

**BOROUGH OF FRANKLIN  
COUNTY OF SUSSEX**

**AN ORDINANCE AMENDING  
CHAPTER 161, "LAND DEVELOPMENT" AND CHAPTER 218, "SIGNS"**

**ORDINANCE #13-2015**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Franklin as follows:

**Section 1. Statement of Purpose.**

The purpose of the following new regulations governing electronic signs is to ensure that Franklin Borough remains current with changing sign technology while continuing to promote the health, safety and welfare of the community.

Electronic signs offer commercial enterprises unique opportunities to promote their business, but have distinctive characteristics that are not easily controlled by normal signage standards. Accordingly, specific regulations concerning illumination, message conveyance and related factors are necessary.

Further, the Borough wishes to minimize the undue proliferation of electronic signs, thereby preventing clutter and unsightly conditions within the Borough's business districts and elsewhere.

It is also the express purpose of these regulations to continue the prohibition of off-site "billboards", such that the proposed addition of any electronic component to an existing billboard shall be subject to the Municipal Land Use Law's "d(2)" variance requirements relating to the expansion of a nonconforming use.

To achieve the intended purpose, the new regulations have the following objectives:

- A. To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;
- B. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products,
- C. To keep signs within a reasonable scale with respect to the buildings they identify,
- D. To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- E. To promote a quality manner of display that enhances the character of the Borough;
- F. To prevent the proliferation of temporary signs that may promote visual blight.

## Section 2.

A. Section 161-3 of the Code of the Borough of Franklin is hereby amended to add the following definitions in appropriate alphabetical order:

ANIMATED SIGN - Any sign that moves or has an optical illusion of moving, such as the movement of any illumination or the flashing or varying of light intensity or color to depict or create an impression of action or create a special effect or scene or a sign that has changing messages. Animated signs include signs containing elements that blink, crawl, dissolve, emit smoke, fade, flash, oscillate, rotate, scroll, travel, twinkle, twirl, vibrate, or in any manner imitate motion. Signs that emit intermittent light, or contain audio, pyrotechnic, or bluecasting (Bluetooth/wireless advertising) components are considered to be animated signs.

CHANGEABLE COPY SIGN - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the structural integrity of the sign. A sign on which the message changes more than once every sixty (60) seconds shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.

CHANGEABLE COPY SIGN, ELECTRONIC – A sign or portion thereof that displays electronic information in which each alphanumeric character, graphic, or symbol, is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. A sign on which the messages change more frequently than once every sixty (60) seconds, shall be considered an animated sign and not an electronic changeable copy sign for the purposes of this Chapter.

B. Section 161-3 of the Code of the Borough of Franklin is hereby amended by adding the words “,but does not extend beyond the edges of the wall to which it is attached” at the end of the definition of “1. WALL SIGN” appearing under the definition of “SIGN”.

## Section 3.

The following paragraphs in subsection (1), “General sign provisions”, in Section 161-24, S. Signs., of the Code of the Borough of Franklin are hereby amended to read in their entirety as follows:

(c)

Animated signs, as well as streamers, pennants and similar displays, are prohibited in all zones. Without limitation of the generality of the foregoing, this prohibition includes balloons, other inflatable objects, searchlights, and flexible signs in which movement is produced through operation of a fan or similar device.

(f)

Except as otherwise permitted by §161-24S(7), "Changeable Copy Signs", with the exception of a neon or LED sign described in the next sentence, all illuminated signs shall be either indirectly lighted or of the diffused lighting type. Neon or LED lighting is limited to a sign placed within the perimeter of a window but in no event shall such sign exceed eight square feet in area or be greater in number than three per business. Neon or LED lighting shall not exceed the window coverage restrictions set forth in Chapter 218. No sign shall be lighted by means of flashing or intermittent illumination.

(n)

There shall be permitted one wall or ground identification sign, not exceeding 24 square feet, located on the premises of houses of worship, Sunday school buildings, public libraries, hospitals, museums, art galleries, parish houses, buildings used exclusively by federal, state, county and local government for public purposes, public, private and parochial schools, public recreational and community center buildings and grounds (collectively, "institutional uses"). No such sign shall be located closer than 15 feet to a property line or street right-of-way line. The wall or ground identification sign of an institutional use shall be permitted to include a changeable copy sign, subject to the provisions of §161-24S(7).

#### **Section 4.**

There is hereby added the following new subparagraph [4] to paragraph (e), "Signs for automotive service stations", in subsection (4), "Signs in the B, HC, NC and Upper ZM Zones", in Section 161-24, S. Signs., of the Code of the Borough of Franklin:

[4]

Fuel, oil and gasoline filling stations may display one (1) changeable copy sign (which may be an electronic changeable copy sign) on each street frontage for the purpose of indicating their fuel prices only. The size of the sign displaying the prices shall not exceed twelve (12) square feet in area.

#### **Section 5.**

Paragraph (g) in subsection (4), "Signs in the B, HC, NC and Upper ZM Zones", in Section 161-24, S. Signs., of the Code of the Borough of Franklin is hereby deleted and relocated

in its entirety to a new subsection (5), "Signs in the I (Industrial) Zone", in Section 161-24, S. Signs., of the Code of the Borough of Franklin, which shall read in its entirety as follows:

(5)

Signs in the I (Industrial) Zone. In the I (Industrial) Zone, only the following signs are permitted:

(a)

Wall signs. Each industrial building may contain one wall sign subject to the following limitations and requirements:

[1]

The sign is permanently attached or constructed with the building and does not extend more than one foot from the facade of the building.

[2]

The total advertising space of a sign attached to a building shall not exceed 150 square feet or 10% of the gross area facade to which it is attached, whichever is less, provided that the limits of the sign do not extend beyond the face of the building.

[3]

The bottom of said sign shall be at least 10 feet above the ground level below the sign.

[4]

The height of any such sign shall not exceed five feet or 25% of the height of the building wall to which it is attached, whichever is less.

[5]

The total of the widths of any such signs shall not exceed 75% of the width of the building wall to which they are attached.

(b)

Ground signs. Each industrial property may display one ground sign subject to the following limitations and requirements:

[1]

Said sign shall be located at least 30 feet from a street right-of-way or property line.

[2]

Said sign shall be located at least 100 feet from the point of intersection of any two street lines.

[3]

Said sign shall not exceed a height of 12 feet.

[4]

Said sign shall not exceed an area of 100 square feet.

[5]

The bottom of said sign shall be at least three feet above the ground level below the sign.

## **Section 6.**

Paragraph (h) in subsection (4), "Signs in the B, HC, NC and Upper ZM Zones", in Section 161-24, S. Signs., of the Code of the Borough of Franklin is hereby deleted and relocated in its entirety to a new subsection (6), "Signs in Q (Quarry) Zone", in Section 161-24, S. Signs., of the Code of the Borough of Franklin, which shall read in its entirety as follows:

(6)

Signs in the Q (Quarry) Zone. A quarry operation may display one ground sign as regulated in the Industrial Zone.

---

## **Section 7.**

The following new subsection (7), "Changeable Copy Signs ", is hereby added at the end of Section 161-24, S. Signs., of the Code of the Borough of Franklin:

(7)

Changeable Copy Signs. Changeable copy signs (including electronic changeable copy signs) shall be permitted only as specifically set forth herein.

(a)

Ground Signs and Freestanding Signs. Changeable copy signs (including electronic changeable copy signs) may be included on ground and freestanding signs in the HC and NC Zones only, subject to the following limitations:

[1] The changeable copy sign must be secondary to the primary signage, which may not contain changeable copy elements.

[2] The changeable copy sign must be mounted below the primary signage.

[3] The changeable copy sign shall be included in the calculation of the total sign area. The dimensions of the changeable copy sign may not exceed the corresponding dimensions of the primary signage, provided however that the area of the secondary changeable copy sign shall not exceed one-third (1/3) of the total sign area or 32 square feet, whichever is less.

[4] All regulations pertaining to ground and freestanding signs in the HC and NC Zones apply to the changeable copy sign.

(b)

Wall Signs and Window Signs. Changeable copy wall and window signs are permitted in the B, HC, NC and Upper ZM Zones only, subject to the following limitations:

[1] Each business occupying the site shall be permitted to have either one (1) changeable copy window or wall sign.

[2]. The area of the changeable copy sign (window or wall) shall be limited to 10 square feet.

[3] Changeable copy window signs shall be permitted subject to the provisions of §218-5; provided, however, that (i) the number of changeable copy window signs shall be limited to one (1) per business; (ii) a changeable copy window sign shall not be permitted if the business has a changeable copy wall sign; and (iii) the maximum area of the changeable copy window sign shall be limited to 10 square feet.

(c)

General Requirements and Restrictions.

[1] No changeable copy signs are permitted on billboards. The addition of changeable copy signage on an existing billboard shall require a variance, as provided in the Municipal Land Use Law, N.J.S.A. 40:55D-70d(2).

[2] Animated signs are prohibited in all zones.

[3] The message on an electronic changeable copy sign shall not change more than once every sixty (60) seconds. Only one message is permitted to be displayed on a changeable copy sign during said 60-second period.

[4] With the exception of window signs, no sign shall consist exclusively of changeable copy signage.

[5] Site plan approval shall be required for freestanding signs, ground signs, and wall signs.

[6] Institutional uses in all zones shall be permitted to have a changeable copy sign; provided, however, that electronic changeable copy signs shall be permitted only in the B, HC, NC and Upper ZM Zones, subject to the restrictions on such signage applicable to those Zones.

[7] Electronic changeable signs shall be in operation only during the hours of business operation.

[8] Changeable copy signs may advertise only the products and services offered on the property on which the sign is located and may not advertise specials or sales offered by any other business, organization or facility.

[9] Changeable copy signs shall not emulate traffic control devices.

[10] No changeable copy sign shall create a distraction or nuisance for motorists.

[11] Electronic signs shall not be permitted to emit more than fifty percent (50%) of its illumination as the color white or light blue.

[12] Lettering on non-electronic changeable copy signs shall conform to the following standards:

[A] Lettering used on manual changeable copy signs oriented toward local or collector streets shall be no greater than three (3) inches in height.

[B] Lettering used on manual changeable copy signs oriented toward service, minor or major arterial streets shall be no greater than six (6) inches in height.

[C] Lettering used on manual changeable copy signs oriented toward pedestrians shall be no greater than two (2) inches in height.

(d)

Technical Requirements for Electronic Changeable Copy Signs.

[1] The illumination and/or intensity of the sign display shall be controlled so as not to create glare, hazards or nuisances. The sign shall not cause glare or impair the vision of motorists, shall not impair the observation of traffic control devices, shall not interfere with any driver's operation of a motor vehicle, and shall not constitute a nuisance to neighboring property owners.

[2] Each sign shall be equipped with a dimmer control and a photocell which automatically adjusts the intensity of the display in response to natural ambient light conditions in accordance with the illumination standards hereof.

[3] All signs must be equipped with a properly functioning default mechanism that will return to a solid black display should a malfunction occur.

[4] The maximum brightness level may not exceed 0.2 foot-candles over ambient light levels.

[5] When first installed, or within 10 business days of a request by the Borough, the sign shall be calibrated and certified by the sign owner as complying with the requirements hereof and that the ambient light monitor and dimming technology functions properly. This includes performing the following test to be witnessed by the Borough engineer:

[A] The brightness level of the sign over ambient light levels shall be measured at a distance from the sign equal to the square root of the area of the sign multiplied by 100. (Example for an 8 ft x 4 ft sign, the distance is calculated as follows:  $8 \times 4 \times 100 = 3200$  feet.  $\sqrt{3200} = 56.57$ .)

[B] At least one hour after sunset a foot-candle meter shall be used to measure ambient light at the location of the sign. Said measurement shall be taken with

the electronic sign turned off or displaying black copy. The reading shall be made at a height of 5 feet with the meter aimed directly at the sign area and perpendicular to the center of the sign.

[C] The electronic sign will be then turned to full white copy and another reading will be taken at the same location and with the same meter.

[D] If the difference between the two readings is 0.2 foot-candle or less, the electronic sign brightness level is properly adjusted.

(e)

Traffic / Emergency Messages. The owner of the sign shall be required to coordinate and permit message access for local, regional, state, and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed herein. Emergency or traffic information signs mounted on trailers or attenuator trucks set up by any emergency services or construction companies are exempt from ordinance.

### **Section 8.**

Paragraph "D" of Section 218-5, "Window Signs", of the Code of the Borough of Franklin is hereby amended in its entirety to read as follows:

D. Neon signs as regulated in § 161-24S(1)(f) and changeable copy signs, as regulated in § 161-24S(7), shall be deemed to be window signs and included in the calculation of the total window sign area.

### **Section 9.**

Section 218-5, "Window Signs", of the Code of the Borough of Franklin is hereby amended to add the following new subsection:

F. Changeable copy signs shall be permitted as regulated in §161-24S(7).

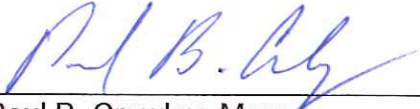
### **Section 10.**

Severability: If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.




**Section 11.**

Effective Date: This Ordinance shall take effect after publication and passage according to law.

  
\_\_\_\_\_  
Paul B. Crowley, Mayor

ATTEST:

  
\_\_\_\_\_  
Robin Hough, Borough Clerk

---

**NOTICE**

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Franklin on November 10, 2015, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on December 8, 2015, at 7:00 p.m. in the Municipal Building, 46 Main Street, Franklin, New Jersey.

  
\_\_\_\_\_  
Robin Hough, Borough Clerk

**BOROUGH OF FRANKLIN  
LEGAL NOTICE**

**ORDINANCE # 13-2015  
AN ORDINANCE AMENDING CHAPTER 161, "LAND DEVELOPMENT" AND  
CHAPTER 218, "SIGNS"**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 10th day of November, 2015, and the same came up for final passage at a meeting of the said Borough Council on the 8th day of December, 2015, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.

  
\_\_\_\_\_  
Robin Hough, Municipal Clerk