

ORDINANCE NO. 3690-24

**AN ORDINANCE TO AMEND AND REVISE CHAPTER 131 “ZONING” OF THE
BOROUGH CODE OF THE BOROUGH OF RUTHERFORD AND IN PARTICULAR
§ 131-13 “LIGHTING”**

WHEREAS the Governing Body of the Borough of Rutherford believes it is in the best interest of the Borough to amend and revise §131 entitled “ZONING” of the Borough Code and in particular § 131-13 “Lighting” as set forth herein.

BE IT ORDAINED by the Mayor and Council of Rutherford, County of Bergen, State of New Jersey, as follows:

SECTION 1. § 131-13A

All parking areas and walkways thereto and appurtenant passageways and driveways serving commercial, public, office, industrial, apartment or other similar uses having common off-street parking and/or loading areas and building complexes requiring area lighting shall be adequately illuminated for security and safety purposes. The lighting plan in and around the parking areas shall provide for nonglare, color-corrected lights focused downward. The light intensity provided at ground level shall be a minimum of 0.3 footcandle anywhere in the areas to be illuminated, shall average a minimum of 0.5 footcandle over the entire area and shall be provided by fixtures with a mounting height not more than 25 feet or the height of the building, whichever is less, measured from the ground level to the center line of the light source spaced a distance not to exceed five times the mounting height. Wherever practical, **shielded** bollard-style lighting shall be used. Any other outdoor lighting, such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow determination of the effects to adjacent properties, traffic safety and overhead sky glow. The objective of these specifications is to minimize undesirable off-premises effects. No direct lighting shall be permitted. Additionally, no light shall shine into windows or onto streets and driveways in such manner as to interfere with or distract driver vision. To achieve these requirements, the intensity of such light sources, the light shielding, and similar characteristics shall be subject to site plan approval by the Planning Board or Board of Adjustment.

§ 131-13 B. Residential Lighting

A. Prohibited Acts.

On residential properties, it shall be prohibited to install or maintain spotlights, unshielded flood lights or other types of artificial lighting that provide a continuous concentrated beam of light extending beyond any

property lines. This prohibition shall not apply to spotlights or other types of artificial lighting controlled by a motion detector that automatically turns off within 5 minutes of activation caused by motion.

- B. **Applicability:** This chapter is intended to apply and to bind the owners, tenants, occupants, guests and all other persons within the Borough of Rutherford.
- C. **Enforcement:** It shall be the duty of the Zoning Officials and Code Enforcement Officials of the Borough of Rutherford to determine whether this chapter has been and is being complied with and to enforce the provisions of this chapter against any person violating the same.
- D. **Violations and penalties.** Any person, firm, corporation or association violating the terms of this chapter, whether as principal, agent or employee of another, shall be subject to a fine not to exceed \$500.00 per violation. If the violation is of a continuing nature, each day during which it continues constitutes a separate and distinct offense.

SECTION 2. All ordinances of the Borough of Rutherford, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

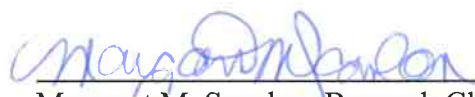
SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. All other provisions of §131 of the Code of the Borough of Rutherford are not further amended and remain in full force and effect.

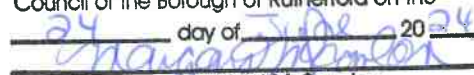
The ordinance shall take effect immediately upon final passage.

ATTEST:

BOROUGH OF RUTHERFORD


Margaret M. Scanlon, Borough Clerk


Frank Nunziato, Mayor

I hereby certify that this is a true and exact copy of an ordinance adopted by the Mayor and Council of the Borough of Rutherford on the 24 day of July, 2024

Margaret M. Scanlon
Borough Clerk