

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 517-2023

AN ORDINANCE AMENDING CITY CODE TO INCLUDE A PROHIBITION OF LIGHT TRESPASS WITHIN THE RESIDENTIAL ZONES IN THE CITY OF CAPE MAY

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety, and general welfare to preserve and protect against light trespass and unnecessary sky glow while promoting sound and responsible use of resources, discourage the waste of electricity and improve or maintain nighttime safety, utility and security throughout the residential zones within the City of Cape May; and

WHEREAS, in order to address these concerns, City Council has determined that it is in the best interest of the City to amend the code to prohibit certain light trespass within the residential zones in the City of Cape May; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cape May as follows:

Section 1. The Cape May City Code is hereby amended to include the following NEW SECTION entitled “Light Trespass”:

Chapter 312 Light Trespass

§ 312-1 Purpose and Intent

The purpose and intent of this chapter is to preserve and protect against light trespass and unnecessary sky glow while promoting sound and responsible use of resources, discourage the waste of electricity and improve or maintain nighttime safety, utility and security throughout the residential zones within the City of Cape May.

§ 312-2 Applicability

For the avoidance of any doubt, this Chapter is intended to regulate (a) light trespass and light pollution within the residential zones and (b) light trespass and light pollution that originates from outside a residential zone but causes an impact within an adjoining residential zone. This chapter is intended to apply and to bind the owners, tenants, occupants, guests and all other persons within the City of Cape May. This section is intended to set minimum standards to regulate and prevent light trespass. To the extent development regulations provide greater restrictions on lighting and design for fixtures and illumination, this section shall be read in addition to and not as a replacement for other applicable provisions. For example, if a property is located within the Historic District, compliance with this section does not relieve the property owner from having to comply with the Design Standards for the Historic District which may have more specific regulations on the appropriateness of fixtures and illumination ratings depending on the nature and location of the property.

As used in this chapter, “Residential Area” shall mean all residential zones.

§ 312-3 Prohibited Acts.

A. Installing or maintaining directional flood lights, spotlights, motion detector equipped lights, sconces, or other types of artificial lighting that provide a continuous concentrated beam of light extending beyond any property lines within or into any residential area. In all cases such artificial lighting shall be equipped with shielding or otherwise be arranged in such a manner as not to cause light trespass to an adjoining property. Any violation of this section shall be deemed light trespass.

B.

Notwithstanding the foregoing, any person whose Lighting complies with the following requirements shall not be found in violation of Section 312-3(A) above:

1. All fixtures shall be a shielded type of fixture. See Figure 312-6. For any property within the Historic District, the illumination, lighting, and/or fixture shall comply with the HPC Design Standards.
2. Lighting Color (Chromaticity). The correlated color temperature (CCT) of all outdoor lighting shall be 3000 Kelvin or less.
3. Intensity. Each outdoor light fixture shall be fully shielded, directed downward and shall not exceed 850 lumens (60 watt incandescent or 15 watt LED equivalent), except that shielded directional flood lighting controlled by a motion detector that automatically turns off within 10 minutes of activation caused by motion shall not exceed 1,700 lumens (100 watt incandescent or 18 watt LED equivalent)
4. Lighting for decks and patios shall only be illuminated when being utilized and shall not be illuminated after 11:00pm.
5. Fixtures that have an IDA (International Dark-Sky Association) Seal of Approval shall be considered meeting the ordinance requirements.

§ 312-4 Enforcement; complaints.

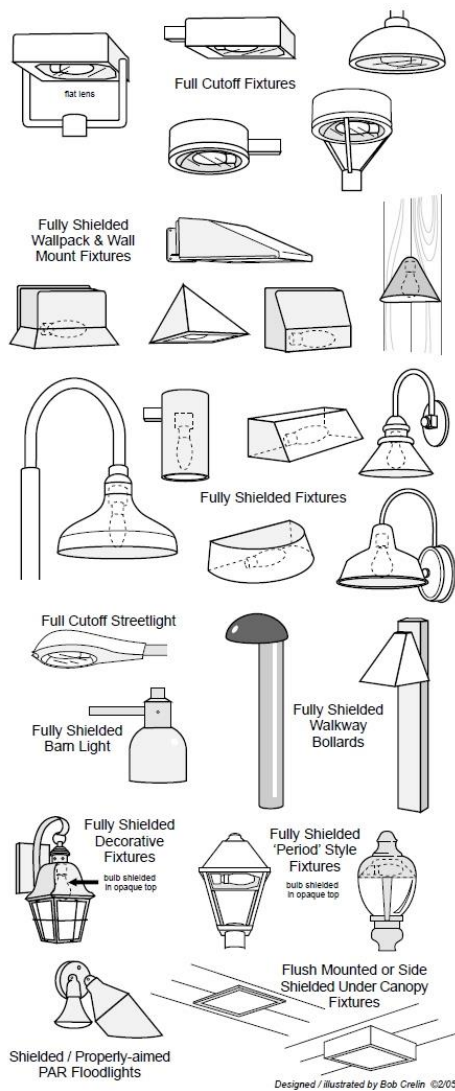
The Code Enforcement Officer shall be designated with enforcement of this section. All places and premises in the City of Cape May may be subject to inspection by the Code Enforcement Officer, however, an inspection may only be made of an alleged property if an impacted property owner files a complaint alleging that any subsection of this Section has been violated.

§ 312-5 Violations and penalties.

- A. Whenever a violation is found on any plot of land, lot or any other premises or place, prior to the issuance of a summons, a violation notice shall be given to the owner, in writing, directing removal or abatement within such time as shall be specified therein. The cost of abatement shall be borne by the property owner found to be in violation.

B. If the owner fails to comply with such notice under Section A above and within the time specified therein for removal or abatement, the City may direct issuance of a summons based on a violation of this chapter. Violations of this chapter shall be further subject to the general penalty provisions of Chapter 1, Article III of the City Code, which includes the provisions under Section 1-21 that each and every day in which a violation continues to exist will constitute a separate violation.

Figure 312-1
Examples of Shielded Fixtures



Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

Section 4. This ordinance shall take effect 20 days after passage and publication, according to law.

ATTEST:

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey

Erin C. Burke, City Clerk

BY: _____
Zachary M. Mullock, Mayor

NOTICE

Ordinance 517-2023 was introduced at a regular meeting of the City Council of the City of Cape May, held on August 15, 2023, was amended and re-introduced on September 19, 2023, and was further considered for final passage during a meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on October 17, 2023 at 5:00 P.M. at which time a Public Hearing was held.

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Yeager	X					X
Meier	X				X	
McDade	X					
Baldwin	X					
Mullock	X					

Introduced: August 15, 2023
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