

## ORDINANCE 9-2013

### ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195, ARTICLE V OF THE BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON", TO ALLOW LIGHT EMITTING DIODE (LED) PRICE POINT SIGNS AT GAS STATIONS UNDER CERTAIN CONDITIONS

**WHEREAS**, the Borough of Madison seeks to allow a limited exception to its prohibition of LED signs to acknowledge the unique operational and advertising requirements of gas stations;

**WHEREAS**, Chapter 195 of the Borough Code currently prohibits LED signs in the Borough of Madison;

**NOW, THEREFORE**, be it resolved by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, as follows:

**SECTION 1:** Amend 195-34E(19) to read as follows: LED (light-emitting diode) signs are prohibited with the exception of those standards provided in Section 195-33.B(2)(k) that apply to gas stations; however the use of LED technology as an indirect light source for signs is permitted provided the LED source is not visible or used to comprise any part of the sign lettering, logo or external display face.

**SECTION 2:** Delete Section (4) Public Garages and Motor Vehicle Service Station Specifications in Schedule IV, Part 7, Sign Regulations.

**SECTION 3:** Add Section 195-33.B(2)(k) entitled Gas Station Sign Requirements, with the following standards:

- a. Freestanding signs shall be limited to one sign with both station identification and price information. Such sign shall not exceed a maximum height of 15 feet, or a maximum width of 6 (six feet), and shall have a minimum setback of 10 feet for all new signs. The station identification (brand) placard on the sign shall have a maximum area of 16 square feet. In addition, the freestanding sign shall also be permitted to contain up to four (4) price points for various grades of motor fuel based on the following standards: a maximum of 2 square feet of LED area allowed per price point for pricing and a maximum of 4.25 square feet of non-LED sign area for lettering corresponding to each grade of motor fuel advertised.
- b. Wall signs: one non-illuminated building sign is permitted per bay or entrance door with a maximum area of 6 square feet per sign and no more than two total such signs.
- c. Canopy signs: shall be limited to 20% of the façade area with one sign permitted per façade and no more than two canopy facades with such signage.

- d. LED gasoline price signs are prohibited in or adjacent to any historic district.
- e. LED gasoline price signs located on lots adjacent to any single-family or two-family residential district shall be turned off after 10pm.
- f. LED gasoline price signs shall not blink, actively move, flash, nor be combined with video and audio enhanced components.
- g. LED gasoline price point signs shall be limited to no more than two colors per establishment, in accordance with industry standards, to distinguish between grades of motor fuel.
- h. Gasoline station signage for all pricing and lettering shall not exceed 12 inches in height.
- i. Any brightness or glare associated with LED gasoline price point signs shall not impair the vision of drivers, nor contribute to driver distraction, or interfere with the effectiveness of an official traffic sign, devise, or signal.
- j. LED price point signs shall have a dimmer control a photocell, capable of being dimmed in accordance with ambient lighting conditions. Any 'nit' levels that are factory set for daytime and nighttime settings should be the minimum levels required for visibility and clarity, and to minimize glare, given site and ambient lighting conditions.
- k. The difference between ambient lighting conditions with and without any proposed LED signs shall not exceed 0.3 footcandles at night at a distance calculated by taking the square root of the area of LED price points (in square feet) x 100. All measurements taken to determine the difference in illumination shall be taken perpendicular to the face of the LED price points.

ADOPTED AND APPROVED  
April 22, 2013

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ROBERT H. CONLEY, Mayor

Attest:

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ELIZABETH OSBORNE, Borough Clerk

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