

**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**

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 41C, Roadside Sign Control and Outdoor Advertising, expires on February 2, 2015. See: 46 N.J.R. 1946(a).

**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Rules on outdoor advertising, formerly codified at N.J.A.C. 16:41-8 and 16:41A, were repealed and replaced by Chapter 41C, Roadside Sign Control and Outdoor Advertising, by R.1992 d.206, effective May 4, 1992.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2, General Provisions, was recodified as Subchapter 1, Declaration of Policy; Subchapter 3, Restrictions, was repealed and a new Subchapter 3, Restrictions, was adopted as new rules.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.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 41C, Roadside Sign Control and Outdoor Advertising, was scheduled to expire on August 6, 2014. See: 43 N.J.R. 1203(a).

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**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

**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](http://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](mailto: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](mailto: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

Initial Decision (2008 N.J. AGEN LEXIS 339) adopted, which concluded that an applicant for a billboard permit did not meet the requirements of N.J.A.C. 16:41C-8.7(b)2, since the proposed site was less than 1,000 feet from a point of gore on a section of "limited access highway" where there was no point of pavement widening. *JAM Outdoor, LLC v. N.J. Dep't of Transp.*, OAL Dkt. No. TRP 05429-07, 2008 N.J. AGEN LEXIS 689, Final Decision (May 22, 2008).

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.

Revocation of a company's permit to erect an off-premises outdoor advertising sign was proper after the DOT discovered that the proposed elevated "double-faced" billboard would have been less than 300 feet from the site of an existing sign; there was no need to determine which road was the main-traveled way, as the regulations provided the same requirements for sign spacing for all locations—those on the main-traveled way and for all other off-premise roads (adopting 2006 N.J. AGEN LEXIS 467). *Steen Outdoor Advertising, Inc. v. N.J. Dep't of Transp.*, OAL Dkt. No. TRP 08228-05, 2006 N.J. AGEN LEXIS 876, Final Decision (September 26, 2006), aff'd per curiam, No. A-1424-06T1, 2008 N.J. Super. Unpub. LEXIS 768 (App.Div. January 14, 2008).

### 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 lim-