

Exterior Lighting Working Draft Operative Provisions

[Chapter 100 of the Village Code shall be amended to add section 100-21.1]

100-21.1 EXTERIOR LIGHTING

- A. Purpose. The purpose of this section is to establish provisions for nocturnal exterior lighting in all parts of the Village in order to:
- a. Minimize the impact of stray lighting on human health, habitats and the environment.
 - b. Provide safe roadways for pedestrians, cyclists and motorists.
 - c. Protect against direct glare and excessive lighting.
 - d. Prevent light trespass in all areas of the Village of Tuxedo Park.
 - e. Minimize sky glow and reclaim the ability to view the wonder of the night sky.
 - f. Provide lighting guidelines.
 - g. Discourage the waste of energy caused by excessive lighting.
 - h. Allow for flexibility in the style of lighting fixtures.
 - i. Provide clear guidelines for the Boards and enforcement staff of the Village to use in administering this section
- B. Nuisance Lighting: Light trespass shall be considered nuisance lighting when:
- (1) a light source produces illumination beyond the boundaries of the property on which it is located in excess of [xxx] footcandles, measured anywhere at or beyond the property line; or
 - (2) a light source is seen from a neighboring property or roadway at sufficient intensity, or luminance, to cause discomfort or impaired visibility, or which produces glare, such intensity being defined as being in excess of [295] candelas per square meter measured anywhere at or beyond the property line; or
 - (3) a light source directly projects onto a neighboring property or onto any street or road or any other public area of the Village, where the lightbulb, or other source of the light, can be visibly and directly seen beyond the property line, or.
 - (4) a light source is of a flashing, dazzling, pulsating, or otherwise strobing sources of illumination
- C. Existing exterior lighting that is determined by municipal law enforcement to contribute to a condition of disabling or distracting glare onto a public roadway may be ordered to be changed or removed at any time.
- D. If the Village determines nuisance lighting to exist on a property, that lighting shall be abated by removing, replacing, shielding, retrofitting, relocating or re-aiming a fixture or re-lamping to reduce lumen output, such that that the lighting is in compliance with this Section.

- E. Building-or pole-mounted, shielded floodlights and/or shielded spotlights are permitted provided such lights are angled downward and do not to create glare as seen from above; such lighting source should always be pointed towards the (illuminator's) house, not away from it.. *[Consider whether this is necessary in addition to "B" above and if so whether it should extend to the visibility of glare from any other property or roadway, not just from above]*
- F. Illumination levels shall be measured with a photoelectric photo meter in accordance with the standards published by the Illuminating Engineering Society of North America.
- G. No lighting source shall be more than **30 feet** above the ground level underneath it, as measured by taking the elevation difference between the average of a circular area measuring 10 feet in radius directly beneath the light source, and the light source. *[Discuss need and where this an issue/problem in the Village]*
- H. The Village encourages the raising and lowering of the national flag at sunrise and sunset instead of illumination. The national flag, as well as up to one additional secondary flag, that are not illuminated with downward lighting, may be illuminated only with a single ground-mounted narrow cone spotlight that confines the illumination to the flag, provided the light beam is focused, the source of the light is not visible from adjacent properties or public areas, and the total lumen output at the lighting source is no greater than [600] lumens, regardless of the number of lamps. No other flags may be illuminated.
- I. Lighting of radio, communication and navigation towers shall not be permitted unless required by the Federal Aviation Administration (FAA) regulations, in which case required lighting shall be of the lowest permitted intensity and red, unless otherwise required by FAA regulations.
- J. Pillars demarking main property entrance: *[Believe this is to be deferred but included for informational purposes]*

To be determined at a later date

or

discuss carve-out for lighting on pillars marking main entrance only to property; how many light bulbs can be directly seen from property lines; how many lumens to be seen by drivers from roads.

or

Unshielded illumination of pillars demarking main property entrance is allowed only if conforming to the following conditions: 1) the light source is at the top of the pillar, 2) there is only one light source per pillar (multiple light bulbs not allowed), 3) no more than two pillars per parcel are allowed to be illuminated, 3) from the road, at a distance of 15 feet, the visible light source from each pillar is not greater than [395] candelas per square meter.

- K. No new installation or use of recreational or sports lighting *[definition to be suggested by Village attorney]* shall be permitted in the Village. Recreational or sports lighting installed as of the effective date of this Section may not be used earlier than [6 a.m.], or later than [the earlier of (i) 9:00 p.m. or (ii) two hours after sunset].

- L. Temporary exterior holiday lighting shall be exempt from the requirements of this chapter. Strobing or flashing temporary holiday lighting is permitted as long as the strobing cycle is longer than 40x per minute (i.e. 30x per minute is permitted).
[Consider whether this exemption is desired from clause “B”; i.e., does the Village wish to allow holiday lighting even if it exceeds the intrusive standards in that clause. If not, what is the exemption from?]

Temporary Festive Lighting: Unrestricted nocturnal illumination on a property shall be permitted up to _____(**frequency**) per calendar year for special events (e.g. parties, weddings, etc.). At least [48] hours prior notice of such event must be provided to the Village Police.

or

Notwithstanding any other section in this Local Law, each Village resident is permitted unrestricted nocturnal illumination from 5pm to 6am of the following morning [twice per year] for special events (e.g. parties, weddings, etc). Each and every time a resident wishes to use this exception, a notice expressing such desire must be received by the Village Office, and by each and every adjacent lot owner, at least 5 calendar days prior to the date of the event. Such exemption is tied to each parcel lot and to the property lines of such parcel lot, and not transferrable from parcel to parcel.

[Consider: (i) is this still desired/necessary; (ii) what is this an exemption from?; and (iii) is intent to apply to Tuxedo Club and Tuxedo Park School.]

- M. An applicant may apply to the [Board of Architectural Review] [Village Board of Trustees] [Mayor] for approval of temporary uses of lighting that is not otherwise permitted within the above standards. In the case of applications requiring site plan review, the Planning Board and/or Board of Architectural review may impose standards more or less stringent than those listed in this section in order to meet the general purpose and intent of Section 17-3, Site Plan Approval, of this Code.
- N. The installation or alteration of exterior lighting will often result in the alteration of the appearance of a property. Nothing in this Section is intended to detract from the provisions of Chapter 100-53 of the Village Code, which require approval of the Board of Architectural Review for projects or activities which alter a property's appearance.
- O. In any case where national and New York State Building Code requirements exceed the requirements of this section, the national and State requirements shall apply.
- P. The provisions of this section may be enforced by [the Building Inspector, any police officer or the Board of Trustees] (the “Enforcement Officer”). It shall be unlawful for any person, firm, property owner, tenant, person in possession, partnership, corporation or other business entity (hereinafter “person and/or business entity”) to install, alter, repair, move, equip, use or maintain or allow such installation of any outdoor lighting in violation of any of the provisions of this article or to fail in any manner to comply with a notice, directive or order of the Enforcement Officer.

- Q. If, after investigation, the Enforcement Officer finds that any provision of this Section is being violated or nuisance lighting exists, notice shall be given by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, and/or to the person or business entity believed not to have complied with this Section, instructing that the violation or nuisance lighting must be abated within the time specified in the notice or, in absence thereof, within 30 days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within said period, the Enforcing Officer, in addition to any other rights or remedies available under the Village Code, may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this Section.
- R. Any person and/or business entity who violates this Section, or any provision thereof, shall be guilty of a violation punishable by a civil penalty not to exceed \$250 for residential violations after the expiration of the abatement period provided in clause Q, and each day shall constitute a separate offense for the purpose of calculating the civil penalty; any person and/or business entity who violates this article after being convicted of a violation of this article within the preceding year shall be guilty of a violation punishable by a fine not to exceed \$500 or imprisonment for a period not to exceed 15 days, or both; any person and/or business entity who violates this article after being convicted of a violation of this article two or more times within the preceding three-year period shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000 and/or imprisonment for a period not to exceed 30 days. *[Taken from Southampton; consider appropriateness for VTP]*
- S. Existing exterior lighting that is determined by municipal law enforcement to contribute to a condition of disabling or distracting glare onto a public roadway may be ordered to be changed or removed at any time.