

ORDINANCE NO. 2016-09

**TOWNSHIP OF EAST WINDSOR
MERCER COUNTY, NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XX, "ZONING",
SUBSECTION 20-5.1604b. "PROHIBITED SIGNS"
AND SUBSECTION 20-5.1607a.5. UNDER SUBSECTION 20-5.1607,
"SIGN REGULATIONS FOR EACH ZONING DISTRICT",
OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF EAST WINDSOR**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF EAST WINDSOR** in the County of Mercer, State of New Jersey, that Chapter XX,
"Zoning", Section 20-5.1600, "Signs", of the Revised General Ordinances of the
Township of East Windsor is hereby amended and supplemented as follows:

SECTION 1. Subsection 20-5.1604, "Prohibited Signs", paragraph b, is hereby
amended as follows:

"b. Moving or revolving signs and signs using blinking, flashing, vibrating,
flicker, tracer, [and] sequential or any other lighting where the sign message can be
electronically changed, but shall not include time and temperature signs or any other
signs expressly permitted elsewhere in the ordinance."

SECTION 2. Subsection 20-5.1607, "Sign Regulations for Each Zoning
District", paragraph a.5., is hereby amended as follows:

a.5. Where gasoline stations are permitted one freestanding sign shall be
permitted, provided such sign shall not exceed [50] 36 square feet in area on a side and
shall be erected not less than [14] 12 nor more than [25] 27 feet above the ground. A
minimum setback of 12 feet shall be required as measured from the street right-of-way
line. The freestanding sign may have a supplementary price sign provided that it is
mounted on the same support structure as the freestanding sign, that the price sign does
not exceed 25 square feet in sign area, or more than 5 feet in height [and that the lowest
part of the price sign is at least eight feet above grade]. The price per gallon on the price
sign may be illuminated by LED lighting (light-emitting diode lamps), which shall be no
brighter than necessary for clear and adequate visibility and provided that the maximum
level of illumination does not exceed 0.3 footcandles above the ambient night-time light
footcandle level measured at a distance of 50 feet, and the daytime level does not exceed
1250 nits.

(a) The image shall be static and all blinking, flashing, vibrating, flicker, tracer, scrolling and other illusions of motion are prohibited.

(b) No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal or causes glare or otherwise impairs the vision of the driver or results in a nuisance to a driver.

(c) A dimming module shall be incorporated in any LED signage electronics in order to further dim the intensity of the LED lighting even lower than the aforementioned nits and footcandle ambient light levels. The control switch which allows the lighting intensity of the LED price sign to be adjusted shall be provided at an easily accessible location within the gas station building, which shall be identified on the Township sign application.

(d) The LED sign, when installed and operational, shall have its lighting intensity measured by a lighting professional so qualified, and a certification verifying that the lighting levels are compliant with the above standards shall be submitted to the Township. Thereafter, such lighting levels may be subject to periodic inspection by the Township in order to verify the lighting intensity and to require that the level of illumination be reduced if the lighting is deemed too bright, either in excess of the standard or otherwise presenting a public interest issue.

(e) All LED electronics shall be housed in a weather-proof cabinet not exceeding five feet in height.

In addition to the freestanding sign permitted herein, gasoline stations which have a canopy over the pump islands shall be permitted one sign on the canopy, with the area of the sign limited to no more than ten percent of the longest facade of the canopy. In addition to the freestanding sign and the sign on the canopy, the principal building shall be permitted to have one facade sign per abutting street frontage identifying the business in accordance with the provisions of subsection 20-5.1606a. In addition, smaller facade signs are permitted to indicate functions performed at individual service bays, and such additional facade signs shall not exceed one per service bay and they shall be further limited by the aggregate facade sign area limitations set forth in subsection 20-5.1606a.

SECTION 3. All ordinances or parts thereof which are inconsistent or conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

SECTION 4. If the provisions of any section subsection, paragraph, subdivision or clause of this ordinance shall be judged to be invalid by a Court of competent jurisdiction, such Order of Judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause if this ordinance, or any other ordinance which is referred to herein, and to this end, the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance are hereby declared to be severable. Should any clause, sentence or other part of this ordinance be judged invalid by a Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5. This ordinance shall take effect twenty (20) days after the final adoption, publication and the filing of said ordinance with the Mercer County Planning Board, all in accordance with law.

ATTEST:

GRETCHEN MCCARTHY
Municipal Clerk

JANICE S. MIRONOV
Mayor

Introduced:
Adopted:
Effective: