

INTRODUCTORY LOCAL LAW NO. 2 OF 2020

A LOCAL LAW ADDING CHAPTER 69 ENTITLED “OUTDOOR LIGHTING” TO THE TOWN CODE OF THE TOWN OF CHESTER

Be it enacted by the Town of Chester in the County of Orange, as follows:

Section 1. Title

This Local Law shall be referred to as "A Local Law Adding Chapter 69, Entitled "Outdoor Lighting", to the Town Code of the Town of Chester.

Section 2. Legislative Intent

The Town of Chester has determined that it is in the best interest of the Town to have outdoor lighting policies in place to increase safety, provide security and enhance the nighttime character of the Town. It has been determined that new lighting technology has produced lights that are extremely powerful and when improperly installed, these lights create problems of excessive glare, light trespass and increased energy usage. Excessive glare may cause safety issues and light trespass reduces privacy and results in higher energy costs.

It is the intent of this local law to provide guidelines, regulations and standards for outdoor lighting so as to contribute to the safety and welfare of the Town and Town residents. It is the further intent of this local law to reduce problems created by improperly designed and installed outdoor lighting in an effort to eliminate excessive glare, reduce light trespass and help reduce the energy costs of outdoor lighting.

Section 3. Outdoor Lighting

Chapter 69 entitled “Outdoor Lighting” is hereby added to the Town Code of the Town of Chester, to read as follows:

§69-1. Standards.

A. For All Areas.

1. All lights shall be shielded in such a way as to direct all light toward the Earth’s surface and away from reflective surfaces in such a manner as to direct incident rays from trespassing onto all adjacent properties.
2. The height of light poles shall be designed and engineered to achieve the goal identified above.
3. All fixtures must meet the building code requirements for their particular zoning district.
4. All residential housing units, residential, commercial, and industrial buildings and facilities which may require floodlighting shall use full cut-off light fixtures to prevent shining onto any adjacent property or into the night sky.
5. Any interior lighted signs may not be lit at night when any face of the sign is removed or damaged in such a way that the light may distract drivers or homeowners.
6. Except as stated elsewhere in these regulations, design criteria shall conform to those published as recommendations by the Illuminating Engineering Society of North America.

B. For Commercial, Business, Industrial, and Natural Resource Zones and Any Roadway Adjacent to Residential Zones.

1. Any light fixture must be placed in such a manner that no light emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.
2. The level of lighting shall not exceed 0.5 footcandles at any residential property line or 1.0 footcandles at any non-residential property line.
3. Any Canopy structure used at a business location must have recessed lights with diffusers which do not extend below the surface of the canopy.
4. Any luminaire on a pole, stand or mounted on a building must have a shield, an adjustable reflector and a non-protruding diffusor.

C. Installation and Operation Costs.

1. The cost of installing and operating approved roadway lighting on any public road shall be through a financial method approved by the Town of Chester Highway Department or by the Orange County Department of Public Works. The costs of all other lighting systems shall be borne by the developer and/or property owner.

§69-2. Definitions.

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

DIRECT LIGHT

Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

FIXTURE

The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

FLOOD OR SPOTLIGHT

Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

FULLY SHIELDED AND CUT-OFF LIGHTS:

Outdoor light fixtures shielded and constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

GLARE

Is light emitting from a luminaire with an intensity that is great enough to reduce a viewer's ability to see, and in extreme cases, causing momentary blindness.

GRANDFATHERED LUMINAIRES

Luminaires not conforming to these codes that were in place at the time this code was voted into effect. When an Local Law "grandfathers" a luminaire, it means that such already-existing outdoor lighting does not need to be changed unless a specified period is specified for adherence to the code.

HEIGHT OF LUMINAIRE

The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

INDIRECT LIGHT

Direct light that has been reflected or has scattered off of other surfaces.

LAMP

The component of a luminaire that produces the actual light.

LIGHT COLOR

The use of warmer color lights is to be used. Limit the amount of shorter wavelength (blue-violet) light.

LIGHT CONTROL:

The use of controls such as timers and motion detectors to ensure light is available only when needed, dimmed when possible, and turned off when not needed.

LIGHT INTENSITY

The intensity of the light shall be the lowest intensity required.

LIGHT TRESPASS

The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

LUMEN

A unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this Local Law, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

LUMINAIRE

This is a complete lighting system and includes a lamp or lamps and a fixture.

OUTDOOR LIGHTING

The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

TEMPORARY OUTDOOR LIGHTING

The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days.

§69-3. Regulation of Outdoor Lighting.

- A. All public and private outdoor lighting installed in the Town of Chester shall be in conformance with the requirements established by this local law. All previous language in prior ordinances regarding outdoor lighting shall be replaced with this local law.
- B. Control of Glare – Luminaire Design Factors.
 - 1. Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
 - 2. Any luminaire with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.
- C. Exceptions to Control of Glare.
 - 1. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or LESS, may be used without restriction to light distribution or mounting height, except that if any spot of flood luminaire rated 900 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.
 - 2. Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.
 - 3. All temporary emergency lighting need by the Police and Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this local law.

4. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the Federal required minimum lumen output requirement for the specific task.
5. Where any provision of federal, state, county, or town statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

D. Outdoor Advertising Signs.

1. Top Mounted Fixtures Required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements herein. Bottom-mounted outdoor advertising-sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total footcandle level at the property line shall not exceed the level stated in this local law.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this local law within one year from the date of adoption hereof.
4. LED Intensity. The intensity of LED advertising signs shall be lowered between the hours of sunset and sunrise.

E. Recreational Facilities.

1. Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 - i. All fixtures used for event lighting shall be fully shielded as defined herein, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
 - ii. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

F. Prohibitions.

1. Laser Source Light. The use of laser source light shall require the following:
 - i. Obtain a permit from the Town of Chester.
 - ii. A laser operator shall be required to operate the laser
2. Outdoor Advertising Off-Site Signs.
 - i. Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of 11:00 p.m. and sunrise, except for those installed along Route 17/86.

G. Temporary Outdoor Lighting.

1. Any temporary outdoor lighting that conforms to the requirements of this Local Law shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Town of Chester Building Department after considering:
 - i. The public and/or private benefits that will result from the temporary lighting;
 - ii. Any annoyance or safety problems that may result from the use of the temporary lighting; and
 - iii. The duration of the temporary nonconforming lighting.
2. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Town of Chester Building Department.

§69-4. Effective Date and Grandfathering of Non-Conforming Luminaires.

- A. This Local Law shall take effect immediately upon approval by the Town Board of the Town of Chester, NY after holding public hearings or a special Town Meeting and shall supersede and replace all previous Local Laws pertaining to outdoor lighting.
- B. All luminaires lawfully in place prior to the date of the Local Law shall be grandfathered. However, these luminaires must be directed downwards towards the earth and shielded to prevent light trespass within 60 days of notification. All luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this Local Law. Advertising signs are grandfathered only for a period of one year, as specified herein.

- C. Grandfathered luminaires that direct light toward streets and parking lots that cause disability glare to motorists or cyclists should be shielded and re-directed within 60 days of notification, so that the luminaires do not cause a potential hazard to motorists or cyclists.
- D. Grandfathered external luminaires for advertising billboards should be shielded and re-directed within 120 days of notification.

§69-5. New Subdivision Construction.

- A. Submission Contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this local law. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:
 - i. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
 - ii. Description of all illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);
 - iii. Photometric data, such as that furnished by manufacturers or similar showing the angle of cut off or light emissions.
- B. Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Code will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.
- C. Subdivision Plat Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of this local law will be adhered to.

- D. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official for its approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

§69-6. Notification Requirements.

- A. The Town of Chester Building Permit Application shall be revised to include a statement asking whether the planned project will include any outdoor lighting.
- B. Within 30 days of the enactment of this Local Law, the Town of Chester Town Clerk shall send a copy of the Outdoor Lighting Local Law, with cover letter, to the local electric utility company.

§69-6. Violations, Legal Actions and Penalties.

- A. Violation. It shall be a civil infraction for any person to violate any of the provisions of this Code. Each and every day during which the violation continues shall constitute a separate offense.
- B. Violations and Legal Actions. If, after investigation, the Code Enforcement Officer finds that any provision of the Local Law is being violated, he shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this local law and to collect the penalties for such violations.
- C. Penalties. A violation of this Local Law, or any provision thereof, shall be punishable by a civil penalty of not less than fifty dollars nor more than one thousand dollars for any individual (and not more than ten thousand dollars for any corporation, association, or other legal entity) for each violation. The imposition of a fine under this local law shall not be suspended. Each day of violation after the expiration of the thirty-day period provided in Paragraph B shall constitute a separate offense for the purpose of calculating the civil penalty.

§69-7. Examples of Acceptable/Unacceptable Lighting Fixtures.

- A. A schedule of examples of acceptable and unacceptable lighting fixtures is annexed to this Chapter.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

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