

PUBLIC NOTICE
VILLAGE OF NORTH HAVEN

PLEASE TAKE NOTICE that the Board of Trustees of the Village of North Haven will continue the public hearing on the 16 th day of November 2022, at 5:00 P.M., at Village Hall, 335 Ferry Road, North Haven, and via Zoom to consider the adoption of a Local Law as follows. The Zoom link will be posted to the Village's website, www.northhavenny.us, on the Friday before the meeting. If you have any questions, please contact Village Hall at 631-725-1378:

LOCAL LAW NO. OF 2022

**A LOCAL LAW AMENDING VILLAGE CODE CHAPTER 163 ARTICLE I §163-5
DEFINITIONS & WORK USAGE AND ENACTING VILLAGE CODE CHAPTER 163 -
ARTICLE IV § 163-36.2 - DARK SKIES - 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 COMPLAINT

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.

HOUSE LIGHT

An unshielded light bulb or fixture mounted on a residence within five feet of a doorway, or on any residential building within five feet of a doorway, which produces a maximum of 900 initial lumens (approximately 60 watts incandescent or 13 watts fluorescent) or a light mounted on a residence within five feet of any doorway or on any residential building within five feet of a doorway which is fully shielded. A "PAR" bulb light, spotlight or floodlight shall not be considered a house light.

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 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 bulbs 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 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 bulb is provided by the lamp manufacturer.

HOLIDAY AND TEMPORARY LIGHTING

Lighting which is used for a specified purpose and for a limited time and is removed thereafter. Temporary lighting on nonresidential property is only allowed in conjunction with

a special event permit approved pursuant to Chapter except during the time period of November 15 until January 15 of the next calendar year. The length of time that temporary lighting on residential property is to be used is not to be longer than 90 consecutive days in any calendar year.

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 Dark Skies - Lighting Code

§ 163-36.2-1 Purpose

The following provisions are intended to control and 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 shine onto any street (public or private), thoroughfare or waterway.

D. Up-lighting of any trees, landscape features, is limited to the use of 40 watt incandescent or 9-watt LED bulbs which 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 garage. Landscape lighting as well as any lighting in and around swimming pools or ponds shall be extinguished no later than 11:00 PM Downward facing 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 (40-watt incandescent, 9-watt LED).

G. Upon re-lamping (i.e., changing the light fixture/bulb), the maximum lumens per doorway on a structure for unshielded residential lighting shall not exceed 450 lumens (approximately the equivalent to a 40watt incandescent light bulb or 9-watt LED), 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 (equivalent to approximately 40 watts incandescent or 9-watt LED) 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 complaint. 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").

§ 163-36.2-3 Compliance with standards required.

A. No person, firm or corporation, its agent, servant 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).

§ 163-36.2-4 Exterior lighting on docks.

Dock lighting is prohibited as per § 56-3. To the extent that the Board of Trustees permits a residential dock to be improved by exterior lighting and such lighting is contained in the approved dock plans, the lighting shall consist of fully shielded fixtures not to exceed 450 lumens (40-watt incandescent, 9-watt LED) that illuminate only the surface of the dock itself.

§ 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 (40 watts incandescent or less, 129-watt LED or less), regardless of the number of light sources.

B. Outdoor string market lighting, provided that such lighting is not visible beyond the boundary of the property on which it is located, including from a body of water or roadway, and has a total light output not to exceed 450 lumens (40-watt incandescent, 9-watt LED).

C. Holiday lights, including string lighting and other illuminated articles, shall be permitted during the traditional holiday period and promptly removed thereafter.

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 (40-watt incandescent, 9-watt LED). 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. Street lighting, provided fully shielded replacements are not available in a similar design;

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, 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.

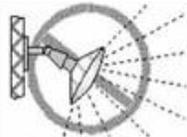
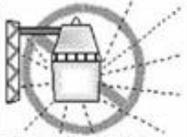
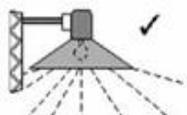
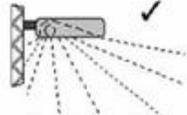
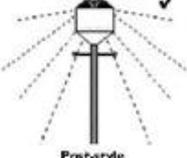
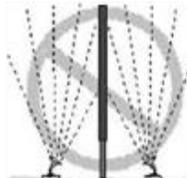
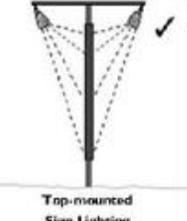
A. Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and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

§ 163-36.2-8 Appendix A - Examples of acceptable outdoor lights

Good Outdoor Lighting Directs Light Downward	
<u>Not Acceptable</u>	<u>Acceptable</u>
 Area Flood Light	 Area Flood Light with Shield
 Typical Yard Light	 Opaque Reflector
 Typical Wall Pack	 Typical Shoe Box
 Post-style	 Post-style Bulb in Opaque Top
 Ground-mounted Sign Lighting	 Top-mounted Sign Lighting

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

