

**PUBLIC NOTICE
NOTICE OF ADOPTION
VILLAGE OF NORTH HAVEN**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of North Haven after holding public hearings on October 19, 2022, November 16, 2022 and December 21, 2022 adopted the following Local Law at their regular meeting held on December 21, 2022

LOCAL LAW NO. 9 OF 2022

**A LOCAL LAW AMENDING VILLAGE CODE CHAPTER 163 ARTICLE I §163-5
DEFINITIONS & WORD USAGE AND ENACTING VILLAGE CODE CHAPTER 163 -
ARTICLE IV § 163-36.2 OUTDOOR LIGHTING**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF NORTH HAVEN AS FOLLOWS:

Section 1. Additions to the definitions in Article 163-5

§163-5 Definitions and word usage.

DARK SKY COMPLIANT

All outdoor lighting fixtures shall be fully shielded. The bulb must be fully recessed into an opaque top so that all light is directed downward. All lighting fixtures shall be aimed downward and installed as per the manufacturer's design and installation guidelines.

KELVIN (K)

A unit of measurement of the redness or blueness of white light. The lower the Kelvin number, the more yellow and red will be seen; the higher the Kelvin number the greater percentage of blue light wavelengths and the bluer the light will look.

LIGHT

Radiant energy in the visible spectrum, artificially generated by electricity or gas flame.

LIGHT BULB

The origin of light and its housing, such as an electric filament in a glass bulb.

LIGHT FIXTURE

A complete lighting unit consisting of one or more light sources together with the parts designed to distribute light, position and protect the lamp, and connect the lamp to the power supply. A light fixture may include a ballast, the

mounting apparatus, and photocells or sensors, if any. Also known as a “luminaire.”

LIGHT FIXTURE, FULLY SHIELDED

A light fixture with an opaque shield above the light source so that, as designed and installed, the light fixture projects all its light below the horizontal plane. Full cutoff fixtures are considered fully shielded. See Appendix L1, Figure B.

LIGHT FIXTURE, UNSHIELDED (or UNSHIELDED LIGHT)

A light fixture which is not fully shielded and as installed, emits at least some light above the horizontal plane. Also classified as a cutoff, semi-cutoff or non-cutoff light fixture. See Appendix L2.

LIGHTING

As used in this chapter, and unless otherwise specified, shall mean exterior lighting produced by artificial or solar means.

LIGHT SOURCE

The light-emitting parts of a light fixture, consisting of the bulb, filament and any transparent, translucent or frosted elements (covering over the light bulb) as well as any refractors, reflectors, prismatic lenses, mirrors, or diffusers which emit or transmit light.

LUMEN

A measure of light energy generated by a light source. The initial lumen rating of a lamp or light source is provided by the lamp manufacturer and can often be found printed on the packaging. See Appendix C for a lumens table.

Under current standards (DEC 2022), 450 lumens equal a 40 Watt incandescent or 6 Watt LED (light-emitting diode) light source. Current light bulbs are designed to use less energy. Wattage is no longer a reliable way to gauge a light bulb's brightness. Lumens measure brightness.

- lumens = brightness
- watts = energy

For example, a 40-watt incandescent bulb produces about 450 lumens of light. By comparison, an LED bulb produces that same 450 lumens but uses only about 6 watts. Lumens let you compare the brightness of any bulb, whether it's a halogen incandescent, CFL (compact fluorescent), or LED.

HOLIDAY AND TEMPORARY LIGHTING

Lighting which is used for a specified purpose and for a limited time and is removed thereafter. Temporary lighting is only allowed in conjunction with a mass gathering permit. Holiday lighting, such as string lighting and other illuminated articles, is permitted during any holiday period.

TREE UPLIGHTING

Lighting which is used specifically to illuminate trees on a residential lot.

UPLIGHTING

Lighting which is directed above the horizontal plane.

UTILITY-POLE-MOUNTED LIGHT

A lighting fixture which is installed on a pole owned or maintained by a public utility, but which is designed or intended to illuminate private property.

Section 2: Enacting Village Code Chapter 163 Article IV - §163-36.2 Outdoor Lighting Code

§ 163-36.2-1 Purpose

The following provisions are intended to regulate exterior lighting throughout the Village to promote public safety on the Village's roads and highways, protect landowners from the intrusive effects of glare and light trespass, preserve the rural character of the Village, and maintain and restore the beauty of the night sky. Excessive, unshielded, and poorly directed exterior lighting has many adverse effects. It detracts from the rural qualities of North Haven and makes the Village appear increasingly suburban and overdeveloped. Glare associated with such lighting is dangerous for drivers and pedestrians on the Village 's roads at night. Furthermore, such lighting interferes with the privacy of residents, wastes energy resources, and creates skyglow, which makes the night sky less visible and diminishes the natural nocturnal environment for flora and fauna. The regulations set forth in this part take proper account of the legitimate uses of exterior lighting, while providing guidance and direction for property owners.

§ 163-36.2-2 Lighting standards.

Outdoor lighting shall be designed, installed, and maintained to minimize glare and light trespass across property lines, into roadways (whether public or private), and waterways.

A. All outdoor lighting fixtures shall be fully shielded and dark sky compliant and directed downward. (See Appendix "A")

B. No light source shall be visible beyond the boundary of the property on which it is located, including from a body of water or roadway.

C. Lighting shall not project or illuminate on any street (public or private), thoroughfare or waterway.

D. Up-lighting of any trees, landscape features, is limited to 450 lumens per light fixture, shall be shielded and must be extinguished by 11:00 PM.

E. The following types of light sources are prohibited:

- (1) Mercury vapor;
- (2) Neon, unless legally preexisting;
- (3) Laser;
- (4) Any light source with a color temperature greater than 2,700 Kelvin;
- (5) Flashing, colored, or tracing lights;
- (6) Lighting which outlines a structure;
- (7) Metal halide

F. Residential landscape lighting shall not be controlled by dusk-to-dawn sensor(s) unless such lighting illuminates a walkway or pathway. Landscape lighting as well as any lighting in and around swimming pools or ponds shall be extinguished no later than 11:00 PM. Compliant lighting used to illuminate walkways and paths shall be excluded from the 11:00 PM curfew. All landscape light fixtures shall shine downward and not exceed 450 lumens.

G. Upon re-lamping (i.e., changing the light fixture/source), the maximum lumens per doorway on a structure for

unshielded residential lighting shall not exceed 450 lumens, regardless of the number of light sources or fixtures.

H. Upon re-lamping of any unshielded nonessential fixture, including foliage lighting and stanchion light fixtures, the light source shall not exceed 450 lumens per fixture.

I. Motion activated lights and sensors shall be aimed and adjusted such that lights are only triggered by motion on the subject property and be dark sky compliant. Motion activated lights shall be programmed so that they extinguish within 15 minutes or less. Motion operated lighting is still subject to general shielding requirements as stated above and when triggered shall not "trespass" into neighboring properties. In no way shall the installation angle allow the source to be visible beyond the boundary of the property on which it is located (see Appendix "B").

J. Private Street lighting, such as in homeowner's associations, shall be fully shielded and aimed downward, shall not exceed 450 lumens per light fixture and shall not exceed 2,200 Kelvin. Private street lighting shall be excluded from the 11:00 PM curfew.

§ 163-36.2-3 Compliance with standards required.

A. No person, firm or corporation, its agent or employee, shall install, operate, or maintain on private property in the Village any outdoor light, lamp or other artificial illumination that is not in compliance with §163-36.2.

B. All lighting on new construction for which a building permit is issued after the effective date of this chapter shall comply with the standards set forth in §163-36.2. Building permit applications for exterior lighting shall include a drawing, photograph, or manufacturer's cut sheet, along with the installation mounting height from grade for each lighting fixture(s), lumen output and Kelvin.

§ 163-36.2-4 Exterior lighting on docks.

Dock lighting is prohibited as per § 56-3.

§ 163-36.2-5 Exceptions.

The following types of outdoor lighting are exempt from the foregoing provisions.

A. Up to three outdoor lighting fixtures (commonly referred to as porch lights, not flood or security lights) attached to the main dwelling/building per lot are exempt from shielding requirements, provided that such exempt fixtures have a total light output of 450 lumens or less regardless of the number of light sources.

B. Outdoor string market lighting shall not exceed 200 lumens per light source and shall not exceed 2,200 Kelvin.

C. Holiday lights shall be permitted during the traditional holiday periods, shall be removed within a reasonable time frame and shall be extinguished by 11 PM.

D. Lighting that the Village Board has expressly allowed in connection with a special event.

E. Flag up lighting is permitted that has a fixture as close to the pole as possible and has a light source that emits a narrow beam of light that does not exceed 450 lumens. The light source must be dark sky compliant and aimed directly at the flag. The light source shall not be visible across the property line or from public or private roadways and water bodies.

F. U.S. Coast Guard approved maritime navigational lighting and all temporary emergency lighting needed by fire, ambulance, or police departments, or other emergency services; or lighting used in municipal road construction, emergency repair or maintenance of public infrastructure.

G. Public Street lighting provided fully shielded replacements are not available in a similar design, and shall not exceed 2,200 Kelvin.

H. All essential lighting for municipal emergency facilities;

§ 163-36.2-6 Time frame for compliance.

The residential provisions shall become effective no more than 12 months from the date this law is adopted, unless otherwise specified. In order to further the public health, safety, and

welfare, and to provide lighting consistency throughout the Village, the following "sunset" provisions shall be implemented to phase out legally preexisting and nonconforming lighting.

A. Upon repair, replacement, or relocation of any exterior lighting, such lighting shall conform to the standards provided herein.

B. Lighting mounted on a utility pole that is intended to illuminate private property, and that does not meet the shielding, light trespass, and shut-off provisions herein, shall be removed at once, including the pole itself if its use is dedicated to mount such light fixture.

C. Up-lighting of trees and other landscape features, landscape lighting and lighting of swimming pools and ponds as well as any motion activated lighting must immediately comply with this Code section.

§ 163.36.2-7 Penalties for offenses.

A. Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

B. The owner, general agent or contractor of a building, structure, lot or part thereof where such violation has been committed or does exist shall be guilty of such an offense.

C. Any agent, contractor, architect, builder, corporation or other person who commits, takes part or assists in or refuses to abate or correct any such violation shall also be guilty of such violation.

D. The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceeding to prevent, restrain, or correct or abate a violation of this chapter, or to seek appropriate civil penalties, including fines and monetary damages.

SECTION 3: 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 4: EFFECTIVE DATE

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

Dated: October 19, 2022

BY ORDER OF THE BOARD OF
TRUSTEES OF THE VILLAGE OF
NORTH HAVEN.

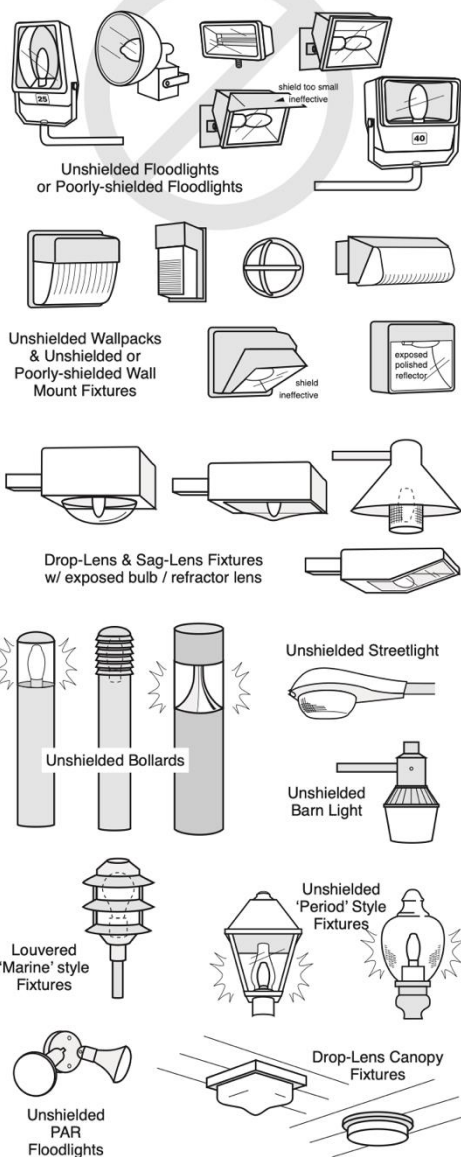
BY:Eileen Tuohy ,
Village Clerk/Treasurer

Appendices below

Examples of Acceptable & Unacceptable Lighting Fixtures

Unacceptable/Not Compliant

Fixtures that produce glare and light trespass

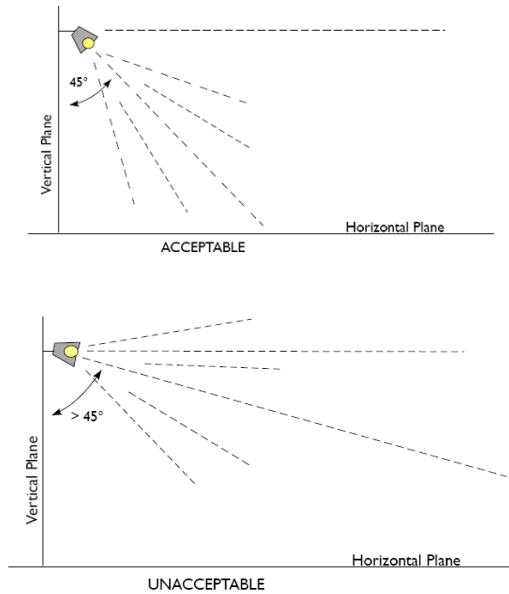


Acceptable/Compliant

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



§ 163-36.2-9 Appendix B - Example of 45° shielded, downward aiming spotlight/floodlight



§ 163-36.2-10 Appendix C - Lumens Table

LUMENS TO WATTS CONVERSION CHART					
BRIGHTNESS IN LUMENS	220+	400+	700+	900+	1300+
INCANDESCENT	25 W	40 W	60 W	75 W	100 W
HALOGEN	18 W	28 W	42 W	53 W	70 W
CFL	6 W	9 W	12 W	15 W	20 W
LED	4 W	6 W	10 W	13 W	18 W