

# **Chapter 10**

## **Health and Safety**

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**Part 1****Vegetation Nuisance****§10-101. Vegetative Growth a Nuisance Under Certain Conditions.**

1. No person, firm or corporation, owning or occupying any property within the Township shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of 48 inches ; nor shall any noxious weeds prohibited by the Noxious Weed Control Law, 3 P.S. §255.8, or by regulations of the Department of Agriculture be permitted to grow within the Township including:

- A. Marihuana.
- B. Chicory, succory or blue daisy.
- C. Canadian thistle.
- D. Multiflora rose.
- E. Johnson grass.
- F. Musk thistle.
- G. Bull thistle.
- H. Jimson weed.
- I. Mile-a-minute.
- J. Kudzu vine.
- K. Shattercane.

2. Any grass, weeds or other vegetation growing upon any premises in the Township in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Township.

*(Ord. 1-2004, 6/21/2004)*

**§10-102. Responsibility for Removing, Cutting or Trimming.**

The owner of any premises, or the occupant of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of §10-101.

*(Ord. 1-2004, 6/21/2004)*

**§10-103. Notice to Remove, Trim or Cut; Municipality May Do Work and Collect Cost and Additional Amount.**

The Board of Supervisors, or any officer or employee of the Township designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of §10-101 of this Part, directing and requiring such occupant to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this Part, within 30 days after issuance of such notice. Whenever, in the judgment of the

Enforcement Officer/Inspector it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Board of Supervisors or any officer or employee of the Township designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 30 days. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Board of Supervisors may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a penalty of 10% of the cost thereof shall be collected by the Township from such person, firm or corporation, in the manner provided by law.

*(Ord. 1-2004, 6/21/2004)*

**§10-104. Penalties for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 1-2004, 6/21/2004)*

**Part 2****Motor Vehicle Nuisances****§10-201. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

*Lessee* - owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

*Motor vehicle* - any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

*Nuisance* - any condition, structure, or improvement which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Township.

*Owner* - the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association, or corporation.

*Person* - a natural person, firm, partnership, association, corporation, or other legal entity.

2. In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 1-2004, 6/21/2004)

**§10-202. Motor Vehicle Nuisances Prohibited.**

1. It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Township. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin haborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal haborage.
- D. Any body parts with sharp edges including holes resulting from rust.
- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and/or vermin haborage.
- G. Broken head-lamps or tail-lamps with sharp edges.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- I. Protruding sharp objects from the chassis.
- J. Broken vehicle frame suspended from the ground in an unstable manner.
- K. Leaking or damaged oil pan or gas tank which could cause fire or

explosion.

- L. Exposed battery containing acid.
- M. Inoperable locking mechanism for doors or trunk.
- N. Open or damaged floor boards including trunk and fire-wall.
- O. Damaged bumpers pulled away from the perimeter of vehicle.
- P. Broken grill with protruding edges.
- Q. Loose or damaged metal trim and clips.
- R. Broken communication equipment antennae.
- S. Suspended on unstable supports.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the Township.

(Ord. 1-2004, 6/21/2004)

**§10-203. Storage of Motor Vehicle Nuisances Permitted.**

1. Any person, owner or lessee who has one or more (no more than two) motor vehicle nuisances as defined in §10-202 above may store such vehicle(s) in the Township only in strict compliance with the regulations provided herein. Such person, owner or lessee must, first, apply for a permit for either temporary (no more than 90 days) or permanent storage and pay a fee to the Township pursuant to a resolution of the Board of Supervisors. A temporary permit may be renewed at the discretion of the Board of Supervisors. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within an opaque fence at least 6 feet high which is locked at all times when unattended.

2. With the special approval of the Board of Supervisors motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least 6 feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed 1200 square feet.

3. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Township Zoning Ordinance [Chapter 27].

(Ord. 1-2004, 6/21/2004)

**§10-204. Inspection of Premises; Notice to Comply.**

1. The Township Board of Supervisors or their designee is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

(Ord. 1-2004, 6/21/2004)

**§10-205. Authority to Remedy Noncompliance.**

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 1-2004, 6/21/2004)

**§10-206. Hearing.**

1. Any person aggrieved by the decision of the Board of Supervisor's designee may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Board of Supervisors within 10 days after notice of the designee's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the designee.

(Ord. 1-2004, 6/21/2004)

**§10-207. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1-2004, 6/21/2004)

**§10-208. Remedies not Mutually Exclusive.**

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Supervisors.

(Ord. 1-2004, 6/21/2004)





**Part 3****Abandoned Appliance Nuisances****§10-301. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

*Lessee* - owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

*Nuisance* - any condition, structure, or improvement which shall constitute a threat or potential threat to the health, safety, or welfare of the citizens of the Township.

*Owner* - the actual owner, agent or custodian of the property on which machinery, equipment or materials are stored, whether individual or partnership, association, or corporation.

*Person* - a natural person, firm, partnership, association, corporation, or other legal entity.

2. In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 1-2004, 6/21/2004)

**§10-302. Storage of Nuisances Prohibited.**

1. It shall be unlawful for any person to store or maintain abandoned, unused, stripped, damaged and generally unusable appliances, machinery or equipment, or construction materials in the open on private property. Such storage shall constitute a nuisance and/or health hazard if any of the following conditions exist:

A. Broken glass or metal parts with sharp or protruding edges.

B. Containers which are conducive to the harboring and growth of vermin or animals.

C. Storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt, or fall from its original storage position.

D. Containers of any liquid or material of a hazardous or potentially hazardous nature, including, but not limited to, gasoline, oil, battery acids, refrigeration agents, and poisons.

E. Any other condition which shall threaten the health, safety or welfare of the citizens.

F. Refrigerators with the doors remaining attached.

2. A mobile home or manufactured home which is not affixed to the real estate and which exhibits, contains or presents any of the nuisance factors enumerated in subsection 1.A through .1.B of this Section shall be subject to the provisions of this Part and shall only be stored in accordance with the provisions of this Part.

(Ord. 1-2004, 6/21/2004)

**§10-303. Storage Requirements.**

1. Storage of such items as listed in §10-302 hereof on private property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Township ordinances, or in State or Federal laws. Each person, owner or lessee desiring to store items described in §10-302, shall apply for a permit for either temporary or permanent storage and pay a fee to the Township pursuant to a resolution of the Board of Supervisors. Such nuisance(s) must be stored within a garage or other enclosed building or, outside, within an opaque fence at least 6 feet high which is locked at all times when unattended.

2. With the special approval of the Board of Supervisors nuisances may also be stored outside in an area enclosed by a chain link fence, at least 6 feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, the appliances, machinery, equipment, or construction materials shall be kept free of vermin infestation while being stored; and all gas, oil or other potentially hazardous substances shall be removed. The total area of storage of such nuisances may not exceed 600 square feet.

3. Nothing herein shall be construed to permit the storage of appliance, machinery, equipment, or material nuisances contrary to the provisions of the Township Zoning Ordinance [Chapter 27].

*(Ord. 1-2004, 6/21/2004)*

**§10-304. Inspection of Premises; Notice to Comply.**

1. The Board of Supervisors or their designee is hereby empowered to inspect private property on which appliances, machinery, equipment, and/or various construction materials are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a danger to the health, safety, or welfare of the public, they shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the condition as set forth in the notice within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

*(Ord. 1-2004, 6/21/2004)*

**§10-305. Authority to Remedy Noncompliance.**

If the owner of property on which appliances, machinery, equipment, and/or construction materials are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 1-2004, 6/21/2004)

**§10-306. Hearing.**

1. Any person aggrieved by the decision of the Board of Supervisors' designee may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Board of Supervisors within 10 days after notice of the Board of Supervisors' designee decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of their designee.

(Ord. 1-2004, 6/21/2004)

**§10-307. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1-2004, 6/21/2004)

**§10-308. Remedies not Mutually Exclusive.**

The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Supervisors.

(Ord. 1-2004, 6/21/2004)



**Part 4****Outdoor Lighting****§10-401. Title.**

An ordinance establishing regulations, specifications and restrictions for the use and/or installation of outdoor lighting in the Township.

(*Ord. 12-10-12(B)*, 12/10/2012, §101)

**§10-402. Short Title.**

This Part shall be known as, and may be cited as the “Outdoor Lighting Ordinance.”

(*Ord. 12-10-12(B)*, 12/10/2012, §102)

**§10-403. Purpose.**

To require and set minimum standards for outdoor lighting to:

A. Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.

B. Protect drivers and pedestrians from the disabling glare of non-vehicular light sources.

C. Protect neighbors and the night sky from nuisance glare and light trespass from improperly selected or poorly aimed, placed, applied, maintained or shielded light sources.

D. Promote energy efficient lighting design and operation.

E. Protect and retain the intended character of the various portions of the Township.

(*Ord. 12-10-12(B)*, 12/10/2012, §103)

**§10-404. Applicability.**

1. All uses within the Township where there is interior or exterior lighting that creates a nuisance or hazard as viewed from outside, or exterior lighting that creates a nuisance when viewed from inside including, but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.

2. The Township may, in its sole discretion, require the illumination of residential subdivisions in accordance with §10-406.6 below.

3. The Township may, in its sole discretion, require lighting to be incorporated for other uses or locations or may restrict lighting in any of the above uses, as deemed necessary.

4. The glare-control requirements herein contained apply to lighting in all uses, applications and locations.

5. Temporary seasonal decorative lighting is exempt from all but the glare-control

requirements of this Part.

6. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency as described in NFPA 75 and NFPA 101, are exempt from the requirements of this Part.

(Ord. 12-10-12(B), 12/10/2012, §104)

#### **§10-405. Definitions.**

*Cutoff*—a lighting fixture from which no more than 2.5% of its lamp's intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of its lamp's intensity is emitted between 80 degrees and that horizontal plane.

*Footcandle*—a unit of incident light stated in lumens per square foot and measurable with an illuminance meter, aka footcandle or light meter.

*Full cutoff*—a lighting fixture from which none of its lamp's intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted between 80 degrees and that horizontal plane.

*Fully shielded*—a lighting fixture, from which, in the installed position, none of its light output, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture (excepting only incidental reflections from supporting brackets or arms), is projected above a horizontal plane through the fixture's lowest light-emitting part, as determined by photometric test or certified by the manufacturer. Any structural part of the fixture providing this shielding shall be permanently affixed.

*Glare*—the sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye.

*Illuminance*—the quantity of incident light measured in footcandles.

*Light trespass*—light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

*Lumen*—the light-output rating of a lamp (light bulb), as used in the context of this Part.

*Luminaire*—a complete lighting unit.

*Shielded*—the description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts or visors.

(Ord. 12-10-12(B), 12/10/2012, §105)

#### **§10-406. Lighting Criteria.**

##### *1. Illumination Levels.*

A. Lighting, where required by this Part or otherwise required by the Board of Supervisors, shall have illuminances and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook and relevant recommended practices or as otherwise specified herein.

B. Future amendments to said Lighting Handbook and recommended practices shall become a part of this Part without further action by the Township.

2. *Lighting Fixture Design.*

A. Luminaires shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Township.

B. For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, areas of vehicular and pedestrian passage, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, paths, site entrances and parking areas, luminaires shall be aimed straight down and shall be full cutoff or fully shielded, unless the aggregate wattage per luminaire does not exceed the output of a standard non-directional 40-watt incandescent lamp, i.e., 500 lumens, in which case non-cutoff fixtures shall be permitted.

(1) For the lighting of non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, fountains, displays, flags and statuary, the use of lighting fixtures that are not full cutoff or fully shielded, shall be permitted only with the approval of the Board of Supervisors, based upon acceptable shielding and other glare control (approval shall not be required if the aggregate wattage per fixture does not exceed the output of a standard non-directional 40-watt incandescent lamp, i.e., 500 lumens).

(2) "Barn lights," aka "dusk-to-dawn lights," shall not be permitted where they are visible during hours of darkness from a residential use, unless fitted with a reflector or other shielding device to block direct viewing of the light source from the adjacent use.

3. *Control of Nuisance and Disabling Glare (Excessive Brightness in the Field of View).*

A. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

B. Floodlights and spotlights that are not full-cutoff or fully shielded, where specifically approved by the Township, shall be so installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.

C. Unless otherwise permitted by the Township, e.g., for safety or security or all-night commercial/industrial operations, lighting for commercial, industrial, public recreational and institutional applications shall be controlled by programmable timers that accommodate seasonal and annual variations and battery or mechanical (e.g., spring-wound) backup, to permit extinguishing sources between 11 p.m. and dawn or within 1 hour of the close of business, whichever is earlier, to

conserve energy and to mitigate nuisance glare and sky-lighting consequences.

D. Security lighting proposed for use after 11 p.m. or after the normal hours of operation for commercial, industrial, institutional or municipal applications, shall be accomplished using no more than 25% of the number of fixtures used during normal business hours, from then until the start of business in the morning. Alternatively, where reduced but continued activity requires even illumination, the use of dimming circuitry to reduce illumination levels by 75% after 11 p.m. or after normal business hours, shall be permitted.

E. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

F. The level of illumination projected onto a residential use from another property shall not exceed 0.1 initial vertical footcandle, measured line-of sight at any point on the receiving property. The level of illumination projected onto a nonresidential use shall not exceed 1.0 initial vertical footcandle measured line of sight at the property line.

G. Directional fixtures for such applications as façade, fountain, feature and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated, shall be extinguished between the hours of 11 p.m. and dawn and shall not be in conflict with the Township's aim to maintain its intended character.

H. Only the United States and the State flag shall be permitted to be illuminated from dusk till dawn and each flag shall be illuminated by a source or sources with a beam spread no greater than necessary to illuminate the flag. Flag lighting sources shall not exceed 7,000 lumens per flagpole.

I. The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited during hours of darkness, except as specifically required by FAA.

J. Canopy lighting, for such applications as gas/service stations, bank, drugstore and fast-food drive-through, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be level with or below the light source. The average maintained illumination in the area directly below the canopy shall not exceed 20 initial footcandles, with no value exceeding 30 initial footcandles.

K. Temporary residential holiday lighting is exempt from the requirements of this Section except as it creates a hazard or nuisance.

#### 4. *Agricultural Use Criteria.*

A. For agricultural uses, the following criteria shall apply:

(1) No lighting shall be permitted that shines directly onto an adjacent residential use.

(2) No lighting shall be permitted that creates a hazard by shining onto a public right-of-way.

(3) Floodlights and other directional luminaires whose lamp and/or



reflective surfaces are visible from an adjacent residential use shall be extinguished by no later than 11 p.m. or controlled by a motion sensor.

5. *Recreational Uses.*

A. When facilities for such outdoor recreational activities as baseball, tennis, football, miniature golf or any other recreational use permitted under the Township's Zoning Ordinance [Chapter 27], are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply.

(1) Lighting shall be accomplished only through the use of luminaires conforming to IESNA full-cutoff criteria, or as otherwise approved by the Township based on suitable control of glare and light trespass.

(2) For new recreational facilities and for recreational facilities wishing to change their hours of operation during hours of darkness, sporting events shall be timed so that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 11 p.m., regardless of such occurrences as extra innings or overtimes.

(3) Trap shooting facilities, golf driving ranges and race tracks shall not be illuminated unless it can be demonstrated that such lighting will not create a nuisance, shine on or into any nearby residential properties or be visible to traffic on any nearby streets, roadways, or institutional or commercial parking lots. In any case, if lighting is permitted at these facilities, it shall not be accomplished by using any horizontally aimed fixtures or floodlights nor shall these fixtures be aimed at an angle greater than 45 degrees from vertical.

(4) The outdoor recreational activities listed below shall not be illuminated if located within any residential district or sited on a nonresidential property located within 1,200 feet of a residential use.

(5) Maximum mounting heights for recreational lighting shall be in accordance with the following:

(a) Basketball.	20 feet
(b) Football.	70 feet
(c) Soccer.	70 feet
(d) Baseball.	70 feet
(e) Little League Baseball.	
1) 200-foot Radius.	60 feet
2) 300-foot Radius.	70 feet
(f) Miniature Golf.	20 feet
(g) Tennis.	20 feet
(h) Track.	20 feet

6. *Street and Parking Lot Lighting for Residential Applications.*

A. For residential developments where lot sizes are on average less than 20,000 square feet, street lighting shall be provided as follows:

(1) At the intersection of public roads with entrance roads to the development.

(2) At the intersection of roads within the development.

(3) At cul-de-sac bulb radii.

(4) At terminal ends of center median islands having concrete structure curbing, trees, signs or other fixed objects, and at cul-de-sac center islands with curbing.

(5) At defined pedestrian crossings located within the development.

(6) At other locations along the street as deemed necessary by the Board of Supervisors but in no case shall lighting fixtures be spaced more than 500 feet apart.

(7) Where lot sizes permit the parking of less than two vehicles on the lot, thereby necessitating on-street parking, street lighting shall be provided along the length of the street.

(8) In multi-family developments, common parking areas shall be illuminated.

B. In residential developments with lots of less than 20,000 square feet, where six or more contiguous parking spaces are proposed, such spaces shall be illuminated.

7. *Signs and Billboards.*

A. For the lighting of billboards and externally illuminated signs, fixtures shall be designed, fitted and aimed to limit the light pattern to the sign or billboard, so as not to project their output into the windows of neighboring residences, adjacent uses, past the face of the billboard or sign, skyward or onto a public roadway.

B. Billboards and externally illuminated signs shall be lighted by fixtures mounted at the top of the billboard or sign and aimed downward.

C. Billboards and signs, whether on or off premises, shall be automatically extinguished by 11 p.m. except that signs for businesses that remain open past 11 p.m. shall be allowed to be automatically extinguished no more than 1 hour past the close of business.

D. The maximum initial illumination on the face of an externally illuminated billboard or sign shall not exceed 30 vertical footcandles and shall have a maximum to minimum uniformity ratio not to exceed 6:1.

E. The illumination of billboards shall be limited to commercial and industrial zoning districts.

F. The illumination of billboards within 400 feet of a residential zone or use shall not be permitted.

G. Rotating, flashing, pulsing, "marching" or oscillating light sources, lasers, beacons or strobe lighting shall not be permitted.

H. LED billboard and sign lighting shall only be permitted in commercial and industrial districts, shall be static, shall not be allowed to operate between 11 p.m. and dawn when located where visible from a residential district or use, and shall not be located within 1,000 feet of an approaching interchange or traffic-merging lanes on a limited-access roadway. Except for time and weather signs, the digital message shall not be permitted to change more than once each half hour. During hours of darkness, the LED output shall be automatically reduced to a level that does not create glare. The sign or billboard nighttime brightness shall be capable of being further dimmed if the Township requires a reduction in brightness when the lighting is judged to create a nuisance or hazard.

I. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.

J. The lighting or relighting of signs or billboards shall require a building permit, which shall be granted only when the Township is satisfied that excessive illumination, light pollution, glare and light trespass have been mitigated to the extent possible.

K. Applications for the lighting or relighting of signs and billboards shall be accompanied by a point-by point plot of initial vertical illuminance on the sign or billboard face, catalog cuts of proposed fixtures and any glare reduction devices and a description of lamps, mounting locations, aiming angles and proposed hours of operation and method for automatically extinguishing the lighting by the required hour.

8. *Installation.*

A. Electrical feeds for pole-mounted fixtures shall be run underground, not overhead.

B. Poles supporting luminaires for the illumination of parking areas and located within the parking area or directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be suitably protected by being placed a minimum of 5 feet outside paved area or tire stops, or placed on concrete pedestals at least 30 inches high above the pavement or suitably shielded by steel bollards or suitably protected by other Township-approved means.

C. Pole-mounted fixtures shall be aimed straight down.

D. *Mounting Heights.* The following maximum fixture mounting heights shall prevail:

(1) Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted in excess of 20 feet above finished grade of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically allowed by the Township, shall not be mounted in excess of 16 feet AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, the Township may, at its sole discretion, based partially on mitigation of potential off-site impacts, allow a luminaire mounting height not to exceed 25 feet AFG.

(2) Mounting heights of 25 feet shall not be permitted when located less

than 100 feet from a residential district or use.

E. Pole foundations shall be designed by a structural or civil engineer taking into account luminaire projected areas, wind loading and local soil conditions.

9. *Post-Installation Inspection.*

A. The Township reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this Part and approved plans, and if appropriate, to require remedial action at no expense to the Township.

(Ord. 12-10-12(B), 12/10/2012, §106)

**§10-407. Plan Submission.**

1. For subdivision and land-development applications where site lighting is required by this Part or otherwise the Township, or proposed, lighting plans shall be submitted to the Township for review and approval with any preliminary or final subdivision/land development plan application and with any conditional use application. The Township may also require that lighting plans be submitted for building permit applications, special exception applications and zoning hearings. Lighting plans shall include:

A. A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, containing a layout of all proposed fixtures by location, mounting height and type. The submission shall include, in addition to area lighting, exterior architectural, building-entrance, landscape lighting, etc.

B. A point-by-point illuminance-grid plot on 10-foot x 10-foot centers (or as necessary for suitable legibility) of footcandles overlaid on the site plan, plotted out to 0.0 maintained footcandles, which demonstrate compliance with the light trespass, illuminance and uniformity requirements as set forth in this Part or as otherwise required by the Township.

C. The lamp lumen ratings and types, color temperature, maintenance (light-loss) factors and IES file names used in calculating the illuminance levels.

D. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole wind-loading conformance, foundation pole details and mounting methods.

E. Landscaping plans shall contain lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

2. When requested by the Township, applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and to retain the intended character of the area.

3. *Plan Notes.* The following notes shall appear on the lighting plan:

A. Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Township for review and approval prior to installation. Requests for substitutions

shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical quality and maintainability of the specified luminaires; and accompanied by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the lighting on the approved plan.

B. The Township reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this Part and as otherwise agreed upon by the Township, and if appropriate, to require remedial action at no expense to the Township.

C. Installer shall notify Zoning Officer to arrange for inspection and approval of all exterior lighting equipment, including building-mounted lighting, prior to its installation.

D. All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff or fully-shielded criteria unless otherwise specifically approved by the Township.

(Ord. 12-10-12(B), 12/10/2012, §107)

#### **§10-408. Compliance Monitoring.**

##### *1. Safety Hazards.*

A. If appropriate officers or agents of the Township judge a lighting installation, including lighting poles, creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action.

B. If appropriate corrective action has not been effected within 90 days of written notification, the Township may commence legal action as provided in §§10-410 and 10-411 below.

##### *2. Nuisance Glare and Inadequate Illumination Levels.*

A. When appropriate officers or agents of the Township judge an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Part, Township may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action.

B. If appropriate corrective action has not been effected within 90 days of notification, the Township may commence legal action as provided in §§10-410 and 10-411 below.

(Ord. 12-10-12(B), 12/10/2012, §108)

#### **§10-409. Nonconforming Lighting.**

Any lighting fixture or lighting installation legally installed and operative before the date of adoption of this Part shall be considered as a lawful nonconformance subject to the following:

A. Nonconforming lighting shall not be changed to any other nonconforming lighting, structurally altered, altered in any way that increases its degree of

nonconformance, or expanded or extended in scope.

B. Unless minor corrective action, such as reaiming or shielding, is deemed by the Township to be an acceptable alternative, a nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this Part when:

(1) It is deemed by the Township to create a safety hazard.

(2) A fixture is added or replaced with another fixture or fixtures, abandoned or relocated.

(3) There is a change in use.

C. Regardless of the requirements of paragraph .A above, nonconforming lighting fixtures and lighting installations shall be made to conform with the requirements of this Part or removed within 3 years from the effective date of this Part.

(*Ord. 12-10-12(B)*, 12/10/2012, §109)

#### **§10-410. Violations and Penalties.**

1. Any person who violates or permits a violation of this Part shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a district justice, pay a fine of not more than \$500, plus all court costs including reasonable attorney's fees, incurred by the Township in the enforcement of this Part. No judgment shall commence or be imposed, levied or payable until the date of the determination of the violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense.

2. The appropriate officers or agents of the Township are hereby authorized to seek legal and/or equitable relief, including injunction, to enforce compliance with this Part.

(*Ord. 12-10-12(B)*, 12/10/2012, §110)

#### **§10-411. Abatement of Nuisances.**

In addition to any other remedies provided in this Part, any violation of §10-406 hereof, control of nuisance and disabling glare, shall constitute a nuisance and shall be abated by the Township by either seeking mitigation of nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(*Ord. 12-10-12(B)*, 12/10/2012, §111)