



BOROUGH OF GARWOOD
UNION COUNTY, NEW JERSEY
MUNICIPAL BUILDING
403 SOUTH AVENUE
GARWOOD, NEW JERSEY 07027

ORDINANCE NO. 25-23

AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY AMENDING CHAPTER 106 ENTITLED "LAND USE", ARTICLE XI, "SIGNS", SUBSECTIONS 139-141, 144-146, AND NEW SUBSECTION 147

WHEREAS, the Borough of Garwood (the "Borough") has previously adopted Chapter 106, Article XI, Subsections 139-141 and 144-146 regarding signage; and

WHEREAS, the Borough Council seeks to update the rules and regulations pertaining to signage; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Garwood that Chapter 106 (Land Use), Article XI (Signs), subsections 139-141 and 144-146 of the Borough Code of the Borough of Garwood is hereby amended as follows (additions underscored, deletions ~~struck through~~):

§ 106-139. Definitions. [Amended 7-12-1994 by Ord. No. 94-14]

As used in this chapter, the following terms shall have the meanings indicated:

SIGN — Any visible device, structure, object or part thereof, or device attached thereto or painted or represented thereon, for attracting attention, giving information, or for visual communication, or for purposes of enjoyment only, which displays or includes any letter, word, model, banner, flag, pennant, insignia, picture or device, representation or advertisement. The term "sign" shall also include movable signs such as those typically affixed to trucks or other commercial vehicles for the purpose of advertising or announcing ownership, or the product or service offered by the owner or operator. The term "sign" shall also include lighting devices designed to attract attention. For the purposes of this ordinance, the term "sign" shall not include "mural" or "public art", nor shall it include the flag, pennant, or insignia of any nation, group of nations, state, city or political unit.

SIGN AREA — The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure. Where there is no framing, the sign area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters, and their supporting logos, or elements, if any.

SIGN, ANNOUNCEMENT — A sign identifying an occupant of the premises and his/her activity.

SIGN, EXTERIOR — Any sign located outside of a building and any sign located within a building when such sign is both: 1) visible from outside the building and 2) located within 12 feet of the window or door through which the sign is visible.

SIGN, FACADE OR WALL SIGN — A sign fastened to or painted on a wall of a structure

in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve inches from such building or structure. Such a projection into the public right-of-way shall be permitted.

SIGN, FEATHERED – also known as an advertisement flag or teardrop flag or flag sign is a type of portable advertising banner that is designed to resemble a feather. Consistently of a narrow piece of printed fabric mounted on a lightweight frame, which allows the sign to wave or move in the wind.

SIGN, FREESTANDING — Any non-movable sign which is not affixed to a building but standing apart therefrom.

SIGN, ILLUMINATED — A sign having a source of light, including signs lighted internally, externally or by a combination of both, as well as reflectorized, and glowing signs.

SIGN, INTERNALLY ILLUMINATED — Any sign which is illuminated by a light source which transmits light through the sign face from behind the sign face. The term "internally illuminated sign" shall also include, but not be limited to, awnings which are translucent or transparent and which meet the definition of signs and which are illuminated from the rear.

SIGN, OFFICIAL — Any sign, symbol or device erected and maintained by a federal, state, county or local government agency for the purpose of informing, guiding or protecting the public.

~~FREESTANDING SIGN~~ — Any nonmovable sign not affixed to a structure.

SIGN, PORTABLE SIGN — A sign that can be single or double faced that is not permanent or affixed to a building or structure or the ground. [Amended 7-11-2017 by Ord. No. 17-12]

SIGN, PROJECTING SIGN — A sign that is wholly or partly dependent upon a structure building for support and which projects more than 12 inches from a structure.

SIGN, TEMPORARY SIGN — A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

§ 106-140. Signs permitted in residential zones. [Amended 2-25-1997 by Ord. No. 97-03]

A. Only the following signs are permitted in the residential zones:

- (1) One freestanding temporary sign related to construction activity ongoing on the lot, or a real estate announcement subject to the following restrictions:
 - (a) Size: four square feet maximum.
 - (b) Height: five feet maximum.
 - (c) Setback: five feet minimum.
 - (d) Display time period. Sign shall only be displayed during the time the

construction is ongoing, or the real estate remains on the market. All such signs are to be removed within one week of the construction completion or real estate closing.

- (2) Institutional uses in residential zones may have not more than two signs, one freestanding sign and one facade sign, subject to the following:
 - (a) Size: 40 square feet, maximum combined area of all signs.
 - (b) Height - facade sign: ~~two stories~~ one story or ~~20~~ 10 feet maximum.
 - (c) Setback: five feet minimum.
- B. The freestanding sign may be double-faced. One face only shall be counted toward maximum size requirement. The freestanding sign may be internally illuminated. Lighting of the sign shall not be permitted between the hours of 11:00 p.m. and 6:00 a.m.

§ 106-141. Signs permitted in the Central Business, General Business and Community Commercial Zones. [Amended 7-12-1994 by Ord. No. 94-14; 2-25-1997 by Ord. No. 97-03; 7-11-2017 by Ord. No. 17-12]

Only the following signs are permitted in the Central Business, General Business and Community Commercial Zones:

- A. Residential uses shall be allowed to utilize all of the signs that are permitted for residential uses in residential zones.
- B. Signs for nonresidential uses are regulated as follows:
 - (1) Commercial uses shall be allowed to utilize all of the signs that are permitted in the residential zones.
 - (2) Structures which have less than a four-foot front yard setback shall be permitted to have one wall or facade sign for each tenant in the structure; the total sign area for all signs shall not exceed two square feet for each foot of building frontage, but in no circumstances shall total sign square footage exceed 40 square feet. In multi-tenanted structures, the individual tenant sign shall be part of one sign structure.
 - (3) Structures which have a front yard setback equal to or greater than four feet shall be permitted to have, in addition to the above wall signs, one six-square-foot sign projecting not more than three feet from the structure, but not into the public right-of-way, with signage on both sides of the sign.
 - (4) Multiple retail/commercial use structures (those with more than two tenants) with front yard setbacks equal to or greater than 10 feet shall be permitted the following signage:

- (a) One double-sided projecting or freestanding directory sign not to exceed 40 square feet, which maintains a minimum five-foot setback from all lot lines, does not project more than five feet from the structure, has a maximum fifteen-foot height, and is a minimum of 10 feet high at its lowest point. Bottom of sign must be at least three (3) feet above grade. This sign may be utilized for a listing of all tenants in the structure, or for the name of the development.
 - (b) One wall/facade sign for each tenant not to exceed two square feet for each foot of front facade of the tenant space or a maximum of 40 square feet, whichever is less.
 - (c) In the Community Commercial Zone only, a double-faced freestanding sign of 60 square feet may be utilized in place of above, provided that it is no higher than five feet at its highest point.
- (5) Portable signs shall be permitted for retail trade, retail services and eating and drinking establishments, subject to the following regulations:
- (a) No such sign shall exceed 48 inches in height or width or eight square feet.
 - (b) Signs may be constructed of only the following materials: painted wood, painted metal (with professional-quality painted message), heavy plastic, chalkboard or dry-erase board. They may not be lighted or flashing.
 - (c) Portable signs may be constructed only as follows: two sandwich boards that support each other (A-frame) or easel-type or T-type frame.
 - (d) Signs may be displayed only within the side property lines, as extended, of the business advertised. No sign shall be permitted other than one which advertises such business. No more than one sign shall be permitted for each business. Signs may be displayed only during hours when the business is actually in operation and must be stored inside when not on display and when the business is not in operation.
 - (e) Signs may be displayed only in the following locations: adjacent to the building, in an entrance alcove, or adjacent to the curb. No such sign shall block pedestrian movement, access to benches, access to parking meters or access to motor vehicles. Signs may not be placed in the public right-of-way without a sign permit from the Zoning Officer, which permit may be revoked at any time for noncompliance with this section.
 - (f) No such sign shall block the five-foot passage required by the Americans with Disabilities Act for pedestrians.
 - (g) No such sign shall block access to benches, motor vehicles or pose sight/view obstructions to pedestrians or vehicular traffic.
 - (h) The Zoning Officer may direct that any sign which, in the discretion of the

Zoning Officer, violates this section or creates a safety hazard be removed, modified or relocated. Additionally portable signs shall be removed by the owner when forecasted winds exceed 20MPH by National Weather Service at Newark Liberty International Airport ~~high winds~~ or other inclement weather affecting the sign shall occur.

- (i) The Chief of Police may direct that any sign which, in the discretion of the Chief of Police, creates a safety hazard or causes a sight obstruction to pedestrians or vehicular traffic be removed, modified or relocated.

§ 106-144. General provisions. [Amended 2-25-1997 by Ord. No. 97-03; 7-11-2017 by Ord.

No. 17-12]

All signs shall comply with the following regulations, unless otherwise specifically stated in this chapter:

- A. Each nonresidential structure/use may display, in a consolidated space on a facade or window area not exceeding five square feet, a sign bearing the name, street number and/or type of business of the principal tenant, ~~credit card signs~~, and special signs serving the public convenience such as "notary public," "~~public telephone~~," etc., or words or directions of similar import. This sign area is not counted within total sign area calculations.
- B. Temporary signs promoting grand openings, special sales, or other special events shall be permitted on all nonresidential structures or uses, provided they are limited to three in number, a total of 50 square feet in total area, are not within a public right-of-way, do not exceed the maximum height permitted in the zone in which the structure is located, and are displayed for a maximum of two-week periods, or a total of 28 days a year. Lighted or flashing temporary signs are not permitted.
- C. All loading and shipping docks may be identified through the installation of one sign for each dock not exceeding five square feet in total area.
- D. The installation of on-site directional signs for the public such as entrance, exit, one way, stop, truck entrance, visitor parking, etc., shall be unregulated other than subject to site plan review by the approving authority, provided that they are no larger than two square feet in total sign area.
- E. One double-faced sign of a maximum six square feet total sign area may be installed on each vacant lot in nonresidential zones, provided it is set back a minimum of 10 feet from each lot line, and does not exceed a ten-foot height.
- F. Not more than two window signs promoting sales or products are permitted, provided that no more than 25% of the window space of any window is covered by such signs. These signs are not calculated within total sign square footage.
- G. Variable Message Signs, also known as Message Signs or Changeable Signs will be

permitted.

- H. All wall, projecting, and freestanding signs permitted by this chapter, except those that are temporary and those that are permitted in residential zones, may be illuminated, subject to the following regulations:
- (1) No illuminated sign shall be of such a color or located in such a manner so as to diminish or detract in any way from the effectiveness of any traffic signal or similar official safety or warning device.
 - (2) No illuminated sign shall be of the flashing or ~~moving-type~~ scrolling type.
 - (3) All illuminated signs shall be lit from behind or within the structure and the source of illumination shall not be exposed to view. ~~All such light shall be shielded so that the light produced by them shines only on the premises where they are located.~~ All such lighting for externally illuminated must be focused onto the signage and light source not visible from public view. Light sources shall be directed away from rights-of-way and residential properties and shall be screened from residential zones.
- I. No sign shall be permitted which does not pertain to an occupant, service or product actually occupying or provided on the premises where such sign is located.

§ 106-145. Prohibited signs.

Signs prohibited in all zones shall include, but not be limited to, the following:

- A. Signs which are placed on, or extend above, the roofline of any structure.
- B. Signs posted on fences, posts, utility poles or trees, or standing, installed or painted on curbs, retaining walls or sidewalks unless permitted under other Borough ordinances.
- C. Signs of the moving or revolving type.
- ~~D. Portable signs.~~
- E. Flashing signs.
- ~~F. Intermittent signs, or signs in which the message changes. [Added 3-24-2009 by Ord. No. 09-07]~~
- G. ~~Liquid crystal display signs. [Added 3-24-2009 by Ord. No. 09-07]~~ Light-Emitting Diode (LED) Sign

§ 106-146. Signage exceptions. [Amended 3-24-2009 by Ord. No. 09-07]

- A. Signs of a political nature or signs advertising a community event are exempt from these regulations except must be limited to a maximum size of four square feet. ~~as to sign size and location in applicable zones.~~ All such signage is to be removed within

one week of the date of the final decision or event in such matter.

- B. Subject to the landowner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

§106-147 Feathered, teardrop or advertisement flag signs

A. Purpose:

The purpose of this section is to regulate the use of flag advertisement signs to ensure they are compatible with the surrounding built environment, do not pose safety hazards and maintain the aesthetic character of the Borough.

B. Definition

Feathered or teardrop advertisement signs are temporary signs freestanding sign made of fabric, vinyl or similar material, mounted on a pole or flexible shaft, that displays a commercial message or advertisement.

C. Permitted Zones

- a. Central Business District Zone
- b. General Business District Zone
- c. Light Industrial Zone
- d. Mixed Use District Zone
- e. Community Commercial Zone

- D. **Quantity:** No more than one (1) flag advertisement signs shall be permitted per business.

E. Location:

1. Shall be located entirely on private property.
2. Must be set back a minimum of ten (10) feet from all property lines.
3. Must not obstruct pedestrian walkways, driveways, or sight triangles.
4. For those businesses which do not have a setback of more than ten (10) feet,

permission must be given by the Borough, and if required, with specific insurance requirements.

5. No such sign shall block pedestrian movement, access to benches, access to parking meters or access to motor vehicles, or pose sight/view obstructions to pedestrians or vehicular traffic, or block the five-foot passage required by the Americans with Disabilities Act for pedestrians.

F. Height:

Maximum height shall be 15 feet measured from grade to the top of the sign.

G. Size:

1. Maximum flag dimension shall be 3 feet wide by 10 feet.
2. Maximum area: 30 square feet per flag.

H. **Illumination:** Flag advertisement signs shall not be illuminated in any manner.

I. **Display Hours:** Flag advertisement signs may be displayed only during business operating hours.

I. Construction and Maintenance:

1. Flag materials must be durable and weather-resistant.
2. All flag signs must be securely fastened to prevent movement beyond natural swaying.
3. Torn, faded or damaged flags must be replaced promptly.
4. Flag poles or bases must be properly anchored and not pose a trip hazard.

J. Duration:

1. Signs for new businesses will be permitted to be displayed for no more than two (2) months from the date of opening.
2. The flag advertisement sign is to be permitted for no more than 28 days per calendar year from date of zoning permit.

K. Prohibited Uses:

1. Flags used as attention-getting devices (e.g. with flashing lights or motion features such as streamers or pennants) are prohibited.
2. No flag signs shall be permitted in residential zoning districts, unless associated with a permitted home occupation and subject to Planning or Zoning Board approval.

L. Permit Requirements:

1. A zoning permit is required prior to the installation of any flag advertisement sign.
 2. The permit shall expire one (1) year from date of issuance.
 3. Permit application shall include:
 - a. Scaled site plan showing proposed location.
 - b. Design, dimensions, and materials.
- M. The Zoning Officer may direct that any sign which, in the discretion of the Zoning Officer, violates this section or creates a safety hazard be removed, modified or relocated. Additionally feathered or tear drop signs shall be removed by the owner when forecasted winds exceed 20MPH by National Weather Service at Newark Liberty International Airport or other inclement weather affecting the sign shall occur.
- N. The Chief of Police may direct that any sign which, in the discretion of the Chief of Police, creates a safety hazard or causes a sight obstruction to pedestrians or vehicular traffic be removed, modified or relocated.
- O. Enforcement – Enforcement shall be by any Borough employee or officer.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect after final passage and publication in accordance with applicable law.

Rejected Approved

Jen Blumenstock, Mayor

Date

Reconsidered by Council _____

Override Vote Yes ___ No ___

[Recorded Vote of Council and Clerk Certification on following page]

DATE OF INTRODUCTION: AUGUST 14, 2025
DATE OF ADOPTION:

RECORDED VOTE OF COUNCIL																
	Date: 08/14/2025					Date:					Date:					
	First Reading/Introduction					Final Reading/Adoption					Tabled					
Council Members	M	S	Yay	Nay	N V	Ab	M	S	Yay	Nay	N V	Ab	M	S	Yay	Nay
K. Boto																
S. Foley																
V. Kearney																
M. Lazarow																
C. Padusniak																
C. Nolde																
<i>✓ - Indicates Vote NV: Not Voting/Abstain AB: Absent M: Motion S: Seconded</i>																

CERTIFICATION

I, Patricia Vazquez, Acting Borough Clerk of the Borough of Garwood, County of Union do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the Borough of Garwood held on Thursday, August 14, 2025, and thereafter duly advertised in the legal newspaper of the Borough of Garwood at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on Tuesday, August 28, 2025, at which time any person interested therein will be given an opportunity to be heard.

 Patricia Vazquez, Acting Borough Clerk

Notice is hereby given that the foregoing Ordinance 25-23 was finally adopted at a meeting of the Borough of Garwood held on _____, 2025 at 7:00 pm in the Borough Municipal Building, 403 South Avenue, Garwood, New Jersey 07027.

 Patricia Vazquez, Acting Borough Clerk