

ORDINANCE #24-18

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER XXV, "ZONING," SUBSECTION 1-17, "SIGNS," TO REFLECT REVISIONS TO SIGN POSTING REGULATIONS

WHEREAS, the Borough of Keyport (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Borough Code of General Ordinances (the "**Code**") provides regulations for the use of land and buildings within the Borough, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, prior to the Borough Council hearing on the adoption of this Ordinance it shall be referred to the Unified Planning Board as required by N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26 of the Municipal Land Use Law; and

WHEREAS, within thirty (30) days of the adoption of this Ordinance the Borough Clerk shall provide notice, pursuant to N.J.S.A. 40:55D-15 of the Municipal Land Use Law, by personal service or certified mail to the county planning board which notice shall state the effective date of this Ordinance and include a copy of this Ordinance; and

WHEREAS, the Mayor and Borough Council hereby desire to amend Borough Code Chapter XXV, "Zoning," Section 1-17, "Signs" to amend Subsection 1-17 (d)(5), "General Regulations," to reflect the following changes (additions are underlined and deletions are in [brackets]):

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

d. *General Regulations*. The following regulations shall apply to all permitted sign and billboard uses.

1. Signs, other than an official traffic sign, shall not be erected within the right-of-way of any street.

2. A permit shall not be required for the erection, alteration, or maintenance of any signs permitted in a residential district.

3. A permit shall be required for the erection, alteration or reconstruction of any advertising sign.

4. All temporary signs erected for a special event shall be removed by the property owner when the circumstances leading to their erection no longer apply. No permit is required for such temporary signs.

5. [Political signs and banners for any election, general election, primary election, school board election or special election, shall be permitted only on private property for a period of thirty (30) days prior to any such election and such political signs shall be removed within forty-eight (48) hours following such election.] Political signs shall not be permitted on public property, which shall include all publicly owned property, right-of-way and everything affixed thereto or thereover. Political signs shall not be placed on private property without the permission of the owner or occupant thereof.

(a) "Political sign" is defined as any sign or banner that displays or advocates for or against any person who is a candidate who will or who has appeared on the election ballot in any election or sign or banner for or against any issue related to any election.

(b) "Candidate" is defined as any individual(s) seeking election to any public or party office of the United States, the State of New Jersey or of a County, municipality, or school district thereof.

(c) Presumption Created; Responsibility for Observance. There is hereby created a presumption that any political sign was constructed or installed at the request or direction of the person whose candidacy such sign advertises or publicizes and such person shall be responsible for observance of this section. The candidate identified in the political sign shall have forty-eight (48) hours to remove the sign after being notified to do so by the Borough.

(d) Penalties. Any person(s), candidate as outlined in paragraph (c) above, entity, firm or corporation or other group or person that is found guilty of violating any part of the provisions of this section shall be subject to any penalty set forth in Section 1-5 of the Revised General Ordinances. Each incident shall count as a separate violation.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter XXV of the Borough Code shall be amended as follows:

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

d. *General Regulations.* The following regulations shall apply to all permitted sign and billboard uses.

1. Signs, other than an official traffic sign, shall not be erected within the right-of-way of any street.

2. A permit shall not be required for the erection, alteration, or maintenance of any signs permitted in a residential district.

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Section 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to public notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Section 6. This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Introduced: October 16, 2018
Public Hearing: November 20, 2018
Adopted: November 20, 2018

Valerie T. Heilweil, RMC, CMR
Borough Clerk
Borough of Keyport

Harry M. Aumack, II, Mayor
Borough of Keyport