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## TITLE 16. TRANSPORTATION

### CHAPTER 41C. ROADSIDE SIGN CONTROL AND OUTDOOR ADVERTISING

Expires on January 30, 2022.

#### SUBCHAPTER 1. PURPOSE, SCOPE, AND CONTACT INFORMATION

##### 16:41C-1.1 Purpose

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, address the technological advancements of the outdoor advertising industry, 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.

##### 16:41C-1.2 Scope

(a) Consistent with Federal law, the State Act, and the Agreement, as presently existing and hereafter amended, governing outdoor advertising, this chapter provides for the permitting of outdoor advertising signs along limited access and non-limited access highways. Additionally, this chapter provides for licensing of any person who engages in the business of outdoor advertising or who holds a permit for a sign that is intended to be used in the business of outdoor advertising, regardless of whether or not that sign is built.

(b) The following signs are allowed in accordance with this chapter and require the issuance and maintenance of a permit:

1. Off-premise signs (see N.J.A.C. 16:41C-8), including, but not limited to:
  - i. Directional signs;
  - ii. Service club signs and religious notices;
  - iii. School bus stop shelter signs;
  - iv. Signs on State property;
  - v. Transit bus shelter signs;
  - vi. Bike share station signs; and
  - vii. Off-premise signs on bridges or overhead structures.

(c) The following signs are allowed in accordance with this chapter, but do not require the issuance of a permit:

1. On-premise signs (see N.J.A.C. 16:41C-9) including, but not limited to:
  - i. Public identification signs;
  - ii. Public utility signs;
  - iii. On-premise signs on bridges or overhead structures;
  - iv. Establishment signs;

- v. Service area signs;
  - vi. Sponsorship signs; and
  - vii. Time, date, and temperature signs, except when attached to off-premise signs;
2. Sale or lease signs;
  3. Notices required by law to be posted or displayed;
  4. Official signs and notices established pursuant to the MUTCD erected on a public highway by the public authority having jurisdiction on which the sign is located; and
  5. Any sign erected or maintained by the Commissioner.

(d) No sign shall be erected or maintained that is visible from the main-traveled way of any portion of limited access or non-limited access highways except those allowed in (b) and (c) above.

#### 16:41C-1.3 Contact information

(a) Outdoor advertising licenses and permits are administered by the Department's Office of Outdoor Advertising Services. All correspondence and inquiries regarding outdoor advertising can be directed to this office at the following address:

New Jersey Department of Transportation  
Office of Outdoor Advertising Services  
P. O. Box 600  
Trenton, NJ 08625-0600

### 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 a sign, which displays an advertisement that is more than six months obsolete, that displays an advertisement that is not in good repair and is no longer visible, or that is missing components necessary to display an advertisement. A sign in good repair displaying the message "available" or other similar sales information shall not be considered abandoned.

"Advertisement" means a single message placed on a sign or sign face. Subcomponents of a single message including, but not limited to, the display of information regarding multiple products available at one store or the identification of multiple locations of a particular store shall be considered to be part of a single message.

"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.

"Application number" means the number assigned by the Department to identify a specific application for an outdoor advertising permit.

"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.

"Bike share station sign" or "sign" means a sign on a bike share station located on public property as part of a bike share program that is sponsored by the governing authority that has jurisdiction over the roadway on which the bike share station is located.

"Bike share station" means a structure that provides bicycles at a self-service station sponsored by a governing authority with jurisdiction over the roadway on which the station is located.

"Business of outdoor advertising" means the display of an advertisement in exchange for any compensation or item or service of value through the erection, use, or maintenance of a sign; or the display of an advertisement by the permit holder, which consists of information other than the business of the permit holder.

"Commissioner" means the Commissioner of the New Jersey Department of Transportation or such persons as the Commissioner may designate, when legally permissible.

"Customary maintenance" means all manner of repair or maintenance of a permitted sign, which is done to keep the sign structurally sound, in good repair, and in compliance with its approved permit. Customary maintenance applies to all parts of a sign, including its foundation, supporting structure, and sign face.

"Cutouts or extensions" means any attachment or addition to the approved advertising surface area that increases the area of a display beyond the approved sign face. Cutouts or extensions shall be included in calculating the advertising surface area of a sign.

"Department" means the New Jersey Department of Transportation.

"Directional signs" means signs containing directional information about publicly owned places, natural phenomena, historic, cultural, scientific, educational, and religious sites; or areas of natural scenic beauty or naturally suited for outdoor recreation, deemed, by the Commissioner, to be in the interest of the traveling public.

"Display" means a single message placed on a sign and shall mean the equivalent of an advertisement.

"Embellishments" means objects, such as letters, figures or other devices attached to the advertising surface area of a sign which create a three-dimensional effect but do not extend beyond the vertical or horizontal planes of the advertising surface area.

"Ending of pavement widening" means that point where a highway returns to the width of the main-traveled way after the merging from an entrance ramp or other highway.

"Establishment sign" means a sign that identifies the proper name of a building or place that is used for public assembly, including, but not limited to, an arena, athletic field, enter-

tainment center, or stadium, provided that the sign identifies the building or place by the proper name by which it is marketed to the public and it does not identify constituent parts of a building including, but not limited to, entrances, ticket windows, individual floors, or stairwells.

"Federal law" means Section 131 of Title 23, United States Code (1965) (23 U.S.C. § 131), commonly referred to as Title 1 of the Highway Beautification Act of 1965, and the Intermodal Surface Transportation Efficiency Act of 1991, as amended and hereafter amended, and regulations adopted pursuant thereto.

"Federal-aid primary highway" means any highway so designated by the State pursuant to subsection (b) of Section 103 of Title 23, United States Code.

"Ground structure" means any advertising structure or display erected upon the ground, however supported thereon.

"Highway" means any road, thoroughfare, street, boulevard, lane, court, railway, right-of-way or easement used for, or laid out and intended for public passage of vehicles or people.

"Interchange" means a junction of two or more highways that allows for the movement of traffic between such highways, typically by means of one or more entrance and/or exit ramps.

"Interstate System" means those highways constructed within this State and approved by the Secretary of Transportation of the United States as an official portion of the National System of Interstate and Defense Highways pursuant to the provisions of Title 23, "Highways" of the United States Code, as amended.

"License" means the authority granted by the Department to the license holder to engage in the business of outdoor advertising.

"Limited access highway" means a highway, or any portion thereof, especially designed for through traffic, over which abutters have no easement or right of light, air, or direct access by reason of the fact that their property abuts upon such limited access highway. For purposes of this chapter, interstate highways, parkways, expressways, and freeways, including, but not limited to, the Atlantic City Expressway, the Garden State Parkway, and the New Jersey Turnpike, shall be considered limited access highways. The determination of whether a highway or a portion thereof is a limited access highway shall consider actual site conditions, and the classification of the highway under the State Highway Access Management Code, N.J.A.C. 16:47.

"Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each separate roadway carrying through traffic is a main-traveled way. The main-traveled way shall not include frontage roads.

"Manual on Uniform Traffic Control Devices for Streets and Highways" or "MUTCD" means the 2009 version of the manual issued by the U.S. Department of Transportation, Federal Highway Administration, and is incorporated herein by reference as amended and supplemented. The manual is available on the Federal Highway Administration's website at <http://mutcd.fhwa/dot/gov/> or on the American Association of State Highway and Transportation Officials (AASHTO) website at <https://bookstore.transportation.org/>.

"Multiple message sign" means a sign, which changes message or copy electronically or by the movement or rotation of panels or slats.

"Nonconforming sign" means a sign which fails to comply with the requirements of the State Act and any rules promulgated pursuant thereto, and which had been lawfully erected, pursuant to a valid outdoor advertising permit, and maintained prior to the enactment, revision, or amendment of the State Act and the rules promulgated pursuant thereto.

"Notice of approval" means a letter issued by the Department to a permit applicant deeming an application approved.

"Off-premise sign" means any sign that does not meet the definition of an on-premise sign or is not identified in N.J.A.C. 16:41C-1.2(c).

"Official signs and notices" means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in Federal, State, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and erected by State or local government agencies or nonprofit historical societies may be considered official signs.

"On-premise sign" means a sign that identifies the proper name of the business or place where the sign is located or which identifies an actual bona fide and principal activity, product or service, or event that is conducted, available, offered, or produced on the property where the sign is located, including a sign that exclusively advertises the sale or lease of the property on which the sign is located. The storage of supplies or materials on the property does not indicate of itself an actual bona fide and principal activity, product, or use of the property. When a sign consists principally of a brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, or when it brings any compensation to the property owner or to the owner of the sign, the sign shall be considered an off-premise sign used for the purpose of the business of outdoor advertising.

"Permit holder" means any person holding a valid and unrevoked outdoor advertising permit.

"Permit number" means the number assigned by the Department to identify a specific outdoor advertising permit. The permit number shall be the same as the application number.

"Permit or outdoor advertising permit" means a permit issued by the Department to allow the erection and maintenance of a sign of the particular type and at the specific location described in the application. The permit is comprised of an approved application, a notice of approval, and a Department-issued letter granting conditional approval to erect and maintain the sign, as appropriate. The issuance of an outdoor advertising permit does not supersede the permit holder's obligation to obtain any municipal, county, or State approvals that are required to erect and maintain the sign.

"Permitted location" means a place, spot, site, or space for which an outdoor advertising permit has been duly issued for the erection and maintenance of a sign without regard to whether the same has actually been constructed, painted, or posted.

"Person" means any individual, group, corporation, limited liability company, partnership, association, any public entity, as the context may require, or combination thereof.

"Point of gore" means the point where the main-traveled way and a ramp or another highway come together. Where a physical obstruction, such as curb, guide rail, or impact attenuator, exists, the physical obstruction shall be considered the point of gore.

"Prevalent land use" means the existing land use that is predominant in an area that is within 800 feet of the sign location, on the same side of the highway as the sign location, and within the same zoning district as the sign location, if the area is zoned by State or local law, rule or ordinance. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing and landscaped areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway. None of the following activities shall be considered an exist-

ing business, industry, commerce, office, or trade land use in the determination of the prevalent land use:

1. Outdoor advertising signs;
2. Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands;
3. Transient or temporary activities;
4. Activities not visible from the main traveled way;
5. Activities more than 660 feet from the nearest edge of the right-of-way;
6. Activities conducted in a building primarily used as a residence; and
7. Railroad tracks and minor sidings, pipelines, and electric transmission lines.

"Premises" means that portion of the property wherein any industry, commerce, business, occupation, trade or service is conducted.

"Primary system" means any highway on the National Highway System or any highway on the Federal-aid primary system in existence on June 1, 1991.

"Protected area" means all areas inside the boundaries of this State, which are adjacent to and within 660 feet of the edge of the right-of-way of highways in the Interstate and Primary Systems, and those areas inside the boundaries of this State, which are outside urban areas and visible from such highways, but beyond 660 feet of the edge of the right-of-way of highways in the Interstate and Primary Systems.

"Protected zone" means all areas inside the boundaries of this State, which are adjacent to and within 660 feet of the edge of the right-of-way of highways not in the Interstate and Primary Systems, and those areas inside the boundaries of this State, which are outside urban areas and visible from such highways, but beyond 660 feet of the edge of the right-of-way of highways not in the Interstate and Primary Systems.

"Public identification sign" means a sign located on public property that exclusively identifies the county, municipality, or district where the sign is located.

"Public utility signs" means warning signs, information signs, notices or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

"Public view" means the area visible to persons traveling or operating motor vehicles at the legal speed limit on a highway.

"Religious notice signs" means the same as "service club and religious signs."

"Safety rest area" means an area or site established and maintained within or adjacent to the highway right-of-way and under public supervision or control, for the convenience of the traveling public.

"Sale or lease sign" means a sign that exclusively advertises the sale or lease of the property on which it is located.

"Same side of the highway" means that side of highway (right or left) as determined by the direction of travel of a motor vehicle travelling on the main travelled way of that highway, regardless of the existence of medians, ramps, service roads, collector lanes, or other streets within the highway's right-of-way.

"Scenic area" means any public park or area of scenic beauty or historical significance, as designated by the Commissioner of Transportation or other State agency having and exercising such control.

"Scenic byway" means any highway or portion thereof that has been nominated and designated as a scenic byway by the Department.

"Scenic corridor" means any highway or portion thereof that has been designated as a scenic corridor by the Department (see N.J.A.C. 16:41C Appendix, Table 1, incorporated herein by reference).

"School bus stop shelter sign" means a public service sign on a school bus shelter that is erected outside of the Department's right-of-way at a bus stop that has been approved by the governmental agency, authority, or subdivision having jurisdiction over the highway on which the bus stop is located.

"Service area sign" means a sign in a facility that is:

1. Within the right-of-way of a limited access highway;
2. Under public supervision or control;
3. In continuous operation; and
4. Offers all of the following services to motorists using the highway:
  - i. Vehicle services including air, fuel, and oil;
  - ii. Food, other than from vending machines;
  - iii. Public restroom facilities; and
  - iv. Public telephone.

No service area signs shall be erected along or be visible to the main-traveled way or ramp of any highway.

"Service club and religious signs" means signs whose erection is authorized by law, relating to the meetings of nonprofit service clubs or charitable associations or religious services.

"Sign" means any structure including, but not limited to, an advertising structure and sign face used outdoors and affixed to or upon property to display messages and/or images within public view which is designed to attract, or does attract, the attention of pedestrians or operators or passengers of motor vehicles using the roads, highways, and other public thoroughfares and places, and shall include any writing, printing, painting, display, emblem, drawing, or other device whether placed on the ground, rocks, trees, tree stumps or other natural structures, or on a building, structure, signboard, billboard, wallboard, roofboard, frame, support, fence, or elsewhere, and any lighting or other accessories used in conjunction therewith.

"Space or sign face" means the part of the sign where an advertisement or display is placed or intended to be placed.

"Sponsorship sign" means a sign that identifies the primary patron or guarantor of a musical, theatrical, athletic, or similar series or event, which is a principal activity at the venue where the sign is located, and which satisfies the following requirements:

1. The sign identifies the sponsor by its name and/or business logo, but does not display any promotional information, such as, but not limited to, a web site address, physical address, phone number, product images, slogans, or location within the venue;
2. The sign identifies the particular series or event in the manner in which it is marketed to the public; and

3. The sign is displayed only when the series or event is marketed to the public through media outside of the venue.

"State Act" means the Roadside Sign Control and Outdoor Advertising Act, P.L. 1991, c.413.

"State entity" means a State department or agency, board, commission, corporation or authority.

"Static sign" means a sign, which does not change its message or copy automatically, such as by electronic or mechanical means.

"Supporting structure" means the structural elements of a sign, which are intended to support the sign face. The supporting structure shall include all bracing and supporting elements.

"Time, date, and temperature sign" means the display of the current local time, date, temperature, or any combination thereof. Where a time, date, and temperature sign is attached to, or part of, a sign, which is used for off-premise advertising, it shall be considered part of the advertising surface area of that sign. Time, date, and temperature signs shall not be considered a multiple message sign.

"Totally destroyed" means the supporting structure of the sign has been destroyed or has failed to the extent that it no longer supports the sign face(s) as intended.

"Trade name" means the brand name, trademark, distinctive symbol or any other device used to identify particular products or services.

"Transit bus shelter sign" means a sign on a bus shelter located on public property at a stop approved by the agency with jurisdiction over the roadway on a designated transit bus route.

"Unzoned commercial or industrial areas" means those areas which are not zoned by State or local law, rule or ordinance, and where the prevalent land use is business, industry, commerce, office, or trade. The granting of a use or any other variance by a local zoning or governing body shall not change the zoning of the property as defined in these rules.

"Urban area" means a place designated by the U.S. Bureau of the Census as having a population of 5,000 or more within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary of Transportation of the United States. The boundaries shall, at a minimum, encompass the entire place designated by the U.S. Bureau of the Census.

"Visible" means the advertisement can be seen and comprehended without visual aid by persons traveling in the motor vehicle on the highway.

"V-type construction" means a single structure having two faces in the shape of the letter "V" when viewed from above, with the faces oriented in opposite directions.

"Zoned commercial or industrial areas" means those areas which are zoned for business, industry, commerce, office, or trade pursuant to a State or local zoning ordinance or rule, or those areas other than areas exclusively zoned for residential, agricultural, forest, conservation, recreation, education or preservation where the prevalent land use is business, industry, commerce, office or trade. The granting of a use or any other variance by a municipal zoning board of adjustment or governing body shall not change the zoning of the property as defined in these rules.

16:41C-2.2 (Reserved)

SUBCHAPTER 3. GENERAL REQUIREMENTS AND VEGETATION CONTROL

### 16:41C-3.1 General requirements

(a) A sign is subject to the requirements of its type as indicated in this chapter.

(b) Where a sign is erected, or proposed to be erected, so that it is visible to more than one highway, the requirements for each highway shall apply.

(c) Where a sign is erected, or proposed to be erected, so that it is visible to a highway that contains more than one type of lane, such as a limited access highway with adjacent non-limited access lanes, and such that the sign is visible to the limited access highway, it shall be subject to the requirements of a limited access highway.

(d) A sign shall be in conformance with the conditions set forth in its permit and the requirements of this chapter.

(e) The advertising surface area of any sign affixed to or painted upon the wall of any building or structure, other than an outdoor advertising structure, shall be fixed at a particular location, which shall be defined by a contrasting border or paint color that readily distinguishes the advertising surface area from the remaining part of the wall.

(f) All signs shall be kept structurally sound and in good repair through customary maintenance.

(g) Customary maintenance includes, but is not limited to, the following:

1. The replacement of existing structural components of a sign, provided that the components are of the same size, height, type, and materials as indicated on the approved application.

2. The replacement or modernization of light fixtures, provided that the approved application indicates that the sign is to be illuminated.

3. The addition of a catwalk for safety.

4. The painting, staining, or cleaning of a sign.

(h) Customary maintenance does not include the following:

1. Any work performed on a nonconforming sign, except that which is allowed by N.J.A.C. 16:41C-10.1.

2. Any work performed on a sign that the Department has deemed abandoned.

3. Any work that causes the sign to be erected in a manner contrary to its permit.

4. Any work that results in a change in the material or design of a sign's supporting structure, such as a change from wood to steel, lumber framing to wooden pilings, steel I-beams to a steel pylon, or any change in the number of vertical supports.

5. Any work that changes the number, alignment, size, or location of the sign faces of an existing sign, except for any change that is authorized by the permit.

6. Any work that changes the physical location of the sign structure.

7. The addition of lighting to a sign whose approved application does not indicate illumination.

8. The conversion of a static sign to an off-premise multiple message sign.

### 16:41C-3.2 Vegetation control

Adjustment, alteration, or removal of existing landscape within the Department's right-of-way is prohibited unless authorized by a permit issued by a Department regional maintenance office pursuant to N.J.A.C. 16:41.

#### SUBCHAPTER 4. RESTRICTIONS

##### 16:41C-4.1 General restrictions

(a) Signs which contain, include or are illuminated by any flashing, intermittent, scrolling or moving light or lights shall be prohibited, except those giving time, date and/or temperature.

(b) A permit for a new or enlarged sign shall not be issued if such permit would conflict with public policy relating to roadside signs or outdoor advertising as declared by the Congress of the United States, or as reflected in the statutory enactments and judicial decisions of this State. In determining whether such public policy is contravened, the Department shall consider the law of this State, and the United States, including the Federal law, the State Act, and this chapter.

(c) Except where specifically authorized by the Department, no sign shall be erected or maintained within the Department's right-of-way of any portion of limited access or non-limited access highways within the State of New Jersey. This prohibition shall not apply to signs, public notices, or markers erected or maintained by the Department.

(d) No sign shall interfere with the ability of the operator of a motor vehicle to have a clear and unobstructed view of streets or highways ahead, approaching, merging, or intersecting traffic, or official signs, signals, or traffic control devices.

(e) No sign shall interfere with or contain advertisements that resemble any official traffic sign, signal, or device.

(f) No sign shall be painted, drawn, erected, or maintained upon trees, rocks, other natural features, or public utility poles.

(g) No sign shall be of such a type, size, or character or placed at a location that will endanger or injure public safety or health, or pose a physical threat to property in the vicinity thereof.

(h) No sign shall advertise activities that are prohibited by Federal law, or the laws of the State of New Jersey.

(i) No off-premise sign, nor any on-premise sign which is visible to any interstate or limited access highway, shall display any animation or moving part or have reflectorized materials, except as provided at N.J.A.C. 16:41C-11. This provision shall not apply to time, date, and temperature signs. The components of signs used to change the advertisement in a multiple message sign, which are regulated at N.J.A.C. 16:41C-11, shall not be considered a moving part.

(j) No sign shall be of such intensity or brilliance to cause glare, or be otherwise operated in a manner that impairs the safe operation of a motor vehicle. Illumination of signs shall be shielded, so as to prevent light from being directed at any portion of the main-traveled way of any highway. All such lighting shall also be subject to any other provision relating to lighting of signs applicable to highways under the jurisdiction of the State of New Jersey.

(k) Except as provided at N.J.A.C. 16:41C-8.7 and 9.4, signs shall not be painted on or attached to bridges, overpasses, or overhead structures.

(l) No sign shall be erected or maintained in a manner that may impair the vision of a motorist.

16:41C-4.2 (Reserved)

16:41C-4.3 (Reserved)

16:41C-4.4 (Reserved)

## SUBCHAPTER 5. LICENSE PROVISIONS

### 16:41C-5.1 License issuance

(a) A license to engage in the business of outdoor advertising is required for any person who holds a permit for a sign that is intended to be used to advertise anything other than the business of the permit holder as identified on the permit, regardless of whether that sign is built. A valid license shall be required prior to the issuance of an initial permit.

(b) A license shall be obtained by submitting a completed license application, the license fee, and a completed disclosure statement required pursuant to N.J.A.C. 16:41C-5.4 to the Department's Office of Outdoor Advertising Services at the address found at N.J.A.C. 16:41C-1.3.

(c) License application forms can be obtained by requesting the form from the Department, in writing, at the address found at N.J.A.C. 16:41C-1.3, by phone at (609) 530-3337, or downloaded from the Department's website at:  
<http://www.state.nj.us/transportation/business/outdoor/forms.shtm>.

(d) The license fee for an initial outdoor advertising license is \$ 150.00.

(e) The term of an initial license shall be for three years. The term shall be determined as follows:

1. An initial license issued after May 16 of any calendar year shall be valid from the date of issuance to the third following May 15. An initial license issued between March 1 and May 15 of any calendar year shall be valid from the date of issuance to the fourth following May 15. For example, a license issued on July 15, 2014, will expire on May 15, 2017; a license issued on March 30, 2014, will also expire on May 15, 2017.

### 16:41C-5.2 License renewal

(a) Unless revoked or canceled, all licenses will expire on May 15 and shall be renewable for a term of three years and for a fee of \$ 150.00, except as follows:

1. Holders of licenses that expire on May 15, 2015, and that are numbered 001 through and including 0124 shall be renewable only for a term of one year and the license renewal fee shall be \$ 50.00. After the expiration of the renewal license on May 15, 2016, these licenses shall be renewable for a term of three years with a license renewal fee of \$ 150.00.

2. Holders of licenses that expire on May 15, 2015, and that are numbered 0125 through and including 0249 shall be renewable only for a term of two years and the license renewal fee shall be \$ 100.00. After the expiration of the renewal license on May 15, 2017, these licenses shall be renewable for a term of three years with a license renewal fee of \$ 150.00.

3. Holders of licenses that expire on May 15, 2015, and that are numbered 0250 or higher shall be renewable for a period of three years with a license renewal fee of \$ 150.00.

(b) On or around April 1 of every year, the Department will notify all license holders whose licenses are due to expire on May 15 of that year and will send the license holders the forms and instructions for renewal of the license.

(c) A license holder shall renew the license by submitting a completed application, the license renewal fee, and a completed disclosure statement required pursuant to N.J.A.C. 16:41C-5.4, to the Department at the contact address specified at N.J.A.C. 16:41C-1.3. All submissions must be received by the Department on or before the expiration date set forth in (b) above.

(d) Applications that are incomplete or are not received by the Department on or before May 15, shall be charged a late fee of \$ 50.00, in addition to the license renewal fee.

(e) If the license renewal and late fees are not paid by June 15, the license holder shall be issued a violation for non-renewal of a license and may be subject to the issuance of further violations and the assessment of penalties for maintaining permits without a valid license pursuant to N.J.A.C. 16:41C-12.

#### 16:41C-5.3 Bond for non-resident

If a licensee does not reside in New Jersey or is a foreign corporation not authorized to do business in this State, it shall file with its application a bond of \$ 5,000 in favor of the State satisfactory to the Commissioner and issued by an approved surety, conditioned upon the observing and fulfilling by the applicant of all the provisions of the law and the rules contained in this chapter. Upon default in the condition of such bond, appropriate action shall be taken to enforce the collection thereof in a court of competent jurisdiction. A bond shall remain in full force and effect so long as any obligation to the State in such license shall remain unsatisfied.

#### 16:41C-5.4 Disclosure statement requirement for license holders

(a) Any person applying for or renewing an outdoor advertising license shall file a disclosure statement.

(b) The disclosure statement shall be filed within 60 days after the issuance of the initial license and at the time of license renewal.

(c) Failure to file a disclosure statement within the 60 days of issuance of the initial license shall invalidate the license. Failure to file a disclosure statement with the license renewal shall result in the renewal application being deemed incomplete. Incomplete renewal applications shall not be considered by the Department until deemed complete.

(d) The disclosure statement shall include:

1. The full name and business address of the person holding the license to engage in the business of outdoor advertising, the full names of any officers, directors, or partners of the person holding the license to engage in the business of outdoor advertising and all persons holding any equity in or debt liability of that corporation, association, firm, partnership, sole proprietorship, trust or any other form of commercial organization; or if the holder is a publicly traded corporation, all persons having more than 10 percent of the equity in or the debt liability of that corporation, association, firm, partnership, sole proprietorship, trust or any other form of commercial organization, except that where the debt liability is held by a chartered lending institution, the person need only supply the name and business address of the lending institution; and

2. The full name and business address of all officers, directors, or partners of any corporation, association, firm, partnership, sole proprietorship, trust or any other form of commercial

organization disclosed in the disclosure statement, and the names and addresses of all persons holding any equity in or the debt liability of any corporation, association, firm, partnership, sole proprietorship, trust or any other form of commercial organization so disclosed, or, if the corporation, association, firm, partnership, sole proprietorship, trust or any other form of commercial organization is a publicly traded corporation, all persons holding more than 10 percent of the equity in or the debt liability of that corporation, association, firm, partnership, sole proprietorship, trust or any other form of commercial organization, except that where the debt liability is held by a chartered lending institution, the person need only supply the name and business address of the lending institution.

(e) If the information in a licensee's disclosure statement changes, the licensee shall file an updated disclosure statement within 60 days of that change.

16:41C-5.5 (Reserved)

16:41C-5.6 (Reserved)

16:41C-5.7 (Reserved)

## SUBCHAPTER 6. PERMITS, WAIVERS, AND CONSTRUCTION OF NEW SIGNS

### 16:41C-6.1 Permit requirements

(a) Except where a permit is not required by this chapter, each person shall obtain a permit from the Department for each sign before its erection or use. In the event that a permit holder wishes to modify the sign in a manner that exceeds customary maintenance, an application shall be filed to obtain a new outdoor advertising permit for the new outdoor advertising sign.

(b) No permit issued to a person required to obtain a license pursuant to this chapter shall be valid unless the license of such person is in full force and effect.

(c) If the name of a permit holder changes, written notice of the change shall be filed with the Department's Office of Outdoor Advertising Services within 30 days of the change, pursuant to the requirements of N.J.A.C. 16:41C-7.3.

(d) If the address of a permit holder changes, written notice of the change shall be filed with the Department's Office of Outdoor Advertising Services within 30 days of the change.

### 16:41C-6.2 Permit applications

(a) An application for a permit and the permit application fee shall be submitted to the Office of Outdoor Advertising Services at the address found at N.J.A.C. 16:41C-1.3.

(b) Permit applications forms can be obtained by requesting the form from the Department, in writing, at the address found at N.J.A.C. 16:41C-1.3 or downloaded from the Department's website at: <http://www.state.nj.us/transportation/business/outdoor/forms.shtm>.

(c) Each application shall specify the location where the sign is to be erected and maintained. The application shall depict graphically the location of the proposed sign by showing its distance from the nearest intersecting road, railroad crossing, bridge, or other permanent point of reference. The measurement shall be made along the nearest edge of the highway pavement from the closest permanent place of identification, such as an intersecting road, railroad crossing, or bridge to the proposed sign location. If a sign is built at a location other than that specified in an approved application, the sign shall be deemed to be unauthorized by a permit.

(d) A single application shall cover a double-faced, back-to-back, side-by-side, or V-type sign, provided that those signs are physically contiguous, connected by the same structure or cross-bracing, or located not more than 15 feet apart at their nearest point. The fee charged will be for the total advertising surface area at that location.

(e) Applications that contain incorrect or conflicting information shall be deemed incomplete and shall be returned to the applicant for completion or correction. If a corrected application is not received by the Department within 30 days of notification that the application was deemed incomplete, the application will be considered withdrawn and no further action will be taken by the Department.

(f) Applications for signs that are subject to the jurisdiction of the Pinelands Commission shall include a Certificate of Filing, a Notice of Filing, a Certificate of Completeness, a resolution of the Pinelands Commission approving the development of the sign, or such other document that satisfies the requirements of N.J.A.C. 7:50-4.81(b). Applications submitted without such documentation shall be deemed incomplete and shall be returned to the applicant in accordance with (e) above.

(g) Applications deemed complete shall be assigned an application number by the Department and shall be reviewed pursuant to the provisions of N.J.A.C. 16:41C-6.3.

#### 16:41C-6.3 Application review and permit

(a) Applications shall be reviewed and evaluated for conformance with the provisions of this chapter.

1. The review of an application and all hearings and appeals related thereto, shall evaluate the following factors as they existed at the time when the Department received the complete application:

- i. The ownership of the property; and
- ii. The zoning of the property.

2. If an application proposes to establish the conformance of a proposed sign by the cancellation, transfer, or modification of an existing permit, the review shall consider those changes only if the holder of the existing permit has consented in writing to those changes.

(b) When the Department determines that an application meets the provisions of this chapter, it shall issue a notice of approval to the applicant, deeming the application approved. The notice shall state the terms of approval and indicate any limitations or requirements thereto and shall require the payment of annual permit fees as specified in N.J.A.C. 16:41C-7.2. If the Department determines that an application does not comply with the provisions of this chapter it shall issue a notice of denial to the applicant.

(c) Upon the satisfaction of any requirements of the notice of approval, other than those set forth in (f) below, and payment of the annual permit fee as specified in N.J.A.C. 16:41C-7.2, the Department shall assign a permit number and issue an outdoor advertising permit letter indicating the approval by the Department for the applicant to erect, maintain, or use a sign of the particular type and at the specific location described on the approved application. This permit letter, the approved application, and the notice of approval shall together constitute the outdoor advertising permit.

(d) The initial permit shall be valid from its date of issuance to the following May 15, except that if the permit is issued after the Department has issued renewal invoices pursuant to N.J.A.C. 16:41C-6.5, but before the following May 15, the permit shall be valid from its date of issuance to the second following May 15. For example, a permit issued on February 1, 2015, prior to the Department's issuance of renewal invoices on or about March 20, 2015, will expire

on May 15, 2015; a permit issued on April 1, 2015, after the issuance of renewal invoices will expire on May 15, 2016.

(e) Except as provided in (f) below, all permits shall be issued with the condition that the sign shall not be constructed until the following requirements are satisfied:

1. When the permit applicant is a public entity including, but not limited to, any State, county, or local department, agency, board, commission, authority, or instrumentality, and the sign is to be erected on land owned or controlled by a public entity, the permit applicant shall refer the matter to the planning board or zoning board of the municipality within which the land is located for a public hearing, affording the opportunity for public comment.

2. When the permit applicant is a private entity, and the sign is to be erected on land owned or controlled by either a public entity or a private entity, the permit applicant shall refer the matter to the planning board or zoning board of the municipality within which the land is located for a public hearing, affording the opportunity for public comment, and obtain all relevant necessary approvals of the municipality in which the land is located in accordance with ordinances adopted pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

i. The requirements in this paragraph shall not apply when the applicant submits documentation to the Department from an authorized municipal official indicating that the municipal ordinances do not require a public hearing or local approval for the proposed sign.

(f) The requirements in (e) above shall not apply where:

1. The permit is issued for an administrative purpose, such as, but, not limited to, the consolidation of multiple valid permits or the renewal of an existing permit;

2. The permit is issued for the reduction of the advertising surface of any permitted sign;

3. The permit is issued for service club and religious signs; and

4. The permit is issued for the replacement of a conforming sign located on property owned or controlled by a State entity where:

i. The sign exists at the time of the application for a permit;

ii. Prior to the issuance of the permit, the applicant has documented the location, mounting height, setback, number of sign faces, orientation of sign faces and method of structural support of the existing sign and states on the application that these existing features will not be changed;

iii. Prior to the issuance of the permit, the applicant has notified the local municipality of its intention to replace the existing sign; and

iv. The replacement sign is erected within 90 days of the issuance of the permit.

(g) On a case-by-case basis, the Department may require a permit holder to confirm information stated on an approved application.

#### 16:41C-6.4 Appeal of denied application

(a) If an application for an outdoor advertising permit is denied, the applicant may appeal the decision in the following manner:

1. An appeal shall be submitted in writing to the Office of Outdoor Advertising Services at the address found at N.J.A.C. 16:41C-1.3 within 30 days of the date of the issuance of the Department's notice of denial. The Department may grant an extension of this period upon written request by the applicant and for good cause.

2. An appeal shall request either an informal hearing, a formal hearing, or both.
3. The appeal shall state the reasons why the applicant believes the denial was incorrect.
4. If a written appeal is not submitted within 30 days of the date of the Department's notice of denial, the denial shall be deemed the final administrative decision of the Department.

(b) If an informal hearing is requested, the Office of Outdoor Advertising Services shall schedule an informal hearing within 30 days of its receipt of the written appeal.

1. Within 15 days after the conclusion of the informal hearing, the Office of Outdoor Advertising Services shall issue a written decision confirming, modifying, or vacating the denial of the application. The Department may extend this period for good cause.

2. An applicant may appeal the written decision by submitting a written request to the Office of Outdoor Advertising Services, at the address found at N.J.A.C. 16:41C-1.3, for a formal hearing before the Office of Administrative Law. Requests for formal hearings shall be submitted within 30 days of the issuance of the written decision. The Department may grant an extension to the 30-day period upon written request by the applicant and for good cause.

3. If a written request for a formal hearing is not received within 30 days of the date of the Department's written decision, the written decision shall be deemed the final administrative decision of the Department.

(c) If a formal hearing is requested, the Department shall transmit the matter to the Office of Administrative Law as a contested case. Formal hearings shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

1. If two or more contested cases have been consolidated pursuant to an order by the Office of Administrative Law or another court of competent jurisdiction, the initial and final decision shall provide for the complete disposition of all matters, including the issuance of permits to the appropriate party, subject to the parties' rights to file exceptions or otherwise appeal.

#### 16:41C-6.5 Permit renewal

(a) A permit for a sign shall be allowed to be renewed annually.

(b) Permits shall be renewed in the following manner:

1. On or around March 20 of every year, the Department shall issue an invoice to all permit holders whose permits are due to expire on May 15 of that year. Permit holders shall have 55 days from the date of the invoice, or by May 15, whichever is later, to renew their permits.

2. A permit holder may renew each permit by submitting to the Department the invoice and the annual permit fee for that permit. Payment shall be made to the Department at the contact address specified at N.J.A.C. 16:41C-1.3 and shall be received by the Department or post-marked on or before May 15. The annual permit fee shall be as set forth in N.J.A.C. 16:41C-7.2. After receipt of the annual permit fees, the Department shall issue to the permit holder a list of its active permits. The term of a renewed permit shall be from May 16 through May 15 of the following year.

3. A permit holder who elects not to renew a permit shall notify the Department in writing or by notation on the invoice. An existing sign whose permit has not been renewed shall be entirely removed by May 15.

4. A permit holder who has not renewed a permit on or before May 15 and has not notified the Department of its choice not to renew a permit shall be deemed to have cancelled the permit. Such cancelled permits may be renewed by payment of the annual permit fee plus a

reinstatement fee of \$ 20.00 for each permit. No permit for an existing or unbuilt nonconforming sign shall be reinstated after the date established by a notice of violation issued pursuant to (b)5 below.

5. When a permit has not been renewed by May 15, the Department shall issue a notice of violation pursuant to N.J.A.C. 16:41C-12. The notice shall also allow the reinstatement of the permit. The notice shall impose penalties and require the removal of any sign for which the permit has not been renewed or reinstated.

6. Permit holders shall not make unauthorized changes to the invoice. A permit holder who believes that the invoice is incorrect shall notify the Department in writing immediately in order to resolve the discrepancy. Permit holders shall not delay the submission of the invoice and permit renewal, such that it causes payment to be received after the due date.

7. The Department shall not refund a permit renewal fee payment.

#### 16:41C-6.6 Permit cancellation

A permit holder may cancel its existing permit by sending written notice to the Office of Outdoor Advertising Services at the address found at N.J.A.C. 16:41C-1.3. No refund of annual fees shall be given for a cancelled permit.

#### 16:41C-6.7 Changes to signs and permits

(a) A new permit is required when any of the following changes to a permitted sign (built or unbuilt) or a permit are proposed:

1. A change of the dimensions of the permitted sign face. Changes in the dimensions of a sign face that do not exceed the dimensions specified on the permit do not require a new permit;

2. Changes to a sign in a manner that exceeds customary maintenance pursuant to N.J.A.C. 16:41C-3.1(g) and (h);

3. The conversion of a static sign to a multiple message sign, where the existing permit does not allow a multiple message sign;

4. A change of a permit that allows a multiple message sign to a permit that only allows a static sign; or

5. A change in the location of a permitted sign.

(b) The permit holder shall obtain a new permit by submitting a new application and the required application fees for review and approval in accordance with N.J.A.C. 16:41C-6.2 and must demonstrate compliance with the provision of this chapter.

(c) Embellishments may be added to, or made a part of, any permitted outdoor advertising sign without further application to the Office of Outdoor Advertising Services.

(d) Cutouts and/or extensions may be added to an existing conforming sign, provided the sign permit authorizes an advertising surface area equal to or larger than the smallest rectangle enclosing the sign and all cutouts.

1. If the addition of cutouts and/or extensions cause the sign to exceed its permitted dimensions, the advertising surface shall be structurally reduced to accommodate such cutouts and/or extensions within the rectangular envelope authorized by the sign's permit. Painting or covering a portion of a sign face shall not be an acceptable method of structural change.

#### 16:41C-6.8 Waivers

(a) As authorized under N.J.S.A. 27:5-11.c, in those instances where the Commissioner deems it to be in the public interest, a waiver may be granted and a permit issued for a sign on a public property, which would not otherwise be allowed by the State Act or this chapter. The process for requesting a waiver shall be as follows:

1. A waiver may be requested after the issuance of a notice of denial. A waiver request shall be submitted to the Office of Outdoor Advertising Services, at the address found at N.J.A.C. 16:41C-1.3. The request shall constitute an acceptance of the denial of the application as the final agency decision, except as the Commissioner may modify that decision through the granting of the waiver.

2. The waiver request shall include the following:

- i. A letter from the public property owner indicating its request for the waiver;
- ii. A statement that explains how the issuance of the permit would satisfy the requirements listed in (a)4 below, notwithstanding the reasons for the denial of the application; and
- iii. Maps, photographs, or other supporting documents.

3. The Office of Outdoor Advertising Services shall review the documentation. It may request additional information, such as, but not limited to, traffic studies, safety studies, or such other analysis as the Department may determine to be helpful or necessary to evaluate the request. Upon completion of its review, the Office of Outdoor Advertising Services shall submit its recommendation to the Commissioner regarding the waiver request.

4. The Commissioner shall consider the waiver requests on a case-by-case basis and shall consider the recommendation of the Office of Outdoor Advertising Services, weigh the benefit to the public, evaluate the need for the sign, assure the public safety, and remain in compliance with Federal law and the Agreement. In approving a waiver, the Commissioner may impose conditions as he or she deems appropriate.

5. Where the Commissioner determines that a waiver should be granted, the Office of Outdoor Advertising Services shall prepare all documentation necessary for the review by the State House Commission. Upon receipt of the official minutes of the State House Commission indicating its approval of the waiver, the Office of Outdoor Advertising Services shall proceed to issue a notice of approval to the applicant.

#### 16:41C-6.9 Construction of a new sign

(a) The permit holder shall notify the Department when a sign is initially constructed. Notice shall be given within 30 days after the erection of the sign face(s). Upon notice, the Department shall inspect the sign for compliance with its permit.

(b) The name of the permit holder and the permit number shall be displayed on each sign within 30 days of its erection or by the time it is in use, whichever occurs first, and shall be continuously displayed thereafter. The name of a third-party operator of the sign may also be displayed on the sign, but shall not be larger or more conspicuous than the display of the permit holder's name. The display shall be placed in a conspicuous location on the sign structure, so that it is visible from the highway to which the sign advertises. All characters shall be at least two inches tall.

### SUBCHAPTER 7. FEES

#### 16:41C-7.1 Permit application fees

(a) A \$ 50.00 application fee shall be submitted with each new application for an off-premise outdoor advertising permit for a sign with a proposed advertising surface area of 100 square feet or less.

(b) A \$ 200.00 application fee shall be submitted with each new application for an off-premise outdoor advertising permit for a sign with a proposed advertising surface area exceeding 100 square feet.

(c) No application fee will be charged for a change of name or address or no-fee permits.

(d) No refund will be made after an application for a permit has been filed.

#### 16:41C-7.2 Permit fees

(a) Within 30 days of the issuance of a notice of approval of an application for a new off-premise advertising permit, the applicant shall pay an annual permit fee to the Department. If the annual permit fee is not received within the 30-day period, the notice of approval shall be voided. The Department may extend the 30-day period for good cause.

(b) The annual permit fee for each sign requiring a permit will be based upon the size of the approved advertising surface area as follows:

Advertising Surface Area

In Square Feet

Over	Not More Than	Annual Permit Fee
0	100	\$ 25.00
100	300	\$ 70.00
300	600	\$ 170.00
600	1,000	\$ 460.00
1,000		\$ 635.00

(c) The fee to renew a permit is the same as the annual permit fee.

(d) Permits issued for directional signs, and service club or religious signs meeting the requirements contained in N.J.A.C. 16:41C-8 for those types of signs shall not require an annual fee and shall be considered no-fee permits.

1. No-fee permits shall continue to be valid provided the sign remains in conformance with the terms and conditions of the permit and the provisions of this chapter.

#### 16:41C-7.3 Name change or ownership transfer fee

(a) No fee is required to change the name under which a permit holder conducts business. To change the name under which a permit holder conducts business, the permit holder shall submit an application to the Department, as specified in (c) below, for each permit changed, within 30 days of the name change.

(b) A fee of \$ 10.00 is required to transfer each permit from one person to another. To transfer a permit from one person to another the following documents shall be submitted to the Department within 30 days of the transfer:

1. An application for each permit transferred, as specified in (c) below;

2. Written documentation that demonstrates the existing permit holder's consent to transfer the permit to the person acquiring the permit. Written consent shall be implied where the permit holder fails to respond to a notice issued pursuant to N.J.A.C. 16:41C-12 and the prop-

erty owner's signature is provided on the new application form in addition to the information required in (c) below;

3. A license, if required by this chapter and not already on file with the Department; and

4. A disclosure statement as required by this chapter, unless already on file with the Department.

(c) For a name change or permit transfer, the following information shall be completed on the permit application form available pursuant to the provisions of N.J.A.C. 16:41C-6.2(b):

1. The name, address, and phone number of the new applicant;

2. A written statement, in lieu of a sketch, indicating the following:

i. For a transfer: "Permit No. \_\_\_\_\_ Transferred from \_\_\_\_\_ to \_\_\_\_\_";

ii. For a name change: "Name changed from \_\_\_\_\_ to \_\_\_\_\_"; and

3. The executed certification by the applicant, including the name, signature, title, and date as specified on the application form.

(d) Upon receipt of all submissions, the Department shall record the change of name or ownership in the Department's records.

(e) A change in name or ownership shall not cause the existing permit to lapse. The underlying permit shall remain in force.

(f) The Department shall not change the name or transfer a permit if a sign that is the subject of the change or transfer is also the subject of a pending violation, unless the new permit holder assumes responsibility for the resolution of the violation.

(g) The new permit holder shall install its name on each sign, pursuant to N.J.A.C. 16:41C-6.9 within 30 days of the name change or transfer.

## SUBCHAPTER 8. OFF-PREMISE SIGNS

### 16:41C-8.1 General requirements

(a) A sign shall be considered an off-premise sign used for the purpose of the business of outdoor advertising in the following circumstances:

1. If the property owner or sign owner receives compensation for the use of the sign. However, if the payment of compensation for the use of the sign is a condition of a bona fide and principal use of the property and the compensation is paid by the entity whose use or activity is displayed on the sign, the sign shall be considered an on-premise sign; or

2. If a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, conducted on the premises where the sign is displayed.

(b) The premises on which an activity is conducted shall be determined by physical facts rather than property lines. The following are not part of the premises on which an activity is conducted and any signs located on such lands shall be deemed off-premises advertising:

1. Land separated by a roadway, highway, or other obstruction shall not be considered part of the premises. However, where lands are developed into one integrated and commonly identified site, the lands shall not be deemed to be separated. An integrated site shall have a unified overall site design, shared parking, integrated roadway, and pedestrian systems, common management and rights of constituent businesses to use the common facilities. Examples of an

integrated site are a shopping mall divided by an internal street or a pedestrian overpass connecting a development with its parking garage; or

2. Narrow strips of lands that are contiguous to the property but separated from the activity.

(c) The following general requirements shall apply to off-premise signs:

1. The evaluation of a sign's compliance with the minimum spacing requirements shall only consider off-premise signs that are visible on the same side of the highway, except as stated below:

i. Directional signs, service club signs and religious signs, school bus stop shelter signs, and transit bus shelter signs shall not be considered in evaluating spacing requirements.

ii. Wall signs that are located on opposite sides of the same building or on opposite sides of adjacent buildings shall not be considered in evaluating spacing requirements between them, provided that no parts of these signs can be seen simultaneously by traffic travelling in the same direction. Such signs shall be considered in evaluating the spacing requirements to roof signs and ground signs located on the same side of the highway.

iii. Signs that are located on opposite sides of the structural steel of the same bridge shall not be considered in evaluating spacing requirements between them provided that no part of one sign can be seen simultaneously with a part of the other sign.

iv. A sign on a railroad bridge, overpass, building, or other structure that spans a highway or ramp shall be considered in evaluating spacing requirements to any other sign if both signs are visible to motorists traveling in the same direction, and the other sign is located on the driver's right side.

2. The measurement of distance between signs shall be made in the following manner:

i. The minimum spacing distance 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.

ii. Where a sign located over a highway is considered in measuring the spacing between permitted locations, the minimum distance between it and another sign shall be measured from the sign face of the overhead sign to the point of measurement specified in (c)2i above. Measurements shall only be made to permitted locations on the driver's right side based on the direction of travel to view the overhead sign.

3. Not more than two sign faces or displays 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 (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 not visible to traffic travelling in the same direction (placed back-to-back or in a V-type construction), the maximum advertising surface area and dimensions shall apply to the sign faces on each side of the sign.

4. No off-premise sign will be permitted that 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.

5. 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 if it is visible from the main-traveled way.

6. No off-premise outdoor advertising sign shall be erected along or be visible to the main-traveled way or any ramp of the Garden State Parkway.

7. No off-premise advertising sign shall be erected within the protected area or protected zone of a scenic corridor where it can be seen from any point within any portion of a scenic corridor.

8. Any lawful on-premise message may be displayed on a sign authorized for off-premise use, provided that the sign is erected and maintained in accordance with this chapter.

9. No off-premise outdoor advertising sign shall be erected along or be visible to the main-traveled way or any ramp of that portion of the New Jersey Turnpike not incorporated into the Federal Aid Interstate Highway System.

(d) 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. No sign shall 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 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.

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.

(e) 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.

(f) 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. Off-premise signs will only be permitted in zoned and unzoned commercial or industrial areas.

(g) 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.

#### 16:41C-8.2 Directional signs

(a) Activities or attractions eligible for directional signing shall be limited to natural wonders, scenic attractions, historical attractions, educational, cultural, scientific and religious institutions or activities, and outdoor recreational areas.

(b) To be eligible, privately-owned attractions or activities must be nationally or regionally known and of outstanding interest to the traveling public. Final determination of eligibility shall be made by the Commissioner.

(c) The message on directional signs shall be limited to the identification of the attraction or activity and directional information which is useful to the traveler in locating the attraction. Superfluous information or pictorial or photographic representation of the activity or its environs shall be prohibited.

(d) Directional signs shall not exceed 20 feet in length, width or height, or 150 square feet in area including border, trim, cutouts and extensions, but excluding decorative bases and supports.

(e) Each location of a directional sign shall be submitted to the Department for approval.

(f) A directional sign shall not be located within 2,000 feet of an interchange or intersection at grade along a limited access highway.

(g) Directional signs shall not be located within 2,000 feet of any of the following areas or sites which are adjacent to limited access highways or within 500 feet of any of the following areas or sites which are adjacent to non-limited access highways:

1. Scenic areas designated as such by the Commissioner or other State agency having and exercising such authority;

2. Safety rest areas;

3. Informational sites;

4. Scenic corridors; or

5. Scenic byways.

(h) No two directional signs facing the same direction of travel shall be spaced less than one mile apart.

(i) Not more than three directional signs pertaining to the same activity and facing the same direction shall be erected along a single route approaching the activity.

(j) Directional signs on limited access highways shall be within 75 miles of the activity and directional signs on non-limited access highways shall be within 50 miles of the activity.

#### 16:41C-8.3 Service club and religious signs

(a) No more than one service club or religious sign shall be erected on each side of a highway and shall be located outside the Department's right-of-way.

(b) Such signs shall be located no further than two miles from the organization or activity and shall not exceed eight square feet in area.

(c) No sign shall be located within 2,000 feet of an interchange or intersection at grade along a limited access highway (measured along the highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

(d) No sign shall be located within 500 feet of any of the following areas or sites adjacent to the highway:

1. Scenic areas designated as such by the Commissioner or other State agency authorized to make such determinations;

2. Safety rest areas;

3. Informational sites;

4. Scenic corridors; or

5. Scenic byways.

(e) Double-faced, back-to-back or V-type signs shall be prohibited.

#### 16:41C-8.4 School bus stop shelter signs

(a) Signs shall be allowed on school bus stop shelters at locations approved by the governmental agency, authority, or subdivision having jurisdiction over the highway along which the shelter is located.

(b) Signs on school bus stop shelters are not permitted adjacent to the Interstate System or any limited access highway or within the right-of-way of any highway under the jurisdiction of the Department.

(c) A maximum of two signs may be installed on a school bus shelter, one each on the opposite side walls of the shelter. The advertising surface area of each sign face shall not exceed 32 square feet. Fifty percent of the advertising surface area of each sign face on a school bus shelter that is visible to a highway in the Primary System must be comprised of safety slogans or messages unless the sign is located at a site that complies with the zoning, spacing, and other requirements of this chapter for the issuance of a permit for an off-premise sign.

(d) A permit for a school bus stop shelter sign may be issued in any area regardless of whether the site complies with the zoning, spacing, and other requirements of this chapter for off-premise signs.

(e) A multi-message sign shall not be allowed on a school bus stop shelter that is located within any public right-of-way. A multi-message sign shall be allowed if it is located at a site that complies with the zoning, spacing, and other requirements of this chapter for a multi-message off-premise sign.

#### 16:41C-8.5 Off-premise signs on State property

(a) The Commissioner shall determine the number of square feet of advertising space authorized on off-premise signs that have received permits pursuant to N.J.S.A. 27:5-5 et seq., which were in effect on June 29, 2004, and are located on property owned or controlled by a State entity.

(b) The total number of square feet of advertising space authorized for off-premise signs on property owned or controlled by each State entity after June 29, 2004, shall not exceed the total number of square feet as determined by the Commissioner pursuant to (a) above.

(c) If the Department determines that the permit application appears to meet the regulatory requirements, but there is insufficient remaining authorized advertising space to allow the issuance of the new permit, it shall so notify the applicant. If the applicant does not establish sufficient authorized advertising space within 30 days, the application shall be deemed denied.

(d) The limitation on the total square footage of advertising space authorized on off-premise signs on property owned or controlled by each State entity after June 29, 2004, shall not include outdoor advertising signs on transit bus shelters or on railroad station platforms.

(e) The determination made pursuant to (a) above may be amended to reflect the existence of any off-premise sign that is lawfully erected in accordance with its permit and which is located on real property acquired by a State entity after June 29, 2004.

#### 16:41C-8.6 Transit bus shelter signs

(a) No permit for a sign on a transit bus shelter may be issued, other than a conditional permit, until there has been a public hearing affording the opportunity for public comment. Documentation of a public hearing shall be submitted with any application for an outdoor advertising permit on a transit bus shelter.

(b) The shelter must be erected and maintained with the express permission of the governing authority of the public property on which the shelter is located. For shelters located within Department right-of-way, this shall be evidenced by a highway occupancy permit, pursuant to N.J.A.C. 16:41.

(c) Signs on a transit bus shelter shall be installed on one wall of the shelter with two sign faces back-to-back or one wall with three sign faces in a triangular configuration. No sign face shall exceed 24 square feet in area. No signs shall be placed on the back wall of the shelter.

(d) A multi-message sign shall not be allowed on a transit bus shelter.

#### 16:41C-8.7 Bike share signs

(a) No permit for a sign on a bike share station may be issued, other than a conditional permit, until there has been a public hearing affording the opportunity for public comment. Documentation of a public hearing shall be submitted with any application for an outdoor advertising permit on a bike share station.

(b) The sign must be erected and maintained with the express permission of the governing authority of the public property on which the bike share is located. No signs or bike share stations will be permitted within the Department's right-of-way.

(c) All bike share signs shall be physically attached to the bike share station. No permit shall be issued for any structure that is not attached and within five feet of a bike share station.

(d) Bike share signs shall be installed on one sign structure with two sign faces back-to-back or one wall in each traveling direction of the structure for a maximum of two signs visible to the travelling public. No sign face shall exceed 24 square feet in area. No signs shall be placed on the back wall of the bike share station.

(e) A multi-message sign shall not be allowed on a bike share station.

(f) No sign shall be constructed less than 300 feet from a transit bus shelter. In all instances, transit bus shelter applications shall have a priority of location over bike share station sign applications.

(g) A permit for a bike share sign may be issued in any area regardless of whether the site complies with the zoning requirements of this chapter.

(h) The minimum spacing between permitted bike share station signs shall be 300 feet.

(i) Private bike share stations which allow advertising must comply with all applicable provisions of this chapter.

#### 16:41C-8.8 Off-premise signs on bridges or overhead structures

(a) Off-premise signs within the highway right-of-way shall be prohibited on any bridge, overpass, building, or other structure that spans a highway or ramp, except as provided in (b) below.

(b) Off-premise signs shall be permitted on railroad bridges within the highway right-of-way that meet the following requirements:

1. The sign shall be maintained within the limits of the existing structural steel;
2. The sign shall not exceed the maximum dimensions for the specific highway; and
3. Each side of a railroad bridge shall be permitted separately and only one permit shall be issued per side.

(c) The following off-premise signs within the highway right-of-way shall be prohibited on any railroad bridge, overpass, building, or other structure that spans a highway or ramp:

1. Any sign that is internally illuminated; and
2. Any multi-message sign.

(d) This section shall not apply to official highway signs and notices that are erected and maintained in conformance with the MUTCD.

(e) The inclusion of off-premise signs on bridges, in the application of spacing requirements for off-premise signs, shall be made pursuant to the provisions of N.J.A.C. 16:41C-8.1(a).

#### 16:41C-8.9 Atlantic City Casino Recreation District

(a) Within the Atlantic City Casino Recreation District (District), the following requirements shall apply:

1. Off-premise signs erected within the District that are visible to any portion of an interstate highway or other limited access highway, shall be subject to all of the provisions of this chapter, including the provisions of N.J.A.C. 16:41C-8.1(d), except that the minimum spacing between permitted sign locations shall be 500 feet.

2. Off-premise signs erected within the District that are visible to any portion of a non-limited access highway on the Primary System shall comply with the provisions of this chapter, including the provisions of N.J.A.C. 16:41C-8.1(e).

3. All other off-premise signs erected within the District shall comply with the provisions of this chapter, including the provisions of N.J.A.C. 16:41C-8.1(f).

4. The provisions of (a)1 through 3 above shall apply, provided that the sign complies with all land use and sign control ordinances in effect in the District.

5. In the absence of any land use and sign control ordinances in effect in the District, all provisions of this chapter shall apply.

16:41C-8.10 (Reserved)

## SUBCHAPTER 9. ON-PREMISE SIGNS

### 16:41C-9.1 General requirements

(a) Pursuant to N.J.A.C. 16:41C-1.2(c), a sign that meets the definition of an on-premise sign shall not require the issuance of an outdoor advertising permit.

(b) Along interstate highways, not more than one on-premise sign per direction of travel shall be erected at a distance greater than 50 feet from the advertised activity. Such signs shall not exceed 150 square feet in area. If, however, such property fronts on more than one street, one sign may be erected on each street frontage.

(c) When the advertised activity is a business, commercial, or industrial land use, the sign distance shall be measured from the regularly used buildings, parking lots, ingress and/or egress driveways, storage, or other structures that are essential and customary to the conduct of the business.

### 16:41C-9.2 Public identification signs

(a) No more than one public identification sign shall be erected on each side of a highway within the boundaries of the identified governmental entity.

(b) A multi-message sign shall not be allowed on any public identification sign that is located within a public right of way.

### 16:41C-9.3 Public utility signs

(a) The Commissioner shall determine the size, spacing, lighting, location, and the number of public utility signs, notices, or markers on limited access and non-limited access highways, essential to the operation of a public utility installation.

(b) In no event shall public utility signs exceed 10 feet in length, width, or height or 100 square feet in area, including border, trim, cutouts, and extensions, but excluding decorative bases and supports.

### 16:41C-9.4 On-premise signs on bridges or overhead structures

(a) On-premise signs within the highway right-of-way shall be prohibited on any bridge, overpass, building, or overhead structure that spans a highway or ramp, except as set forth in (b) below.

(b) An on-premise sign may be erected on railroad bridges within the highway right-of-way where it meets the following requirements:

1. The sign shall be maintained within the limits of the existing structural steel;
2. The sign shall not exceed the maximum dimensions for the specific highway;
3. The sign shall not be internally illuminated; and

4. The sign shall not be a multi-message sign.

(c) This section shall not apply to official highway signs and notices that are erected and maintained in conformance with the MUTCD.

## SUBCHAPTER 10. NONCONFORMING SIGNS

### 16:41C-10.1 General provisions

(a) An existing nonconforming sign may remain at its permitted location provided that it meets the following conditions:

1. The sign was lawfully erected and is maintained in accordance with its approved permit;
2. The sign has not been removed, deemed abandoned by the Department, or totally destroyed; and
3. The support structure, sign faces, lighting, and location of the sign are the same as they were on the effective date of the adoption, revision, or amendment of the ordinance, statute, or regulation that rendered the sign nonconforming.

(b) Cutouts and/or extensions may not be added to a nonconforming sign. However, the advertising surface of a nonconforming sign may be reduced (and later rebuilt) to allow for cutouts and/or extensions to be added within its permitted rectangular envelope.

(c) Customary maintenance of a nonconforming sign is allowed.

(d) The improvement of a nonconforming sign including, but not limited to, the following, is prohibited:

1. A change in the physical location of the sign;
2. The increase of the height of the sign support structure;
3. The change in the type of materials of the sign support structure, such as, but not limited to, a change from wood to steel or a change from lumber to wooden pilings or a change from steel I-beams to a steel monopole;
4. The removal and re-erection of the sign support structure;
5. A change in the number, alignment, configuration, elevation, or size of a sign face(s), except as allowed in (b) above;
6. The conversion of a static sign to an off-premise multiple message sign;
7. The addition of lighting to a sign whose approved application does not include lighting; and
8. Any work performed on a sign that has been deemed abandoned by the Department or has been totally destroyed. This does not include the removal of an abandoned or destroyed sign.

16:41C-10.2 (Reserved)

16:41C-10.3 (Reserved)

16:41C-10.4 (Reserved)

## SUBCHAPTER 11. MULTIPLE MESSAGE SIGNS

#### 16:41C-11.1 Off-premise multiple message signs

(a) Off-premise multiple message signs shall comply with the provisions of this chapter and the following requirements:

1. Multiple message signs shall contain a default design that will freeze the sign in one position if a malfunction occurs;

2. The change from one display to the next shall be completely accomplished within the following interval and the entire display shall change at the same time:

- i. For electronic signs--one second or less; and
- ii. For mechanical signs--two seconds or less;

3. All displays shall remain fixed for an interval of at least eight seconds;

4. Multiple message signs shall not display any image that is flashing, animated, moves, or appears to move. No multiple message sign shall be illuminated by intermittent or moving light. The change of one multiple message display to the next display in accordance with (a)2 above, shall not be a violation of this requirement;

5. The minimum spacing between multiple message signs shall be 3,000 feet. This requirement shall only apply to sign faces on the same side of the highway and visible in the same travel direction;

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, which is capable of displaying any message allowed by the MUTCD; and

7. No multiple message sign shall be operated so that the meaning of one display is continued on the next display.

#### 16:41C-11.2 On-premise multiple message signs

(a) The following requirements apply to on-premise multiple message signs that are visible to any interstate or limited access highway.

1. All signs that are visible to traffic traveling in the same direction and erected on the same sign structure shall change simultaneously or otherwise be operated to assure that their collective operation does not impair the safe operation of a motor vehicle.

2. Signs shall remain fixed for the interval shown below. Where a sign has multiple components that are synchronized to create one display, it shall be considered as one sign.

- i. For signs up to 1,200 square feet--eight seconds.
- ii. For signs larger than 1,201 square feet, but smaller than or equal to 2,500 square feet--six minutes.
- iii. For signs larger than 2,501 square feet--15 minutes.

3. The change from one display to the next shall be completely accomplished within the following interval and the entire display shall change at the same time:

- i. For electronic signs--one second or less.
- ii. For mechanical signs--two seconds or less.

4. Multiple message signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.

5. Multiple message signs shall not display any image that is flashing, animated, moves, or appears to move. No multiple message sign shall be illuminated by intermittent or moving light. The change of one multiple message display to the next display in accordance with N.J.A.C. 16:41C-11.1(a)2, shall not be a violation of this requirement.

6. Where signs are erected at different locations along the same highway, they shall be synchronized to assure that their collective operation does not impair the safe operation of a motor vehicle.

#### 16:41C-11.3 Multiple message signs within the Atlantic City Casino Recreation District

(a) All off-premise multiple message signs erected within the Atlantic City Casino Recreation District (District) shall comply with the provisions of N.J.A.C. 16:41C-8.8.

(b) Off-premise multiple message signs erected within the District that are within 660 feet of the right-of-way and visible to any portion of an interstate highway or other limited access highway, or non-limited access highway on the Primary System shall comply with the provisions of this chapter including the provisions of N.J.A.C. 16:41C-11.1(a)1 through 4.

(c) Off-premise multiple message signs erected within the District that are visible to any highway not described in (b) above, shall comply with N.J.A.C. 16:41C-11.1(a)1.

(d) On-premise multiple message signs erected within the District are exempt from the provisions of N.J.A.C. 16:41C-11.2.

### SUBCHAPTER 12. VIOLATIONS, PENALTIES, AND ENFORCEMENT

#### 16:41C-12.1 Notices, protests, and hearings

(a) When the Department determines that any person has committed a violation of any provision of this chapter, that the removal of a sign is required, or that a permit or license is to be revoked or suspended, the Department shall issue to that person a written notice. The notice shall indicate the reason for the Department's determination. Where a notice of violation is issued, a copy of the violation report shall be included. Any notice may be issued concurrently with another notice. Within 30 days after receipt of the notice, that person shall:

1. Correct the violation;

2. Remove the sign or signs; or

3. File a written protest with the Office of Outdoor Advertising Services at the address found at N.J.A.C. 16:41C-1.3 stating the reason for protest and requesting either an informal hearing before the Office of Outdoor Advertising Services or a formal hearing before the Office of Administrative Law, or both.

(b) If a person to whom the Department has issued a notice does not file a protest in accordance with (a)3 above within 30 days of the receipt of notice, the Department's determination of violation and revocation shall be deemed the final agency decision.

(c) The filing of a protest shall not abate the accrual of penalties.

(d) A protestor or his or her duly authorized agent shall sign the protest.

(e) The Department shall schedule an informal hearing within 30 days of its receipt of a request therefor pursuant to (a)3 above unless extended by agreement.

(f) Within 15 days of the conclusion of an informal hearing, a written decision shall be issued by the Department, confirming, modifying, or vacating the initial determination of the Of-

office of Outdoor Advertising Services. Within 30 days of receipt of the Department's written decision, a protestor may request a formal hearing before the Office of Administrative Law, which shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The Department's written decision shall be a final decision if a request for a formal hearing is not made in the manner set forth in this subsection.

#### 16:41C-12.2 Causes for revocation of license or permit or for suspension of a license

(a) A license may be revoked for any of the following reasons:

1. Whenever any statement made in the license application or in the disclosure statement is materially false;

2. Whenever the licensee has failed to submit a disclosure statement pursuant to N.J.A.C. 16:41C-5.4; or

3. Whenever, in the case of a violation of this chapter, penalties remain unpaid after all legal appeals have been exhausted.

(b) A permit may be revoked for any of the following reasons:

1. Whenever any statement made in the permit application or in a disclosure statement is materially false, or whenever the permit holder has failed to submit a disclosure statement pursuant to N.J.A.C. 16:41C-5.4;

2. Whenever a sign has been erected contrary to the approved application and conditions of the permit;

3. Whenever any provision of this chapter is violated;

4. Whenever any dimension of the advertising surface area is in excess of the dimensions authorized by the permit;

5. Whenever a sign has not been kept in a safe and well-maintained condition;

6. Whenever a permit is held for a location on public property without the express consent of the governing authority;

7. Whenever a permit is held for a location on private property without the consent of the property owner. A valid lease establishes the consent of the property owner;

8. Whenever the existing natural landscape of the right-of-way has been trimmed, altered, or destroyed in any way by the permit holder or their agent, without complying with N.J.A.C. 16:41;

9. Whenever a permit holder fails to place his or her name and the sign's permit number on the sign as required by this chapter;

10. Whenever a sign remains unrepaired for a period of four months following notice from the Department that the sign will be deemed abandoned;

11. Whenever a permit holder has failed to pay a penalty pursuant to N.J.A.C. 16:41C-12.4;

12. Whenever an existing nonconforming sign ceases to meet the conditions required for its continuance pursuant to N.J.A.C. 16:41C-10; or

13. Whenever a permit holder has not erected a sign within four annual-renewal-periods after the initial issuance of the permit and the permit prevents the approval of a pending application. The permit shall not be revoked if the Department finds good cause for the delay and

the permit holder has applied for municipal approval or if the proposed sign is the subject of a pending municipal action such as a proposed ordinance.

(c) A license may be suspended pursuant to N.J.S.A. 54:50-26.3 whenever the holder has State tax indebtedness.

#### 16:41C-12.3 Removal provisions

(a) In addition to the imposition of penalties as provided for in this chapter, any sign which is cited for an offense of this chapter that has not been corrected within 30 days from the receipt of a notice of violation, or for which the removal of the sign is otherwise required shall be removed within 30 days of the receipt of a notice of removal. A notice of removal may be issued concurrently with any other notice.

(b) The filing of a written protest of any notice in accordance with this subchapter shall stay the removal of the sign until the issuance of the final agency decision unless the Department determines that the violation is egregious or constitutes a danger to public safety. In determining if the violation is egregious, the Department shall consider whether the violation was either intentional or accidental, whether or not the violator has a history of repeat violations, and the nature of the violation.

(c) A sign shall be completely removed, including the disposal of debris, within 30 days of the receipt of the Department's final agency decision.

(d) If a sign is not removed and disposed of as ordered, the Commissioner may authorize entry upon the property to remove the sign without further notice. Entry onto the property and removal of the sign shall be without liability to the Commissioner and his or her agents. The cost of removal or \$ 500.00, whichever is greater, may be recovered against the owner of the sign either in a separate legal action or in addition to any penalties owed as determined by the Commissioner or court of competent jurisdiction.

#### 16:41C-12.4 Penalties

(a) Any person who erects, uses, or maintains any sign or authorizes the use of his or her name in connection therewith, in violation of any of the provisions of the State Act and this chapter, is liable to a per diem penalty of not less than \$ 50.00, nor more than \$ 500.00 for each day the sign remains in violation. However, except for cases where the violation is egregious, the maximum penalties assessed shall not exceed the gross income of the sign or \$ 50.00 per day, whichever is greater.

(b) A penalty of not less than \$ 50.00 shall be assessed for all violations. Penalties and per diem accumulation thereof provided for in (a) above, shall begin on the date of service of the notice of violation upon the person so noticed, unless the accumulation of penalties has been stayed by the Department. Penalties will cease to accumulate upon written notification to the Department that the violation has been corrected and contingent upon the Department's determination that the correction is satisfactory. If written notification of the correction is not submitted to the Department, penalties will continue to accrue until such time as the Department inspects the site and determines that the correction is satisfactory.

(c) In the interest of equity, the Commissioner shall have the power to abate all or any portion of penalties.

(d) In determining the amount of any penalty assessed, or to be assessed, for violating any rule contained in this chapter, the Commissioner shall consider, among other facts, the gross income of the sign, the egregiousness of the violation, whether the violation was intentional or accidental, whether the violator has a history of repeated violations, and the egregiousness

thereof, and such other facts as will assist in arriving at a penalty commensurate with the violation.

(e) Penalties shall be paid in full within 45 days of the date of service of the final administrative decision. If a final administrative decision results from the operation of law, the violator shall pay all penalties within 45 days of that event. If the violator does not pay all penalties in full within these 45 days, the Department may take any action authorized by law, including action to record the judgment as a lien, to collect the payment.

## APPENDIX

### Appendix

#### HIGHWAYS DESIGNATED AS SCENIC CORRIDORS BY THE DEPARTMENT

Scenic Corridor	Route	Starting Milepost	Ending Milepost	Miles
Delaware & Raritan Canal Viewshed	29	19.4	34.1	14.7
Delaware & Raritan Canal Viewshed	27	0	5.3	5.3
Delaware & Raritan Canal Viewshed				
<b>Subtotal</b>				<b>20.0</b>
Highlands	15	6.8	14.2	7.4
Highlands	80	0	25.4	25.4
Highlands	287	12.9	38.7	25.8
Highlands	287	45.6	54.2	8.6
Highlands	206	78.3	88	9.7
<b>Highlands Subtotal</b>				<b>76.9</b>
Pinelands	49	42	52.8	10.8
Pinelands	50	8.4	17.4	9.0
Pinelands	70	19.5	37.5	18.0
Pinelands	72	6.5	11.8	5.3
Pinelands	73	0	5.9	5.9
Pinelands	206	3.7	9.8	6.1
<b>Pinelands Subtotal</b>				<b>55.1</b>
Sourlands	31	9.4	16.36	7.0
<b>Sourlands Subtotal</b>				<b>7.0</b>
<b>Grand Total</b>				<b>159</b>