

Chapter 170

GLARE NUISANCES

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[HISTORY: Adopted by the Borough Council of the Borough of Eatontown 10-22-2008 by Ord. No. 24-2008. Amendments noted where applicable.]

GENERAL REFERENCES

Land use — See Ch. 89.

Signs — See Ch. 270.

Intersection and roadway sight obstructions — See Ch. 190.

Special events, outdoor sales and temporary displays — See Ch. 282.

§ 170-1. Definitions.

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

GLARE — The sensation produced by luminances within the visual field that are sufficiently greater than the luminance to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.

OBJECTIONABLE DIRECT GLARE SOURCE — Glare resulting from excessive levels of illumination or insufficiently shielded light sources emanating from light fixtures in the field of view where the lens, lamp or reflector is offensively visible above a height of five feet at a property line or a public roadway.

SPECIAL CODE ENFORCEMENT OFFICER — The officer designated by separate ordinance to enforce all aspects of this chapter involving glare nuisance.

§ 170-2. Applicability.

This chapter, as it applies to glare nuisance, shall be applicable to the following property categories:

- A. Industrial facilities.
- B. Commercial facilities.
- C. Public service.
- D. Community service facilities.
- E. Multi-use properties.

- F. Public and private rights-of-way.
- G. Public spaces.
- H. Multi-dwelling unit buildings.

§ 170-3. Declaration of findings and policy.

Whereas an objectionable direct glare source can be potentially hazardous to motorists, cyclists or pedestrians by causing discomfort and fatigue or reducing vision especially with the aged, and whereas such direct glare can also affect performance by distracting attention, and whereas the people have a right to, and should be ensured of, an environment free of any such existing invasive nuisance, it is the policy of the Borough of Eatontown to prevent any such existing objectionable glare as follows:

- A. Light fixtures in the categories set forth in § 170-2 but exempt from Chapter 89 of the Code of the Borough of Eatontown regarding lighting, but which cause an objectionable direct glare source to be visible above a height of five feet from streets or parking lots within the field of view of motorists, cyclists or pedestrians, shall be either shielded or repositioned within 90 days of notification to avoid any potential hazard to such motorists, cyclists or pedestrians.
- B. From light fixtures in the categories set forth more fully in § 170-2 but exempt under Chapter 89 of the Code of the Borough of Eatontown regarding lighting, but which cause an objectionable direct glare source to be visible above the height of five feet from residential properties that is offensive to the occupants of such properties by being in violation of the standards set forth in § 89-48C of Chapter 89 of the Code of the Borough of Eatontown, entitled "Light trespass (light nuisance)," which provides that all light fixtures, except street lighting and those used on one- or two-family dwellings, shall not provide illumination exceeding 0.1 footcandle in a vertical plane on residentially zoned property, and shall not be installed and/or maintained in such a way as to produce objectionable direct glare source visible above the height of five feet from any property or public roadway. In such cases, property owners shall be notified to shield or reposition light fixtures within 90 days of notification.
- C. All existing electric utility floodlights utilized for illumination on the property categories listed in § 170-2 shall be subject to § 89-48E of Chapter 89, commonly known as the "Light Ordinance," in that such light fixture must be sufficiently shielded and aimed so as to not allow objectionable direct glare source visible at any point on the roadway where the viewing is five feet or greater and when the distance from the mounting pole is 70 feet or greater. Maximum maintained luminance levels must be as prescribed by § 89-48D of the Light Ordinance, and all electric utility floodlights shall be subject to the requirements of § 89-48C entitled "Light trespass (nuisance light)." When existing floodlights are found to be noncompliant, the electric utility and property owner shall be notified to make corrections within 90 days of notification.

§ 170-4. Enforcement.

- A. Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding \$1,250, a term of imprisonment not exceeding 90 days, or a period of community service not exceeding 90 days, or a combination thereof.

If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.

- B. No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.
- C. No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

§ 170-5. Severability; repealer.

- A. If any provision or portion of a provision of this chapter is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- B. All ordinances or parts of ordinances which are inconsistent with any provisions of this chapter are hereby repealed as to the extent of such inconsistencies.