

O: 2013-08

**ORDINANCE AMENDING CHAPTER 625, ZONING, OF THE
CODE OF THE TOWN OF PHILLIPSBURG TO INCLUDE NEW
DEFINITIONS AND LIMITATIONS REGARDING SIGNS**

BE IT ORDAINED by the Council of the Town of Phillipsburg, that Chapter 625, Zoning, is hereby amended as follows:

Section 1

Section 625-3.B *Definitions* is hereby amended to add the following:

SIGN, PROGRAMMABLE ELECTRONIC

“Programmable Electronic Sign” means a sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. The elements may be internally illuminated or may be illuminated by reflected light, including but not limited to light-emitting diodes (LED) or incandescent. The sign may be part of a permanent sign that is not a programmable electronic sign. A programmable electronic sign is considered a primary sign and may be either freestanding or building mounted. The term “programmable electronic sign” shall also include digital signs, electronic signs, electronic message centers, electronic reader boards and electronic variable message boards.

Section 625-35 *General Requirements* is hereby amended to add the following:

L. Limitations on Programmable Electronic Signs. Programmable Electronic Signs shall conform to the following:

(1) Programmable electronic signs shall be considered primary signs and are subject to all other applicable requirements of this Article including but not limited to the total permitted number of signs, size, height, location, and content with the following additional provisions:

- (a) The leading edge of the sign must be set back a minimum distance of 100 feet from an abutting residential district boundary.
- (b) No more than one two-sided display per each freestanding sign structure shall be permitted.
- (c) No more than one two-sided display shall be permitted for any one property.
- (d) The minimum spacing between programmable electronic signs shall be 200 feet.
- (e) The area of the programmable electronic sign shall be no greater than 50% of the maximum total allowable sign area for the subject property.

(2) Programmable electronic signs are prohibited in all residential zones with the exception of signs serving public or institutional uses or used by a governmental agency to display public service information; and in all redevelopment zones unless specifically permitted by the governing redevelopment plan.

(3) Programmable electronic signs that are located on property adjacent to a residential district shall be turned off between the hours of 10:00 pm and 6:00 am.

(4) Animated messages or videos, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement are prohibited.

(5) Audio messages are prohibited.

(6) Messages must have a minimum duration of eight seconds and must be a static display.

(7) Transition from one message to another message shall appear instantaneous as perceived by the human eye.

(8) Each sign message shall be complete in itself and shall not continue on a subsequent sign message.

(9) Signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of three tenths (0.3) foot candles above ambient light, as measured using a foot candle (Lux) meter and in conformance with the following process:

(a) Light measurements shall be taken with the meter aimed directly at the sign message face, or at the area of the sign emitting the brightest light if that area is not the sign message face, at the following distances:

(i) A sign that is 0 to 100 square-feet in area shall be measured at a distance of 100 feet from the sign area being measured;

(ii) A sign that is 101 to 350 square-feet in area shall be measured at a distance of 150 feet from the sign area being measured;

(iii) A sign that is 351-650 square-feet in area shall be measured at a distance of 200 feet from the sign area being measured;

(iv) A sign that is 651 to 1000 square feet in area shall be measured at a distance of 250 feet from the sign area being measured; and,

(v) A sign that is over 1,000 square feet in area shall be measured at a distance of 350 feet from the sign area being measured.

(b) An ambient light measurement shall be taken using a foot candle meter at some point between the period of time between 30 minutes past sunset and 30 minutes before sunrise with the sign turned off to a black screen.

(c) Immediately following the ambient light measurement taken in the manner required by this Subsection, an operating sign light measurement shall be taken with the sign turned on to full white copy.

(d) The brightness of a sign conforms with the brightness requirements of this Subsection if the difference between the ambient light measurement and the operating sign light measurement is three tenths (0.3) foot candles or less.

(e) Certification must be provided to the Town demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Town at its reasonable discretion, at the owner's expense, to ensure that the specified brightness levels are maintained at all times.

(10) All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

Section 625-37 *Prohibited Signs* is hereby amended to add the following:

A. The following types of signs are prohibited in all zones:

(5) *Flashing, moving or fluttering signs.* Flashing means a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated or operates with transitory bursts for periods of less than one second for the purpose of drawing attention to the sign. Moving, lighted merchandise displays in shop windows shall not be deemed to be a flashing, moving or fluttering sign.

Section 2 - Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3 - Repealer

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4 - Effective Date

This Ordinance shall take effect as required by law.

ATTEST:

TOWN OF PHILLIPSBURG

VICTORIA L. KLEINER,
Acting Municipal Clerk

HARRY L. WYANT
Mayor

DATED:

CERTIFICATION

I, Victoria L. Kleiner, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their April 16, 2013 meeting.

VICTORIA L. KLEINER,
Acting Municipal Clerk