

CHAPTER 495

AN ACT concerning certain signs and permit requirements and amending P.L.1991, c.413.

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

1. Section 3 of P.L.1991, c.413 (C.27:5-7) is amended to read as follows:

C.27:5-7 Definitions.

3. As used in P.L.1991, c.413 (C.27:5-5 et seq.):

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

"Commissioner" means the Commissioner of Transportation.

"Department" means the Department of Transportation.

"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 persons.

"Interstate System" means those highways which are a part of the National Highway System and 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 of the United States Code.

"Limited access highway" means a highway 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 that limited access highway.

"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 traffic in opposite directions is a main traveled way. "Main-traveled way" shall not include frontage roads, turning roadways, or parking areas.

"National Highway System" means the Federal-aid Highway System, as defined in 23 U.S.C. s.103, which includes: the Interstate Highway System and all of its principal arterials, including those not previously designated as part of the National Highway System, and international border crossings on those routes; intermodal connectors, which shall include all highways that provide motor vehicle access between the National Highway System and major intermodal transportation facilities; the Strategic Highway Network, which serves as the network of highways important to United States strategic defense; and Strategic Highway Network connectors to major military installations.

"Primary System" means any highway which is a part of the National Highway System and so designated by the State of New Jersey and approved by the federal authorities pursuant to Title 23 of the United States Code.

"Protected areas" mean 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 National Highway System as defined in 23 U.S.C. s.103 and those areas inside the boundaries of this State which are visible from the highway but beyond 660 feet of the edge of the right-of-way of the National Highway System and are outside urban areas.

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

"Sign" means any outdoor display or advertising on real property within public view which is intended to attract, or which does attract, the attention of pedestrians or the operators, attendants, 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, sign, 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.

"Street furniture" means an object placed or installed adjacent to the street for public use, which shall include, but not be limited to, a bench, trash and recycling receptacle, public bicycle-sharing parking structure, telephone booth, or Wi-Fi kiosk.

"Urban area" means a place as designated by the U.S. Bureau of the Census 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 capable of being seen and comprehended without visual aid by persons traveling on the highway.

2. Section 8 of P.L.1991, c.413 (C.27:5-12) is amended to read as follows:

C.27:5-12 Exceptions for certain other signs or devices.

8. Unless otherwise provided for in P.L.1991, c.413 (C.27:5-5 et seq.), no permit shall be required for the use, maintenance, or erection of a sign or other device which is to be used solely for any of the following purposes:

- a. to advertise exclusively for sale or rent the property upon which the sign or other device is located;
 - b. for notices required by law to be posted or displayed;
 - c. for any official sign established pursuant to the provisions of the Manual on Uniform Traffic Control Devices for Streets and Highways erected on any public highway by the public authority having jurisdiction over that public highway;
 - d. for signs which are not adjacent to an Interstate System or Primary System highway and which advertise activities conducted upon the property on which they are located;
 - e. for signs attached to street furniture that:
 - (1) are located in areas that are not protected areas;
 - (2) have been approved by the municipality in which they are located; and
 - (3) comply with all applicable requirements of section 5 of P.L.1991, c.413 (C.27:5-9);
- or
- f. for any sign erected or maintained by the commissioner.

3. This act shall take effect immediately.

Approved January 21, 2020.