

2ND & FINAL READING

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXXI, ZONING, OF AN ORDINANCE ENTITLED, AN ORDINANCE ADOPTING AND ENACTING THE REVISED GENERAL ORDINANCES OF THE CITY OF LINDEN, 1999," PASSED NOVEMBER 23, 1999 AND APPROVED NOVEMBER 24, 1999 AND AS AMENDED AND SUPPLEMENTED**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LINDEN:**

That Chapter XXXI, Zoning, shall be and the same is hereby amended as follows:

**DELETE SECTION 31-25.5, GENERAL REGULATIONS in its entirety**

**ADD SECTION 31-25.5, GENERAL REGULATIONS as follows:**

**31-25.5 General Regulations.**

- a. *Illumination.* Illumination devices such as, but not limited to, floor or spot lights, shall be so placed and so shielded as to prevent the rays of illumination thereof from being cast into neighborhood dwellings and approaching vehicles.
  1. The hours of illumination of any sign shall be limited to the hours when the use is open for business to the public, or between the hours of 6 a.m. and 11 p.m., whichever is less restrictive.
  2. The light source of illuminated signs shall be shielded so that the light source shall not be visible. No sign illumination or other illumination shall be used or designed for use as an attraction device in itself, but shall be used and designed for use solely to illuminate the sign to which it is accessory. The foregoing shall be construed to prohibit light bulbs, singly or in combination, used as an attraction device; strobe lights; black (i.e., ultraviolet) lights; string lights; flashing or moving lights of any kind; and similar uses of illumination as attraction devices.
- b. *Signs over Public Right-of-Way.* No portion of any sign shall be located within or suspended over a public right-of-way or pedestrian walkway except for projecting signs as permitted by this chapter.
- c. *Setback from Residential District.* No sign shall be located closer than twenty-five (25) feet to any residential zone boundary and further, shrubbery, a wall or other suitable device shall be provided as a visible barrier between the sign and adjoining residential properties.
- d. *General Provisions.* No existing sign shall be enlarged, rebuilt, structurally altered or relocated except in accordance with the provisions of this chapter and until a permit has been issued by the Building Subcode Official.
- e. *Nonconforming Signs.* Nonconforming signs may be continued in use, but may not be enlarged, relocated, altered, rebuilt (except for existing billboard), extended nor made less conforming. Failure to keep signs in good repair for a period of twelve (12) consecutive calendar months shall constitute abandonment, and such sign may not then be replaced or reused and must be removed.
- f. *Maintenance of Signs.* Construction and removal, as specified in Chapter X, Building and Housing.
- g. *Sign and Sign Structures.* All types shall be set back or elevated sufficiently to allow a clear, unobstructed line of sight from points of ingress or egress for at least four hundred (400) feet along all abutting streets and highways

h. *Removal of Abandoned Signs.* It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign either immediately or within thirty (30) days of the closure of the business for which the sign represents. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure and structural trim. Where the owner of the property on which an abandoned sign is located fails to remove such sign in a timely manner, the Building Official may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the City may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

Section 2. The remaining provisions of the Chapter hereby amended and supplemented shall continue in full force and effect to the same extent as if herein fully repeated.

Section 3. If any section, subsection, provision, clause, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 5. This ordinance shall take effect in the manner provided by law.

PASSED:

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President of Council

APPROVED:

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Mayor

ATTEST:

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City Clerk