

ORDINANCE NO. 2024-16

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AMENDING CHAPTER 13 ENTITLED “ZONING” AND
CREATING A NEW CHAPTER 25 OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF HARVEY CEDARS, 1975, TO BE ENTITLED “OUTDOOR
LIGHTING”**

WHEREAS, Borough of Harvey Cedars deems it appropriate, necessary, and proper for the good government, order, the protection of persons and property, and for the preservation of the public health, welfare, and safety of Borough and its inhabitants to adopt certain regulations pertaining to the regulation of certain outdoor lighting in the Borough; and

WHEREAS, Lighting Ordinances currently exist within the Borough’s Zoning Regulations Chapter; and

WHEREAS, the Board of Commissioners wish to create a dedicated lighting chapter of the Revised General Ordinances of Harvey Cedars; and

WHEREAS, other municipalities in the State of New Jersey and throughout the country have taken similar action on the grounds that outdoor lighting can constitute a nuisance and be inimical to the public health, welfare, and safety.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Harvey Cedars, Ocean County, State of New Jersey, in accordance with the aforesaid recitals, which are incorporated herein by reference, that:

Section 1. Section 13-7.11 Entitled “Lighting” located in Chapter 13 of the Revised General Ordinances of the Borough of Harvey Cedars is hereby repealed in its entirety for the purpose of moving lighting regulations to a dedicated Outdoor Lighting Chapter.

Section 2. The Revised General Ordinances of the Borough of Harvey Cedars is hereby amended to create a new Chapter 25 entitled “Outdoor Lighting” which shall read as follows:

**CHAPTER 25
OUTDOOR LIGHTING**

25-1 INTENT. The intent of this Ordinance is to regulate outdoor lighting in a manner which encourages the conservation of energy, improves or maintains the nighttime visual environment, and prevents and/or eliminates misdirected or excessive artificial light, light trespass, and/or unnecessary sky glow.

25-2 DEFINITIONS. The following words, phrases and terms as used in this chapter are hereby defined for the purpose thereof as follows.

ARTIFICIAL LIGHT SOURCE - A man-made thing or object from which light originates.

ENFORCEMENT OFFICER - The Borough Code Enforcement Officer or designee.

FOOTCANDLE - A unit of measurement of illuminance (1 footcandle equals 1 lumen per square foot of area, 450 lumens equal approximately a 40-watt bulb)

GLARE - Illuminance within the visual field of a human eye which is sufficiently greater than the intensity of illuminance to which the eye is adapted that it causes annoyance, discomfort, nuisance, and/or loss in visual performance and visibility.

ILLUMINATION - See Lighting.

ILLUMINANCE - The total amount (density) of visible light incident upon (i.e., illuminating) a point of a surface from all directions above the surface measured in footcandles (note: the “surface” may be a part, or all, of a physical object or an imaginary plane)

LIGHT FIXTURE - An electrically powered lighting device consisting of a lamp, a lamp holder, an electrical ballast (if necessary), and the means for connecting the device to an electrical power source.

LIGHT TRESPASS - Any form of illumination emanating from a light fixture or light source whether internally or externally illuminated on a property that penetrates another property and creates a nuisance, annoyance, or glare.

LIGHTING - The deliberate utilization of one or more artificial light sources to achieve an aesthetic or intended effect

LUMEN -Measurement of light output. One lumen is equal to the amount of light emitted by one candle that falls on one square foot of surface located one foot away from the candle.

OBJECTIONABLE DIRECT GLARE SOURCE - A glare resulting from artificial light sources and excessive levels of illumination or insufficiently shielded light sources emanating from light fixtures in the field of view here the lens, lamp, or reflector offensively visible above a height of 5 feet at a property line, public or private roadway. Rule of Thumb – if the lamp (bulb) is objectionably visible from outside the illuminated property’s boundary, then it’s a direct glare source. Rule of Thumb: If you must squint to see due to glare within your field of view, then it’s objectionable.

OUTDOOR LIGHTING - The lighting of areas exterior to the walls of enclosed buildings and/or within structures having open or partially open walls such as canopies, porte cocheres, pavilions, gazebos, etc., artificial lights sources and/or light fixtures.

25-2 OUTDOOR LIGHTING RESTRICTIONS

- a. All outdoor lighting shall be of a soft or glare-free type and shall not cast an illumination color which shall be distractive, obliterate, or obscure the view, or be ultraviolet, strobic, pulsating, flashing, travel, or of any unnatural kind.
- b. No outdoor lighting or outdoor light fixtures shall shine directly upon any neighboring property or into any room or rooms of structures on any neighboring property in a manner that creates glare for the occupants of any neighboring property or in such a manner that the lighting constitutes an objectionable glare source of light trespass.
- c. No outdoor wall wash soffit fixtures or other wall illumination of the building shall be permitted.
- d. No outdoor lighting shall be located on any structure adjacent to a natural body of water if such outdoor lighting creates glare, constitutes a safety hazard, or otherwise constitutes an objectionable direct glare source.

25-3 OUTDOOR LIGHTING PLACEMENT REGULATIONS

- a. Path lighting shall be placed a minimum of 18 inches from the property lot lines and shall be directed downwards or shielded to diminish glare.
- b. Landscape lighting shall be directed towards the structure located on the lot upon which it is placed.
- c. Lighting adjacent to any right-of way shall be no less than 10 feet from any curb or edge of pavement.
- d. All path or landscape lighting placed on grade, docks, or top of bulkheads shall not exceed 18 inches in height.
- e. Any flag or flagpole that is illuminated shall be illuminated by a source or sources with a beam spread no greater than necessary to illuminate the flag.

25-4 COMMERCIAL OUTDOOR LIGHTING RESTRICTIONS

All commercial properties shall comply with the lighting restrictions set forth herein.

25-5 EXCEPTIONS

- a. The outdoor lighting regulations shall not apply to the following.

- (1) Decorative holiday lighting from December 1st through the following January 15th, October 20th through November 2nd, and July 3rd through July 5th.
- (2) Temporary emergency lighting.
- (3) Outdoor lighting emitting less than 100 lumens.

25-6 ENFORCEMENT

All property owners and occupants shall control the placement and direction of all exterior lighting located within the property lot lines and ensure the lighting shall not create a nuisance, annoyance, or light trespass to adjacent properties or public right of ways. Failure to comply with the requirements set forth above shall be a violation of this Chapter. The provisions of this Chapter shall be enforced by the Enforcement Officer.

25-7 REMOVAL AND ABATEMENT

Whenever an outdoor light fixture and/or artificial light source is determined to be in violation of this Chapter, a notice of violation shall be given to the owner of the property to turn off the light immediately, and, thereafter, remove same within 30 days.

25-8 VIOLATIONS AND PENALTIES

Any person, corporation or business entity that violates or fails to comply with this section or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a minimum fine of one hundred dollars (\$100.00) for the first offense. Each day for which a violation of this section occurs after the first offense shall be considered a separate offense. Any subsequent offense conviction shall be punishable by a maximum fine of one thousand dollars (\$1,000.00).

25-9 NOTICE OF VIOLATION

Except where otherwise set forth in the specific Chapter of the Borough Code, all notices of violation of the Borough Code elected to be issued by the designated official, at the official's discretion, shall be served by either certified mail or personal service. Unless otherwise required by law, a notice of violation shall not be a precondition to the issuance and service of a summons, a summons may issue and be served without a prior notice of violation, and the service of a summons shall be in accordance with the Rules Governing Practice in Municipal Courts. In the event the designated official elects to issue a notice of violation, he or she shall possess the discretion to determine the amount of time set forth in the notice to remedy the violation prior to the issuance of a summons or the Borough's institution of an appropriate legal action in a court of competent jurisdiction.

Section 3. All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 5. This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, held on **April 15, 2024**, at 4:30 p.m. Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on **May 20, 2024**, at 4:30 p.m. at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ 08008, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

William Montag IV
Deputy Municipal Clerk