

27:5-5

LEGISLATIVE HISTORY CHECKLIST
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("Roadsign Sign Control &
Outdoor Advertising Act"--
revised)

NJSA: 27:5-5
LAWS OF: 1991 CHAPTER: 413
BILL NO: S3750
SPONSOR(S) Rand
DATE INTRODUCED: December 12, 1991
COMMITTEE: ASSEMBLY: ---
SENATE: Transportation & Public
Utilities

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by
asterisks

DATE OF PASSAGE: ASSEMBLY: January 10, 1992
SENATE: January 9, 1992

DATE OF APPROVAL: January 17, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes
COMMITTEE STATEMENT: ASSEMBLY: No
SENATE: Yes
FISCAL NOTE: No
VETO MESSAGE:
MESSAGE ON SIGNING: No
FOLLOWING WERE PRINTED:
REPORTS: No
HEARINGS: No

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[SECOND REPRINT]

SENATE, No. 3750

STATE OF NEW JERSEY

INTRODUCED DECEMBER 12, 1991

By Senator RAND

1 AN ACT concerning outdoor advertising and roadside signs,
2 supplementing Title 27 of the Revised Statutes, and repealing
3 parts of the statutory law.

4
5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. This act shall be known and may be cited as the "Roadside
8 Sign Control and Outdoor Advertising Act ¹[of 1991]¹."

9 2. The Legislature finds and declares that:

10 a. In order to balance the promotion of the safety,
11 convenience and enjoyment of travel on the highways of this
12 State with the protection of the recreational value and public
13 investment therein, to preserve and enhance the natural scenic
14 beauty and aesthetic features of the highways and adjacent areas
15 while promoting development and economic vitality and
16 facilitating the flow of speech and expression, of which providing
17 messages of commercial, public and social value conveyed
18 through the medium of roadside signs and outdoor advertising is
19 an important part, roadside signs and outdoor advertising shall be
20 regulated by this act.

21 b. With respect to the erection and maintenance of signs
22 adjacent to the rights-of-way of the Interstate and Primary
23 ¹[systems] Systems¹ within this State, it is the intention of the
24 Legislature to provide a basis in the laws of this State for the
25 regulation of ¹roadside signs and¹ outdoor advertising consistent
26 with the public policy relating to those areas declared by the
27 Congress of the United States ¹[pursuant to] in¹ Title 23 of the
28 United States Code and ¹[the laws and public policy of this State]
29 reflecting statutory enactments and judicial decisions of this
30 State¹.

31 c. Supervision and regulation of signs and outdoor advertising,
32 pursuant to the provisions of this act, shall be the responsibility
33 of the Commissioner of Transportation and any person who
34 creates or maintains any ¹[form of advertising]¹ signs visible to
35 the public shall be subject to the permitting and licensing
36 provisions of this act and any regulations adopted by the
37 Department of Transportation pursuant ¹[thereto] to this act¹.

38 3. As used in this act:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate STU committee amendments adopted December 19, 1991.

² Senate floor amendments adopted January 6, 1992.

1 "Advertisement or advertising" means the use of any outdoor
2 display or sign upon real property within ¹[the]¹ public view,
3 which is intended to invite or draw the attention of the public to
4 any goods, merchandise, property, business, services,
5 entertainment, amusement or other commercial or
6 noncommercial messages.

7 "Commissioner" means the Commissioner of ¹[the Department
8 of]¹ Transportation.

9 "Department" means the Department of Transportation.

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

13 "Interstate ¹[system] System¹" means those highways
14 constructed within this State and approved by the Secretary of
15 Transportation of the United States as an official portion of the
16 national System of Interstate and Defense Highways, pursuant to
17 the provisions of Title 23 of the United States Code.

18 "Limited access highway" means a highway especially designed
19 for through traffic, over which abutters have no easement or
20 right of light, air or direct access by reason of the fact that their
21 property abuts upon that limited access highway.

22 "¹[Main traveled] Main-traveled¹ way" means the ¹traveled¹
23 way of a highway on which through traffic is carried. In the case
24 of a divided highway, the traveled way of each separate roadway
25 carrying traffic in opposite directions is a main traveled way.
26 "¹[Main traveled] Main-traveled¹ way" shall not include frontage
27 roads, turning roadways, or parking areas.

28 "¹[Public view" means the area visible to persons traveling or
29 operating motor vehicles at the legal speed limit on a highway.]¹

30 "Primary ¹[system] System¹" means any highway so designated
31 by the State of New Jersey and approved by the federal
32 authorities pursuant to Title 23 of the United States Code.

33 "Protected areas" mean all areas inside the boundaries of this
34 State ¹which are adjacent to and¹ within 660 feet of the edge of
35 the right-of-way of highways in the Interstate and Primary
36 Systems and those areas inside the boundaries of this State which
37 are visible ¹[to] from the highway¹ but beyond 660 feet of the
38 edge of the right-of-way of the Interstate and Primary Systems
39 and are outside urban areas.

40 ¹"Public view" means the area visible to persons traveling or
41 operating motor vehicles at the legal speed limit on a highway.¹

42 "Sign" means any outdoor display or advertising on real
43 property within public view¹[, including] which is intended to
44 attract, or which does attract, the attention of pedestrians or the
45 operators, attendants, or passengers of motor vehicles using the
46 roads, highways, and other public thoroughfares and places, and
47 shall include¹ any writing, printing, painting, display, emblem,
48 drawing, sign, or other device whether placed on the ground,

1 rocks, trees, tree stumps or other natural structures, or on a
2 building, structure, signboard, billboard, wallboard, roofboard,
3 frame, support, fence, or elsewhere, and any lighting or other
4 accessories used in conjunction therewith ¹[which is intended to
5 attract, or which does attract, the attention of pedestrians or the
6 operators, attendants, or passengers of motor vehicles using the
7 roads, highways, and other public thoroughfares and places]¹.

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

15 "Visible" means capable of being seen and comprehended
16 without visual aid by persons traveling on the highway.

17 4. A person shall not erect, maintain or make available to
18 another a ¹roadside¹ sign, or engage in the business of outdoor
19 advertising for profit through the rental or other compensation
20 received for the erection, use or maintenance of signs or other
21 objects upon real property for the display of advertising matter
22 on any stationary object within public view without first
23 obtaining from the commissioner a license to engage in that
24 business, and a permit for the erection, use and maintenance of
25 each sign or other object used for outdoor advertising, except as
26 provided in this act. A permit issued to a person required to
27 obtain a license under this act shall not be valid unless the person
28 has obtained a license which is in full force and effect.

29 5. Signs permitted by this act shall be by permit from the
30 commissioner pursuant to conditions consistent with the
31 regulations of the commissioner, and the following:

32 a. A sign may not attempt or appear to attempt to direct the
33 movement of traffic or interfere with, imitate, or resemble any
34 official traffic sign, signal or device, or include or utilize
35 flashing, intermittent or moving lights, or utilize lighting
36 equipment or reflectorized materials which emit or reflect
37 colors, including, but not limited to, red, amber or green, except
38 as may be authorized by the commissioner or by agreement
39 between the commissioner and the Secretary of Transportation of
40 the United States.

41 b. A sign may not interfere or be likely to interfere with the
42 ability of the operator of a motor vehicle to have a clear and
43 unobstructed view of the highway ahead or of official signs,
44 signals or traffic control devices.

45 c. Illumination of a sign shall be effectively shielded so as to
46 prevent light from being directed at any portion of the ¹[main
47 traveled] main-traveled¹ way of the highway, or, if not so
48 shielded, be of a sufficiently low intensity or brilliance as not to

1 cause glare or impair the vision of persons operating motor
2 vehicles on that highway, or otherwise impair the operation of a
3 motor vehicle.

4 d. Signs shall be maintained in a safe condition with due regard
5 for conditions of climate, weather and terrain, and as a condition
6 of continued use or permit renewal, unsafe signs shall be
7 remediated by maintenance or repair.

8 e. A sign may not be of a type, size, or character so as to
9 endanger or injure public safety, health or welfare, or be injurious
10 to property in the vicinity thereof.

11 f. A sign may not be painted, drawn, erected or maintained
12 upon trees, rocks, other natural features or public utility poles.

13 g. Signs for which a permit has been issued shall display in a
14 conspicuous position on the sign or its supporting structure, the
15 name of the person holding the permit.

16 h. A sign or other object shall not in any way simulate any
17 official, directional, traffic control or warning signs erected or
18 maintained by any governmental agency.

19 6. No sign shall be erected or maintained within the
20 right-of-way of any portion of the Interstate and Primary
21 Systems within this State, except that this prohibition shall not
22 apply to signs, public notices, or markers, erected or maintained
23 by the department or with the approval of the department.

24 7. a. No permit shall be issued by the commissioner for
25 roadside¹ signs to be erected or maintained in any protected
26 area visible from the main-traveled way of any Interstate or
27 Primary System highway within the State, except as provided
28 herein.

29 (1) In protected areas, only the following signs shall be
30 permitted, subject to the regulations of the commissioner:

31 (a) Directional and other official signs and notices which are
32 required or authorized by law, and which conform to national
33 standards promulgated by the Secretary of Transportation of the
34 United States;

35 (b) Signs located in zoned and unzoned commercial and
36 industrial areas within 660 feet of the nearest edge of the
37 right-of-way, any part of which was acquired on or before July 1,
38 1956.

39 (c) Signs advertising activities conducted on the property on
40 which they are located;

41 (2) In portions of protected areas on the Interstate System the
42 following may also be permitted:

43 (a) Signs located in commercial or industrial zones within the
44 boundaries of incorporated municipalities as those boundaries
45 existed on September 21, 1959, and all other areas where the land
46 use as of September 21, 1959 was clearly established by State law
47 as commercial or industrial within 660 feet of the nearest edge of
48 the right-of-way.

- 1 (b) Signs located in zoned and unzoned commercial and
2 industrial areas within 660 feet of the nearest edge of the
3 right-of-way, any part of which was acquired on or before July 1,
4 1956.
- 5 (3) In protected areas on the Primary System, the following
6 signs may also be permitted:
- 7 (a) Signs located in areas which are zoned industrial or
8 commercial under the authority of State law.
- 9 (b) Signs located in areas determined to be industrial or
10 commercial pursuant to State law.
- 11 b. No permit shall be issued by the commissioner for signs to
12 be erected or maintained in any other area not covered by
13 paragraphs (1), (2) and (3) above, except ¹[for] that¹ permits for
14 the following signs may also be permitted:
- 15 (1) Signs located in areas which are zoned industrial or
16 commercial under the authority of State law.
- 17 (2) Signs located in areas determined to be industrial or
18 commercial pursuant to State law.
- 19 c. In those instances where the commissioner deems it is in the
20 public interest, he may issue a permit for a sign on public
21 property which would not otherwise be permitted under the
22 provisions of this act, and impose conditions as he deems
23 appropriate.
- 24 8. Unless otherwise provided for in this act, no permit shall be
25 required for the use, maintenance or erection of a sign or other
26 device which is to be used solely for any of the following purposes:
- 27 a. To advertise exclusively for sale or rent the property upon
28 which the sign or other device is located;
- 29 b. For notices required by law to be posted or displayed;
- 30 c. For any official sign established pursuant to the provisions
31 of the Manual of Uniform Traffic Control Devices erected on any
32 public highway by the public authority having jurisdiction over
33 that public highway;
- 34 d. For signs which are not adjacent to an Interstate or Primary
35 System highway and which advertise activities conducted upon
36 the property on which they are located; or
- 37 e. For any sign erected or maintained by the commissioner.
- 38 9. a. Applications for licenses or permits shall be made on
39 forms prescribed and furnished by the commissioner.
- 40 b. If an applicant for a license does not reside in this State or
41 is a foreign corporation not authorized to do business in this
42 State, the applicant shall:
- 43 (1) Authorize in the application service by the commissioner of
44 any process, notice or order issuing out of or by any court,
45 administrative agency or official of this State upon the applicant,
46 and shall agree that such service be deemed to be personal
47 service upon such applicant. The applicant shall provide in the
48 application the name and address of the agent to receive service

1 on behalf of the applicant. Notice of the service of process shall
2 be given by the commissioner to the applicant by certified mail,
3 return receipt requested, addressed to the applicant at the
4 address given in the application, or another address of which the
5 commissioner has been notified in writing by the applicant; and

6 (2) File a bond satisfactory to the commissioner as to form and
7 surety running to the State of New Jersey in the sum of \$5,000,
8 conditioned upon compliance by the applicant with all the
9 provisions of this act. Upon default in the condition of such bond,
10 the commissioner may enforce the collection thereof in any court
11 of competent jurisdiction.

12 c. The commissioner may revoke, after notice and hearing, any
13 permit or license if the commissioner finds that any statement
14 made in an application therefor is materially false and any permit
15 if the commissioner finds that a sign has been erected or
16 maintained contrary to the approved application, or to any
17 provision of this act, or to any of the regulations promulgated
18 hereunder, and has not been brought into compliance therewith
19 within 30 days after receipt of written notification ¹of the
20 intended revocation¹ to the person to whom the license or permit
21 was issued.

22 d. If an administrative hearing is requested or other legal
23 action is commenced by the person to whom the license or permit
24 was issued within 15 days of the receipt of ¹[this] the¹ notice ¹of
25 the intended revocation¹, the period of time in which to comply
26 with this act and these regulations and cure the violation
27 complained of in the notice¹ may be stayed pending a final
28 disposition of the administrative or legal proceeding and, in the
29 event the commissioner prevails, the person to whom the license
30 or permit was issued shall have 20 days from receipt of the final
31 decision to comply.

32 ¹[(1) Renewal of any license or permit issued after the
33 effective date of this act may be refused for any ground
34 sufficient for the revocation of a permit or license.

35 (2) Licenses and permits for signs erected and maintained with
36 a valid license or permit issued before the effective date of this
37 act shall be renewed unless the commissioner finds that a
38 statement made in the license or permit application is materially
39 false or the sign has been erected or maintained contrary to the
40 terms of the issued license or permit, in the event of which the
41 commissioner may take any appropriate action under the
42 authority of this act.]¹

43 ¹10. a. Renewal of any license or permit issued after the
44 effective date of this act may be refused for any ground
45 sufficient for the revocation of a license or permit.

46 b. Licenses and permits for signs erected and maintained with
47 a valid license or permit issued before the effective date of this
48 act shall be renewed unless the commissioner finds that a

1 statement made in the license or permit application is materially
2 false or the sign has been erected or maintained contrary to the
3 terms of the issued license or permit, in the event of which the
4 commissioner may take any appropriate action under the
5 authority of this act.¹

6 ¹[10.] 11.¹ a. Any sign or other object used for the display of
7 outdoor advertising which is not authorized by a valid permit or
8 specifically exempted from the requirement for a permit, or in
9 violation of the provisions of this act, ¹[shall be] is¹ declared
10 unlawful. No person shall use, erect or maintain any sign or other
11 object for the display of outdoor advertising after the expiration
12 of this license ¹[or]¹ and in the case of any sign, after the
13 expiration of the permit for that sign.

14 b. Written notice to remove the sign shall be given by the
15 commissioner to the following persons at their last known
16 address: the person holding the permit therefor and, if none, or if
17 the address of the person to whom the permit was issued is not
18 known, the owner of the real property on which the sign is
19 located and the owner of the sign, any of whom shall be required
20 to remove the sign within 30 days of receipt of the notice.

21 c. Upon failure to comply with the terms of the notice, the
22 sign may be removed by order of the commissioner, unless a
23 hearing has been requested by the person to whom notice has
24 been given, or other legal action has been commenced which
25 restrains this removal.

26 d. If the commissioner cannot ascertain the owner of the
27 property or the owner of the sign for which a permit has not been
28 issued, the commissioner may remove the sign 30 days after
29 posting notice on the sign. Thereafter, the commissioner may
30 enter upon private property without liability in order to remove
31 the sign and may recover, from the owner or the person who
32 unlawfully erected the sign, the cost of its removal or the amount
33 of \$500, whichever is greater.

34 e. The commissioner may institute any appropriate action or
35 proceeding in a court of competent jurisdiction for the removal
36 of a sign if the sign is not brought into compliance within the
37 30 days following written notification ¹pursuant to subsection b.
38 of this section¹.

39 ¹[11.] 12.¹ A person who erects or maintains a sign or other
40 object for outdoor advertising, or authorizes his name to be used
41 in connection therewith, without complying with the provisions of
42 this act, ¹or the regulations issued thereunder,¹ shall be liable for
43 a penalty in an amount not less than \$50 or to exceed \$500, for
44 each offense. Each day of violation may be deemed to be a
45 separate offense. The nature and circumstances of the violation,
46 the conduct of the violator in connection with the violation and
47 the revenue derived from the violation shall be factors to be
48 considered in the assessment of the amount and accrual of the

1 penalty.

2 ¹[12.] 13.¹ Any penalty imposed pursuant to this act may be
3 collected, with costs, in a summary proceeding pursuant to "the
4 penalty enforcement law," N.J.S. 2A:58-1 et seq. The Superior
5 Court and the county or municipal court in the county or
6 municipality where the violation occurs or where the violator
7 resides, has a place of business or principal office shall have
8 jurisdiction to enforce the provisions of "the penalty enforcement
9 law" in connection with this act. The commissioner may institute
10 an action in the Superior Court for injunctive relief to prevent
11 and restrain any violation of this act, or any order issued, or rule
12 or regulation adopted pursuant to this act.

13 ¹[13.] 14.¹ a. The commissioner may¹[, following public notice
14 and public hearing and pursuant to the "Administrative Procedure
15 Act," P.L.1968, c.410 (C.52:14B-1 et seq.),]¹ adopt rules and
16 regulations pursuant to the provisions of the "Administrative
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)¹ to
18 effectuate the purposes of this act provided that a public
19 hearing on the proposed rule or regulation shall be held with
20 appropriate notice as provided in that act¹. These regulations
21 shall include, but shall not be limited to¹[,] :¹ licensing and
22 permitting fees; duration of licenses and permits; spacing, size,
23 specifications and lighting of signs; procedures for referral of
24 contested cases to the Office of Administrative Law; and other
25 requirements pertaining to the issuance or denial of licenses and
26 permits or for the erection or maintenance of signs, and other
27 matters necessary to effectuate the purposes of this act. The
28 commissioner also may adopt regulations governing new or
29 innovative forms of signs so that they may be made to conform
30 with the intent and purposes of this act.

31 b. In adopting regulations pursuant to this act, the
32 commissioner shall give due consideration to:

33 (1) The safety, convenience and enjoyment of travel on the
34 highways and to the public investment in those highways;

35 (2) The type of information needed by the traveling public
36 when using those highways;

37 (3) Outdoor advertising industry standards, practices and
38 technological advances;

39 (4) Promotion of safety and aesthetics through modernization,
40 technological improvements and innovative construction, design
41 and maintenance;

42 (5) The economic benefit of outdoor advertising to the
43 commerce of this State; and

44 (6) The needs of the citizens and travelers within the State
45 to have access to commercial and non-commercial messages and
46 ideas displayed by roadside signs.

47 ¹[14.] 15.¹ a. Moneys received from fees and penalties
48 collected pursuant to this act shall be deposited with the State

1 Treasurer, and shall be disbursed to the department to defray the
2 expenses of administering the provisions of this act. Moneys
3 received pursuant to the schedule of fees adopted by the
4 commissioner shall not exceed the cost of administering the
5 provisions of this act.

6 b. The fees for licenses and permits prescribed by this act
7 shall be in lieu of all other governmental fees or excises for signs,
8 or the carrying on of the business of outdoor advertising by means
9 of signs.

10 ¹[15.] 16.¹ The commissioner is authorized to enter into
11 agreements with the Secretary of Transportation of the United
12 States, as provided pursuant to Title 23 of the United States Code
13 relating to the control of signs, and to take action in the name of
14 the State to comply with the terms of agreements. The
15 commissioner is authorized to receive and expend federal or
16 State funds in furtherance of these agreements.

17 ¹[16.] 17.¹ The commissioner is authorized to acquire by gift,
18 lease, purchase or condemnation, real and personal property, or
19 the right to maintain signs for the purpose of implementing this
20 act. The cost of the acquisition shall be considered as a part of
21 the cost of a highway right-of-way. All persons whose sign and
22 property or interest in property is purchased or otherwise
23 acquired, except by gift to the State, shall receive just
24 compensation therefor.

25 ¹[17.] 18.¹ The commissioner is authorized to designate
26 certain roadside areas as "safety rest areas" or "informational
27 sites" and to regulate these sites. Safety rest areas or
28 informational sites are hereby declared to be a "highway
29 purpose" under the laws of this State.

30 ¹[18.] 19.¹ a. It shall be the duty of all departments of State
31 or local government and all county and municipal officers
32 charged with the enforcement of State and municipal laws under
33 the direction of the commissioner to assist in the enforcement of
34 the provisions of this act and the orders issued, or rules or
35 regulations adopted pursuant to this act.

36 b. The Superintendent of State Police in the Department of
37 Law and Public Safety and the Chief of Police of any
38 municipality are authorized and charged under the direction of
39 the commissioner to enforce the provisions of this act and any
40 rules or regulations adopted pursuant thereto.

41 ¹[19.] 20.¹ a. Any rules or regulations adopted by the
42 commissioner concerning outdoor advertising that are in effect
43 prior to the effective date of this act shall remain in effect until
44 ¹[the time as]¹ they are revised or superseded by regulations
45 adopted by the commissioner pursuant ¹[hereto] to this act¹.

46 b. Following the effective date of this act and prior to the
47 adoption of regulations pursuant to this act, the commissioner
48 shall have the power and authority to waive or suspend

1 enforcement of any existing rule or regulation which ¹[he] the
2 commissioner¹ deems inconsistent with the provisions of this act.

3 ¹[20.] 21.¹ A sign erected and maintained with a valid permit
4 issued before the effective date of this act, which does not
5 comply with this act or the rules or regulations adopted pursuant
6 hereto, may continue to be maintained, repaired and restored at
7 the size, location, height, and setback set forth in the permit,
8 including in the event of the partial destruction thereof, without
9 limitation as to time, unless it is totally destroyed or abandoned,
10 or the commissioner finds, pursuant to the authority granted
11 under ¹[section 9, paragraph 2 of subsection d.,] subsection b. of
12 section 10¹ of this act, any grounds for revocation of the permit.

13 ¹[21.] 22.¹ This act shall not be construed to limit the powers
14 of any political subdivision of this State to regulate land, streets,
15 buildings or structures by zoning or other means, or to prohibit
16 the enforcement of local ordinances or regulations in a manner
17 consistent with the purposes of this act. In the event of conflict
18 between the provisions of this act, or the regulations promulgated
19 pursuant hereto, and an ordinance or regulation of an
20 incorporated political subdivision of this State, the provisions of
21 this act, or regulations promulgated pursuant hereto shall prevail
22 to the extent necessary to permit the State to carry out the
23 policy as declared herein, or to permit the State to comply with
24 the terms of any agreements entered into pursuant to the
25 provisions of this act.

26 ¹[22.] 23.¹ The following are repealed:

27 R.S.27:5-1 through R.S.27:5-4 inclusive;

28 ²Sections 1 and 2 of P.L.1953, c.27;²

29 P.L.1959, c.191 (C.54:40-50 et seq.)¹; ²[and¹]²

30 P.L.1963, c.93 (C.27:7A-11 et seq.)¹; and

31 P.L.1972, c.40 (C.27:1A-52 et seq.)¹ ²;

32 P.L.1971, c.68;

33 P.L.1971, c.353;

34 P.L.1975, c.325; and

35 Section 514 of P.L.1991, c.91².

36 ¹[23.] 24.¹ This act shall take effect immediately.

37
38
39 **TRANSPORTATION**

40
41 Revises laws concerning outdoor and roadside advertising.

1 inconsistent with the provisions of this act.

2 20. A sign erected and maintained with a valid permit issued
3 before the effective date of this act, which does not comply with
4 this act or the rules or regulations adopted pursuant hereto, may
5 continue to be maintained, repaired and restored at the size,
6 location, height, and setback set forth in the permit, including in
7 the event of the partial destruction thereof, without limitation as
8 to time, unless it is totally destroyed or abandoned, or the
9 commissioner finds, pursuant to the authority granted under
10 section 9, paragraph 2 of subsection d., of this act, any grounds
11 for revocation of the permit.

12 21. This act shall not be construed to limit the powers of any
13 political subdivision of this State to regulate land, streets,
14 buildings or structures by zoning or other means, or to prohibit
15 the enforcement of local ordinances or regulations in a manner
16 consistent with the purposes of this act. In the event of conflict
17 between the provisions of this act, or the regulations promulgated
18 pursuant hereto, and an ordinance or regulation of an
19 incorporated political subdivision of this State, the provisions of
20 this act, or regulations promulgated pursuant hereto shall prevail
21 to the extent necessary to permit the State to carry out the
22 policy as declared herein, or to permit the State to comply with
23 the terms of any agreements entered into pursuant to the
24 provisions of this act.

25 22. The following are repealed:

26 R.S.27:5-1 through R.S.27:5-4 inclusive;

27 P.L.1959, c.191 (C.54:40-50 et seq.)

28 P.L.1963, c.93 (C.27:7A-11 et seq.); and

29 P.L.1972, c.40 (C.27:1A-52 et seq.).

30 23. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 This bill requires and provides for the issuance of licenses and
36 permits for roadside signs and outdoor advertising and provides
37 for the regulation of the erection, use, maintenance and removal
38 of these signs.

39 The regulation of outdoor advertising in New Jersey has been
40 regulated by the Department of Transportation and its
41 predecessor department pursuant to two different programs
42 which has caused significant confusion over the years. Since
43 1930, with subsequent amendments in 1959, outdoor advertising
44 was regulated pursuant to the provisions of the "Outdoor
45 Advertising Act," P.L.1959, c.191 (C.54:40-50 et seq.) and its
46 predecessors. In 1963, when outdoor advertising on Interstate and
47 Primary System highways became subject to federal law, at
48 which time and afterwards, P.L.1963, c.93 and P.L.1972, c.40
49 were passed into law. These statutes have been declared as
50 archaic and poorly organized by a Department of Transportation

1 Task Force. This bill incorporates the recommendations of the
2 Task Force and combines the statutes to create an updated,
3 understandable act.

4 The bill reenacts the existing provisions of the current laws
5 with regard to license and permit requirements, conditions and
6 restrictions for signs, penalties, fee collection and federal
7 compliance requirements, in addition to continuing other
8 regulatory powers.

9 The bill provides DOT, through a broadened regulatory power,
10 the flexibility to conform with changes and innovations that may
11 develop in the outdoor advertising area and the ability through
12 fee determination to recover State cost and eliminate the current
13 operating deficit.

14

15

16 TRANSPORTATION

17

18 Revises laws concerning outdoor and roadside advertising.

SENATE TRANSPORTATION AND PUBLIC
UTILITIES COMMITTEE

STATEMENT TO

SENATE, No. 3750

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 19, 1991

The Senate Transportation and Public Utilities Committee favorably reports Senate Bill No. 3750 with committee amendments.

This amended bill requires and provides for the issuance of licenses and permits for roadside signs and outdoor advertising and provides for the regulation of the erection, use, maintenance and removal of these signs.

Outdoor advertising in New Jersey has been regulated by the Department of Transportation and its predecessor department pursuant to two different programs which has caused significant confusion over the years. Since 1930, with subsequent amendments in 1959, outdoor advertising was regulated pursuant to the provisions of the "Outdoor Advertising Act," P.L.1959, c.191 (C.54:40-50 et seq.) and its predecessors. In 1963, when outdoor advertising on Interstate and Primary System highways became subject to federal law, at which time and afterwards, P.L.1963, c.93 and P.L.1972, c.40 were passed into law. These statutes have been declared as archaic and poorly organized by a Department of Transportation Task Force. This bill incorporates the recommendations of the Task Force and combines the statutes to create an updated, understandable act.

The bill substantially reenacts the existing provisions of the current laws with regard to license and permit requirements, conditions and restrictions for signs, penalties, fee collection and federal compliance requirements, in addition to continuing other regulatory powers.

The bill provides DOT, through a broadened regulatory power, the flexibility to conform to changes and innovations that may develop in the outdoor advertising area and the ability through fee determination to recover the State's cost and eliminate the current operating deficit.

The amendments approved by the committee clarified certain provisions of the bill.