

DRAFT STANDALONE

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DRAFT STANDALONE LIGHTING/NUSAINCE ORDINANCE

SECTION 1. Smithfield Township Ordinance, Chapter _____, _____ established as follows:

§ ____ Definitions. For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words in plural include the singular; and words in the singular include the plural. Any personal pronoun shall be construed so as to mean either the masculine, feminine, or neuter gender, as the context may require; and the word "shall" is always mandatory and not merely precatory.

§ _____ Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ARCHITECTUAL LIGHTING

Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

BILLBOARD

A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located - an off-site advertising sign.

FOOTCANDLE

A unit of light quantity stated in lumens per square foot and measurable with an illuminance meter, aka "footcandle or light meter."

FULL CUTOFF

A lighting fixture from which no light 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 at or above an angle 10% below that horizontal plane, at all lateral angles around the fixture.

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.

IESNA –

ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA

ILLUMINANCE

A measure of the amount of light falling onto a surface with light coming from an external light source(s). Illuminance, or illumination, is measured in units of footcandles or lux.

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LAMP

A generic term for a source of optical radiation, often called a "bulb" or "tube."

LED

Light-emitting diode.

LIGHT METER

An instrument called an illuminance meter or light meter which measures the amount of light (illuminance) being received at a location.

LIGHT TRESPASS

The level of illumination (illuminance) which the light source on one property shines onto another property. This is measured in footcandles (or lux), generally at the property line of the property receiving the light.

LUMEN

The light-output rating of a lamp (light bulb), as used in the context of this chapter.

LUMINARE

The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

LUMINAIRE SHIELDED DIRECTIONAL

A fully shielded luminaire with an adjustable mounting device allowing aiming in a direction other than straight downward.

LUMINANCE

A measure of brightness of a source emitting light such as a backlit, digital or LED sign or billboard or a surface reflecting light. Luminance, or surface brightness, is most often measured in nits, or candelas per square meter (cd/m^2) which are equivalent.

NIT

A nit is a measurement of luminance whose standard is the amount of light that one candle gives off in one square meter of area. A nit measures light force given off from a curved surface such as a light bulb or an LED. The nit is a unit of measurement that is used for "brightness" given by such sources as digital signs, displays, lighted billboards, etc.

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.

SIGN

Any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant, or insignia or any nation, state, city or other political unit nor public traffic or directional signs.

SECTION 2 APPLICABILITY.

- A) § ___ Except as described below, all outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements.

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This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

B) **LIGHTING ZONE OVERLAY DISTRICTS** shall be enforced in reference to Zoning Ordinance/SALDO §

C) **PLAN SUBMISSION REQUIREMENTS** shall be enforced in reference to Zoning Ordinance/SALDO §

a) Exemptions. The following are not regulated by this Ordinance:

- 1) Lighting within the public right-of-way or easement for the principal purpose of illuminating roads and highways. No exemption shall apply to any street lighting and to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.
- 2) Lighting for public monuments and statuary.
- 3) Repairs to existing luminaires not exceeding 25% of total installed luminaires.
- 4) Temporary lighting for theatrical, television, performance areas and construction sites;
- 5) Underwater lighting in swimming pools and other water features
- 6) Temporary lighting and seasonal lighting (e.g., Christmas Lights, Halloween decorations; or any other short-lived lighting that will be removed within a reasonable timeframe after the seasonal date of event.)
- 7) Lighting that is only used under emergency conditions
- 8) In lighting zones 1,2, and 3, low voltage landscape lighting controlled by an automatic device that is set to turn the lights off at one hour after the site is closed to the public or at 11PM.

b) **Exceptions to Lighting Control requirements.**

Lighting reductions are not required for any of the following:

- a. With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas, so long as the level of the light cannot be interpreted by the code enforcement officer as having a detrimental impact on adjacent or nearby residences.

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- b. When the outdoor lighting consists of only one luminaire.
- c. Code required lighting for steps, stairs, walkways, and building entrances.
- d. When in the opinion of the Township Supervisors, lighting levels must be maintained to protect the health, safety, and/or welfare of the community.
- e. Motion activated lighting, as long as the lights return to the off state within 10 minutes of activation from motion.
- f. Businesses that must operate on a 24 hour basis.

SECTION 3. § _____ Enforcement Officers

A. Light Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.

B. Light Control Officers may cooperate with adjacent municipalities in enforcing one another's municipal noise ordinances.

SECTION 4. § _____ Measurement Protocols

A. Light measurements made by a Light Control Officer shall conform to the procedures set forth in this ordinance and with the definition of "real property line" as contained herein. They shall use a qualified light meter for measurements.

SECTION 5. § Enforcement Provisions of this chapter may be enforced by any Enforcement Officer of the Township. Enforcement may also be by any person who, after prior notice is given as required, shall, as an affiant, institute a private criminal proceeding by filing a complaint with the District Magistrate as provided by law.

SECTION 6. § Notice Required

A. Violations determined by the Enforcement Officer of the Township. Violation of any provision of this ordinance shall be cause for a violation notice to be issued to the violator by the Enforcement Officer.

B. Prior to the filing of a fine by the Township's Enforcement Officer for violation of this ordinance, it shall be necessary to serve written notice upon the owner of the property in one of the following ways:

1. By mailing a copy of the notice to the owner by any form of mail requiring a receipt signed by the owner.
2. By personal delivery of notice to the owner.

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3. By personal deliver of notice to the violator.

C. Form to be provided. Notice required under this section must be given on a form prescribed and provided by the Township. Said required notice may be executed and served as required by the aggrieved party or by a Township official.

D. Contents of notice. A notice shall set forth the name and address of the property and the owner of the property, the nature and extent of the violation or offense, the identity of the person giving notice, the date of the sending or posting of notice, and a statement to the effect that a fine or complaint may be filed if the nuisance is not abated or if it is repeated.

E. Duration of notice. Any notice given pursuant to this section shall be valid for a period of six months. Within six months, no additional notice needs to be given prior to the filing of a fine or private complaint.

SECTION 7 LIGHTING CONTROL REQUIREMENTS.

§ This section requires all outdoor lighting to have lighting controls that prohibit operation when sufficient daylight is available, and to include the capability, either through circuiting, dimming or alternating sources, to be able to reduce lighting without necessarily turning all lighting off.

A) Automatic Switching Requirements

Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.

Exceptions to 3. Automatic lighting controls are not required for the following:

- a) Lighting under closed canopies.
- b) Lighting for tunnels, parking garages, garage entrances, and similar conditions.

B) Automatic Lighting Reduction Requirements

Smithfield Township Supervisors may establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished.

Exceptions. Lighting reductions are not required for any of the following:

- a. With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas, so long as the level of the light cannot be interpreted by the code enforcement officer as having a detrimental impact on adjacent or nearby

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residences.

- b. When the outdoor lighting consists of only one luminaire.
- c. Code required lighting for steps, stairs, walkways, and building entrances.
- d. When in the opinion of the Township Supervisors, lighting levels must be maintained.
- e. Motion activated lighting.
- f. Lighting governed by special use permit in which times of operation are specifically identified.
- g. Businesses that operate on a 24 hour basis.

- C) Directional fixtures for such applications as facade, feature and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated and shall be controlled by automatic switching devices such as clocks or a combination of motion detectors and photocells to be extinguished between the hours of 11:00 p.m. and dawn.
- D) Lighting for commercial, industrial and public recreational and institutional applications shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells to extinguish sources between 11:00 p.m. and dawn.
- E) Security lighting proposed for use after 11:00 p.m., or after the normal hours of operation for commercial, industrial, institutional or municipal applications, shall be reduced by 75% from the levels normally permitted by this chapter from then until dawn.

SECTION 8 : STANDARDS FOR CONTROL OF LIGHT AND GLARE

§ ____ **Lighting criteria.** These criteria and standards for control of light and glare shall apply, if there is a conflict between these standards and other standards in the ordinance, the most restrictive shall apply.

A. Illumination levels.

- 1. Lighting, where required by this chapter 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 current issue of:
 - IESNA RP-33 Lighting for Exterior Environments;
 - IESNA RP-6 Sports and Recreational Area Lighting;
 - IESNA RP-8 Roadway Lighting; and
 - IESNA RP-20 Lighting for Parking Facilities.

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2. These recommended practices are hereby incorporated by reference as though more fully set forth herein. Copies of the recommended practices are available for use at the Township Municipal Building.
- B. Lighting fixture/luminaire design.
- (1) Fixtures/luminaires shall be fully shielded and of a type and design appropriate to the lighting application and aesthetically acceptable to the Township.
 - (2) 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-sac, active and passive recreational areas, building entrances, sidewalks, paths, site entrances and parking areas, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria, unless the aggregate wattage per fixture does not exceed the output of a standard forty-watt incandescent lamp, i.e., 500 lumens, in which case noncutoff fixtures shall be permitted.
 - (3) For the lighting of nonhorizontal surfaces such as, but not limited to, facades, landscaping, signs, fountains, displays, flags and statuary, the use of lighting not meeting IESNA full-cutoff criteria shall be permitted only with the approval of the Board of Supervisors, or its designee, based upon full shielding and acceptable glare control.
 - (4) Barn lights, aka "dusk-to-dawn lights," shall not be permitted where they are visible from other uses unless fully shielded and fitted with a reflector to render them full cutoff.
- C. Control of nuisance and disabling glare, i.e., excessive brightness or hot spots in the field of view.
- (1) 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 public roadway or neighboring use or property.
 - (2) Floodlights and spotlights, when their use is 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.
 - (3) Glare control shall be achieved primarily through the use of such means as full shielding, cutoff fixtures, and baffles and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement as per the IESNA guidelines referenced in 10(F). Glare control shall not be employed through vegetation screens.
 - (4) Except as provided for below under recreational uses, fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of 20 feet above finished grade of the

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surface being illuminated and fixtures not meeting IESNA full-cutoff criteria, when their use is specifically approved by the Township, shall not be mounted in excess of 16 feet above grade.

- (5) Only the United States and the Pennsylvania state flag shall be permitted to be illuminated from dusk to dawn, and each flagpole shall be illuminated by a single source with a beam spread no greater than necessary to illuminate the flag(s). Flag lighting sources shall not exceed 7,000 lumens per flagpole.
- (6) 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 Federal Aviation Administration.
- (7) Canopy lighting, for such applications as gas/service stations and bank and fast-food drive-throughs, 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.
- (8) Uses that require the projection of light out at 45° or higher shall not be illuminated.

D. Installation.

- (1) For new installations, electrical feeds for pole-mounted fixtures shall be run underground, not overhead.
- (2) Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces or where they could be hit by snowplows or wide-swinging vehicles shall be placed a minimum of four feet outside paved areas or tire stops, or on concrete pedestals at least 30 inches high above the pavement, or suitably protected by other Township-approved means.
- (3) Pole-mounted fixtures shall be aimed straight down.
- (4) Electrical installation of streetlighting shall be in accordance with prevailing regulations and specifications established by the Metropolitan Edison Company. It shall be the responsibility of the installing contractor, or his agent, to have final construction inspected by an electrical inspection agency and a written report attesting to this fact submitted to the Metropolitan Edison Company, thereby allowing the utility to provide pole illumination.

E. Post-installation inspection. The Township reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this chapter and if appropriate, to require remedial action at no expense to the Township.

F. Light Spillover:

- 1) The illumination projected from any use onto a residential use or permanent open space shall at no time exceed 0.1 initial footcandle, measured line-of-sight at any time and

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from any point on the receiving residential property. This shall include glare from digital or other illuminated signs.

- 2) Nonresidential. The illumination projected from any property onto a nonresidential use shall at no time exceed 1.0 initial footcandle, measured line-of-sight from any point on the receiving property.

G. Signs and Billboards

1. 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.
2. Billboards and externally illuminated signs shall be lighted by fixtures mounted at the top of the billboard or sign and aimed downward.
3. Billboards and signs, whether on or off premises, shall be automatically extinguished by 11:00 p.m. except that signs for businesses that remain open past 11:00 p.m. shall be allowed to be automatically extinguished no more than ½ hour past the close of business.
4. Channel letter signs shall have dimming capability to allow adjustment of sign brightness when required by the Municipality to accommodate local ambient conditions.
5. 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.
6. The illumination of billboards shall be limited to commercial and industrial zoning districts.
7. The illumination of billboards within 400' of a residential zone or use shall not be permitted.
8. Rotating, flashing, pulsing, "marching" or oscillating light sources, lasers, beacons or strobe lighting shall not be permitted.
9. LED. electronic/digital billboard and sign lighting shall only be permitted in commercial and industrial districts, shall not be allowed to operate between 11:00 p.m. and dawn when located where the sign face or its light output is visible from a residential district or use. On limited access highways, sign shall not be located within 1,000 feet of an approaching interchange or traffic-merging lanes. Except for time and weather signs, digital message shall not be permitted to change more than once each 60 seconds. From 30 minutes after sunset to 30 minutes before sunrise, the LED output shall be automatically reduced to a level that does not exceed 100 nits. Where located in an area with existing high-ambient light levels but not visible from a residential use, a sign-face brightness not exceeding 200 nits may be permitted. The sign or billboard nighttime light output shall be capable of being further dimmed if municipality so requires when the lighting is judged to create a nuisance or hazard.
10. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
11. The lighting or relighting of signs or billboards shall require a Building Permit, which shall be granted only when the Municipality is satisfied that excessive brightness, light pollution, glare and light trespass have been mitigated to the extent possible.

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12. Applications for the lighting or relighting of signs and billboards shall be accompanied by a test report of maximum luminance on sign or billboard face, catalog cuts of proposed fixtures and any glare reduction devices and a description of light sources, mounting locations, aiming angles and proposed hours of operation and method for automatically extinguishing or reducing the output of the lighting by the required hour.

SECTION 9: STREETLIGHTING

A. Residential use subdivision streets.

- (1) For concentrated residential developments where lot sizes are on average less than 20,000 square feet (1/2 acre), streetlighting shall be provided as follows:
 - (a) At the intersection of public roads with entrance roads to the development.
 - (b) At the intersection of roads within the development.
 - (c) At cul-de-sac bulb radii.
 - (d) 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.
 - (e) At defined pedestrian crossings located within the development.
 - (f) At other locations along the street as deemed necessary by the Board of Supervisors.
 - (g) In residential developments where lot sizes are too small to accommodate the parking of two vehicles on the lot, thereby necessitating on-street parking, streetlighting shall be provided along the length of the street, in accordance with the illuminance requirements contained in this chapter.
 - (h) In multifamily developments, common parking areas shall be illuminated in accordance with the illuminance requirements contained in this chapter.
- (2) In residential developments with lesser density, where lot sizes are on average over 20,000 square feet (1/2 acre), streetlighting may be required as deemed necessary by the Board of Supervisors.
- (3) In residential developments where six or more off-street contiguous parking spaces are proposed for common use by several residences, such spaces shall be illuminated in accordance with the illuminance requirements contained in § _____

B. General streetlighting. The Township shall designate where lighting shall be provided for public roads. Such lighting shall be subject to the following criteria:

- (1) It shall be the responsibility of the installer or his agent to have final construction by an electrical inspection agency and a written report attesting to that fact submitted to the electric supplier/utility company with jurisdiction, thereby allowing the utility to

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provide pole illumination.

- (2) Streetlighting luminaires shall be full-cutoff and shall not be mounted higher than 20 feet above finished ground.

SECTION 10: SPORTS/RECREATION LIGHTING

When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:

- A. Recreational venues that necessitate the horizontal or near horizontal projection of illumination shall not be permitted to be artificially illuminated.
- B. Recreational facilities for basketball, baseball, football, soccer, miniature golf, tennis or track shall not be illuminated if located within 300 feet of a property containing a residential use.
- C. Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 11:00 p.m., regardless of such occurrences as extra innings or overtimes.
- D. Maximum mounting heights for recreational lighting shall be in accordance with the following:
 - (1) Basketball: 20 feet.
 - (2) Football: 70 feet.
 - (3) High school baseball: 70 feet.
 - (4) Lacrosse: 70 feet.
 - (5) Little League Baseball:
 - (a) Radius of 200 feet: 60 feet.
 - (b) Radius of 300 feet: 70 feet.
 - (6) Miniature golf: 20 feet.
 - (7) Soccer: 70 feet.
 - (8) Swimming pool aprons: 20 feet.
 - (9) Tennis: 20 feet.
 - (10) Track and field: 20 feet.
- E. When recreational facility lighting is proposed, illuminance levels shall be in accordance with IESNA recommended practices.
 - (1) High school recreational facilities shall have illuminances based on Class III play.

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- (2) All other recreational facilities shall have illuminances based on Class IV play.
- F. To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required under § ____ below, but also by a visual impact plan that contains the following:
- (1) Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.
 - (2) Elevations containing pole and fixture mounting heights, horizontal and vertical aiming angles and fixture arrays for each pole location.
 - (3) Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of five feet line-of-sight.
 - (4) Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of this chapter.
 - (5) Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
 - (6) A narrative describing the measures proposed to achieve minimum off-site disturbance.

SECTION 11: COMPLIANCE MONITORING; NOTICE OF VIOLATION

A. Safety hazards.

- (1) If the Township Code Enforcement Officer determines that a lighting installation 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.
- (2) If appropriate corrective action has not been effected and if no appeal of the determination has been filed with the Board of Supervisors within 30 days of written notification, the violation shall be deemed a strict liability offense, and the Township may commence legal action as provided in this chapter.

B. Nuisance glare and inadequate illumination levels.

- (1) When the Township Code Enforcement Officer determines an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this chapter, the Township may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action.
- (2) If appropriate corrective action has not been effected and if no appeal of the

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determination has been filed with the Smithfield Township Board of Supervisors within 30 days of written notification, the violation shall be deemed a strict liability offense, and the Township may commence legal action as provided in this chapter.

SECTION 12: NONCONFORMING LIGHTING

Any lighting fixture or lighting installation existing on the effective date of this chapter that does not conform with the requirements of this chapter shall be brought into conformance when:

- A. Minor corrective action, such as reaiming or shielding can bring conformity with the applicable requirements of the chapter.
- B. It is deemed by the Township Code Enforcement Officer to create a safety hazard or any possible other health and welfare concerns.
- C. It is replaced with another fixture or fixtures, abandoned or relocated.
- D. There is a change in use.
- E. Major Additions. If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions. Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.

Single or cumulative additions, modification or replacement of 25 percent or more of installed outdoor lighting luminaires existing as of the effective date of this Ordinance.

- F. Minor Modifications, Additions, or New Lighting Fixtures for Non-residential and Multiple Dwellings

For non-residential and multiple dwellings, all additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this Ordinance shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting shall meet the requirements of this Ordinance.

- G. Resumption of Use after Abandonment. If a property with non-conforming lighting is abandoned for a period of six months or more, then all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs

SECTION 13: VIOLATIONS AND PENALTIES; ENFORCEMENT

- A. Any person who is found to have violated an order of the Township or who willfully or negligently failed to comply with the provisions of this chapter and the orders, rules, regulations and permits issued hereunder shall be prosecuted by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Municipal Solicitor or the Code

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Enforcement Officer may assume charge of prosecution without the consent of the District Attorney as required by Pa. R.Crim.P. No. 83 (relating to trial in summary cases). The Board shall prescribe criminal fines not to exceed \$1,000 for the violation of this chapter and shall prescribe imprisonment to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

- B. The Smithfield Township Supervisors may take any appropriate action at law or in equity, civil or criminal, to enforce the provisions of this chapter, and this chapter shall in no way restrict any remedies or otherwise available and provided by law.
- C. In all actions instituted and successfully prosecuted by the Township, it shall have a further right to reimbursement from the violator for attorney's fees and costs related to the action.

SECTION 14. Severability. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

SECTION 15. Repealer. All other ordinances or parts of ordinances inconsistent herewith shall be and the same expressly are repealed.

SECTION 16. Effective Date. This Ordinance shall become effective five days after the date of enactment as provided by law.