

CHAPTER 192

AN ACT concerning certain advertisements on real property and supplementing chapter 48 of Title 40 of the Revised Statutes.

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

C.40:48-2.66 Permission required for posting, display of certain advertisements.

1. a. A person shall not post or otherwise display any temporary commercial or business advertisement, to induce directly or indirectly any person to enter into any obligation or acquire title or interest in any property, object, ware, good, commodity, or service, on any real property located within a municipality, or any building, pole, post or other structure on the property, without the prior written permission of the owner of record for the property, or the building or other structure thereon. This subsection shall not apply to a person posting or otherwise displaying a temporary advertisement containing information and directional indicators inviting the public to purchase or lease real property at a real estate open house or similar event for that property.

b. The governing body of every municipality may make, amend, and repeal ordinances to enforce the provisions of subsection a. of this section. An ordinance so adopted shall set forth procedures for reporting violations and shall also prescribe penalties for violations in accordance with R.S.40:49-5. Ordinances adopted pursuant to this section shall be consistent with the purposes of P.L.1991, c.413 (C.27:5-5 et seq.) to the extent necessary to allow the State to carry out the policy as declared therein. In the event of conflict between an ordinance adopted pursuant to this section and the provisions of P.L.1991, c.413 (C.27:5-5 et seq.), or the regulations promulgated pursuant thereto, section 22 of P.L.1991, c.413 (C.27:5-26) shall govern.

c. (1) The municipality shall have the power to remove or cause to be removed any advertisement posted or displayed in violation of subsection a. of this section. The procedure for removal shall be set forth in any ordinance so adopted.

(2) (a) Whenever the municipality removes, or causes to be removed, an advertisement, the municipality may present the person who posted or otherwise displayed the removed advertisement, or the business advertised in the removed advertisement, by certified and regular mail, a detailed itemization of the costs of removal incurred by the municipality, requiring reimbursement by that person or business of the removal costs.

(b) If the person or business does not provide reimbursement within 30 days of receipt of the municipal itemization, the municipality may enforce the payment of these costs, together with interest and reasonable collection costs, by instituting an action at law for the collection thereof. The Superior Court, or the municipal court, shall have jurisdiction of any collection action.

d. The money collected by the municipality for advertisement removal shall be credited, along with any other funds made available, to a municipal advertisement removal fund, which the municipality shall establish by ordinance. The ordinance shall include guidelines establishing the parameters governing the expenditure of money from the fund, which shall be used exclusively to remove advertisements and otherwise enforce the provisions of this section, and to administer the fund.

e. The municipality may report to the Division of Consumer Affairs, in the Department of Law and Public Safety, for further investigation by the division, any pattern or practice of advertisements posted or otherwise displayed in violation of subsection a. of this section, which reasonably appears to violate the provisions of P.L.1960, c.39 (C.56:8-1 et seq.). Any

report by a municipality to the division under this subsection shall be investigated by the division as may be warranted.

2. This act shall take effect on the 60th day following enactment.

Approved January 17, 2014.