

**PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Head-of-the-Harbor held a public hearing on the 15th day of December, 2010, at 7:00 P.M., at the Village Hall, 500 North Country Road, St. James, New York, and duly adopted a Local Law as follows:

**LOCAL LAW (Intro.) #7 OF 2010**

**A LOCAL LAW REPEALING THE PRESENT TEXT OF VILLAGE CODE CHAPTER 111 AND ENACTING VILLAGE CODE CHAPTER 111, LIGHTING REGULATIONS**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HEAD-OF-THE-HARBOR AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to update the present outdoor lighting provisions of the Village Code.

SECTION 2. REPEAL OF VILLAGE CODE CHAPTER 111.

The present text of Chapter 111 is repealed.

SECTION 3. ENACTMENT OF NEW CHAPTER 111.

Chapter 111 is enacted as follows:

A. Purpose

The provisions of the following chapter are intended to control and regulate lighting throughout the Village of Head-of-the-Harbor (Village); protect land owners from the intrusive effects of glare and light trespass; preserve the rural character of the Village; protect the nighttime

environment and the health and habitat of flora and fauna; and restore and maintain the natural beauty of the night sky. Excessive, unshielded, and/or poorly-directed exterior lighting causes light pollution and has many adverse effects. Light pollution detracts from the rural qualities of the Village and environs and results in an increasingly suburban and over-developed appearance at night. Glare associated with such lighting is hazardous for drivers and pedestrians on the Village's roads, interferes with the privacy of residents, wastes energy and creates skyglow that reduces visibility of the stars in the night sky and diminishes appreciation for the natural nocturnal environment. This chapter takes proper account of the legitimate uses of lighting while providing guidance and direction for land owners and others and while incorporating the goals of the International Dark Sky Association.

## B. Definitions

Unless specifically defined below, words or phrases used in this chapter shall have their common usage meaning. As used in this chapter, the following terms shall have the meaning indicated:

CUT OFF LUMINAIRE -- Intensity at 90 degrees (horizontal) no more than 2.5% of lamp lumens and not more than 10% of lamp lumens at 80 degrees.

DOORWAY LIGHTING -- A light fixture or fixtures installed within five feet of a doorway intended to illuminate an entrance to a residence.

EXTERIOR LIGHTING -- Lighting that is mounted, located, lamped or used, whether inside or outside, to illuminate outdoor features. For the purposes of this chapter, lighting which is installed indoors but which is intended to illuminate an area outdoors, shall be considered exterior lighting.

FAÇADE LIGHTING -- that which illuminates only the structure of a building.

FIXTURE -- see LIGHT FIXTURE (also called "LUMINAIRE").

FULL CUT OFF LUMINAIRE -- Zero intensity at or above horizontal (90 degrees above nadir) and limited to a value not exceeding 10% of lamp lumens at 80 degrees above nadir.

FULLY SHIELDED -- A light fixture constructed, lamped, and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the light source.

GLARE -- Unshielded light from a light source that may result in: nuisance or annoyance; discomfort or visual disability.

HOLIDAY LIGHTING -- Temporary lights installed on a residential property between Thanksgiving and the following January 15th; and may include traditional holiday lights.

LAMP -- The source of artificial light as distinguished from the fixture.

LANDSCAPE LIGHTING -- Lighting which is positioned and aimed to illuminate foliage, driveways, walkways, patios, decks and other exterior pedestrian areas, whether or not mounted on a structure.

LIGHTING -- Light fixture or light source, or the effect of light, and all apparatus and wiring to power artificial light.

LIGHT-EMITTING DIODE (LED) -- A semiconductor source increasingly used for general purpose lighting.

LIGHT FIXTURE -- The complete lighting assembly (including but not limited to the lamp, housing, ballast, timers, photocells, reflectors, cover glass, lenses, louvers, and shields), including the support assembly (pole or mounting bracket). For purposes of determining total light output from a light fixture, lighting assemblies which may include multiple lamps shall be considered as a single fixture. Also referred to as a "luminaire."

LIGHT POLLUTION -- Any nuisance caused by adverse effect of man-made light, including but not limited to glare, light trespass, skyglow, visual clutter, and wasted energy due to excessive or unnecessary lighting; or artificial light that

unnecessarily diminishes the ability to view the night sky or is disruptive to flora and fauna.

LIGHT TRESPASS -- Light projected across property lines or into the public right-of-way when it is not required or permitted to do so.

LIGHT SOURCE - The light-emitting part or parts of a fixture, consisting of the lamp or lamps and any transparent or translucent covering over the lamp, as well as any refractors, reflectors, prismatic lenses, mirrors, or diffusers that emit or transmit light.

LUMEN -- A unit used to measure the amount of light that is produced by a light source. The lumen quantifies the amount of light energy produced by a lamp at the lamp, not by the energy input, which is indicated by the wattage, whether it be incandescent, fluorescent or LED. The amount of light may be expressed in the alternative by wattage: by way of illustration, not limitation, 2740 lumen is 150± watts incandescent.

MOUNTING HEIGHT -- The vertical distance of the light source from natural grade.

PARTIALLY SHIELDED -- A light fixture that is not fully shielded but incorporates a partial shield around the lamp by opaque barrier(s) such as louvers, shields, and other means in order to prevent the light source from being visible from across property lines, into waterways, or roadways.

SKYGLOW -- Glare or illumination of night sky whether direct or reflected.

UNSHIELDED FIXTURE -- A fixture which, as designed or installed, emits all or part of the light above the lowest part of the light source.

#### C. Applicability

New lighting. All exterior lighting installed after the effective date of this chapter shall conform to the standards established by this chapter except exterior lighting required to protect and promote public health and safety.

(1) Upon adoption of this chapter as established by its effective date, all subsequent installation, replacement, alteration, change, repair, or relocation of any nonconforming luminaire shall conform with the provisions of this chapter.

(2) The following exterior lighting, lawfully existing or lawfully installed prior to the effective date of this chapter, which does not conform with the provisions of the chapter, shall be exempt provided the following requirements are met:

(a) Pre-existing residential floodlight luminaires are exempt provided the total light output for the fixtures does not exceed 27,400 lumens regardless of the number of lamps; and angled downward or shielded so as not to cause glare or light trespass or beam spread beyond the intended target or across property lines. This exemption expires no later than December 31, 2015 at which time full conformance is required.

(b) Pre-existing unshielded residential fixtures mounted on the primary structure are exempt provided the light output, regardless of the number of lamps, is no greater than 2,740 lumens. This exemption expires no later than December 31, 2015 at which time full conformance is required.

(c) Pre-existing nonconforming non-residential luminaires rated over 2,740 lumens regardless of the number of lamps, shall be altered to prevent visible glare across property lines by re-aiming, shielding, adding louvers, re-lamping or other means to meet the definition of fully or partially shielded. This exemption expires no later than December 31, 2015 at which time full conformance is required.

(d) Pre-existing nonconforming automated teller machine (ATM) lighting; fuel filling and gas service station canopy lighting and Long Island Power Authority (LIPA) lighting shall be in full

compliance with the provisions of this chapter no later than December 31, 2015.

(e) Pre-existing nonconforming commercial and industrial parking lot lighting illuminating less than twenty (20) parking spaces shall be in full conformance with the provisions of this chapter no later than December 31, 2015.

(f) Pre-existing nonconforming commercial and industrial parking lot lighting illuminating twenty (20) or more parking spaces shall be in full conformance with the provisions of this chapter no later than December 31, 2015, and may be achieved by partial areas of complete renovations regarding lighting levels, pole heights and lamp types in increments of 10% of the parking lot area per year.

(g) Any provision in subparagraphs (a) to (c) inclusive hereinabove to the contrary notwithstanding, preexisting unshielded or nonconforming lights described in said subparagraphs (a) to (c) inclusive may remain beyond December 31, 2015 provided any such light is shielded before such date so as to prevent altogether the light source from being visible across property lines, into waterways or roadways.

D. Standards for exterior lighting

1. Lighting shall be designed, located, and lamped in order to prevent light pollution.

2. Lighting shall be designed, located, and lamped to meet the following requirements:

(A) Fixtures shall be fully shielded as designed, installed, and operated.

(B) Fixtures shall not be located in or aimed to illuminate the public right-of-way, waterways, or public beaches. Piers (also described as wharfs or docks) shall only be illuminated as mandated by governmental agency.

(C) The light sources of all exterior lighting shall not be higher than 15 feet, except as it applies to facade lighting.

(D) Fixtures shall not exceed 2,740 lumens, as rated by the manufacturer, regardless of the number of light bulbs.

(E) Exterior lighting not required by law shall be extinguished by 11:59 pm excepting doorway lighting and walkways.

(F) Exterior lighting, from all sources including but not limited to facade, garage, garden, statuary, doorway and walking lighting, regardless of the number of fixtures, shall not exceed a total of 27400 lumens for any premises.

(G) Motion sensor activated lighting shall be operable to shut off after five (5) minutes and shall not be triggered by activity located off the property or from the roadway.

(H) Driveway piers (typically, a columnar structure used to anchor an entry or gate) may not have a vertical dimension greater than 7' inclusive of luminaires.

(I) One garage fixture each bay or overhead door may be mounted at a height no greater than 15 feet above grade; output shall not exceed 1600 lumens or the total allowable 27,400 lumens per premise.

(J) Fixtures shall be utilized which minimize light intrusion onto neighboring properties or public rights of way. In no case shall the direct lamp (bulb) source be visible from adjacent or neighboring properties or public rights of way.

(K) Post or driveway pier (as described in subparagraph 8 above) lights may not be closer to Village roads than 15 feet. Lumens shall not exceed 1700 lumens per pier or post and must utilize cut off optics so that the lamp (bulb) source is not directly visible from public roads. Posts may not exceed a

height of 10 feet including the luminaire and piers may not exceed a height of 7 feet including the luminaire.

(L) Façade lighting shall not exceed 2740 lumens per face, in no event a total exceeding 27,400 lumens per premise, and shall meet the criteria of full cutoff luminaires. After December 15, 2015 all façade lighting must be modified so that the direct lamp source is not visible from contiguous properties or public rights of way.

In no event shall fixtures be mounted in excess of a height which is greater than 1/3 the distance of the fixture to the nearest property line except that in no event shall fixtures be mounted at a height greater than allowed under Village Code § 165-25.

#### E. Exemptions

The following are exempt:

1. Holiday exterior lighting is exempt from provisions regarding shielding, location, mounting height and total wattage, but must be turned off by 11:59 p.m.

2. Vehicular lights, U. S. Coast Guard approved maritime navigational lighting, and all temporary lighting needed by Fire, Ambulance, or Police departments, or other emergency services when needed for an emergency are exempt from the provisions of this chapter.

#### F. Prohibitions

The following are prohibited and may be ordered extinguished at any time:

1. Searchlights, other than those required by law.
2. Strobe lights, laser lights, or revolving lighting.
3. Blinking, pulsating, tracing, or flashing lights.
4. Light activated by dusk-to-dawn sensor (photoelectric cell).

5. Any light fixture that may be construed as or confused with a traffic signal, traffic control device or maritime navigational marker.

6. The following lamp and fixture types shall not be permitted:

- (1) Low Pressure Sodium;
- (2) Mercury vapor;
- (3) Neon.

7. Recreational outdoor court lighting, including lighting of tennis, basketball and handball courts, sports courts, and sportsfields, including baseball, soccer, and football fields.

8. Unshielded light fixtures, except as permitted herein.

#### G. Procedures

1. All applications for permits, including building permits shall include information about the location of each existing and proposed outdoor light fixture, lamp source type, wattage, mounting height, hours of operation, and lumen output, in order to verify that lighting conforms to the provisions of this chapter.

2. The Building Inspector shall review all new exterior lighting or existing exterior lighting that is part of an application for design review, conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permit, to determine whether the exterior lighting complies with the standards of this chapter.

3. For all other exterior lighting which must conform to the requirements of this chapter, the Building Inspector shall issue a decision whether the exterior lighting complies with the standards set forth.

#### H. Conflict With Other Laws

In a case where this chapter is found to be in conflict with a provision of any other local law, ordinance, code or

regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail.

I. Violations

If the Building Inspector finds that any provision is being violated, he/she shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or the occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. The Building Inspector shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty-day period, the Village may institute actions and proceedings to enjoin, restrain or abate any violations of this chapter.

SECTION 4. SEVERABILITY.

Should any part or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.