

ORDINANCE NO. 2017-2
AN ORDINANCE OF THE
BOROUGH OF MCSHERRYSTOWN
ADOPTING A POLICY AND PROCEDURE
FOR REGULATING AND REQUIRING
POST-LIGHTING IN SUBDIVISIONS

WHEREAS, the Borough of McSherrystown has and in the future will require developers in developments that have been submitted under the subdivision and land development plans of the Borough, to install post-lights to provide lighting within the developments for the protection of the health, welfare, and safety of the residents therein; and

WHEREAS, the intent of the Land Development and Subdivision Ordinances is to require the continued maintenance and operation of these post lamps to provide adequate lighting from dusk to dawn within said developments; and

WHEREAS, it has been noticed by the Borough Council that many of the lights on the required poles or lampposts in front of residential units are not being turned on between dusk and dawn thereby creating an unsafe and dangerous condition in the neighborhood; and

WHEREAS, McSherrystown Subdivision and Land Development Ordinance Section 190-32(d)(2) requires a uniform light standard at the front of every lot in which a residential building is to be constructed; and

WHEREAS, the Borough Council of the Borough of McSherrystown feels that it is necessary to adopt this Ordinance mandating the operation of the lights during the period of dusk to dawn in all developments where lighting was required to be installed.

NOW, THEREFORE, the McSherrystown Borough Council hereby enacts and ordains the following:

Chapter 74

LIGHTING

Section 74-1. Application. This Ordinance shall apply to all residents and/or owners of property whose Deeds and/or subdivision and land development plans require the installation of an individual and uniform light standard to be erected at the front of every lot on which a residential building is to be constructed. For nonresidential properties a lighting standard must conform to that requirement as prescribed by the planning agency at the time of the land subdivision or land development.

Section 74-2. Required Lighting. Each resident or property owner subject to this Ordinance shall illuminate the required lamp or post light at all times from dusk until dawn using an electric-i-controlled lamppost and light, an incandescent bulb, or a combination of light bulbs with an intensity of at least 100 watts or its equivalent.

Section 74-3. Notice to Comply; Time Limit for Compliance; Failure to Comply. Upon failure or neglect of any person to keep the lamp(s) in working order and good repair, the Code Enforcement Officer of the Borough of McSherrystown or any member of the McSherrystown Borough Police Department shall give notice in writing to such person to comply with the requirements of this Ordinance. The Notice shall provide that the lamp(s) be restored to working order within fifteen (15) days of the date of the written notice. Failure to comply with said notice within the fifteen (15) day period allowed, shall constitute a violation of this Ordinance. The notice required herein may be given either by a letter mailed by ordinary mail to the resident of the property or by a notice of noncompliance tag to be attached to the post light located on the premises of the land development or subdivision.

Section 74-4. Violations and Penalties. Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$100.00 and costs of prosecution, or, in default of payment of such fine or costs, to undergo imprisonment for not more than thirty (30) days. At the discretion of Borough Council, the Borough may cause the work to be done to restore the lamp(s) to working condition and collect the total cost thereof, plus fifteen percent (15%) penalty, from either the owner, owners or tenants.

If any property owner or tenant violates the terms of this Ordinance on more than three (3) occasions, the fine may be imposed shall be not more than Five Hundred Dollars (\$500.00) together with the costs of prosecution and other terms as hereinabove set forth.

Section 74-5. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of McSherrystown Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 74-6. Effective Date. This Ordinance shall become effective thirty (30) days after passage.

ENACTED AND ORDAINED this 12TH day of JULY, 2017.

ATTEST:

McSHERRYSTOWN BOROUGH COUNCIL




Luanne M. Boring, Secretary

By: 
Patricia D. McKim-Bortner, President

Approved this 12 day of JULY, 2017.


Mayor