

**BOROUGH OF OLD TAPPAN
ORDINANCE NO. 909-06**

**AN ORDINANCE SUPPLEMENTING THE CODE
OF THE BOROUGH OF OLD TAPPAN TO RESTRICT
LIGHT SOURCES FACING NEIGHBORING PROPERTY**

BE IT ORDAINED by the Mayor and Council of the Borough of Old Tappan as follows:

Section 1. The Code of the Borough of Old Tappan is hereby supplemented with the addition of the following:

Chapter 160, LIGHTING NUISANCES

§ 160-1. Definitions.

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

FOOTCANDLE -- The amount of light from one (1) candle at one (1) foot from the source of the light.

GLARE -- Any artificial light which shines with a strong, steady or dazzling light.

LAND -- Comprehending not only buildings but the ground, soil or earth as commonly understood.

STRUCTURE -- A dwelling, barn, pole or elevated object or a building or other structured improvement on any premises of such physical size as to be capable of having attached thereto or incorporated thereon, on the exterior, artificial lighting by means of electrical, gas or other luminescent fixtures.

§ 160-2. Restrictions on light sources facing neighboring property.

- A. No artificial lighting shall shine directly upon any neighboring property or be so established that it shall shine directly upon any neighboring property or shall shine directly on or into any room or rooms, porches or patios of any neighboring property, nor shall any artificial lighting be maintained or operated from any structure or land in such a manner as to be a nuisance or an annoyance to neighboring properties or as to interfere with the physical comfort of the occupants of neighboring properties.

- B. Lights directly facing a neighboring property shall be shielded.
- C. No sources of light shall be maintained or operated in connection with any building or land in any manner or by any process or method which transmits an objectionable glare on neighboring property.
- D. In no instance will any glare be permitted if such glare originates from a light source facing any dwelling unit.
- E. The light intensity from illumination of any kind at any given location along the property line from which the light originates shall not exceed six-tenths (0.6) footcandle.

§ 160-3. Enforcement.

The provisions of this chapter shall be enforced by the Construction Official.

§ 160-4. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not less than \$200 nor more than \$1,000, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Old Tappan declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more

of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.