

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 170, ZONING, ARTICLE XV, GENERAL REGULATIONS, OF THE CODE OF THE TOWNSHIP OF WESTTOWN, SECTION 170-1514, OUTDOOR LIGHTING, TO ALLOW FOR RECREATIONAL AND SPORTS LIGHTING AND NIGHTTIME EVENTS**

**SECTION 1.** §170-1514.D is amended by adding new subsections (5) and (6) thereto to read as follows:

- (5) Permanent recreational and sports lighting and nighttime events. Subject to the conditions listed herein, permanent outdoor illumination for active recreational and sports facilities accessory to public, private, and parochial schools, universities and colleges and for passive non-recreational nighttime events shall be permitted when approved as a conditional use by the Westtown Township Board of Supervisors.
  - (a) Permanent recreational and sports lighting shall be defined as recreational and sports lighting that is permanently installed in a fixed location and not portable and associated with nighttime events.
  - (b) Before a conditional use is granted for recreational and sports lighting and nighttime events, applicant will conduct traffic and parking studies and report the results to Westtown Township to determine if parking, vehicle access and egress, pedestrian walkways, and site lighting are adequate for handling the most well attended anticipated events.
  - (c) An annual permit application shall be required to be submitted to the Township 45 days before the start of each sports and recreation year that a permanent recreational and sports lighting installation is proposed to be utilized. A permit fee schedule shall be established by resolution of the Board of Supervisors each year to cover all costs to the Township to include, but not limited to, the following:
    - [1] Special police detail from the Westtown East Goshen Police Department to control traffic, parking and on-site security for any lighted event as determined by the Board of Supervisors based on type of event.
    - [2] Trash clean-up by Township Public Works employees on the roads and properties surrounding the campus as soon as possible after the lighted event as determined by the Board of Supervisors based on the type of event.

- (d) Granting of such a permit is conditioned upon the discretion of the Board of Supervisors which shall consider past compliance with the terms of this ordinance, §§116-1 and 116-2 of Chapter 116, §170-1506 of this chapter and with any subsequent ordinances related to noise and peace and good order.
- (e) All outdoor illumination as described in this subsection shall comply with the following standards and conditions:

- [1] Unless specifically modified herein, all other provisions in §170-1514 shall apply.

- [2] The maximum mounting height as measured from the finished grade of the playing field to the top of the highest fixture of recreational and sports lighting fixtures permitted by this subsection shall be as follows:

[a]	Basketball	20 feet*
[b]	Field Hockey	70 feet
[c]	Football	70 feet
[d]	Lacrosse	70 feet
[e]	Little League Baseball	
	200-foot radius	60 feet
	300-foot radius	70 feet
[f]	Miniature Golf	20 feet*
[g]	Soccer	70 feet
[h]	Swimming Pool Aprons	20 feet*
[i]	Tennis Courts	20 feet*
[j]	Track	20 feet*

\*Lighting for this sport is subject to the non-sports/recreation lighting requirements elsewhere in §170-1514.

- [3] Higher mounting heights for football, lacrosse and soccer, not to exceed 85 feet under any circumstances, may be considered by conditional use application when it can be demonstrated to the satisfaction of the Township that the higher mounting height is essential to meet or exceed the other requirements of this section while still controlling off-site glare, light trespass and daytime visibility of the light fixtures as viewed from off-site.

- [4] The lighting shall be accomplished only through the use of full cutoff or fully shielded fixtures that employ suitable shielding. Such lighting shall be designed, installed, aimed, and maintained so that neither lamps (bulbs) nor primary reflecting surfaces shall be visible from any window of residential properties within a radius of 1,800 feet of the boundary of lighted field. The fixtures shall not

present a hazard to drivers or pedestrians by projecting glare that impairs their ability to safely traverse streets, driveways, sidewalks, pathways and trails. The fixtures shall be mounted at an appropriate height, angle, and location to comply with the above conditions.

[5] For a recreational or athletic sporting event, such as football, soccer, field hockey, or lacrosse, or marching band cavalcade, the sports lighting system may only be energized in conjunction with any of the following events, and no others:

[a] An event directly related to and under the control of the educational or sports program of the school, university or college where the lights are located, No private organizations may use the school, university or college facility for lighted events.

[b] A field practice for such event.

[c] A playoff or championship game.

[6] For a recreational or athletic sporting event, such as football, soccer, field hockey, lacrosse or marching band cavalcade, utilization of the sports lighting system is subject to the following restrictions:

[a] A maximum of 20 lighted events per calendar year will be permitted on any 1 campus where permanent lighting is provided. Up to 3 additional lighted events shall be permitted each year for playoffs or championship games not part of a regular schedule of events.

[b] The lights must be extinguished no later than 10:00 p.m.

[c] A school, university or college having been granted permission to illuminate a recreational facility may make formal application to the Board of Supervisors to extend the curfew hour past 10:00 p.m., not to exceed 4 evenings annually. The Board's decision to allow or not allow an extension of operating hours of the sports lighting shall be based in part on consideration of potential adverse consequences to adjacent residential properties.

[d] All light posts shall be set back at least 50 feet from the property boundary.

- [e] As a part of the process of seeking approval, the school, university or college proposing to use outdoor lighting as permitted herein shall submit a lighting plan and associated information to the Township in conformity with §170-1514.F(1). In addition, applicant shall submit a visual impact plan that demonstrates to the satisfaction of the Township that ordinance light trespass and direct glare requirements have been met.
- [f] If for any school year the lights are used for more than the number of events allowed under this subsection, either per week or per year (or exceed the time limit allowed for the event), then the maximum number of allowable events for the next school year shall be decreased by the number of events which exceeded the maximum number allowable in the previous year.
- [g] If, for any reason, the number violations described in §170-1514.D(5)(f) exceeds 5, the annual permit as required by §170-1514.D(5)(b) shall be revoked and no more lighted events may be held for the remainder of the year.
- [7] Golf driving ranges, racetracks, trap-shooting facilities and other sports necessitating the horizontal or near horizontal projection of illumination shall not be artificially illuminated.
- [8] Illuminances for recreational and sports lighting shall be in accordance with and shall not the values contained in the latest edition of IESNA RP-6, *Recommended Practice for Sports and Recreational Area Lighting*,. Illuminances shall be based on Class II play.
- [9] The maximum luminance from any light source, including scoreboards, shall not exceed 2,000 cd/m<sup>2</sup> as viewed from any location off site.
- [10] Modifications to installed lighting systems in conformance with the provisions of this article that would result in higher aiming angles, greater direct glare and/or greater off-site light trespass shall require a permit.
- [11] The amount of spill light from a sports/recreation facility as measured on adjacent properties or properties separated from the property of the school with the lighted field only by a public road, utility property or easement, shall not exceed 0.2 footcandles, horizontal or vertical, at any height or location on that property.

- [12] The lighting of 2 or more sports fields on any 1 campus at the same time shall not be permitted.
- [13] The entity on whose premises the sports/recreation facility is situated shall be responsible for monitoring and reporting. Records of usage of lighting systems shall be maintained for Township inspection and shall be submitted as part of the annual permitting application.
- [14] As a condition for installing permanent outdoor illumination for active recreational and sports facilities accessory to public, private, and parochial schools, universities and colleges, the Board of Supervisors shall require the applying institution to take all reasonable steps, as recommended by a sound engineer hired by the Township, to mitigate noise resulting from nighttime events and its impact on the neighborhoods nearby the lighted facility. These mitigative actions must allow the applying institution to comply with §§116-1 and 116-2 of Chapter 116, §170-1506 of this chapter and with any subsequent ordinances related to noise and good order.
- [15] If a sound amplification system will be used in conjunction with nighttime events permitted by this ordinance, the institution shall provide a fully distributed sound system consisting of highly directional speakers in close proximity to and aimed into the seating area providing uniform coverage throughout the seating. Speakers must be selected to minimize amplification outside of the seating areas. Coverage across the playing field, if necessary, can be provided using a similar distributed system approach. The system design and performance will be subject to review and approval by the Township's engineers/consultants before permanent operation is authorized.

(6) Temporary/portable recreational and sports lighting and nighttime events. Subject to the conditions listed herein, temporary outdoor illumination for recreational and sports events for active recreational and sports facilities accessory to public, private, and parochial schools, universities and colleges and for passive non-recreational activities may be permitted when a permit application has been filed and approved by the Township. No temporary lighting permit will be issued for any institution that has been granted permanent lighting under §170-1514.D(5).

(a) Temporary/portable field lighting shall be defined as lighting capable of being moved from 1 location to another, whether moved on the same site or to another site, that is, are not permanently installed and aimed in a fixed position.

- (b) Temporary/portable recreational and sports lighting shall be allowed by permit only and shall be subject to the following requirements:
- [1] All such lighting shall be extinguished no later than 9:30 p.m., regardless of overtimes or extra innings, except that the Township may grant permission to allow the shut-off time to be extended to 10:00 p.m. on a per-event basis when application is made and a justifiable special need is presented.
  - [2] The permit application shall be submitted in writing to the Township, at least 2 months prior to the requested use(s) unless special permission is requested and approved by the Board of Supervisors for a lesser period of time. Granting of such a permit is conditioned solely upon the discretion of the Board of Supervisor which will consider past compliance with the terms of this ordinance, §§116-1) and 116-2 of Chapter 116 , §170-1506 of this chapter and with any subsequent ordinances related to noise.
  - [3] The permit application shall be signed by the owner of the field on which the temporary/portable lighting is to be employed or by the field owner's official designee.
  - [4] The entity on whose premises the sports/recreation facility is situated shall be responsible for monitoring and reporting. Records of usage of lighting systems shall be maintained for Township inspection and shall be submitted as part of the annual permitting application.
  - [5] A maximum of 20 lighted events per calendar year shall be permitted on any 1 campus where temporary/portable has been allowed. The exact schedule of permitted lighting operation shall be a condition of the permit application.
  - [6] Temporary/portable recreational and sports lighting shall not be operated simultaneously with permanent recreational and sports lighting on the same campus.
  - [7] Individual lighting fixture heads shall be aimed in such a manner that their interior reflective surfaces and lamp shall not be directly visible to the extent of creating a nuisance as viewed from the interior of any residence within view of the sports recreation facility.

- [8] Electric generators powering the portable lighting fixtures shall be located sufficiently far from adjacent residential uses so fuel odors, engine noise and/or exhaust fumes do not create a nuisance to adjacent residential uses.
- [9] Permit application shall include an impact statement that details what specific steps will be taken to mitigate potential negative off-site impact and what steps will be taken to respond to potential complaints from neighbors.

**SECTION 2.** 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 hereof. It is hereby declared as the intent of the Board of Supervisors of Westtown Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3.** This ordinance shall become effective 5 days after its enactment as law provides.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

**WESTTOWN TOWNSHIP  
BOARD OF SUPERVISORS**

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