

CHAPTER 22 POSTING OF POLITICAL SIGNS AND/OR PROMOTIONAL SIGNS

Editor's Note: This text was originally adopted by Ord. 6 S+FH, 11-17-86 as Chapter 21A and as amended by Ord. 6 S+FH, 6-7-89 and Ord. 6 S+FF, 9-20-89. Ord. 6 S+FA, 8-3-94 repealed Chapter 21A and established new regulations.

29:22-1. DEFINITIONS.

As used in this chapter:

Candidate shall mean any person seeking any public office by election from voters in the City of Newark.

City shall mean the City of Newark, a Municipal Corporation in the State of New Jersey.

Director of Neighborhood and Recreational Services shall mean the Director of Neighborhood and Recreational Services.

Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

Political campaign sign shall mean any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but does not mean or include any billboard owned or maintained by a commercial firm or advertising company.

Promotional sign shall mean any sign which attempts to promote, popularize and/or sell any product, social event or activity such as concerts, sporting events or discotheques in order to generate income.

Public property shall mean all publicly owned property including but not limited to public buildings and parks.

Sign shall mean and include any bill, poster, placard, handbill, flyer, painting, sign or other similar object in any form whatsoever which contains printed or written matter in words, symbols, or pictures, or in any combination thereof.

(Ord. 6 S+FA, 8-3-94 § 22:21A-1)

29:22-2. POSTING ON THE PUBLIC EASEMENT PROHIBITED.

It shall be unlawful for any person to post a political campaign and/or promotional sign on any street, sidewalk or curb, and no political campaign and/or promotional sign shall be affixed to any tree, shrub, utility pole, light pole, telephone pole, traffic control device, mail box, fire hydrant or other structure lying in or over a public easement. (Ord. 6 S+FA, 8-3-94 § 22:21A-2)

29:22-3. POSTING ON PUBLICLY-OWNED PROPERTY PROHIBITED.

It shall be unlawful for any person to post a political campaign and/or promotional sign on or over any public property in the City. (Ord. No. 6 S+FA, 8-3-94 § 22:21A-3)

29:22-4. POSTING ON PRIVATELY-OWNED PROPERTY.

It shall be unlawful for any person to post a political campaign and/or promotional sign on private property except in compliance with the following provisions:

a. Any person seeking to post any political campaign and/or promotional sign shall obtain the written consent of the owner or tenant of the property.

b. No campaign and/or promotional signs shall be affixed to any tree, telephone pole, and/or utility pole.

c. Political campaign and/or promotional signs shall only be posted or displayed on the lawn or window of the property.

d. All political campaign and/or promotional signs shall be set back at least three (3) feet from all street lines. The dimensions of any such sign shall not exceed four (4) square feet.

e. Not more than three tenths (0.3) of the square footage of any window or window display area shall be covered by political campaign and/or promotional signs.

f. The date on which a political campaign and/or promotional sign is initially posted or displayed shall appear on its face.

(Ord. 6 S+FA, 8-3-94 § 22:21A-4)

29:22-5. IDENTIFICATION.

All political campaign and/or promotional signs shall clearly identify the person responsible for posting same. Persons utilizing volunteers to post or remove the political campaign and/or promotional signs will be held responsible for the actions or omissions of the volunteers. (Ord. 6 S+FA, 8-3-94 § 22:21A-5)

29:22-6. CERTIFICATION.

Any person on behalf of whom political campaign and/or promotional signs are posted shall certify to the Director of Neighborhood and Recreational Services that such signs shall be maintained in accordance with the provisions of this chapter and that such signs shall be removed within the time described in this chapter for the removal of such signs or within twenty-four (24) hours upon written notice that such sign or signs have been posted in violation of this chapter. Any person benefiting from any political campaign signs and/or promotional signs shall file a certification with the Director of Neighborhood and Recreational Services in the City of Newark indicating his/her home address, telephone and place of business. The City Clerk shall give a copy of the certification application form and this ordinance to every person required to file for same.

It shall be unlawful for any person to post a political campaign and/or promotional sign more than sixty (60) days prior to the happening of the event or activity for which the sign is posted, and it shall be unlawful to fail to remove a promotional sign within ten (10) days after such event or activity for which the sign was posted. (Ord. 6 S+FA, 8-3-94 § 22:21A-6)

29:22-7. DEPOSIT.

Any person who intends to allow posting or affixing of promotional signs to property or on behalf of whom such signs are posted shall deposit with the Director of Neighborhood and Recreational Services one thousand (\$1,000.00) dollars for discotheque, sporting events and concerts; five hundred (\$500.00) dollars for product productions; and two hundred fifty (\$250.00) dollars for garage sales or other promotions which will be used to defray the cost of the removal of promotional signs left affixed to property in violation of this chapter. The sum will be refunded if the promotional signs have been removed in conformity with the provisions of this chapter.

Candidates seeking political office shall be exempt from depositing with the Director of Neighborhood and Recreational Services the sum of one thousand (\$1,000.00) dollars to defray the cost of the removal of political campaign signs. (Ord. 6 S+FA, 8-3-94 § 22:21A-7; Ord. 6 S+FB, 1-17-96)

29:22-8. PROHIBITED CONDUCT.

The failure of any person after being notified personally or by way of regular or certified mail within twenty-four (24) hours to:

- a. Remove any political and/or promotional signs posted illegally on his/her behalf; or
- b. File a certification with the Director of the Department of Neighborhood and Recreational Services; or
- c. Deposit a security sum as required by this chapter shall constitute a violation of this chapter. (Ord. 6 S+FA, 8-3-94 § 22:21A-8)

29:22-9. UNLAWFUL POLITICAL CAMPAIGN AND/OR PROMOTIONAL SIGNS; PUBLIC NUISANCE.

Political campaign and/or promotional signs in violation of this chapter are hereby declared to be public nuisances and may be abated as such by the City. The collecting of the security deposit shall not preclude a complaint for violating this chapter. (Ord. 6 S+FA, 8-3-94 § 22:21A-9)

29:22-10. PENALTY.

Any person found to be in violation of the provisions of this chapter or who has failed to comply with any of its requirements shall, upon conviction, be fined in the amount of one hundred (\$100.00) dollars or in an amount not to exceed one thousand (\$1,000.00) dollars or may be imprisoned for a term not to exceed ninety (90) days or may be ordered to participate in a program of community service not to exceed ninety (90) days or all of the above.

Each day that Court finds that the chapter has been violated after the defendant has received a notice of the violation shall constitute a separate violation of this chapter for which a separate penalty shall be imposed. (Ord. 6 S+FA, 8-3-94 § 22:21A-10; Ord. 6 S+FE, 11-20-95 § 22:21A-10; Ord. 6 S+FL, 1-3-96)