

PENN TOWNSHIP BOARD OF COMMISSIONERS

YORK COUNTY

PENNSYLVANIA

RESIDENTIAL STREET LIGHTING ORDINANCE

ORDINANCE NO. 390

September 18, 1989

PENN TOWNSHIP BOARD OF COMMISSIONERS
RESIDENTIAL STREET LIGHTING ORDINANCE

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AN ORDINANCE NO. 390

AN ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF PENN, YORK COUNTY, PENNSYLVANIA, REGULATING THE LUMINATION OF RESIDENTIAL ROADWAY INTERSECTIONS, SIDEWALKS OR WALKWAYS RESULTING FROM DEVELOPMENT, SUBDIVISIONS, USE OR ALTERATION OF LAND; REQUIRING PLANS, DESIGN, PERMITS, AND OTHER INFORMATION BE SUBMITTED TO THE TOWNSHIP FOR REVIEW AND APPROVAL; AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE.

ARTICLE I SHORT TITLE

This Ordinance shall be known and may be cited as the Penn Township Residential Street Lighting Ordinance.

ARTICLE II AUTHORITY

This Ordinance is enacted in accordance with the First Class Township Code, Article XV, Section 1502, Paragraph XII.

ARTICLE III PURPOSE

The purpose of this Ordinance is to protect, maintain, and enhance public health, safety, and general welfare by establishing minimum requirements and procedures to control night-time visibility affecting vehicular and pedestrian traffic. It is recognized that the proper use of roadway lighting provides economic and social benefits to the public by reducing accidents, aid to police protection, and facilitate traffic flow.

ARTICLE IV SCOPE

This Ordinance shall apply to all new land developments; additions to existing developments; and the addition of or alteration to existing or proposed residential establishments within Penn Township.

ARTICLE V PERMIT REQUIREMENTS

A Building Permit shall not be issued for any parcel of land or lot development unless a street lighting plan has been approved or waived by the

Township as meeting requirements of this Ordinance. Permits for the installation of Street Lights within the Pennsylvania Department of Highway rights-of-way shall be secured from PennDOT prior to the issuance of a Building Permit or where applicable, final approval of Subdivision Plan unless the requirements for Street Lights are waived by the Township.

ARTICLE VI

LANGUAGE INTERPRETATION

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted as follows:

1. Words used in the present tense include the future tense; the singular number includes the plural; and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
2. The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like, kind, and character.
3. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
4. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
5. The words "used" or "occupied" include the words "intended, designed, maintained, or arranged to be used or occupied".

ARTICLE VII

DEFINITIONS

1. Applicant: Means any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.
2. Developer: A person or persons, partnership, association, corporation or other entity, or any responsible person therein or

agent thereof, who undertakes the activities covered by this Ordinance.

3. Engineer: Means professional engineer registered in the State of Pennsylvania.
4. Municipality: The Township of Penn of York County, Pennsylvania.
5. Pedestrian Walkway: A public area intended for pedestrian traffic not necessarily within public roadway right-of-way for vehicular traffic. Included are walkways providing access to parks, block interiors, and mid-block roadway crossing.
6. Plans: Mean final construction or as-built mylars which have been approved and signed by all required agencies. The mylars, after all signatures, become a permanent record of the Township.
7. Roadway:
 - a. PennDOT Roadway - Any highway, roadway, right-of-way or easement over which the Pennsylvania Department of Transportation (PennDOT), Bureau of Highway Services has assumed or has been legislatively given jurisdiction.
 - b. Township Roadway - Any street, avenue, boulevard, parkway, highway, roadway, and any other ways or means used or intended for public use by vehicles or pedestrians. Township Roadways are further classified as:
 1. Arterial - a part of the Township Roadway System which serves as the principal network for thru-traffic flow. Arterial routes generally connect areas of principal traffic generated from rural highways including PennDOT Roadways entering the Township.
 2. Collector - the distributor highway servicing traffic between Arterial and Local Roadways.

- 3. Local - roadways used primarily for direct access to and within residential, commercial, and industrial properties. Local roadway does not include roadways carrying thru traffic. Cul-de-sac's are classified as local roadways.

- 8. Sidewalk: Paved or otherwise improved areas for pedestrian use, located within a roadway right-of-way which also contains roadway areas for vehicular traffic.

- 9. Site: Means any tract, lot or parcel of land or combination of tracts, lots, or parcels of land which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

- 10. Variance: Modification to the minimum street lighting requirements of this Ordinance by the Township Commissioners for specific circumstances such that strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of the Ordinance.

- 11. Waiver: Relinquishment from the requirements of the Street Lighting Ordinance by the Township Commissioners for a specific developer on a case by case review basis.

ARTICLE VIII APPLICABILITY

1. General

No person shall develop land for residential purposes without having provided for street lighting as required by this Ordinance.

2. Waivers

The Penn Township Board of Commissioners may grant a waiver of the Street Lighting Ordinance for individual developments provided that a written request is submitted by the Developer containing descriptions, drawings, and any other information that is necessary to evaluate the proposed waiver. A separate written waiver request shall be required if

there are subsequent additions, extensions, or modifications to a development receiving a waiver. Eligibility for a waiver may be determined if the applicant can conclusively demonstrate that:

- a. The proposed development will not cause an adverse impact on the existing traffic whether it be vehicular or pedestrian.

4. Variance

The Penn Township Board of Commissioners may grant a variance from any requirement of this Ordinance if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of this Ordinance will result in unnecessary hardship and not fulfill the intent of the Ordinance. A written request for a variance shall be provided to the Penn Township Board of Commissioners and shall state the specific variances sought and reasons for their granting. The Penn Township Board of Commissioners shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided.

ARTICLE IX

PLAN REQUIREMENTS

From and after the date of enactment of this Ordinance, a street lighting plan and other information specified herein shall be submitted to the Township for approval. Plans and other information specified in the Ordinance shall be submitted as follows:

1. Residential Lands subdivided prior to the enactment of this Ordinance shall be submitted at the time of and together with an Application for a Building Permit for construction.
2. All Residential Lands subdivided after the enactment of this Ordinance shall be submitted at the same time and together with submission of a Preliminary Subdivision or Land Development Plan.
3. Such plans and information shall be considered part of said Land and Subdivision Documents

and shall be reviewed in accordance with procedures established thereunder. Preliminary approval or final approval of a Subdivision or Land Development Plan, or the issuance of a Building Permit, shall be contingent upon the submission of a street lighting plan and approval of the plan in accordance with provisions of this Ordinance. The Developer shall submit for review and where applicable secure permits from all County, State, and Federal Agencies having jurisdiction over the roadway or within the rights-of-way where street lighting is being provided.

4. Once a street lighting plan has been approved, together with a subdivision or land development plan approval, or together with the issuance of a building permit, said plan shall be valid only for the subdivision, land development, or building permit approved. Any further development on the lot or lots requiring a revision of the approved plan or other construction or activities shall require the submission of a new or revised plan and other information specified herein.

ARTICLE X

DESIGN CRITERIA

1. PennDOT Roadways

Roadway lighting at street intersections within PennDOT Roadways shall be governed by the design criteria contained in PennDOT Design Manual 2, Chapter 7, dated September, 1978, or latest revision thereof. Copies of all data furnished PennDOT in securing a construction permit along with a copy of the permit once issued shall be filed with the Township.

2. Township Roadways

Township Roadway lighting at intersection with other Township Roadway shall be designed based upon PennDOT Design Manual 2, Chapter 7, dated September 1978, or latest revision thereof. However, in utilizing the design criteria specified therein, the designer may use the following constants:

- a. Average luminance in footcandles servicing residential area is 0.30.
- b. Luminance Uniformity shall not exceed a maximum of ten (10) to a minimum of one (1) ratio.
- c. Average luminance uniformity shall not be less than a six (6) average to one (1) minimum ratio.
- d. The above ratios shall cover a distance of one hundred fifty (150) feet in all directions measured along the center line or center lines of intersecting roadways.

ARTICLE XI

DESIGN REPORT AND PLANS

Proposed roadway lighting at intersecting streets shall include a Design Report which shall contain the following:

- 1. Submit plans drawn to a minimum scale of one hundred (100) feet to the inch showing right-of-way and cartway widths, light pole locations, tree locations, and any other natural or manmade features that may affect illumination. Roadway profiles drawn to a vertical scale of one (1) inch to ten (10) feet must also be provided.
- 2. Calculations including graphs or computerized printouts showing horizontal illumination in footcandles for the full roadway width at intervals not less than twenty (20) feet is required.

ARTICLE XII

LUMINARIES

At roadway intersections, all lamps and photo electric cells shall be high pressure sodium meeting the following requirements:

1. Lamps

Watts	70	100	150	250	400
Ballast	S62	S54	55	50	51
Volts	52	55	55	100	100

ARTICLE XIV

POLES

Roadway intersections where existing utility poles are available and with permission of the respective Utility Company, the Developer may mount lamps on existing poles. Pole location and related appurtenances when installed within PennDOT Design Manual 2, Chapter 7, Section 5.

New poles including appurtenances for installation at roadway intersections shall be constructed of Steel, Cast Iron or Aluminum. Part of the Developer's Preliminary Report submittal shall include shop drawings or manufacturer illustrations depicting the type pole proposed for use within the development.

All Metallic poles shall be mounted on concrete footers. Dimension of the footers will vary depending upon the type pole and lamp used as well as pole height. Computations supporting the footer design must be provided. These computations shall be based upon specifications for the Design and Construction of Structural Supports for Highway Luminous - AASHTO.

Poles supporting residential lamps, as defined in this Ordinance, shall measure a minimum of seven (7) feet above finish grade. Poles shall be mounted by way of lag bolts onto a concrete footer. If a pole is constructed using the direct burial method, the pole will be inserted into the footer a minimum depth of eighteen (18") inches or to a minimum depth specified by the manufacturer. Footed dimensions shall be regulated by the pole manufacturer. Poles shall be manufactured of Aluminum, Cast Iron, or Steel. Aluminum or Cast Iron poles shall have a minimum outside diameter of three (3) inches. The wall thickness of poles shall not be less than one-eighth (1/8) inch thick.

ARTICLE XV

POLE LOCATIONS

Location of poles intended to illuminate roadway intersections shall be installed within the roadway right-of-way subject to approval of the Township.

The location of residential poles shall be outside but within five (5) feet of the roadway rights-of-way.

ARTICLE XVI STREET LIGHTING AGREEMENTS

Roadway Intersections

Following complete installation of an approved roadway intersection lighting plan, including electrical inspection and certification by an inspection agency acceptable to the respective electric power supplier, the Township shall enter into a Street Lighting Agreement with the electric company. After said Agreement is executed, power supply will be provided by the electric company. The Developer shall be responsible for correcting any deficiencies in installation, material, or workmanship for a period of one (1) year after power is activated. Thereafter, Penn Township shall be responsible for all intersection street lights.

Residential Lighting

The respective property owner, their heirs, assigns, or owners, shall pay all energy, operating, maintenance, repair, and replacement costs required or incidental to the perpetual operation and maintenance of the residential light constructed on their property. Failure to operate, maintain, repair and replace a residential street light shall constitute a violation of this Ordinance subjecting the respective property owner to penalties as defined elsewhere in this Ordinance.

ARTICLE XVII CONSTRUCTION SECURITIES

Securities guaranteeing the completion of construction of Roadway Intersection Lighting shall be provided as defined in the Penn Township Subdivision and Land Development Ordinance Article VI, subparagraph S-611 titled "Completion of Improvements or Guarantee Thereof Pre-requisite to Final Plan Approval"; Subparagraph S-612 titled "Release from Improvement Bond"; Subparagraph S-613 titled "Remedies to Effect Completion of Improvements" and Subparagraph S-614 titled "Offers of Dedication", as amended.

ARTICLE XVIII VIOLATIONS

Whenever any person shall have violated the terms of this Ordinance, the Township shall cause a written notice to be served upon the owner, or

other person responsible for the property or the violation, directing him to comply with all the terms of this Ordinance within seven (7) days, or such additional period, not to exceed thirty (30) days, as the Township shall deem reasonable, and further, the Township shall give notice that if the violation is not corrected, the Township may correct the same and charge the owner or other person responsible for the property the cost thereof plus penalties as specified herein for failure to comply.

Such notice of violation may be delivered by the United States Mail, first class, postage prepaid, or by certified or registered mail; or by personal service; or, if the property is not occupied, by posting this notice at a conspicuous place upon the affected property.

ARTICLE XIX

PENALTIES

Any person who fails to comply with this Ordinance within the period stated in the Notice of Violation or upon conviction thereof, shall be guilty of a summary offense, and shall be sentenced to pay a penalty of not more than One Thousand (\$1,000.00) Dollars. Each and every day of continued violation shall constitute a separate violation.

In the event that the owner or other person responsible fails to comply with the terms of this Ordinance within the time specified in the violation notice, the Township may take any actions necessary to remove the public nuisance. The costs of removal of the violation shall be in addition to any penalties for violation for failure to comply.

In addition to the fines for violations, costs, and penalties provided for by this Article, the Township may institute proceedings in Courts of Equity to require owners or occupants of real estate to comply with the provisions of this Ordinance.

The cost of removal, fine, and penalties hereinabove mentioned may be entered by the Township as a lien against such property in accordance with existing provisions of law.

ARTICLE XX SEVERABILITY

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

ARTICLE XXI ADMINISTRATION AND ENACTMENT

The Administration and Enactment of the Penn Township Residential Street Lighting Ordinance shall be governed by the Penn Township Subdivision and Land Development Ordinance Article VIII.

ARTICLE XXII REPEALER

All other Ordinances or parts of ordinances of Penn Township which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

ARTICLE XXIII EFFECTIVE DATE

This Ordinance shall become effective on September
18, 1989.

ENACTED AND ORDAINED, this 18th day of September
1989.

ATTEST:

Karen M. Little
Secretary

PENN TOWNSHIP BOARD OF
COMMISSIONERS

By: Ronald R. Beeler, Sr.
Ronald R. Beeler, Sr.
President