

Local Law 2 of 2009

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 State Street, Albany NY 12231

Village of Muttontown

Local Law 2 of 2009

A local law amending Chapter 94 (Lighting, Exterior), sections 94-1, 94-2, 94-3, 94-4, and 94-5; of the Code of Muttontown to promote and protect the public welfare by regulating the appearance of and light trespass from exterior lighting located on private property within the Village in order to ensure a nighttime appearance within the Village which is consistent with the Village's character and overall architectural quality.

Be it enacted by the Board of Trustees of the Village of Muttontown as follows:

Chapter 94: LIGHTING, EXTERIOR

[HISTORY: Adopted by the Board of Trustees of the Village of Muttontown 7-1-1973 as Art. 17 of the 1973 General Ordinance. Amendments noted where applicable.]

§ 94-1. Purpose; intent.

A. The general purpose of this Chapter is to protect and promote the public health, safety and welfare, the quality of life, the Village's unique character, and the ability to view the night sky by establishing regulations and a process for review of exterior lighting.

B. This Chapter establishes standards for exterior lighting in order to accomplish the following:

- (1) To reduce overall energy consumption and eliminate unneeded and excessive lighting.
- (2) To ensure that sufficient lighting can be provided where needed to promote safety and security.
- (3) To minimize light trespass and light pollution in all areas of the Village.
- (4) To protect and reclaim the ability to view the night sky by reducing sky glow.
- (5) To regulate the type of light fixtures, lamps and additional lighting hardware in all areas of the Village.
- (6) To provide safe roadways for motorists, cyclists and pedestrians.
- (7) To provide guidance and instruction to property owners bringing nonconforming lighting into conformance with this Chapter.

C. If any section, subsection, phrase, sentence or other portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

§ 94-2. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated.

DRIVEWAY – A paved area leading from a roadway to a garage.

EXCESSIVE LIGHTING – Brightness levels beyond that which are required for safety, location or identification or illuminate areas beyond those intended.

EXTERIOR LIGHTING – Temporary or permanent lighting equipment that is installed, located or used in such a manner as to cause light rays to shine outdoors.

GLARE – The sensation produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted so as to cause annoyance, discomfort, or loss in visual performance and visibility.

HID LIGHTING – A family of bulb types known as “high intensity discharge,” including high-pressure sodium, mercury vapor, and metal halide.

HOLIDAY LIGHTING – Temporary strings of small individual lamps, or other ornamental lighting customarily displayed at holiday times.

LIGHT POLLUTION – Any adverse effect of man-made light including but not limited to glare, light trespass, skyglow, visual clutter, wasted energy due to excessive or unnecessary lighting, or any man-made light that unnecessarily diminishes the ability to view the night sky or is disruptive to flora and fauna.

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

LUMINAIRE – The complete lighting assembly or fixture (including the lamp, housing, ballasts, photocells, reflectors, lenses and shields), other than the support assembly (pole or mounting bracket)

MOUNTING HEIGHT – The distance from natural grade to the highest light-emitting part of the luminaire.

SKYGLOW – The overhead glow from light emitted sideways and upwards, including light reflected upward from the ground or other surfaces.

§ 94-3. Applicability.

A. All exterior luminaires installed, replaced, or repaired after the effective date of this Chapter shall conform to the standard established by this Chapter.

B. Existing lighting in conflict with this Chapter shall be brought in compliance with the requirements of this Chapter within six (6) months.

C. Upon any repair or replacement of any nonconforming luminaire, or relocation of such luminaire, that luminaire shall be brought in compliance with the terms of this Chapter at the completion of the repair or replacement.

D. This Chapter shall not apply to any person or entity granted a waiver by the Village Zoning Board of Appeals to maintain either permanent or temporary exterior lighting. The extent and duration of such approval shall be determined by the Zoning Board of Appeals. In making its determination, the Zoning Board of Appeals shall take into consideration the purpose, intent and standards set forth in Village Code § 94-1, and the factors set forth in New York Village Law § 7-712-b(3)(b).

§94-4. Exterior Lighting and Electrical Services.

A. No person, firm or corporation or its agents or employees shall install, operate or maintain any outdoor light, lamp, luminaire or other illumination in the Village except in compliance with this Chapter.

B. All exterior lighting shall be designed, located, and lamped in order to minimize:

- (1) Overlighting;

- (2) Energy waste;
- (3) Excessive glare;
- (4) Light trespass; and
- (5) Unnecessary skyglow.

C. All exterior lights, lamps, luminaires, or other illuminations shall be so arranged, adjusted and operated with reflectors, refractors, shielding devices, and screening so that the beam or any part thereof shall not project or reflect beyond the property line of the premises of the owner or occupant, shall not constitute a nuisance or interfere with the peace, comfort, sleep or rest of any other person or persons, and shall not adversely affect the health of any person or persons.

D. Mounting Height:

(1) The mounting height of any free-standing luminaire shall not exceed eighteen (18) feet.

(2) The mounting height of a luminaire mounted on a building or accessory structure shall not exceed twenty-five (25) feet, except that the mounting height of any luminaire mounted on a column, pier, stanchion, or other structure located at the entrance of a driveway or walkway may not exceed six and one half (6.5) feet from the natural grade to its highest point.

(3) The mounting height of exterior lighting to illuminate outdoor play or activity areas, tennis courts, or recreational courts which are permitted accessory uses to single family dwellings or permitted special uses, shall not exceed a height that is equal to the sum of one third of the distance to the nearest required set back line plus three feet, and shall in no event exceed eighteen (18) feet. All such lighting shall be fully or partially shielded and directed so as to minimize light trespass on adjacent properties and to minimize skyglow.

(4) The mounting height of driveway or walkway luminaires shall comply with subsection "E" of this Chapter.

(5) The limitations on mounting height set forth in this subsection "D" shall not apply to conforming luminaires existing on the effective date of this local law.

E. Driveway or walkway lighting located in any required setback established in Village Code §§ 190-7 and 8:

(1) Shall be mounted no more than eighteen (18) inches from the margins of the driveway or walkway.

(2) Shall be spaced at intervals of no less than ten (10) feet, except that walkway luminaires mounted on or illuminating steps may be spaced at lesser intervals provided that each step shall not be illuminated by more than 100 lumens of radiated light in the aggregate.

(3) Shall be mounted no higher than eighteen (18) inches from the grade at the base of the luminaires.

(4) Shall not exceed 100 lumens in radiated light.

F. Prohibited exterior lighting:

(1) The use of searching, flashing or neon exterior lighting is prohibited.

(2) The use of florescent exterior lighting, other than the type known as "energy saving lights" or "compact florescent lamps", is prohibited.

(3) The exterior use of "energy saving lights", "compact florescent lamps", and HID lighting shall be limited to fully shielded luminaires producing no more than 2000 lumens of radiated light.

(4) The use of exterior lighting on a roof or within the required setbacks established in Village Code §§ 190-7 and 8 is prohibited, except for driveway or walkway luminaires mounted and used in compliance with subsection "E" of this section.

(5) The use of exterior lighting to illuminate outdoor play or activity areas, tennis courts, or recreational courts is prohibited between the hours of 10:00 P.M. and 8:00 A.M. Eastern Standard Time, and between the hours of 11:00 P.M. and 8:00 A.M. Daylight Savings Time, except that the use of exterior lighting to illuminate private swimming pools or hot tubs shall not be prohibited during the foregoing hours.

(6) Swimming pool or hot tub luminaires shall be mounted no more than one foot above the top of the swimming pool or hot tub and its attached associated decking or patio, if any.

(7) No area lights or floodlights shall be erected or used in any manner that will cause hazard or annoyance to the public generally or to the occupants of neighboring properties.

(8) No colored lights shall be mounted, used or maintained along any street, road or highway, except for official traffic signals.

G. Temporary holiday exterior lighting is exempt from the provisions of this Chapter, except that such temporary holiday exterior lighting shall be disabled within fifteen (15) days after the date of the respective holiday.

H. All feeds for new electrical services, and all feeds to any exterior luminaire shall be run underground.

§ 94-5. Penalties for offenses.

A. Any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or other person, firm or corporation taking part or assisting in the installation, alteration, repair, equipping, use or maintenance of any lighting in violation of any of the applicable provisions of this Chapter or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer made hereunder shall commit a violation of this Chapter.

B. Any person, firm or corporation violating any of the provisions of this Chapter shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, and each day that a violation continues shall be deemed to constitute a separate and distinct violation. In addition to any other remedy provided for therein, proceedings may be instituted to enjoin any unlawful construction, installation, use or maintenance of exterior lighting.

This local law is effective upon filing with the Secretary of State.

Final adoption by the Board of Trustees of the Incorporated Village of Muttontown.

I hereby certify that the local law annexed hereto, designated as Local Law 2 of 2009 of the Incorporated Village of Muttontown was duly passed by the Board of Trustees on May 12, 2009, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted by the Board of Trustees of the Incorporated Village of Muttontown.



Lisa Lolis
Village Clerk/Treasurer

Incorporated Village of Muttontown
Date: May 14, 2009

Seal

Certification by the Village Attorney

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Steven G. Leventhal
Village Attorney

Incorporated Village of Muttontown
Date: May 14, 2009