and in the amount satisfactory to the State supervisor.

(b) If the licensee or permittee filed a protest but did not request a hearing, the administrator of outdoor advertising shall carefully consider all available relevant information and then make an order confirming, modifying or vacating the original finding or determination.

(c) Whenever a license or permit has been revoked, the former holder shall be required to surrender same to the New Jersey Department of Transportation, Outdoor Advertising Section, 1035 Parkway Avenue, Trenton, New Jersey 08625.

As amended, R.1977 d.426, eff. November 16, 1977.

See: 9 N.J.R. 188(b), 9 N.J.R. 593(d).

16:41-8.13 Nature of hearings

(a) An informal hearing before the administrator of outdoor advertising is in the nature of a conference, with or without representation on behalf of the licensee or permittee.

(b) At a formal hearing, all evidence is taken before a court recorder and the parties are not bound by common law or statutory rules of evidence. All testimony having reasonable probative value is admitted, but immaterial, irrelevant or unduly cumulative testimony may be excluded. Every party has the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(c) After all parties have been given the opportunity of presenting all the evidence in support of the issues, the administrator shall take the matter under advisement and reach a determination on the record and facts disclosed. Upon reaching a determination, the licensee or permittee shall notify his representative by mail of the determination made.

As amended, R.1977 d.426, eff. November 16, 1977.
See: 9 N.J.R. 188(b), 9 N.J.R. 593(d).

16:41-8.14 Notice of violation

(a) Any advertising structure, or other object, used or to be used for the display of outdoor advertising and not authorized by a valid permit is unlawful.

(b) The owner of such structure shall be given a written notice citing the violation, and within 30 days he must:

1. Correct the violation, if possible; or
2. Remove all signs, spaces, advertisements and advertising structures.

16:41-8.15 Removal provisions

(a) If within 30 days after mailing a notice of revocation of license or permit (see section 12 of this subchapter) or a notice of violation (see section 14 of this subchapter) the violation or offense cited has not been corrected to the satisfaction of the administrator of outdoor advertising, the Commissioner of Transportation may order the immediate removal of the advertising structure or other object used or to be used for the display of outdoor advertising and may recover from the owner or person, in addition to any other penalties provided by law, double the cost of removal or the sum of \$50.00, whichever is greater.

(b) Whenever the power of removal is exercised, the Commissioner of Transportation may, without further notice to the owner of the unlawful structure, depute any person or persons to enter upon private property, without liability, to effect said removal.

As amended, R.1977 d.426, eff. November 16, 1977.
See: 9 N.J.R. 188(b), 9 N.J.R. 593(d).

16:41-8.16 Penalties

(a) In addition to the penalties stated in section 15 (Removal provisions) of this subchapter regarding the removal of advertisements or any object used for advertising purposes, any person who erects, uses or maintains any advertising structure or other object for outdoor advertising, or authorizes his name or its name to be used in connection therewith, without complying with all of the applicable provisions of the act, is liable to a penalty of not less than \$50.00 nor more than \$200.00 for each offense, and in default of the payment of such penalty is subject to imprisonment for a period not to exceed 30 days.

(b) Each day of violation is deemed to be a separate offense.

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