

[First Reprint]

**ASSEMBLY, No. 5023**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED FEBRUARY 7, 2019

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**District 31 (Hudson)**

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**District 31 (Hudson)**

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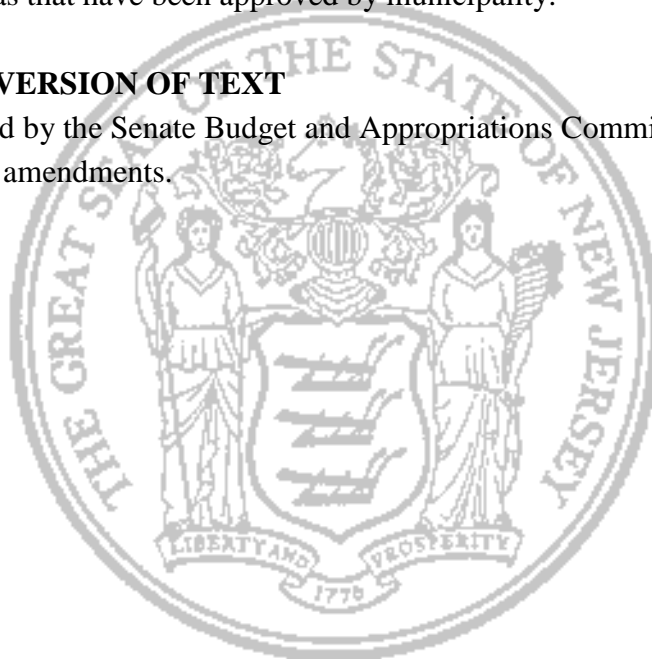
**District 31 (Hudson)**

**SYNOPSIS**

Exempts from DOT permitting requirements certain signs not located in protected areas that have been approved by municipality.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on January 6, 2020, with amendments.



**(Sponsorship Updated As Of: 1/14/2020)**

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

3

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

6

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

9 3. As used in **[this act]** P.L.1991, c.413 (C.27:5-5 et seq.):

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

15 "Commissioner" means the Commissioner of Transportation.

16 "Department" means the Department of Transportation.

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

20 "Interstate System" means those highways which are a part of the  
21 National Highway System and constructed within this State and  
22 approved by the Secretary of Transportation of the United States as  
23 an official portion of the **[national]** National System of Interstate  
24 and Defense Highways, pursuant to the provisions of Title 23 of the  
25 United States Code.

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

30 "Main-traveled way" means the traveled way of a highway on  
31 which through traffic is carried. In the case of a divided highway,  
32 the traveled way of each separate roadway carrying traffic in  
33 opposite directions is a main traveled way. "Main-traveled way"  
34 shall not include frontage roads, turning roadways, or parking areas.

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

**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:

<sup>1</sup>Senate SBA committee amendments adopted January 6, 2020.

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

5 "Protected areas" mean all areas inside the boundaries of this  
6 State which are adjacent to and within 660 feet of the edge of the  
7 right-of-way of highways in the **【Interstate and Primary Systems】**  
8 National Highway System as defined in 23 U.S.C. s.103 and those  
9 areas inside the boundaries of this State which are visible from the  
10 highway but beyond 660 feet of the edge of the right-of-way of the  
11 **【Interstate and Primary Systems】** National Highway System and  
12 are outside urban areas.

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

15 "Sign" means any outdoor display or advertising on real property  
16 within public view which is intended to attract, or which does  
17 attract, the attention of pedestrians or the operators, attendants, or  
18 passengers of motor vehicles using the roads, highways, and other  
19 public thoroughfares and places, and shall include any writing,  
20 printing, painting, display, emblem, drawing, sign, or other device  
21 whether placed on the ground, rocks, trees, tree stumps or other  
22 natural structures, or on a building, structure, signboard, billboard,  
23 wallboard, roofboard, frame, support, fence, or elsewhere, and any  
24 lighting or other accessories used in conjunction therewith.

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

29 "Urban area" means a place as designated by the U.S. Bureau of  
30 the Census having a population of 5,000 or more within boundaries  
31 to be fixed by responsible State and local officials in cooperation  
32 with each other, subject to approval by the Secretary of  
33 Transportation of the United States. The boundaries shall, at a  
34 minimum, encompass the entire place designated by the U.S.  
35 Bureau of the Census.

36 "Visible" means capable of being seen and comprehended  
37 without visual aid by persons traveling on the highway.<sup>1</sup>

38 (cf: P.L.1991, c.413, s.3)

39  
40 <sup>1</sup>**【1.】**<sup>2</sup> Section 8 of P.L.1991, <sup>1</sup>c.<sup>1</sup>413 (C.27:5-12) is  
41 amended to read as follows:

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

46 a. **【To】** to advertise exclusively for sale or rent the property  
47 upon which the sign or other device is located;

- 1       b. **For** for notices required by law to be posted or displayed;
- 2       c. **For** for any official sign established pursuant to the
- 3 provisions of the Manual **of** on Uniform Traffic Control Devices
- 4 for Streets and Highways erected on any public highway by the
- 5 public authority having jurisdiction over that public highway;
- 6       d. **For** for signs which are not adjacent to an Interstate
- 7 'System' or Primary System highway and which advertise activities
- 8 conducted upon the property on which they are located; **or**
- 9       e. for signs 'attached to street furniture' that:
- 10       (1) are located in areas that are not protected areas;
- 11       (2) have been approved by the municipality in which they are
- 12 located; and
- 13       (3) comply with all applicable requirements of section 5 of
- 14 P.L.1991, c.413 (C.27:5-9); or
- 15       **e. For** f. for any sign erected or maintained by the
- 16 commissioner.
- 17 (cf: P.L. 1991, c.413, s.8)
- 18
- 19       **[2.] 3.**<sup>1</sup> This act shall take effect immediately.