

BOROUGH OF PENNINGTON

ORDINANCE NO. ____

**AN ORDINANCE AMENDING THE BOROUGH NUISANCE
ORDINANCE TO PROHIBIT INTRUSIVE OUTDOOR LIGHTING
[AND OPERATION OF POWER MOWERS AND LEAF BLOWERS
DURING CERTAIN HOURS]**

WHEREAS, the Borough Nuisance Ordinance, Chapter 136 of the Code of the Borough of Pennington, seeks to protect and promote the public health through the control, abatement and prevention of conditions injurious to the public health and safety;

WHEREAS, the Nuisance Ordinance prohibits conditions and activities deemed to be detrimental or a threat to the public health or environment or an annoyance interfering with the comfort and well-being of the residents of the Borough;

WHEREAS, Borough Council finds and determines that outdoor lighting fixtures that illuminate beyond the property on which they are installed, when left on during the late night and early morning hours, unreasonably disrupt the peace and privacy of neighboring residents and endanger public health;

[WHEREAS, Council also finds and determines that the operation of power mowers and leaf blowers in the early morning and evening hours represents an excessively loud and unnecessary disturbance of the peace and comfort of residents and is a danger to the health and welfare of the community;]

WHEREAS, amending the Nuisance Ordinance to prohibit these conditions [and activities] will provide a mechanism for abatement as well as enforcement when appropriate;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 136 of the Code of the Borough of Pennington, at Section 136-3, is hereby amended to include the following prohibitions:

“136-3. Nuisances Defined and Prohibited.

* * *

(21) Outdoor lighting fixtures that are not shielded ~~or~~ **and** constructed to prevent illumination beyond the property on which they are installed, **including lights controlled by motion detectors**, shall be turned off between 12:00 midnight and sunrise. Lighting ~~directed downward~~ **shall be presumed to prevent illumination beyond the property if it is directed downward and no direct light is emitted above a plane extending outward from the base of the light source parallel to the ground.** ~~or and otherwise shielded or and constructed so that no direct light is emitted above a plane parallel to the ground shall be presumed to prevent illumination beyond the property.~~ **Illumination beyond the property between 12:00 midnight and sunrise is prohibited.**

[(22) No person shall operate or cause or permit to be operated any power lawnmower or leaf blower except between the hours of 8:00 a.m. and 8:00 p.m. Monday through Friday, 9:00 a.m. and 8:00 p.m. on Saturday, and 9:00 a.m. and 6:00 p.m. on Sunday.”]¹

AND BE IT FURTHER ORDAINED THAT THIS Ordinance shall be effective upon its passage and publication as provided by law.

¹ Language in brackets { } is for discussion only.