

**AN ORDINANCE CREATING CHAPTER 25, SECTION 15A OF THE REVISED
GENERAL ORDINANCES OF WEST ORANGE, ENTITLED
“PROHIBITION OF CERTAIN ADVERTISING ON REAL PROPERTY
WITHOUT OWNER’S PERMISSION”**

BE IT ORDAINED, by the Township Council of the Township of West Orange (“Township”), in the County of Essex and the State of New Jersey, that there should be created a Chapter 25, Section 15A of the Revised General Ordinances of the Township, which shall provide as follows:

**25-15A PROHIBITION OF CERTAIN ADVERTISING ON REAL PROPERTY
WITHOUT OWNER’S PERMISSION**

25-15A.1 Prohibited Advertisements

- 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 the Township, 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 apply to all properties, including those appearing to be abandoned or vacant. 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. Upon discovery by an owner of real property of a violation of subsection (a) of this section, the owner may report the same to the Township Zoning Official.
- c. Violation. Any person, firm, partnership, association, corporation or other entity convicted of violating these regulations shall be liable to a fine of up to one thousand two hundred fifty (\$1,250.00) dollars for each such violation and each day in which such violation continues. Each posting or display of an advertisement in violation of this section, and each day in which a posting or display continues, shall constitute a separate violation or offense. In addition to the foregoing remedies, the Township Attorney may maintain an action in any court of competent jurisdiction to enjoin, restrain, abate, correct or remove any violation of these regulations.

25-15A.2 Removal of Prohibited Advertisements

- a. The Township may remove or cause to be removed any advertisement posted or displayed in violation of Section 25-15A.1.
- b. Whenever the Township removes, or causes to be removed, an advertisement, the Township 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

Township, requiring reimbursement by that person or business of the removal costs.

- c. If the person or business does not provide reimbursement within 30 days of receipt of the Township's itemization, the Township 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.

25-15A.3 Advertisement Removal Fund

- a. The Township hereby establishes the Advertisement Removal Fund, pursuant to P.L. 2013, c. 192. The Advertisement Removal Fund shall be administered by the Township Zoning Official.
- b. The money collected by the Township for advertisement removal shall be credited, along with any other funds made available, to the Advertisement Removal Fund.
- c. Expenditures from the Advertisement Removal Fund shall be used exclusively to remove advertisements and to otherwise enforce the provisions of this section, and to administer the fund.
- d. The Township 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 section 25-15A.1, which reasonably appears to violate the provisions of P.L.1960, c.39 (C.56:8-1 et seq.). Any report by the Township to the division under this subsection shall be investigated by the division as may be warranted.

Karen J. Carnevale, Municipal Clerk

**Honorable Susan McCartney
Council President**

**Honorable Robert D. Parisi
Mayor**

Introduced: March 25, 2014

Adopted: April 11, 2014

LEGISLATIVE HISTORY

Authority for this proposed legislation is derived from P.L. 2013, c. 192 (the “Authorizing Statute”), which was enacted on January 17, 2014, and will become effective on March 18, 2014.

In recent years there has been a growing proliferation of advertising on properties, which often appear to be abandoned or vacant. In connection with the housing crisis, foreclosed upon or abandoned properties exist in the Township due to the inability of property owners to make their mortgage payments. This legislation is modeled closely upon the Authorizing Statute. It intends to prevent advertisers from taking advantage of these properties, by requiring prior written permission of the owner to place any advertisements.

The legislation is further intended to reduce the existence and visibility of unwanted and unsightly signage, which has increasingly become a visual blight in the Township’s neighborhoods, and which may negatively affect property values in those neighborhoods.