

**§ 125-41. Signs.**

- A. Signs permitted in residential zones. Within residential zones, the following signs shall be permitted:
- (1) One permanent sign per premises for any permitted use or activity.
  - (2) A nonilluminated nameplate sign, situated within the property lines and bearing only the name of the principal occupant and/or street number of the private dwelling and not exceed 72 square inches of total area.
  - (3) Real estate signs as permitted in § 125-41G(6) 114F.
  - (4) Official signs of any governmental agency.
  - (5) Signs advertising a permitted use in a residential district such as a club house, public or quasi-public building or building used solely for nonprofit, church, school, hospital or other like purposes, but not including any activity of a retail nature, provided said sign is located on the same premises as the use it advertises and does not exceed 20 square feet in total area, being no more than five feet in any one dimension.
  - (6) Temporary signs as permitted in § 125-41G(6).
  - (7) Nonilluminated temporary signs, necessary in connection with the erection of buildings or other construction work, limited to one sign for each construction project. Such sign may be freestanding or attached to the premises but shall not exceed nine square feet in area and shall be removed at the completion of construction.
  - (8) Signs advertising major subdivision that have received approval by the Planning Board shall not exceed a total of two in number, shall not exceed 50 square feet in area and shall be removed within 90 days after the completion of the construction work or within 10 days after issuance of the last certificate of occupancy, whichever is sooner.
  - (9) Signs identifying a permitted professional office or home occupation. Such signs shall bear only the name of the person residing on the premises and the profession or home occupation being conducted on the premises may be illuminated only by a nonflashing light, shall be situated within the property lines of the premises it identifies and shall not exceed 160 square inches in area and shall not exceed 20 inches in any dimension.
- B. Signs permitted in business, office and business service zones. Within any business, office and business service zones, only the following signs shall be permitted:
- (1) Any signs permitted in residential zones.
  - (2) Signs, including any licenses or permits, required by law to be exhibited by the occupant of the premises. Required signs shall not count in the calculation of total sign coverage area.
  - (3) Principal signs for the purpose of identifying and advertising the use of the premises. There shall be no more than one principal sign for each retail establishment or permitted use therein except where the following conditions are met:
    - (a) Any permitted use within a building having an exterior wall facing an off-street parking area may have a second principal sign on said wall if that wall contains a pedestrian entrance to said permitted use.
    - (b) Any permitted use within a building on a corner lot may have a second principal sign. One sign shall be located on one street and a second shall be located on the second or side street, provided that no second sign shall be permitted on a street facing a residential zone.
    - (c) For a corner lot, signs on a facade adjacent to a property utilized for residential use shall not be illuminated.
  - (4) Placement and dimensions.
    - (a) All signs, unless a freestanding sign, as hereinafter regulated, shall be installed parallel to the face of the wall to which it is attached and shall not extend more than 10 inches from the structural face of the building wall and shall not be less than seven feet from the elevation of the ground under the sign and shall be rigidly and securely attached hereto. Notwithstanding the provisions of this subsection, nothing contained herein shall be construed to prohibit signs on an awning or canopy as regulated in § 125-41B(9) and (10).

- (b) The maximum distance from the top edge to the bottom edge of any attached sign shall not exceed 24 inches provided, however, the maximum distance from the top edge of the lettering on said sign to the bottom edge of the lettering shall not exceed 16 inches. A sign consisting of letters only shall not contain any letter that exceeds 16 inches from the top edge of the letter to the bottom edge of the letter.
  - (c) The maximum width of any attached sign shall not exceed 75% of the storefront or wall of that portion of the building occupied, except that where such facade width is less than 15 feet, the maximum width of any attached sign shall not exceed 90% of said store front or wall.
  - (d) Where there is more than one occupant of the building and where each occupant has a separate ground floor entrance, the total area of all signs permitted as hereinafter regulated, taken in the aggregate, shall not exceed the maximum requirements set forth above for each wall upon which any sign is permitted to be erected.
  - (e) The only signs permitted above the first floor shall be a single sign for each business establishment and said sign shall be painted or affixed on a single window in a single color and every sign shall be limited to two lines and each line shall be limited to six inches in height. There shall be a maximum distance of separation between the two lines permitted by this subsection of four inches.
- (5) Window signs. Signs painted on, placed or hung within 24 inches from the inside window glass of any building shall be limited to the following percent of the area of said glass:
- (a) If the front of the building is not more than 50 feet from the curblines: 25%; if the front of the building is more than 50 feet from the curblines: 30%.
  - (b) Door signs affixed to the window of a door shall not exceed 7 1/2% of the glass area of the door which shall not be included in calculating the permissible coverage for window signs.
  - (c) Political signs, signs depicting fund raising event and signs depicting public events such as parades, fireworks, meetings, musicales and the like shall not be included in calculating the permissible window coverage set forth herein.
- (6) Arcade signs shall be no larger than one foot by a maximum of four feet in a direction perpendicular to the building facade. The sign area of an arcade sign shall be included in the total sign area permitted for a particular use as regulated in Subsection B(4)(d) above.
- (7) Freestanding signs.
- (a) In the case of premises on which the structure is set back at least 40 feet from the front curblines, a freestanding sign of an area not to exceed 12 square feet per side shall be permitted, provided, however, the top of said sign shall not be more than 10 feet above the level of the ground and shall not be located closer than five feet from the property line.
  - (b) In the case of premises on which the structure is set back not less than 20 feet nor more than 40 feet from the front curblines, a freestanding sign shall be set back at least 12 feet from the front curblines, five feet from any side property line and shall not exceed eight square feet per side.
  - (c) The provisions in this section shall not be construed to prohibit freestanding signs accessory to filling and service stations as provided in § 125-41F(4). Any freestanding ground sign such as that which may be constructed within or as part of a planter box or landscaped area shall be limited to four feet in height above the ground and shall be placed on the premises so as not to result in a traffic safety problem due to inadequate sight angle. Ground signs located in corner lots shall not exceed 36 inches in height within the sight triangle.
- (8) Directory signs. Signs for permitted uses in business districts other than retail sales and service stores and shops which share a common entrance shall be limited to tenant identification or directory signs. Said signs may be lighted, shall be limited to one sign per tenant, shall be uniform in appearance and shall be made of the same materials with the same background and contain the same letter-type, style and materials for all other similar signs used by tenants in the building. Said signs shall not exceed an area of two square feet per sign, nor a vertical height of eight inches and where there is more than one tenant in the building, all of said signs shall be vertically abutting one another and not indiscriminately placed on the exterior walls of the building. **[Amended 9-19-2000**

**by Ord. No. 1823-2000]**

- (9) Awning signs. Signs running in a horizontal direction are permitted on the flap or vertical plane of any permitted awning, provided said sign does not exceed a height of eight inches and said awning shall not extend more than eight feet from the wall of the building to which it is attached and shall not extend more than four feet over the sidewalk. Nothing herein shall permit any sign to be erected in contravention of a more stringent requirement of the Building or Construction Code in effect in the Borough. All awnings shall be made of fabric material such as canvas, exclusive of the structural members and shall be retractable with a mechanism fully capable of being operative on a daily basis if needed and the bottom part of said awning shall be no closer than seven feet from the grade below the awning. No horizontal sign shall be permitted which exceeds 1/3 of the length of the flap which runs parallel to the street. No other signs are permitted on the awning.
  - (10) Canopy signs. Canopies, which may be constructed of rigid building material, shall not extend more than eight feet from the wall of a building and shall not extend over any sidewalk area within the street right-of-way. Signs running in a horizontal direction are permitted on the vertical plane of any permitted canopy, provided said sign does not exceed a height of eight inches, does not exceed 1/3 the length of the vertical plane. Nothing herein shall be construed to permit canopies to be constructed closer than 12 inches to the curbline of the street nor to be constructed contrary to the provisions of the Building or Construction Code in effect in the Borough. The sign area of a canopy sign or signs shall be included in the total sign area permitted for a particular use as regulated in Subsection B(4)(d) above.
  - (11) Marquee signs. Movie or other theaters shall be permitted to maintain a permanent marquee constructed as an integral part of said theater building which may contain a sign on three sides of the marquee advertising the current event or coming attractions within the movie theater. Letters painted on or applied to a marquee shall not exceed eight inches in height and shall not project above or below any face of the marquee. Also permitted within the window area of said theater are temporary poster signs advertising the current event or coming attraction within the movie theater.
  - (12) Changeable signs customarily used to display the price of motor fuels at filling stations shall be permitted. The area of such signs shall not exceed 20 square feet per sign. One two-sided sign shall be permitted at each street frontage. Such signs may be either wall mounted or freestanding signs. Said freestanding signs shall be permitted only within the property line. Such signs shall include only the type of fuel for sale, the price of such fuel and the company name or logo. Any other advertising is specifically prohibited except as otherwise permitted by this chapter. The above-described price sign and customary identifying signs on motor fuel pumps displaying fuel and prices shall not be considered principal signs.
  - (13) (Reserved) Editor's Note: Former § 125-41B(13), Highway Development Zone — freestanding sign, was repealed 9-19-2000 by Ord. No. 1823-2000.
  - (14) (Reserved) Editor's Note: Former § 125-41B(14), Highway Development Zone — ground sign, was repealed 9-19-2000 by Ord. No. 1823-2000.
  - (15) (Reserved) Editor's Note: Former § 125-41B(15), Highway Development Zone — roof sign, was repealed 9-19-2000 by Ord. No. 1823-2000.
  - (16) Office and Business Service Districts - exterior sign. In the case of any permitted exterior sign within the Office and Business Service (OBS) Zones, the same shall be located on the facade of the principal structure facing the front yard. The top of any such sign shall not exceed the roof level. No roof sign shall be permitted in the OBS Zones.
- C. Signs permitted in industrial zones. Within any industrial district as established by the Zoning Ordinance of the Borough of Fair Lawn, only the following signs shall be permitted:
- (1) Any sign permitted in a business district, except that signs identifying the business are to be placed only on street facades.
  - (2) No new billboards shall be permitted. Any billboard existing prior to the adoption of this chapter shall comply with § 125-41E.
  - (3) Ground signs for an industrial park or groups of industries or offices on one property, set back at least 40 feet back from the street line, with a forty-square-foot maximum area, 16 feet maximum height and minimum setback of five feet in an I-1 Zone and 15 feet in an I-2 Zone.

- (4) One permanent identifying freestanding sign shall be permitted within the required front yard set back a minimum of 10 feet from the property line. The lowest part of such sign shall not be higher than two feet above the average ground elevation of the front yard and shall not exceed a height of four feet nor a developed length of seven feet nor a thickness of three feet. Such signs shall only bear the business name and/or logo of the premises. The front face need not be straight but the permitted developed length shall not be exceeded. The identifying signage may be affixed to any two faces of the freestanding sign structure.
- (5) Within the I-1 Zone only, for buildings set back 40 feet or more from the street one freestanding ground sign shall be permitted, with a maximum sign area of 30 square feet per side, maximum height of 16 feet, minimum distance from the ground to the bottom of the sign of five feet and a minimum setback from the street and all property lines of five feet.

D. Projecting signs. Projecting signs shall be prohibited in an industrial zone.

E. Billboards: existing.

- (1) All billboards existing upon the adoption of this chapter shall be permitted.
- (2) Billboards shall be subject to annual inspections by the construction or zoning official. If the construction or zoning official finds any billboards to be structurally unsound or a danger to public safety, said billboard shall be removed or repaired pursuant to Subsection E(3) below.
- (3) No repairs shall be made to any existing billboard which exceed 50% of its replacement cost. If such repairs are required, said billboard shall be removed.
- (4) No billboard may be increased in size.

F. General prohibitions.

- (1) No sign shall be located or displayed upon any sidewalk, public or private or public right-of-way unless affixed to the wall of a building abutting that sidewalk or public right-of-way. No sign otherwise lawful under this chapter shall be prohibited because of this section.
- (2) No sky sign shall be permitted to be painted on the surface of any roof. No sign otherwise lawful under this chapter shall be prohibited because of this section.
- (3) No projecting signs shall be erected nor shall any signs extend over a public right-of-way or over abutting property lines except signs commonly known as "barber poles," ordinarily used in connection with barbershops. Any projection of the depth of a sign, where such projection is 10 inches or less, shall not be considered in violation of this provision. No sign is to extend above the top of a roof or parapet.
- (4) No signs shall be in whole or part moving, mobile or revolving or give the appearance of movement except signs commonly known as "barber poles" ordinarily and customarily used in connection with barbershops.
- (5) Except as otherwise specifically provided in this chapter, no freestanding or portable signs shall be permitted.
- (6) No strings or streamers or flags, banners, pennants, spinners or strung lights or similar devices strung across, upon, over or along any premises or building or placed upon or across any property line, whether as part of any sign or not, shall be allowed within any zone. Notwithstanding the provisions of this subsection, unlettered and undecorated pennants, flags, banners and the like shall only be permitted for grand openings of a new permitted use and shall not be displayed for a period of longer than 10 consecutive days from the first date of opening. Any signs hung for such purpose shall be installed or placed so as to extend upon or across any sidewalk or public street.
- (7) No signs shall be placed to interfere with traffic and traffic control signs or signals. No signs shall be placed within a street right-of-way or on utility poles.
- (8) Except as otherwise permitted by this chapter, no advertising sign or signs shall be permitted except where the advertisement relates to the use of the premises on which such sign or signs are located.
- (9) No sign mounted on the roof of a structure or any sign extending beyond the structure shall be permitted, except in industrial districts. **[Amended 9-19-2000 by Ord. No. 1823-2000]**
- (10) No signs shall have flashing or moving lights or any attraction device which is animated or fluctuates

in light intensity. Animated signs with neon type illumination are expressly prohibited.

- (11) Marquee signs, except those affixed to theaters, shall be prohibited.
- (12) No signs shall be erected or painted or composed of fluorescent or phosphorescent or similar material.
- (13) No sign shall be placed or painted on any tree or rock.
- (14) The use of beacons or searchlights except by duly authorized services such as police, fire, emergency management or like agencies is prohibited.
- (15) Inflatable signs and the use of tethered balloons and umbrellas for advertising are prohibited.
- (16) It shall be unlawful to use a vehicle or trailer as a sign. This chapter shall not apply to vehicles/equipment in operating condition, currently registered to operate on public streets when applicable and actively used in the daily function of a business to which the signs relate, nor to vehicles or equipment whose primary purpose is not the display of signs.
- (17) With the exception of those signs authorized by § 125-41A(2) above, no sign shall be affixed to or erected upon historic sites listed on the National or State Register of Historic Places or identified by the County of Bergen as a site possessing historical value.
  - (a) prohibition shall apply to the following sites listed in the Master Plan of the Borough of Fair Lawn:
    - [1] G.V.H. Berdan House, 12-19 River Road.
    - [2] R.J. Berden House, 24-07 Fair Lawn Avenue.
    - [3] Cadmus House, 14-01 Pollitt Drive.
    - [4] Garretson Farm and Forge, 4-02 River Road.
    - [5] Naugle-Vanderbeck House, 42-19 Dunkerhook Road.
    - [6] Radburn-Fair Lawn Railroad Station, 13-99 Pollitt Drive.
    - [7] J. Vanderbeck, Jr. House, 41-25 Dunkerhook road.
    - [8] Washington School, 5-01 Bergen Avenue.
    - [9] P. Demarest House, 13-19 Fair Lawn Avenue.
    - [10] Warren Bronze and Aluminum Factory and house, 13-28 Second Street and d13-20 Third Street.
    - [11] Smokehouse, 14-03 Fair Lawn Avenue.
    - [12] Columbia Heights Community Church and Columbia Heights Hose Company, 83 and 97 Heights Avenue.
    - [13] Acker Estate, Lamrings Dairy, 16-23 River Road.
    - [14] Terhune Houses, 0-78 and 0-82 Saddle River Road.

(b) This subsection shall not apply to properties located within the Radburn Historic District.

G. Signs which are exempt from all provisions of chapter except permit provisions. The provision and regulations of this chapter shall not apply to the following signs:

- (1) A professional nameplate affixed to the door or adjacent wall of premises so used, not to exceed eight inches by 20 inches per professional occupant.
- (2) A bulletin board not exceeding 20 square feet in area for public, charitable or religious institutions when located upon premises of said institutions, said bulletin board to be in addition to any sign or signs permitted under this chapter.
- (3) A memorial sign or tablet or a sign indicating the name of a building or the date of its erection when cut into any masonry surface or when constructed of bronze or other noncombustible material.
- (4) The following signs, customary and necessary to the operation of filling and service stations: Lettering

on buildings displayed over individual entrance doors consisting of the words "washing," "lubrication," "repairing" or the words of similar import, provided that there shall not be more than one such sign over each entrance and that the letters not exceed six inches in height; lettering or other insignia, which are a structural part of a gasoline pump, consisting only of a brand name, legal warning sign and other signs as required by law; a credit card sign not exceeding two square feet in area, affixed to the building; a sign attached to each gas pump with the price of the product as required by law; one nonrevolving sign bearing the brand or trade name of the station, of a design specified by the manufacturer, permanently affixed to the building or its own metal substructure, such sign not to exceed 30 square feet in area on each side or 60 square feet in aggregate area if both sides shall have signs thereon and which sign, whether affixed to a building or on its own substructure, shall not exceed 18 feet in height overall.

- (5) Signs of every kind and nature erected by or on behalf of the United States of America, the State of New Jersey, the County of Bergen and the Borough of Fair Lawn, traffic controls in private ways and parking lots, signs for civic clubs and organizations, legal notices, ordinary and customary railroad station and crossing signs or other signs required by law; signs that are affixed or attached to streetlight poles which are leased by the Borough or owned, operated or controlled by the Broadway Improvement Corporation in the Fair Lawn Special Improvement District relating to Broadway, which signs are authorized or approved by the Broadway Improvement Corporation. **[Amended 12-18-2001 by Ord. No. 1879-2001; 10-25-2005 by Ord. No. 2033-2005]**
- (6) Real estate, construction and temporary signs.
  - (a) Signs customary and necessary in the offering of real estate for sale or to let by the owner thereof in one-family, two-family and multifamily zones not to exceed four square feet in area per face limited to a two-face sign.
  - (b) Signs customary and necessary in the offering of real estate for sale or to let in retail business and general business zones not exceeding a total of 16 square feet in area.
  - (c) Signs customarily used to indicate that real estate offered for sale or to let has been sold or leased by the real estate agent or broker concerned in retail business and general business zones not to exceed 16 square feet in area and not to be maintained more than seven days after a contract of sale or lease of the premises has been executed by both parties to the transaction.
  - (d) Temporary signs, customary and necessary in connection with the erection of buildings or other construction work shall be limited to one sign for each construction project to include only the identification of the project, the building and subcontractors. Such signs may be freestanding or attached to the premises but shall not exceed nine square feet in area and shall be removed at the completion of construction.
  - (e) Temporary signs for public, charitable, holiday or patriotic purposes, provided the same do not violate the size, placement or construction provisions of this chapter. These signs shall not be erected for more than 45 consecutive days.
  - (f) All signs referred to in § 125-41G may be freestanding or attached to the premises.
- H. Political signs. A permit shall not be required for the erection or maintenance of a political sign as to its content, but the sign shall otherwise conform to the requirements of the chapter as to size, shape and other physical requirements thereof. Such signs shall be removed no later than 10 days after the date of the election to which they pertain.
- I. Illuminated and neon signs.
  - (1) Any sign permitted by the provisions of this chapter or allowed pursuant to a sign exemption granted under the provisions of this chapter may be nonilluminated or nonflashing illuminated, as provided under specific sections herein, except that real estate signs, shall be nonilluminated. Illuminated signs shall have their source of illumination shielded in such a manner that the light is not visible from the street or neighboring property. Any sign permitted herein shall not exceed 5% of the square footage of the window to which it is displayed and shall not be displayed on any other part of the structure.
  - (2) Exterior signs illuminated by neon or fluorescent tube lamps shall be designed to fully contain all glass elements in the event of breakage.
  - (3) Illuminated signs facing residential zone(s) shall be extinguished by 11:00 p.m. or time of closing,

whichever is later. Notwithstanding the foregoing, the construction or official, with the consent and advice of the Chief of Police, may authorize lighting specifically designed for the safety and protection of properties otherwise subject to this subsection, which lighting, when so authorized, shall be exempt from the provisions hereof.

- (4) Illuminated signs may be directly or indirectly lighted, provided that they comply with the following standards:
  - (a) In the case of directly lighted signs, illumination of any sign shall be of the diffused lighting type. No sign shall be lighted by means of flashing or intermittent illumination.
  - (b) In the case of indirectly lighted signs, any floodlights or spotlights used for illumination, whether or not such lights are attached to or separate from the building, shall not project light beyond the sign. Gooseneck reflectors and lights shall be permitted with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. An illuminated interior sign located within 24 inches of the window of the building shall, if visible from the street or adjacent properties, meet all the requirements of this section and the area thereof shall not, either by itself or cumulatively with any other exterior or interior illuminated sign or signs hereby permitted, exceed the total area permitted for exterior signs as regulated in § 125-41B.
  - (c) In no instance shall the light intensity of any illuminated sign exceed 75 footcandles measured with a standard light meter measured at any point in front of the sign at a distance that is no greater than the smallest horizontal or vertical dimension of said sign. There shall be no electric conduit located on the exterior facade of a building used to provide electric power to any sign.
  - (d) The Planning Board or Zoning Board of Adjustment, as appropriate, shall review all signs to be installed that are accessory to any application for development processed by it and the Board shall review and approve the intensity of light of all such signs.

J. Sign erection permits.

- (1) Permit required. Except as otherwise specifically permitted under the provisions of this chapter, it shall be unlawful for any person to erect or relocate any sign without first obtaining a sign erection permit from the construction or zoning official. The construction or zoning official shall issue permits only for such signs as are permitted for the particular premises and district pursuant to the provisions of this chapter which shall govern unless otherwise permitted by a sign variance.
- (2) Application. the form of application for a sign erection permit shall be provided by the construction or zoning official in triplicate and shall contain or have attached the following information:
  - (a) Name, address and telephone number of the applicant.
  - (b) Location of premises on which or to which the sign is proposed to be erected or attached.
  - (c) Position of the sign, indicating its relation to its premises and adjoining premises.
  - (d) Blueprints or ink drawings of the plans and specifications and method of erection and attachment to the premises or a photograph of the actual sign in lieu thereof and such information as the construction or zoning official may reasonably require to indicate the work to be performed and to show full compliance with this or all other relevant and applicable laws and ordinances of the Borough of Fair Lawn.
  - (e) Name of the person performing the work.
  - (f) Written consent of the owner or lessor of the premises, if the applicant is not the owner or lessor.
  - (g) The application for the electrical permit, if any, required by ordinances of the Borough of Fair Lawn.
- (3) Fees. Fees for the permit shall be in accordance with Chapter 85, Uniform Construction Codes, and amendments thereto.
- (4) Permit issued if application is in order. If the application is in order, the construction or zoning official shall issue the permit. No permit will be issued unless the proposed structure is in compliance with all the requirements of this chapter and all other laws and ordinances of the Borough of Fair Lawn. If the sign authorized under the permit has not been erected within six months after date of issuance, the

permit shall become null and void. Within 14 days of completing the installation of any sign approved under the provisions of this subsection, the applicant shall submit a photograph of said sign to the construction or official for the purpose of establishing a record of the final design and placement of said sign. The photograph shall indicate the date of installation and shall show the placement of the sign on the site and shall be signed by the applicant and stamped with the date it is received by the construction or official.

- (5) Site plan for any project for which a site plan is otherwise required, there shall be submitted with said site plan a complete sign application.
  - (6) Exemptions from applications. Signs permitted under § 125-41A(2), (3), (4), (5), (6) and (8) and § 125-41B(5) and those signs limited to show membership in a retail or professional organization, credit card or credit association or plan and /or show manufacturers or legally required licenses attached to or painted on a store window or windows on the exterior or interior of any structure shall not require applications or the payment of any license fees or charges. The total area of such sign or signs shall not exceed 20% of the window space or 7 1/2% of any door. This subsection shall not be construed to enlarge the scope of permitted and exempted signs nor to diminish the power of the construction or official to enforce this chapter.
- K. Maintenance and removal of signs. All signs shall be maintained in good condition and repair. No person shall permit the following conditions to exist with respect to any sign owned or controlled by such person or with respect to any sign located on premises owned or maintained by such person or occupant.
- (1) Chipped or peeling paint.
  - (2) Torn paper or broken or damaged lettering or material of any kind.
  - (3) Illegible material, whether by reason of fading, obliteration or any other condition.
  - (4) Within 60 days following the termination of any occupancy or use of any premises, any nonconforming sign located on the premises which identified or advertised such occupancy or use shall be removed unless the new occupancy causes no change in the existing sign other than text.
- L. Revocation of permit and/or removal of signs.
- (1) When any sign becomes insecure, in danger of falling or otherwise unsafe or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this chapter, the owner thereof or the person or firm maintaining same shall, upon written notice of the construction or zoning official, remove the sign forthwith in case of immediate danger or within 24 hours in the case of banner and temporary signs and in any case shall within not more than 10 days, make such sign conform to the provisions of this chapter or shall remove it. The removal of a nonconforming sign shall terminate the right to re-erect said sign. The preceding notice of 24 hours by the construction or zoning official shall not be applicable for any sign that is in violation of § 125-41F(1) and the construction or zoning official or their designee may cause the immediate removal of said temporary sign. In addition to any penalty as set forth in this chapter, the construction or zoning official, their designee or any law enforcement officer shall have the authority to confiscate any temporary sign in violation of § 125-41F(1) and subsequent to confiscation, said sign shall only be returned to its lawful owner upon a payment of a fee to the Borough in the sum as set from time to time by resolution of the Borough Council, which fee shall be in addition to any fine or penalty imposed under this chapter.
  - (2) Written notice, as set forth above, shall be mailed by the construction or zoning official to the owner or lessee of the premises by certified mail, return receipt requested, ordinary mail or served personally. If within 10 days following receipt of such letter or notice or within such shorter time as may be specified in the letter or notice the owner or lessee fails to comply with the order, the construction or zoning official may revoke the permit or repair the sign at the expense of the owner or lessee or issue a summons for the violation. The written notice issued shall remain in effect for a period of one year from the date of receipt by the owner or lessee. Said notice shall bear the following statement in bold type and underlined:

**NOTICE SHALL REMAIN IN EFFECT FOR A TIME PERIOD OF ONE YEAR FROM THE DATE OF RECEIPT. ANY FURTHER VIOLATION OF THIS CHAPTER SHALL BE CAUSE FOR THE CONSTRUCTION OR ZONING OFFICIALS TO REVOKE THE PERMIT OR REMOVE OR REPAIR THE SIGN OR ISSUE A SUMMONS FOR ANY**

## VIOLATION PREVIOUSLY CITED WITHOUT FURTHER NOTICE.

- (3) In case the construction or zoning official shall be required to remove any sign as herein provided, he/she shall keep a record of the cost of such removal and the owner of such sign shall be liable thereof.
- (4) No act of the construction or zoning official in connection with the inspection and maintenance of such signs shall relieve the owner of the premises or the sign owner from his/her responsibility for maintaining the sign in a safe condition or make the Borough of Fair Lawn liable in case of damage or injury relating to it.

## M. Enforcement; removal; costs; false advertising.

- (1) If any person is convicted of a violation of this chapter under this section, and the sign or signs shall continue as violations despite said conviction, then, upon the expiration of the time for appeal as provided by law, if no appeal has been taken, or upon conviction by the Superior Court, if an appeal has been taken, the construction or zoning official may serve an additional 10 days' or shorter period notice upon the person so convicted to require him to remove the sign or signs in violation, and if said sign or signs shall not have been so removed upon the expiration of the 10 days or shorter period, the construction or zoning official shall have the power to remove the sign or signs or cause the same to be removed without further notice but at the sole expense of the owner of the premises. In such event, the owner shall save the construction or zoning official harmless and free from liability for damage to said sign.
- (2) When the Borough has effected the removal of a sign in accordance with Subsection M(1) or Subsection K above, or has paid for its removal, the actual cost thereof, plus accrued interest, at the rate of 12% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Borough, and said charge shall be due and payable by said owner at the time of payment of such bill.
- (3) Where the full amount due the Borough is not paid by such owner within 20 days of the rendering of a bill therefor for the removal of the sign, the construction or zoning official shall cause to be recorded in the Tax Collector's and Clerk's office of the Borough a sworn statement of the expense incurred for the work, the date of the work and the location of the property on which said work was done. The recordation of said statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest, plus any costs of court, for collection until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes. Sworn statements recorded in accordance with these provisions shall be prima facie evidence that all legal formalities have been complied with and that the work was properly performed and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designed or described in the statement and that the same is due and collectable as provided for by law.
- (4) False advertising. It shall be unlawful for any person to intentionally erect, locate, relocate or maintain any sign which falsely identifies the premises or occupancy of any premises or in any building, or which falsely advertises for sale on any premises or in any building any product no longer available therein, and a violation of this subsection shall subject the violator to the penalty provision of this chapter after due notice as required therein. In addition, if any person is convicted of a violation of this chapter under this section because of violation of this subsection, and the sign or signs shall continue as violations despite said convictions, then, upon the expiration of the time for appeal, as provided by law, if no appeal has been taken, or upon conviction of the Superior Court, if an appeal has been taken, such sign no longer advertising a bona fide business conducted, or a product sold on the premises shall be taken down and removed by the owner, agent or person, having the beneficial use of the premises upon which such sign may be erected within 10 days after further written notification from the construction or zoning official, and upon failure to comply with such notice within the time specified by such order, the construction or zoning official shall have the power to remove the sign or cause the same to be removed without further notice, but at the expense of the owner of the premises.

## N.

Nonconforming signs. Any sign existing at the time of the passage of this chapter which violates any provision hereof shall be deemed a nonconforming use and may be continued, maintained and repaired upon the present premises, provided, however, such sign was lawful under any prior ordinance. Any legal

nonconforming sign on any premises involving a change in physical appearance of the sign shall revoke the nonconforming rights as soon as the physical appearance of the sign is changed in any manner whatsoever. Nothing contained herein shall be construed to prohibit the normal maintenance of a legal nonconforming sign such as bulb replacement, painting or the replacement of existing letters. Any sign unlawful under any prior ordinance shall remain unlawful unless it complies with the provision of this chapter and there is issued by the construction or zoning official, a sign erection permit therefor. Where a nonconforming sign or signs relative to the use of the premises to which it is affixed exists and the user of the premises vacates the premises or changes the use, the nonconforming sign or signs shall be removed any other sign or signs relating to a new use of the premises shall conform.