

3. In continuous operation; and
4. Offers all of the following services to motorists using the highway:
 - i. Vehicle services including air, fuel, and oil;
 - ii. Food, other than from vending machines;
 - iii. Public restroom facilities; and
 - iv. Public telephone.

No service area signs shall be erected along or be visible to the main-traveled way or ramp of any highway.

“Service club and religious notices” means signs and notices whose erection is authorized by law, relating to the meetings of nonprofit service clubs or charitable associations, or religious services.

“Sign” means any structure including, but not limited to, an advertising structure and sign face used outdoors and affixed to or upon property to display messages and/or images within public view which is designed to attract, or does attract, the attention of pedestrians or operators or passengers of motor vehicles using the roads, highways, and other public thoroughfares and places, and shall include any writing, printing, painting, display, emblem, drawing, or other device whether placed on the ground, rocks, trees, tree stumps or other natural structures, or on a building, structure, signboard, billboard, wallboard, roofboard, frame, support, fence, or elsewhere, and any lighting or other accessories used in conjunction therewith.

“Signs on transit bus shelters” means signs on a shelter located on public property at a stop on a designated bus route.

“Space or sign face” means the advertising surface area used or to be used for each advertisement. A double face sign is deemed to have two spaces.

“State Act” means the Roadside Sign Control and Outdoor Advertising Act, P.L. 1991, c.413.

“State entity” means a State department or agency, board, commission, corporation or authority.

“Supporting structure” means the structural elements of a sign, which are intended to support the sign.

“Totally destroyed” means the supporting structure of the sign has been destroyed or has failed to the extent that it no longer supports the sign face(s) as intended.

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

“Unzoned commercial or industrial areas” means those areas which are not zoned by State or local law, rule or ordinance, and where the prevalent land use is business, industry, commerce, office, or trade. The granting of a use or any other

variance by a local zoning or governing body shall not change the zoning of the property as defined in these rules.

“Urban area” means a place designated by the U.S. Bureau of the Census as having a population of 5,000 or more 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. The boundaries shall, at a minimum, encompass the entire place designated by the U.S. Bureau of the Census.

“Visible” means the advertisement can be seen and comprehended without visual aid by persons traveling in the motor vehicle on the highway.

“V-type construction” 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, office, or trade pursuant to a State or local zoning ordinance or rule, or those areas other than areas exclusively zoned for residential, agricultural, forest, conservation, recreation, education or preservation where the prevalent land use is business, industry, commerce, office or trade. The granting of a use or any other variance by a municipal zoning board of adjustment or governing body shall not change the zoning of the property as defined in these rules.

Emergency Amendment, R.1993 d.652, effective November 17, 1993 (to expire January 16, 1994).

See: 25 N.J.R. 5699(a).

Adopted Concurrent Proposal, R.1994 d.76, effective January 14, 1994.

See: 25 N.J.R. 5699(a), 26 N.J.R. 823(c).

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).

Added, deleted, or amended numerous definitions.

Amended by R.2002 d.21, effective January 22, 2002.

See: 33 N.J.R. 2625(a), 34 N.J.R. 499(a).

Inserted “Beginning of pavement widening”, “Ending of pavement widening” and “Point of gore”; rewrote “Interchange”, “Modernize”, “On-premise sign” and “Public service signs”; deleted “Thickly settled district”.

Amended by R.2007 d.241, effective August 6, 2007.

See: 39 N.J.R. 164(a), 39 N.J.R. 3395(a).

Deleted definitions “Commercial or industrial activities for purposes of unzoned commercial or industrial areas” and “Modernize”; rewrote definitions “Customary maintenance” and “Unzoned commercial or industrial areas”; in definition “Main-traveled way”, deleted “in opposite directions” following “traffic” and “, turning roadways, or parking areas” following “frontage roads”; added definitions “Prevalent land use”, “Scenic corridor”, “Signs on transit bus shelters”, “State entity”, “Supporting structure” and “Totally destroyed”; substituted definition “Protected area” for definition “Protected areas”; in definition “Protected area”, deleted metric references throughout, deleted “not” following the third occurrence of “highways” and inserted commas following both occurrences of “State” and following “such highways”; substituted definition “Protected zone” for definition “Protected zones”; and in definition “Protected zone”, deleted metric references throughout and inserted commas following both occurrences of “State” and following “such highways”.

16:41C-2.2 (Reserved)

Repealed 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).
 Section was "License and permit effectiveness and expiration date".

SUBCHAPTER 3. RESTRICTIONS

16:41C-3.1 General restrictions

(a) Signs which contain, include or are illuminated by any flashing, intermittent, scrolling or moving light or lights shall be prohibited, except those giving time, date and/or temperature.

(b) A permit for a new or enlarged sign shall not be issued if such permit would conflict with public policy relating to roadside signs or outdoor advertising as declared by the Congress of the United States, or as reflected in the statutory enactments and judicial decisions of this State. In determining whether such public policy is contravened, the Department shall consider the law of this State, and the United States, including the Highway Beautification Act, the Outdoor Advertising Act, and these regulations.

(c) Except where specifically authorized by the Department, no outdoor advertising signs shall be erected or maintained within the Department's right-of-way of any portion of limited access or non-limited access highways within the State of New Jersey. This prohibition shall not apply to signs, public notices or markers erected or maintained by the Department of Transportation.

(d) No outdoor advertising sign shall interfere with the ability of the operator of a motor vehicle to have a clear and unobstructed view of streets or highways ahead, approaching, merging or intersecting traffic, or official signs, signals or traffic control devices.

(e) No outdoor advertising sign shall interfere with or contain advertisements that resemble any official traffic sign, signal or device.

(f) No outdoor advertising sign shall be painted, drawn, erected or maintained upon trees, rocks, other natural features, or public utility poles.

(g) No outdoor advertising sign shall be of such a type, size, or character or placed at a location that will endanger or injure public safety, or health, or pose a physical threat to property in the vicinity thereof.

(h) No outdoor advertising sign shall advertise activities that are illegal under Federal, State or local law in effect at the location of those signs or at the location of those activities.

(i) No outdoor advertising sign shall have any animated or moving parts or have reflectorized materials which may

impair the vision of a motorist. The components of mechanical signs used to change the advertisement in multiple message signs, which are regulated at N.J.A.C. 16:41C-8.8, shall not be considered a moving part.

(j) No off-premise outdoor advertising sign shall be erected along or be visible to the main-traveled way or any ramp of the Garden State Parkway.

(k) No off-premise outdoor advertising sign shall be erected along or be visible to the main-traveled way or any ramp of that portion of the New Jersey Turnpike not incorporated into the Federal Aid Interstate Highway System.

(l) No off-premise advertising sign shall be located on a scenic corridor or within the protected area or protected zone of a scenic corridor where it can be seen from any point within any portion of a scenic corridor. No off-premise sign shall be visible to any scenic corridor.

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

In (h), substituted "advertise" for "be permitted which advertises"; in (i), substituted "have any animated or moving parts or have" for "be permitted which has any animated or moving parts or has" and inserted the last sentence; in (j), inserted "main-traveled way or any ramp of the"; in (k), inserted "the main-traveled way or any ramp of"; and added (l).

SUBCHAPTER 4. LICENSE PROVISIONS

16:41C-4.1 When license required

(a) Any person holding an outdoor advertising permit pursuant to N.J.A.C. 16:41C-5.2 for a sign to be used to advertise anything other than the business of the permit holder shall obtain a license to engage in the business of outdoor advertising, without regard to whether the sign is built.

(b) An application for a license shall be obtained from the New Jersey Department of Transportation, Office of Outdoor Advertising.

(c) The annual fee for an outdoor advertising license shall be as follows:

<u>Number of Permits</u>	<u>Annual Fee</u>
0 to 5	\$ 50.00
6 to 50	\$250.00
51 and over	\$500.00

(d) A late charge of \$50.00, in addition to the annual license fee, shall be imposed for the renewal of an outdoor advertising license postmarked after May 1.

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).

Section combined with former N.J.A.C. 16:41C-4.2 and substantially amended.

Amended by R.2002 d.21, effective January 22, 2002.

See: 33 N.J.R. 2625(a), 34 N.J.R. 499(a).

Rewrote (a); in (c), rewrote the table.

Amended by R.2007 d.241, effective August 6, 2007.

16:41C-8.7 Off-premise signs

(a) The following general standards shall apply to off-premise signs:

1. Directional, official, public service, and on-premise signs shall not be counted, for purposes of determining compliance with spacing requirements between permitted locations. Signs painted on or attached to the structural components of bridges within a highway right-of-way shall not be counted in determining compliance with spacing requirements between permitted locations on that same highway.

2. The minimum distance (spacing) between permitted locations shall be measured along the nearest edge of the pavement between points directly opposite the edge of the sign face nearest the pavement edge, and shall apply only to permitted locations on the same side of the highway. The point of measurement for back-to-back signs shall be the midpoint between the nearest edge of the back-to-back sign faces.

3. Not more than two sign faces at a permitted location shall be visible to traffic traveling in the same direction. If two sign faces are placed to be visible to traffic traveling in the same direction (that is, side-by-side or one above another), the total combined area and dimensions of the advertising surfaces shall not exceed the maximum area and dimensions allowed. If sign faces are placed back-to-back or in a V-type construction, the maximum area and dimensions shall apply to the sign faces on each side of the sign.

4. Signs that are painted on or attached to bridges within the highway right-of-way shall not exceed the limits of the structural steel, or the maximum dimensions as specified for the highway involved, whichever is less. Each side of a bridge shall be permitted separately, and only one permit shall be issued per side.

5. No signs shall be allowed that are painted on or attached to bridges within the right-of-way of any Interstate highway.

6. No off-premise sign will be permitted which will be visible to any highway or portion of a highway that has been designated as a scenic byway, or has been nominated for designation as a scenic byway.

7. No off-premise sign will be permitted beyond 660 feet of the nearest edge of the right-of-way of an Interstate or Primary system highway outside of urban areas for the purpose of their message being read from the main-traveled way.

(b) Off-premise signs that are visible to the main-traveled way of any portion of an Interstate highway or other limited access highway within 660 feet of the right-of-way shall comply with the following:

1. Off-premise signs within 660 feet of the nearest edge of the right-of-way will only be permitted in zoned and unzoned commercial or industrial areas.

2. In a municipality with a population of 40,000 or fewer, a sign shall not be located within 500 feet of an interchange, intersection at grade, or safety rest area. This restriction prohibits any sign on either side of the highway in those municipalities that would be visible to a main-traveled way where it would be within 500 feet of the beginning or ending of pavement widening, within 500 feet of the point of gore, or any point between those features where the pavement is widened. This distance shall be measured along the pavement edge of the highway nearest those points. The population shall be determined by the official decennial census count of the United States Census Bureau, most recent to the determination, incorporated herein by reference, as amended and supplemented, for the first five years after its publication; after that five-year date, the official population estimate of the United States Census Bureau for the sixth year after the issuance of the official decennial census count shall be used, until the next publication of the official decennial census count. Census information may be obtained from either the U.S. Census Bureau website at www.census.gov or by contacting the Philadelphia Regional Office at 833 Chestnut Street, Suite 504 Philadelphia, PA. 19107, (215) 717-1800 or 1-800-262-4236; Fax: (215) 717-0755; TDD: (215) 717-0894 or email: Philadelphia.Regional.Office@census.gov or by contacting the New York Regional Office at 395 Hudson Street, Suite 800 New York, NY, 10014-7451, (212) 584-3400 or 1-800-991-2520; Fax: (212) 478-4800; TDD: (212) 478-4783 or email: new.york.regional.office@census.gov.

i. If an interchange lacks a point of pavement widening, a sign shall not be located in that direction within 1,000 feet of the point of gore.

3. The minimum spacing between permitted locations shall be 1,000 feet.

4. The maximum width of the advertising surface area of any sign shall be 60 feet. The maximum height of the advertising surface area of any sign shall be 25 feet, and the maximum advertising surface area 1,000 square feet, except where the sign is erected upon or attached to a building. In such event, the maximum height of the advertising surface area of a wall or roof mounted sign shall be 30 feet, and the maximum advertising surface area shall be 1,200 square feet.

(c) Off-premise signs that are visible to the main-traveled way of any portion of a non-limited access highway on the Primary System within 660 feet of the right-of-way shall comply with the following:

1. Off-premise signs within 660 feet of the nearest edge of the right-of-way will only be permitted in zoned and unzoned commercial or industrial areas.

2. The minimum spacing between permitted locations shall be 300 feet.

3. The maximum width of the advertising surface area of any sign shall be 60 feet. The maximum height of the advertising surface area of any sign shall be 25 feet, and the maximum advertising surface area 1,000 square feet, except where the sign is erected upon or attached to a building. In such event, the maximum height of the advertising surface area of a wall or roof mounted sign shall be 30 feet, and the maximum advertising surface area shall be 1,200 square feet.

(d) All other off-premise signs shall comply with the following:

1. The minimum spacing between permitted locations shall be 300 feet.

2. The maximum width of the advertising surface area of any sign shall be 60 feet, the maximum height of the advertising surface area shall be 30 feet, and the maximum advertising surface area shall be 1,200 square feet.

3. Within municipalities having populations of 40,000 or more, the maximum size of signs that are not visible to a highway in the interstate or primary systems and that are attached to walls of buildings shall not exceed 3,000 square feet.

i. The applicant shall provide to the Office of Outdoor Advertising Services proof of municipal approval with a permit application for a wall sign exceeding 1,200 square feet in area.

4. Off-premise signs will only be permitted in zoned and unzoned commercial or industrial areas.

(e) Off-premise signs within the Atlantic City Casino Recreation District are exempt from the size, spacing and lighting provisions of this chapter, provided they are not visible to any highways included in the Primary System and the signs comply with the City of Atlantic City's sign ordinance. In the absence of an Atlantic City sign ordinance, this chapter shall control size, spacing and lighting.

(f) Off-premise signs visible only to pedestrian traffic such as boardwalks, train station platforms, and the like shall not be subject to the spacing requirements of this chapter.

Repeal and New Rule, 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).

Section was "Off-premise advertising signs permitted within the protected area of the uncontrolled portion of Interstate Highways and within the protected area and protected zone of all other Limited Access Highways in zoned and unzoned commercial or industrial areas".

Amended by R.2002 d.21, effective January 22, 2002.

See: 33 N.J.R. 2625(a), 34 N.J.R. 499(a).

In (a), substituted "and" for "nor shall" and inserted "shall not" preceding "be made from" in 1 and deleted "railroad" preceding "bridges" throughout; rewrote (b)2, (c)2, and (d) through (f).

Amended by R.2007 d.241, effective August 6, 2007.

See: 39 N.J.R. 164(a), 39 N.J.R. 3395(a).

Deleted metric references throughout; and rewrote (a)1, (a)4, the introductory paragraph of (b), and (b)2.

Case Notes

Highway regulation governing off-premise advertising signs did not apply to company's application to erect billboard on Atlantic City Expressway. Philadelphia Outdoor Advertising Co. v. Department of Transportation, 93 N.J.A.R.2d (TRP) 15.

16:41C-8.8 Off-premise multiple message signs

(a) Off-premise multiple message signs shall comply with all other sections of this chapter in addition to the following:

1. A person wishing to install an off-premise multiple message sign that would be visible to a highway shall file an application and obtain a permit for that use prior to installation. The Department shall grant permission provided the following conditions are met:

i. Mechanical sign panels shall remain fixed for a period of at least four seconds before changing. A message change on a mechanical sign shall be accomplished completely within two seconds or less; and

ii. All other types of multiple message technology shall remain fixed for a period of at least eight seconds, and a message change shall be accomplished completely within one second or less.

2. Multiple message signs shall not display any image that moves, or appears to move.

3. Multiple message signs shall not contain, include or be illuminated by any flashing, intermittent, or moving light.

4. Multiple message signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.

5. The minimum spacing between multiple message signs shall be 3,000 feet.

6. Multiple message signs shall not be placed within 1,500 feet, as measured along the edge of the pavement, of an official permanent variable electronic traffic sign used on highways to display information, including, but not limited to, warnings of traffic congestion, accidents, incidents, roadwork zones, or speed limits.

(b) The provisions in this chapter pertaining to size, spacing and illumination for multiple message signs shall not apply to such signs erected within the Atlantic City Casino Recreation District.

(c) All signs allowed by (b) above shall be 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 operation of a motor vehicle. All other provisions of this chapter which pertain to illumination shall