



## **CORPORATION OF THE TOWN OF HUNTSVILLE**

### **BY-LAW NUMBER 2016-3**

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#### **Being a by-law to regulate outdoor illumination to ensure responsible lighting, light pollution mitigation and conservation of the night environment**

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**WHEREAS** The Council of the Corporation of the Town of Huntsville finds it expedient to regulate outdoor illumination;

**AND WHEREAS** Authority to pass this by-law is provided by Section 129 of the *Municipal Act*, S.O., 2001, and Section 41 of the *Planning Act*, R.S.O., 1990, c.P. 13 and amendments thereto;

**AND WHEREAS** Subsection 41(7) of the Planning Act, R.S.O., 1990, c.P. 13, states that as a condition to the approval of the plans and drawings referred to in Subsection 41(4), a municipality may require the owner of the land to:

- "(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:
  - 5. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
- (c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (d) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4)"

**AND WHEREAS** Subsection 51(25) of the Planning Act, R.S.O., 1990, c.P. 13, states that the approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement,

- "(d) that the owner of land proposed to be subdivided enter into one or more agreements with a municipality...dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services."

**AND WHEREAS** Section 129 of the *Municipal Act* 2001, S.O 2001, states that:

"A local municipality may,

- (a) prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and
- (b) prohibit the matters described in clause (a) unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans."

**AND WHEREAS** Section 13.19 of the Town of Huntsville Official Plan encourages sensitive lighting which is oriented downward, is low wattage, energy efficient, and minimizes glare and light trespass, throughout the Town, in order to:

- a) prevent conflicts with abutting uses and preserve privacy;
- b) prevent impacts on wildlife and hazards to navigation; and
- c) preserve the night environment;

**AND WHEREAS** the Town of Huntsville values its night environment as one of the natural attributes that support our tourist economy and traditional Muskoka experience;

**AND WHEREAS** the Council of the Corporation of the Town of Huntsville deems it desirable to enact a by-law with respect to preserving and improving the night environment by regulating lighting fixtures;

**AND WHEREAS** properly designed light fixtures do not emit undesirable or nuisance light into the night environment or emit light that causes glare, and thus protect the night environment and human health both on our roads and on the water;

**AND WHEREAS** the by-law will be referred to as the "Outdoor Lighting By-law";

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE ENACTS AS FOLLOWS:**

## **SECTION 1: DEFINITIONS**

For the purposes of this By-Law, terms used shall be defined as follows:

**'Direct Light'** means light emitted directly from the lamp or off of the reflector or luminaire.

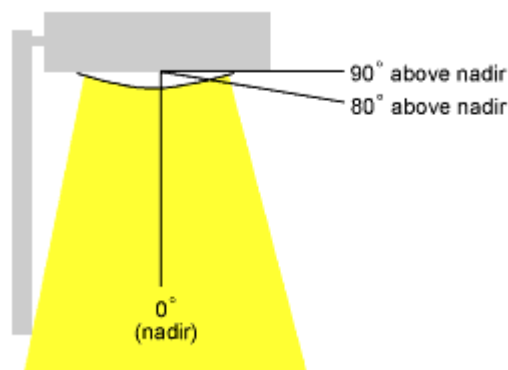
**'Director'** means the Executive Director of Development Services or designate as deemed appropriate based on the circumstance.

**'Fixture'** means 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.

**'Floodlight'** or **'Spotlight'** means 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.

**'Footcandle'** means a measure of luminance per unit area used in IESNA standard measurements i.e. one footcandle (fc) equates to one lumen per square foot.

**'Full cut-off fixture'** means a luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a horizontal plane from the base of the fixture where light is emitted, and the emission of light in the glare zone from 80-degrees to 90-degrees from nadir is less than 10% of the total emitted light from the fixture (see figure below) . The fixture must be installed in a horizontal position as designed. These fixtures produce no stray light due to the exposure of the bulb light source because the source is recessed or shielded.



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

**'Grandfathered Luminaires'** means luminaires not conforming to this code, that existed prior to the passage of this by-law.

**'IESNA'** means the Illuminating Engineering Society of North America, which is an organization of the lighting industry that advises on lighting practice involving minimum illumination levels.

**'Indirect Light'** means direct light that has been reflected or has scattered off surfaces other than the luminaire reflector.

**'Lamp'** means the component of a luminaire that produces the actual light.

**'Light Pollution'** means light that shines where it is not intended or wanted and may be a nuisance by limiting the enjoyment of the outdoor night environment. The consequences of light pollution are glare, light trespass and artificial sky glow.

**'Light Trespass'** means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**'Lumen'** means a unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source.

**'Luminaire'** means a complete lighting system, including a lamp or lamps and a fixture.

**'Outdoor Light Fixtures'** means outdoor artificial illuminating devices, installed or portable, used for flood lighting, general illumination or advertisement.

**'Owner'** includes, with respect to land or property, the registered owner, occupant, tenant, or the person for the time being managing or receiving the rent of the property whether on his own account or on an account of an agent or trustee of any other person, or any of the aforesaid.

**'Person'** includes an individual, an owner, corporation, partnership, company, firm, association, or party and includes the successors, assigns, heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law and the singular shall include the plural.

**'Pole Spacing Ratio'** means the ratio of the inter-pole distance per effective height of lamp on the pole.

**'Staff'** means, Municipal By-law Enforcement Officer or designate for the Town of Huntsville.

**'Strobe Light'** or **'Stroboscopic Lamp'**, commonly called a strobe, means a device used to produce regular flashes of light.

**'Town'** means the Corporation of the Town of Huntsville.

**'Wall Pack Light Fixture'** means a floodlight fixture mounted on an exterior wall of a building.

## **SECTION 2: REGULATIONS**

### **2.1 General Regulation**

Any person who installs outdoor lighting within the boundaries of the Town shall do so in conformity with the requirements of this by-law and shall not cause direct light pollution. If conflicts arise regarding control and maintenance of outdoor lighting, this by-law shall be the governing document.

## **2.2 Luminaire Design Factors For Outdoor Areas**

Any person installing an outdoor lighting fixture shall be required to use Full Cut-off fixtures, as identified in Appendix 'I' attached hereto and forming part of this by-law. Outdoor lighting fixtures shall include, but are not limited to, lights for: buildings and structures, including canopies, overhangs, docks and boathouses; recreational areas; parking lot lighting; landscape lighting; billboards and signs; public and private street lighting; display and service area lighting; public and private walkway lighting; residential yard lights; and outdoor lighting for all residential, waterfront residential, commercial, industrial, institutional and provincial and federal government uses not otherwise specified.

## **2.3 Outdoor Light Fixtures**

- 2.3.1 All new outdoor light fixtures shall consist of Full Cut-off fixtures.
- 2.3.2 All existing outdoor light fixtures shall be encouraged to adhere to the requirements of Section 2.2. Property owners whose structures are furnished with unshielded outdoor light fixtures shall be required to replace them with full cut off fixtures within ten (10) years of the passing of this Bylaw.
- 2.3.3 All architectural lighting, outdoor light fixtures and building lighting shall be mounted such that the light is aimed down. There shall be no light pollution emanating from the fixture in accordance with full cut-off design.
- 2.3.4 The use of low wattage temporary lights for decoration purposes such as Christmas lighting and property ornamentation shall be exempt from Section 2.3.3 to a maximum of 20 watts of LED lighting or 100 watts incandescent lighting.
- 2.3.5 Lighting used to warn people about the location of open water in the winter months (mainly used when bubbling boathouses and docks) shall be any colour except red. White lighting for such purposes shall be prohibited. The use of yellow/amber colour lighting is encouraged to a maximum of 13 watts compact fluorescent lighting, 60 watts incandescent lighting or 10 watts LED lighting. The light should be used to illuminate the surface of the weakened ice and housed in a full cut off fixture to prevent glare and light trespass across the waterway. Flashing or intermittent lights shall be prohibited.
- 2.3.6 Lighting required to monitor emissions for industrial purposes are exempt from this Bylaw.
- 2.3.7 All artificial lighting for yards and parking areas shall be arranged so as to minimize light trespass onto neighbouring properties

## **2.4 Lighting of Outdoor Advertising Signs**

Outdoor advertising signs and light fixtures used to illuminate signs or billboards shall minimize light pollution by being mounted on top of the sign facing down, must utilize full cut-off fixtures and be directed at the sign such that 90% of the light is on the sign and must be in compliance with other sections of this by-law. Where a conflict arises between a provision of this by-law and one or more provisions of the Town of Huntsville Sign By-law, the Sign By-law will take precedence.

## **2.5 Recreational Facilities**

- 2.5.1 Any light source permitted by this By-law may be used for lighting of outdoor recreational facilities, such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, ice rinks, ski hills or show areas, provided all of the following conditions are met:
  - a) All new outdoor light fixtures used for event lighting shall be full-cut-off fixtures, or be designed or provided with full cut-off capability by a shielding retrofit, so as to minimize up-light, spill-light, and glare;

- b) All facility's lighting shall be turned off by 11:00 pm or when not in use unless it is required for security purposes;
- c) Owners of grandfathered lighting fixtures at outdoor recreational facilities are required to install shielding fixtures when doing maintenance and provide full cut off light fixtures when scheduled replacement occurs.

## **2.6 Prohibitions**

### **2.6.1 Laser Source Light**

The use of laser source light or any similar high intensity light for outdoor advertising or entertainment purposes is prohibited.

### **2.6.2 Searchlights**

The operation of searchlights for advertising or entertainment purposes is prohibited.

### **2.6.3 Outdoor Advertising Off-site Signs**

Electrical illumination of outdoor advertising off-site signs along roadways is prohibited after business hours.

### **2.6.4 Strobe Lights**

The use of strobe lights is prohibited, except for construction projects or emergency purposes.

## **2.7 Exemptions**

### **2.7.1 Other Authorities Having Jurisdiction**

This policy does not apply to any related provincial or federal policies or regulations related to lighting buildings, structures or waterways, including, but not limited to, authorities under NAV Canada, Canada Coast Guard, Transport Canada and Industry Canada.

### **2.7.2 Request For Exemption For Temporary Events/Advertising**

A temporary exemption to the requirements imposed by this By-law is permitted for temporary events and/or advertising provided such lighting does not continue for greater than 96 contiguous hours (4 days).

For exemptions requiring greater than 96 contiguous hours (4 days), any person may submit a written request to the Executive Director of Development Services, or designate, for a temporary exemption to the requirements imposed by this By-law. The request for lighting exemption for temporary events shall require approval by the Director, or designate, and contain the following information:

- a) Specific exemption requested (e.g. searchlights);
- b) Type and use of exterior light involved;
- c) Date of the event;
- d) Duration of time for requested exemption;
- e) Proposed location of exterior light; and
- f) Physical size of exterior light.

## **2.8 Grandfathering of Nonconforming Outdoor Light Fixtures**

- 2.8.1 Having regard to Section 2.8.3, all outdoor light fixtures and luminous advertising signs lawfully in place prior to the date of passing of the By-law shall be grandfathered for a period of ten (10) years from the passing of this Bylaw. After ten (10) years all outdoor light fixtures and luminous

advertising will be required to meet the provisions of this By-law.

- 2.8.2 Any outdoor lighting fixture and luminous advertising signs that are replaced, modified, or moved shall be required to meet the provisions of this By-law.
- 2.8.3 outdoor lighting fixtures which are determined to direct light toward streets, parking lots or navigable waterways and cause glare to motorists, cyclists or boaters, and therefore deemed to be a public safety concern, should be either shielded or re-directed within a reasonable timeframe as specified by the Officer.

### **SECTION 3: SUBSTANTIAL NEW DEVELOPMENTS INVOLVING OUTDOOR LIGHTING**

#### **3.1 Submission Contents**

In support of substantial new developments (e.g. Commercial, Industrial, Institutional, Multiple Residential, etc.), as determined by the Planner, or designate, involving outdoor lighting fixtures, that applicant shall submit evidence that the proposed work will comply with this By-law. The submission shall contain, but shall not necessarily be limited to, the following:

- a) Detailed lighting Plans certified by a qualified illumination professional, indicating the location of lighting on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices including signage lighting;
- b) Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalogue cuts by manufacturers and drawings (including sections where required);
- c) Photometric data, such as that furnished by manufacturers, or similar documentation showing the angle of cut off or light emissions and total maximum lumen output.

The above required plans, descriptions and data shall be sufficiently complete to enable Council and staff to readily determine compliance with the provisions of this By-law and shall be included in an implementing Site Plan Agreement.

These requirements shall be further detailed in future Town of Huntsville "Development Standards" or "Development Guidelines".

### **SECTION 4: OFFENCES AND PENALTIES**

- 4.1 Every Person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction is liable to a fine or penalty under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 4.2 Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such. Such fines shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 4.3 Staff may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are in compliance and to enforce and carry out the provisions of this By-law or any direction or order issued pursuant to the Municipal Act, 2001, S.O. 2001, c.25 or this By-law.
- 4.4 For the purposes of an inspection under subsection (1) staff may,
  - a) Require the production for inspection of documents or things relevant to the inspection;
  - b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - c) Require information from any Person concerning a matter related to the inspection; and

- d) Alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 4.5 A sample taken under clause 4.4 d) shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
- 4.6 If a sample is taken under clause 4.4 d) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.
- 4.7 A receipt shall be provided for any document or thing removed under clause 4.4 b), and the document or thing shall be promptly returned after the copies or extracts are made.
- 4.8 No Person shall hinder or obstruct, or attempt to hinder or obstruct, staff are exercising a power or performing a duty under this By-law.
- 4.9 If staff is satisfied that a contravention of this By-law has occurred, staff may make an order requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to:
  - a) Discontinue the contravening activity; or
  - b) Do work to correct the contravention.
- 4.10 Any Person who contravenes an order under subsection 4.9 is guilty of an offence.
- 4.11 An order under subsection 4.9 shall set out:
  - a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
  - b) The date by which there must be compliance with the order.
- 4.12 An order under subsection 4.9 shall be served to the owner or any person staff determines to be an interested party. Service of an order shall be deemed to be served by sending the order registered or first class mail, by posting or by personal service.
- 4.13 An order under subsection 4.9 may require work to be done even though the facts which constitute the contravention of the by-law were present before the by-law making them a contravention came into force.
- 4.14 In default of any work directed or required by the Town under this section being done by the Person directed or required to do it, the matter or thing shall be done at the Person's expense.
- 4.15 Where the Town or any authorized agent on behalf of the Town has performed the work required to bring about compliance with the by-law, the Town may recover the costs of doing anything or matter under subsection 4.14 by action or by adding the costs to the tax roll and collected in the same manner as property taxes.
- 4.16 The costs in subsection 4.15 shall include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the Town incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 4.17 For the purposes of subsection 4.14, the Town or any authorized agent on behalf of the Town may enter upon land at any reasonable time and complete the work set out in the order.
- 4.18 Where the singular is used it shall also mean or stand for the plural.

## **SECTION 5: SEVERABILITY**

Should any part, section, subsection or portion of this By-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the By-law as a whole or in part thereof, except for that which was declared to be invalid.

## **SECTION 6: EFFECTIVE DATE**

This by-law shall take effect upon the date of passing thereof.

**READ a first** time this **25<sup>th</sup>** day of **January, 2016**.

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**Mayor** (Scott Aitchison)

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**CAO / Clerk** (Denise Corry)

**READ a second** and **third** time and **finally passed** this **25<sup>th</sup>** day of **January, 2016**.

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**Mayor** (Scott Aitchison)

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**CAO / Clerk** (Denise Corry)



### Schedule "I"

#### ACCEPTABLE

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

