

**§ 461-53. General provisions.**

- A. Except as hereinafter provided, it shall be unlawful for any person, firm or corporation to erect or relocate any sign within the City of Clifton without first obtaining a sign permit from the Zoning Officer. The Zoning Officer shall issue a sign permit only for such signs as are specifically permitted and provided for in this chapter, unless a zoning variance has been granted in accordance with Chapter 291 of the Laws of 1975.<sup>1</sup> **[Amended 1-3-2012 by Ord. No. 6996-12]**
- B. No sign shall have sound-generation equipment, rotating or moving parts, or illumination involving intermittent, rotating or flashing lights. **[Amended 12-2-1986 by Ord. No. 5123-86; 1-3-2012 by Ord. No. 6996-12]**
- C. Ground signs shall be subject to all applicable setback lines in the same manner as buildings. **[Amended 8-18-2009 by Ord. No. 6833-09]**
- D. Except as permitted by Subsection N, the following are hereby prohibited: banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or other similarly moving devices. However, within 30 days of the grand opening or re-opening of a retail, service or restaurant business, banners and pennants shall be permitted in connection with the advertisement of the event. **[Amended 1-3-2012 by Ord. No. 6996-12]**
- E. Properties neighboring officially designated limited access highways shall be entitled to no frontage upon such roads in ascertaining the permitted amount of sign area on any given lot pursuant to the formulas set forth in § 461-56.
- F. No sign shall be attached to any public utility pole, lamppost, public sign or like structure. **[Amended 1-3-2012 by Ord. No. 6996-12]**
- G. All signs shall be maintained in a neat and clean condition and in good repair at all times. All signs shall be serviced and maintained so that it is reasonably free of faded, peeling or cracked paint on the exterior surfaces thereof and the structural parts thereof shall not be broken, cracked or otherwise in a condition which might render them dangerous to pedestrians or property. **[Amended 1-3-2012 by Ord. No. 6996-12]**

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1. Editor's Note: See the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

- H. Signs in which the colors red, green and amber are used in direct illumination or in high reflection by the use of special preparations, such as fluorescent paint or glass, shall not be located within a radius of 200 feet of any intersection wherein is situated a traffic light or other traffic signal device.
- I. No signs shall be permitted containing words or pictures of any obscene, indecent or immoral character such as would offend public morals or general standards of decency.
- J. No signs shall be permitted which simulate or include official traffic signs or signals or which contain words such as "Stop," "Go Slow," "Caution," "Danger," "Warning" or like words or designations.
- K. No private signs shall be located within or project over any part of any street right-of-way except as provided in Subsection N. **[Amended 1-3-2012 by Ord. No. 6996-12]**
- L. Political signs shall be permitted, subject to the provisions of Chapter 185 of the Code of the City of Clifton. **[Amended 10-6-1992 by Ord. No. 5604-92; 1-3-2012 by Ord. No. 6996-12]**
- M. Anything elsewhere in this Zoning Ordinance to the contrary set forth notwithstanding, ballfield signs, as hereinafter defined, shall be permitted to be displayed on the fences of any public or nonprofit ballfield, subject, however, to the restrictions hereinafter set forth: **[Added 6-4-1984 by Ord. No. 4891-84]**
- (1) For the purposes of this subsection, the term "ballfield signs" shall be defined as signs hung on the fence of a public or nonprofit ballfield, the revenues from which are to go to a nonprofit organization.
  - (2) Any such sign shall only be hung on the fence surrounding the ballfield and shall face the infield.
  - (3) No such sign shall have dimensions greater than two feet high and four feet wide, nor extend above the top of the fence to which it is attached.
  - (4) No such sign shall be erected, posted or displayed at anytime other than during practice sessions and regular league games during the league season. Between such practice sessions and regular league games, all ballfield signs shall be removed and stored in the field houses or such other secured place.

- (5) Any revenues derived from the display of ballfield signs shall be received by and become the property of such nonprofit organizations using the ballfield.
- (6) Any person, firm or corporation who shall erect or display or who shall cause, permit or allow to be erected or displayed any such sign on a ballfield subject to his or its control in violation of the terms of this subsection shall, upon conviction thereof, be punishable for a violation of this Zoning Ordinance.

N. Temporary signs. **[Amended 9-2-1997 by Ord. No. 5913-97; 11-3-2010 by Ord. No. 6910-10; 1-3-2012 by Ord. No. 6996-12]**

- (1) One of the following types of temporary signs shall be permitted at each retail, service or restaurant business, at the option of the business owner, in all zones in accordance with the following standards:
  - (a) Portable sidewalk sign. A portable sidewalk sign shall meet the following conditions:
    - [1] Portable sidewalk signs are permitted on the sidewalk or in entrance alcoves. Only one such sign shall be permitted per retail, service or restaurant business, must be located adjacent to the exterior of the business establishment, and can only be used to advertise in connection with the business located on the premises.
    - [2] It shall not exceed three feet in height and two feet in width.
    - [3] It shall be placed in locations to provide a minimum of four feet pedestrian clearance.
    - [4] It shall be taken inside at night from 9:00 p.m. to 6:00 a.m., and during periods of snow and high winds. The sign shall be properly stabilized to prevent accidental collapse or falling.
    - [5] Applications for a permit for a portable sidewalk sign must be filed with the Zoning Officer. Applications must include, at a minimum, a drawn design (to scale) reflecting the dimensions of the sign and a plot plan with the proposed location of the sign.

(b) Banners. A temporary banner sign shall meet the following conditions:

- [1] One temporary banner sign is permitted to be hung on the outside of the business premises. Only one such sign shall be permitted per retail, service or restaurant business and shall only be used to advertise in connection with the business located on the premises.
- [2] Banners cannot exceed 72 inches by 24 inches and must be properly secured at each corner. Banners shall be constructed of cloth, canvas, nylon, vinyl or plastic materials.
- [3] Applications for a permit for a banner sign must be filed with the Zoning Officer and must include at a minimum, a drawn design (to scale) reflecting a description of proposed material, proposed location and dimensions of the banner.

(c) Sail pole signs. A freestanding sail pole sign shall meet the following conditions:

- [1] Freestanding sail pole signs are permitted on the sidewalk or in entrance alcoves. Only one such sign shall be permitted per retail, service or restaurant business, shall be located adjacent to the exterior of the business establishment, and can only be used to advertise in connection with the business located on the premises.
- [2] The pole shall not exceed 11 feet in height (with a base of no more than 15 inches), and the sail shall not exceed 10 square feet.
- [3] It shall be placed in locations to provide a minimum of four feet pedestrian clearance.
- [4] It shall be constructed of cloth, canvas, nylon, vinyl or plastic materials and secured in a manner to prevent accidental collapse or falling.
- [5] Applications for a permit for a sail pole sign must be filed with the Zoning Officer and must include, at a minimum, a drawn design (to scale), description of proposed material, proposed location and dimensions of the sail pole sign.

- (2) There shall be a fee of \$100 per year for each temporary sign. The applicant for a temporary sign shall execute a hold harmless agreement with the City of Clifton and shall agree to defend and indemnify the City for any loss of any kind suffered related to the temporary sign.
- (3) Prohibited acts.
  - (a) No temporary sign shall be permitted to rest upon, in or over any public sidewalk when such installation, use or maintenance:
    - [1] Endangers the safety of persons or property.
    - [2] Unreasonably interferes with or impedes the flow of pedestrians or vehicular traffic, including any legally parked or stopped vehicle.
    - [3] Unreasonably interferes with the ingress or egress from any residence, place of business or lawfully parked vehicle.
    - [4] Unreasonably interferes with passengers boarding or exiting from buses at designated bus stops.
    - [5] Unreasonably interferes with the use of traffic signals, traffic or street signs, fire hydrants or mailboxes permitted at or near said location.
  - (b) No temporary sign shall be placed, installed, used or maintained:
    - [1] Within three feet of any marked crosswalk.
    - [2] Within 12 feet of a curb return of any unmarked crosswalk.
    - [3] Within five feet of any fire lane, fire hydrant, fire call box, police call box or other emergency facility.
    - [4] Within five feet of any driveway.
    - [5] Within three feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping.
- (4) Each place of business shall have no more than one temporary sign of any kind displayed at its place of business as set forth above at any time, and the use of more than

one temporary sign at a place business at any one time is prohibited.

- O. No sign shall be attached to or placed upon another sign. **[Added 7-2-1985 by Ord. No. 4988-85]**
- P. Awnings and awning signs shall be permitted in the B-B, B-C, B-D, PD1 and PCD Districts where they shall be subject to the following standards: **[Added 10-16-1990 by Ord. No. 5450-90]**
- (1) Awning signs must comply with the regulations of this article as to surface display area. An awning sign shall represent no more than 50% of the total permitted surface display area for signs for the subject premises.
  - (2) No awning or awning sign shall project over any part of any street right-of-way. Variances from this provision shall not be granted unless the applicant obtains a contractual agreement from the City of Clifton so that the City is not held responsible for the loss or damages to property or injury in or about the premises of the property owner by reason of installation and presence of said awnings. Additionally, approval of the County of Passaic is required in cases where the right-of-way encroachment is on a county road.
  - (3) No awning or awning sign shall be illuminated with a built-in source of lighting through a translucent face or panel. **[Amended 12-5-1995 by Ord. No. 5771-95]**
  - (4) Awnings may only be internally illuminated to highlight the awning. If internal illumination is provided, said awning shall be considered an awning sign. **[Amended 12-5-1995 by Ord. No. 5771-95]**
  - (5) No awning or awning sign shall have illumination involving intermittent or flashing lights.
  - (6) The minimum height above the sidewalk for awnings shall be seven feet six inches at the lowest point of the awning, but not higher than any existing awnings on the same side of the street and within 200 feet on either side.
  - (7) Awning signs shall not extend above the first story nor over 12 feet six inches above the sidewalk, whichever is less.
  - (8) Fixed awnings and awning signs shall be considered canopies and must comply with the setback requirements for the

principal buildings, but in no case can extend more than five feet from the exterior wall to which they are attached.

(9) Fixed awnings and awning signs shall be included in the computation of lot coverage.

(10) Awnings and awning signs shall meet all requirements of the Uniform Construction Code.<sup>2</sup>

(11) All awnings and awning signs shall be made of canvas or a similar man-made or natural material. Plastic, metal and other materials are not permitted. **[Added 7-21-1998 by Ord. No. 5980-98]**

(12) Colors. **[Amended 12-5-1995 by Ord. No. 5771-95; 7-21-1998 by Ord. No. 5980-98]**

(a) All awnings and awning signs shall consist of earth-tone colors and shades thereof, except in the following business districts, in which the following shall be the main color, with flexibility for lettering and logos:

[1] Main Avenue (from Crooks Avenue to the Passaic boundary line): forest green.

[2] Middle Village (Piaget Avenue from Paulison Avenue to Fifth Street): burgundy.

[3] Market Street and Lakeview Avenue: navy blue.

[4] Crooks Avenue: forest green. **[Added 7-6-1999 by Ord. No. 6062-99]**

[5] Van Houten Avenue: navy blue. **[Added 1-2-2002 by Ord. No. 6253-02]**

(b) Any color or combination of colors which may provide a distraction for persons driving vehicles near intersections and along public streets is prohibited.

Q. Tobacco billboard signs. **[Added 9-2-1997 by Ord. No. 5911-97]**

(1) Declaration of legislative intent.

(a) Whereas, N.J.S.A. 2A:170-51 makes it unlawful for any person to distribute for commercial purposes, at no cost or at minimal cost, or to sell, give or furnish to a minor

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2. Editor's Note: See Ch. 197, Uniform Construction Codes.

under 18 years of age any cigarettes made of tobacco or of any other matter or substance which can be smoked or any cigarette paper or tobacco in any form, including smokeless tobacco, either from a vending machine or by retail counter sales; and

- (b) Whereas, a recent study conducted by the City of Clifton Health Department, entitled the "Tobacco Age-of-Sale Program," revealed that out of 110 sites which provided for the sale of tobacco products within the City of Clifton, 45 merchants did not comply with the law and sold tobacco products to minors; and
- (c) Whereas, in November 1994, the City of Clifton initiated legislation requiring cigarette vending machines located within the City to possess locking devices which require the purchaser to request that the machine be unlocked prior to use, requiring the seller to confront the buyer and ascertain his/her age prior to unlocking the machine; and
- (d) Whereas, notwithstanding the City's ordinance relating to locking devices, 13 sales were made as part of the Health Department survey to a minor through such devices and nine vending machines were found not possessing locking devices; and
- (e) Whereas, each day 84 young people in New Jersey, at an average age of 11 years old, start to smoke; and
- (f) Whereas, 40% of New Jersey seventh and eighth graders have smoked in their lifetime; and
- (g) Whereas, a recent study showed that 64% of New Jersey seventh and eighth graders reported that it is very easy for them to obtain cigarettes; and
- (h) Whereas, the rate of smoking among adults has dropped nearly 50% between 1971 and 1993; and
- (i) Whereas, nearly 90% of all smokers start by or before the age of 18; and
- (j) Whereas, the tobacco industry spent over \$6 billion in 1993 to advertise, market and promote tobacco products in the United States; and
- (k) Whereas, tobacco was second only to automobiles as the most heavily advertised product in America in 1993; and



- (l) Whereas, the expenditures on advertising, marketing and promoting tobacco in the United States have increased 1,562% between 1971 and 1993; and
- (m) Whereas, during that same period, all tobacco manufacturers repeatedly pledged to adhere to a voluntary industry code that prohibited advertisements that appealed or influenced children; and
- (n) Whereas, recently uncovered documents from R. J. Reynolds Tobacco Co., Philip Morris Co., U.S. Tobacco Co. and other tobacco companies explicitly refer to marketing cigarettes and smokeless tobacco to minors; and
- (o) Whereas, the rate of smoking among all high school students nationwide increased over 26% between 1991 and 1996, and now stands at its highest rate since 1981 (CDC May 1996 report); and
- (p) Whereas, 89% of children smoke the three most heavily advertised brands of cigarettes, yet only 40% of adults smoke those same brands; and
- (q) Whereas, a peer-reviewed study in the Journal of the American Medical Association concluded that "[c]igarette advertising encourages youth to smoke and should be banned"; (Pierce et al., JAMA, December 11, 1991); and
- (r) Whereas, the Centers of Disease Control and Prevention recently found that "[c]igarette marketing practices appeared to be the factor most likely to account for [the] increase in teen smoking initiation rates" (MMWR July 21, 1995); and
- (s) Whereas, the National Institute of Medicine stated that "the substantial convergent evidence that advertising and promotion increases tobacco use by youths is impressive and, in the Committee's view, provides a strong basis for legal regulation"; (NIM Report, NAS 1994); and
- (t) Whereas, a 1996 survey of 300 advertising executives found that nearly 2/3 of them believe the goal of cigarette advertising is to target teenagers, and 82% believe children are getting the smoking message; (WSJ December 18, 1996); and
- (u) Whereas, dozens of independent scientific studies and reports published by the National Academy of Sciences,

the Office of the Surgeon General, the Journal of the American Medical Association, the Journal of the National Cancer Institute, the Journal of Public Health Policy and Health Psychology, among others, show how the tobacco industry advertising appeals to children and influences children to start smoking, use smokeless tobacco, illegally buy cigarettes and smokeless tobacco and continue smoking and using smokeless tobacco; and

- (v) Whereas, at the present time, there are 33 locations within 1,000 feet of schools, school bus stops, day-care centers, parks, playgrounds, youth centers and places of worship in the City of Clifton where billboards are sited; and
- (w) Whereas, outdoor advertisements within 1,000 feet of schools, playgrounds and other facilities where children congregate subject children to an involuntary and unavoidable form of solicitation to engage in an unlawful activity; and
- (x) Whereas, this subsection only addresses a subset of stationary tobacco advertisements located exclusively within the borders of the City of Clifton; and
- (y) Whereas, this subsection does not restrict in any way the legal sale of tobacco, tobacco product packaging or labeling, or tobacco advertising that is distributed across state lines; and
- (z) Whereas, this subsection does not affect the ability of manufacturers and retailers of tobacco to market tobacco products lawfully to adults via magazines, newspapers, direct mail, consumer products, sporting and cultural events, catalogs, the Internet, inside-the-store advertising, outdoor advertising not near the enumerated facilities where children congregate and a variety of other means; and
- (aa) Whereas, the Municipal Council of the City of Clifton hereby finds upon careful consideration of the information, studies and reports cited herein that tobacco advertising contributes to a significant and material degree to the violation of the laws governing the sale, purchase, distribution, possession and use of tobacco products by persons under 18 years of age, the Municipal Council of the City of Clifton hereby enacts the following

legislation to help prevent the illegal marketing of tobacco products to youth:

- (2) It shall be unlawful for any person, partnership, corporation, business association or any other entity to display a tobacco advertisement in a publicly visible location on or within 1,000 feet of the perimeter of any school premises, designated school bus stop, day-care center, park, playground, youth center or established place of worship within the City of Clifton. Any such tobacco advertisements located in said areas prior to the effective date of this act must either be removed or permanently and completely covered at the time this subsection takes effect. This subsection shall not apply to:
- (a) A single sign, poster, placard or label within ten feet of an entrance to an establishment which sells tobacco products if such sign, poster, placard or label is no larger than six square feet and contains only black printing on white background; provided, however, that such sign contains only one or more of the following words: "tobacco," "tobacco products," "cigarettes," "cigars," "pipe tobacco," "chewing tobacco," "snuff," "sold here," "available," "for sale," "here."
- (b) Any tobacco advertisement on a licensed taxicab or autobus.

#### **§ 461-54. R Districts.**

The following signs shall be permitted in R Districts:

- A. One nameplate not exceeding one square foot in area and identifying a professional office conducted in the building on which such sign is displayed. Any illumination thereof shall be indirect and nonintermittent.
- B. One bulletin board sign, not exceeding 12 square feet in surface display area, shall be permitted for a house of worship, provided that if said bulletin board sign is not attached to the facade of the building, it shall be located no closer than 10 feet to a street line. Such signs may be illuminated by backlighting or by direct lighting, provided that the latter is so screened that light is not directed or reflected toward any adjacent residence.
- C. Private schools, clubs and permitted institutional uses may identify themselves with one nameplate sign not exceeding nine

square feet of surface display area, provided that if said sign is not attached to the facade of the building, it shall be set back from the street line a distance of 18 feet or more.

- D. Bulletin board directory signs not exceeding 12 square feet of surface display area shall be permitted in apartment dwelling groups, provided that only one such sign shall be maintained for each street frontage upon which the apartment dwelling group fronts, provided further that such sign or signs shall be set back from the street line a distance of 18 feet or more and that only backlighting shall be used to provide artificial illumination.
- E. Any structure containing a use permitted in a B or M District but not an R District and which exists as a nonconforming use may display flat business signs on the wall of said structure, the aggregate area of which sign shall not exceed 10% of the facade of the first story. Any illumination of such signs shall be indirect and nonintermittent.
- F. One sign not exceeding four square feet in area advertising the sale of agricultural or horticultural products grown on the premises.
- G. One for-sale or for-rent sign not exceeding four square feet in area, advertising only the property on which it is displayed.

**§ 461-55. B and M Districts. [Amended 7-2-1985 by Ord. No. 4988-85]**

The following types of signs shall be permitted in B and M Districts:

- A. Flat signs which shall not project more than six inches beyond the building facade and/or one sidewall thereof.
- B. Nonflashing illuminated flat signs which shall not project more than 11 inches beyond the building facade and/or one sidewall thereof.
- C. Ground signs which must observe all building setback lines and which do not exceed a height of 20 feet above the grade of the roadway to which the sign is directed.
- D. Roof signs attached to the roof of a building, provided that such sign shall be set back at least four feet from the facade of the building and shall have not less than two feet of bottom open space along its entire length. No sign shall be attached to or placed upon another sign.

**§ 461-56. Surface display areas.**

The permitted total surface display area of permitted signs in the respective following districts shall not exceed the square footage figures produced by application of the following formulas (street frontage being expressed here in linear feet):

- A. B-A and B-A1 Districts: 0.30 times the street frontage plus 0.10 times the secondary street frontage in the case of a corner lot.
- B. B-B Districts: 1.25 times the total principal street frontage plus 0.30 times the secondary street frontage in the case of a corner lot.
- C. B-C Districts.
  - (1) Permitted business signs: 2.0 times the principal street frontage plus 1.0 times the secondary street frontage in the case of a corner lot.
  - (2) Additional business sign quota for dual entrance stores. Structures containing stores which maintain both street front and rear parking entrances for the general use of customers may, in addition to other provisions of this article, provide additional business sign area on such prescribed rear facade to an extent of 0.30 times the building width or portion thereof devoted to retail commerce, said building being measured in linear feet as fronting upon such rear parking lot.
- D. B-D Districts:
  - (1) Permitted business signs: 2.5 times the total principal street frontage plus 1.0 times the secondary street frontage in the case of a corner lot.
  - (2) Permitted advertising signs: 2.5 times the total principal street frontage plus 1.0 times the secondary street frontage in the case of a corner lot.
  - (3) Advertising signs on vacant lots: 5.0 times the principal street frontage plus zero-tenths (2.0) times the secondary street frontage in the case of a corner lot. If the figure produced by the application of this formula to a given lot exceeds 199 square feet but not 500 square feet, the applicant may erect two advertising signs not exceeding 500 square feet in total surface display area.
- E. M-1 Districts. The same formulas as for B-D Districts shall apply.

- F. M-2 Districts. The same formulas as for B-D Districts shall apply.
- G. M-3 Districts. The same formulas as for B-D Districts shall apply.  
**[Added 5-3-1983 by Ord. No. 4805-83]**

**§ 461-57. Advertising signs. [Amended 7-2-1985 by Ord. No. 4988-85; 3-1-1988 by Ord. No. 5249-88]**

Advertising signs shall not be permitted, nor shall any advertising sign be erected, in an R, B-A, B-A1, B-B, B-C, PCD or PCRD District. In B-D and M Districts, advertising signs shall be permitted as a conditional use to be granted by the Planning Board and limited as provided for in § 461-58 of this article.

**§ 461-58. Billboard, wall, roof and ground advertising signs. [Amended 7-16-2002 by Ord. No. 6295-02]**

- A. Billboard, wall, roof and ground advertising signs shall be limited to the number in existence at the time of the passage of this section, and may be replaced or relocated in permitted districts within one year after the billboard, wall, roof or ground sign is destroyed or removed from the original location. The replacement or relocated billboard, wall, roof or ground advertising sign shall not exceed in size the total square footage of the billboard(s), wall sign(s), roof or ground advertising signs that same is replacing, and shall be subject to all other provisions of the district in which same is to be located.
- B. The applicant shall provide a description of any proposed sign(s) that is to be removed or replaced, including the location and size, in order to consider the proposed sign.