

DRAFT STANDALONE

4.8.24

**AN ORDINANCE OF SMITHFIELD TOWNSHIP, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, ADDING ENFORCEMENT REGULATIONS RELATED TO OUTDOOR LIGHTING STANDARDS TO THE SMITHFIELD TOWNSHIP CODE OF ORDINANCES.**

**SECTION 1.** The Smithfield Township Code of Ordinances, Chapter \_\_\_\_\_, Part \_\_\_\_\_ – Enforcement of Outdoor Lighting Standards is hereby established as follows:

**§ \_\_\_ Definitions.** For the purposes of this chapter the definitions in Lighting Standards Chapter \_\_\_\_\_ of the Smithfield Township Code of Ordinances shall apply.

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.

**§ \_\_\_ Lighting Zone Overlay Districts** shall be enforced in reference to Zoning Ordinance Section § \_\_\_\_\_ and Lighting Standards Chapter \_\_\_\_\_

**§ \_\_\_ Plan Submission Requirements** shall be enforced in reference to Zoning Ordinance/SALDO § \_\_\_\_\_ and Lighting Standards Chapter \_\_\_\_\_

**§ \_\_\_ Lighting Control Requirements**  
Enforcement standards shall be referenced to Lighting Standards Chapter \_\_\_\_\_ in the Code of Ordinances.

**§ \_\_\_ Standards for Control of Light and Glare**

Enforcement standards shall be referenced to Lighting Standards Chapter \_\_\_\_\_ in the Code of Ordinances.

**§ \_\_\_ Streetlighting**  
Enforcement standards shall be referenced to Lighting Standards Chapter \_\_\_\_\_ in the Code of Ordinances.

**§ \_\_\_ Sports/Recreation**  
Enforcement standards shall be referenced to Lighting Standards Chapter \_\_\_\_\_ in the Code of Ordinances.

**§ \_\_\_ Exemptions.** shall be enforced in reference to Zoning Ordinance/SALDO § \_\_\_\_\_ and Lighting Standards Chapter \_\_\_\_\_

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**§ \_\_\_\_\_ 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.

**§ \_\_\_\_\_ 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.

**§ \_\_\_\_\_ 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.

**§ \_\_\_\_\_ 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.

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.

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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.

**§ \_\_\_\_\_ Compliance Monitoring; Notice of Violation**

Safety hazards.

- (1) If the Township Code Enforcement Officer determines that a lighting installation creates a safety or personal security hazard, or if the levels of the lighting are found to be in violation of Lighting Standards Chapter \_\_\_\_\_ in the Code of Ordinances, 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 the This section shall be referenced to Lighting Standards Chapter \_\_\_\_\_ in the Code of Ordinances, 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 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.

**§ \_\_\_\_\_ Non-Conforming Lighting. Shall be referenced to Chapter \_\_\_\_\_ in the Code of Ordinances.**

**§ \_\_\_\_\_ 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 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

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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 2. Applicability**

§ \_\_ Except as described below, all outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements.

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.

**SECTION 3. 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 4. Repealer.** All other ordinances or parts of ordinances inconsistent herewith shall be and the same expressly are repealed.

**SECTION 5. Effective Date.** This Ordinance shall become effective five days after the date of enactment as provided by law.