

**BOROUGH OF ALLENDALE
COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORDINANCE 19-11

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 270-33
OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED
“AWNING, CANOPIES AND MARQUEES”**

BE IT ORDAINED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Chapter 270-33, entitled “Awnings, canopies and marquees”, of the Code of the Borough of Allendale be, and hereby is, amended, supplemented and revised in its entirety to read as follows:

§ 270-33 Awnings, canopies and marquees.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

AWNING

Any structure of any material with an extendable or retractable frame attached to a building or structure and projecting over a public or quasi-public right-of-way or sidewalk which is so constructed as to rest against the building when not in use.

CANOPY or MARQUEE

Any structure of any material of a permanent or fixed construction which is attached to a building or structure and which permanently extends over a public or quasi-public right-of-way or sidewalk.

B. Site plan application.

- (1) Awnings, canopies and marquees are deemed to be structural components of any building, and no site plan approval for any building or structure shall be granted until the applicant has set forth the information required by Subsection E, Permit procedure, and presented to the Land Use Board plans setting forth how the same shall be located upon the building or structure to which it is to be attached so that the Land Use Board may determine and ensure compliance with the requirements of this chapter.
- (2) No modification, repair (other than normal maintenance), reconstruction, relocation or alteration of a structure or structural component of an existing awning, canopy or marquee shall be permitted unless an application has been filed and presented to the Construction Code Official for approval, setting forth the information required by Subsection E, Permit procedure, and how the same shall be located upon the building or structure to which it is to be attached so that the Construction Code Official may determine and ensure compliance with the requirements of this chapter.

C. Prohibitions.

- (1) No structural support may extend from the building above the top surface of the awning, canopy or marquee.
- (2) No awning, canopy or marquee shall be of more than three colors, inclusive of any color used for the permitted lettering or logo. White and black shall be deemed to be colors.
- (3) No lettering, signs, symbols or logos are permitted on any part of the awning, canopy or marquee, except that lettering constituting the name of the business conducted on the premises and/or a logo

symbol shall be permitted and such name and/or logo symbol shall be deemed to be a sign. Address number(s) shall be required.

- (4) No lettering, logo or symbol identifying the business shall exceed twelve inches in height. The address numbers shall not exceed six inches and be located within the bottom 1/3 of the awning, canopy or marquee. Any business identifying lettering, logo or symbol, existing as of July 1, 2019 on any existing awning, canopy or marquee, shall be exempt from any height restrictions set forth in this Section 270-33(C)(4), provided however that any modification, repair, reconstruction, relocation or alteration of such preexisting lettering, logo or symbol after July 1, 2019 shall be subject to the foregoing limitations of this § 270-33(C)(4).
- (5) No awning, canopy or marquee shall be permitted which will be in such a form or presented in such a manner as may confuse or dangerously distract motorists within view thereof.
- (6) No awning, canopy or marquee shall be constructed in such a manner so as to permit the framework or structure to be viewed from either end, and, where necessary, the ends shall be enclosed with the same material used to construct the canopy or awning.
- (7) No awning, canopy or marquee shall be backlighted or be constructed of any material which permits the passage of light or allows light to be seen through the material so as to illuminate the exterior of the awning, canopy or marquee.
- (8) No awning, canopy or marquee shall be permitted to extend above the height of the first floor in a two- or more story building, or 15 feet in a one-story building, except that individual awnings, canopies or marquees may be erected over windows located on floors above the first floor.
- (9) No awning, canopy or marquee shall be supported from the ground where such support rests upon or interferes with public property or a public right-of-way.
- (10) No awning, canopy or marquee shall be affixed to any commercial building or structure in any zone district so as to have a minimum height of less than seven feet from the ground at any point; nor shall any awning extend more than five feet from the building or structure to which it is attached or four feet in the case of a canopy or marquee.

D. Maintenance.

- (1) All awnings, canopies or marquees shall be maintained in a clean and neat-appearing condition, and such maintenance, where applicable, shall include regular cleaning and removal and repainting of any chipped or blistered paint or replacement of fabric or material which is cracked, torn, ripped or otherwise disintegrating.
- (2) Any awning, canopy or marquee which no longer identifies a bona fide business shall be taken down and removed or modified by the owner of the premises within 30 days after such business has ceased, and any permits or approvals therefor shall be deemed to have expired at such time.
- (3) If the Construction Code Official finds that any awning, canopy or marquee has been erected in such a manner or has deteriorated to such a degree as to be unsightly or to constitute a hazard to the general public, the hazard shall be eliminated within 24 hours and the awning, canopy or marquee shall be removed or repaired to the satisfaction of the Construction Code Official within seven days after written notice of such condition has been served upon the owner, owner's agent, lessee or occupant. Failure to comply therewith shall be a violation of this Zoning Code and subject the offender to its penalties.

E. Permit procedure.

- (1) No awning, canopy or marquee (unless otherwise specifically provided herein) shall be erected


without first having obtained a permit from the Construction Code Official and, whenever necessary, an approval as required herein by the Land Use Board. Applications for said permit shall be made in writing and shall set forth the following information:

- (a) The name, address and telephone number of both the applicant and the owner of the premises.
 - (b) The location of the building upon which the awning, canopy or marquee is to be erected.
 - (c) The proposed location and position of the awning, canopy or marquee, including its relationship to adjoining buildings or structures, height from grade and distance from property line located on a survey.
 - (d) A sketch or drawing showing all dimensions, coloration and lettering.
 - (e) Materials and details of construction.
- (2) Application for a permit for the erection of an awning, canopy or marquee shall be to the Construction Code Official. Where the awning, canopy or marquee is a new part of the structure of the building and the subject of a site plan application or where the structure or canopy has been altered, relocated or otherwise reconstructed and is the subject of an amended site plan, prior approval from the Land Use Board is required. Nothing herein shall prevent the Land Use Board from reviewing such information as it deems necessary with regard to any application before it to ensure compliance with the provisions of this chapter and any other applicable ordinance.
- (3) The normal maintenance, cleaning and repair of an awning, canopy or marquee shall not require a permit.
- (4) Any approvals granted by the Land Use Board under the provisions of this section may, at the option of said Board, be specifically conditioned upon the approval of the Construction Code Official.
- (5) Every application, except that made by a municipal, county or state authority or agency, shall be accompanied by a fee as prescribed by Chapter 100, Building Construction.

BE IT FURTHER ORDAINED that, except as modified herein, all other provisions of Chapter 270 shall remain in full force and effect as previously adopted.

	Motion	Second	Yea	Nay	Absent	Abstain
Homan					✓	
O'Connell	✓		✓			
O'Toole			✓			
Sasso			✓			
Strauch		✓	✓			
Wilczynski			✓			
Bernstein						

I hereby certify the above to
be a true copy of an Ordinance
adopted by the Governing Body
of the Borough of Allendale on
July 25, 2019


Anne Dodd, RMC
Municipal Clerk


Mayor Ari Bernstein