

## **ARTICLE XV UTILITIES**

### **Section 1. Utility Ownership and Easement Rights**

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

### **Section 2. Underground Utilities**

1. All electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of this Ordinance shall be placed underground in accordance with the specifications and policies of the respective utility service providers.
2. Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this ordinance, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies.

### **Section 3. Utilities To Be Consistent With Internal and External Development**

1. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.
2. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

### **Section 4. Electric Service**

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

Compliance with this requirement shall be determined as follows:

1. If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
2. If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

## **Section 5.      Lighting Requirements**

1. All entrances and exits in substantial buildings used for nonresidential purposes and in two-family or multi-family residential developments containing more than four (4) dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.
2. Excessive Illumination. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot when it substantially interferes with the use or enjoyment of neighboring properties.

## **Section 6.      Lighting Standards**

1. Purpose. The purpose of this section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations are the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This section is not intended to apply to public street lighting.
2. Site lighting shall be of low-intensity from a concealed source and shall not spill over into adjoining properties, buffers, roadways, or in any way interfere with the vision of oncoming motorists.
3. Exemption for specified outdoor recreational uses. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, and tennis courts are exempted from the exterior lighting standards of Subsection 2. above upon satisfying the Planning Commission during a site plan review that the site plan indicates that these outdoor recreational uses meet all other requirements of this section and of this Ordinance and the following conditions:
  - a. The outdoor recreational uses specified above shall not exceed a maximum permitted post height of forty (40) feet.
  - b. The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shielded in either its orientation or by a landscaped bufferyard to prevent light and glare spill-over to adjacent residential property. The maximum permitted illumination at the interior bufferyard line shall not exceed two (2) footcandles.
4. Additional regulations. Notwithstanding any other provision of this section to the contrary:
  - a. No flickering or flashing lights shall be permitted.
  - b. Light sources or luminaires shall not be located within bufferyard areas except on pedestrian walkways.
5. Exterior lighting plan. At the time any exterior light is installed or substantially modified, and whenever a zoning certificate is sought, an exterior lighting plan shall be submitted to the Town in order to determine whether the requirements of this section have been met and that adjoining property will not be adversely impacted by the proposed lighting.

## **Section 7. Sites For and Screening of Dumpsters**

1. Every new development constructed from the effective date of this ordinance that is or will be required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:
  - a. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way, and
  - b. Constructed according to specifications established by the Town to allow for collection without damage to the development site or the collection vehicle.
2. All such dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:
  - a. Persons located within any dwelling unit on residential property other than that where the dumpster is located.
  - b. Occupants, customers, or employees located within any building on nonresidential property other than that where the dumpster is located.
  - c. Persons travelling on any public street, sidewalk, or other public way.
3. When dumpster screening is required under this section, such screening shall be constructed, installed, and located to prevent or remedy the conditions requiring the screening.

## **Section 8. Reserved**