



Date: November 27, 2023
To: Mayor and Council
Author: Robert Frias, Chief Building Official
RE: **By-law to Regulate Outdoor Illumination**

RECOMMENDED ACTION

That amendments to the restrictions on outdoor illumination **BE APPROVED** to:

1. Allow holiday lighting during the time period of November 15 to January 15; and
2. Allow businesses to operate an outdoor illuminated commercial sign between the hours of 11:00 pm and 7:00 am provided that the business is open to the general public for retail sales.

That By-Law 31-1999 be repealed and By-law 68-2023, being a Property Standards By-law, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

On August 14, 2023, Council passed amendments to the Town's existing Property Standards By-Law to require outdoor illuminated commercial signs to be turned off between the hours of 11:00 p.m. and 7:00 a.m. and to extend the lighting nuisance regulations to all properties to make it an offence to position exterior lighting in a manner that causes an impairment to the use or enjoyment of neighbouring properties.

A. OUTDOOR ILLUMINATED SIGNS

The By-law prohibiting outdoor illuminated signs is written so that a complaint is not required prior to enforcement. This is to ensure that all business are being treated equally and achieve a level of dark sky by having illuminated signs turned off.

The By-Law Enforcement staff team then undertook an information and education campaign to inform local businesses of the by-law amendments with a 30-day grace period to allow them to make the necessary changes for the outdoor illuminated sign

provisions. During the 30-day grace period, Town staff used social media and the Town's website to educate the public.

Following the 30-day grace period, By-Law Officers undertook overnight inspections and found that there were 66 properties (96 individual businesses) in violation of the illuminated commercial sign regulations. Educational letters were sent to the property owners of all 66 properties and a copy of the educational letter was hand delivered to 96 individual businesses. A subsequent overnight inspection discovered that approximately 50% of the properties have complied with the regulations and many of the remaining businesses are in progress to comply with the regulation. Business owners have scheduled trades and/or are waiting for parts to install timing devices for the illuminated commercial signs to comply with the by-law. Enforcement is still underway with regular overnight inspections. It is expected that there will be a small number of Orders being issued to businesses that fail to comply.

B. GENERAL NUISANCE LIGHTING

The By-law prohibiting general nuisance lighting is written so that a complaint is required prior to enforcement. This is due to the fact that the lighting must be a nuisance to a neighbor before an offence has occurred. The complaint is then investigated and a By-Law Enforcement Officer uses both an objective and subjective standard to determine if an offence has occurred. Town Staff will also speak with the offending party to see if voluntary compliance can be achieved.

With respect to general lighting nuisances, since adoption of the by-law amendments there have been 6 requests for investigations. By-Law Officers have investigated all complaints and have found violations of the Town By-law in 2 of the 6 investigations. Enforcement is underway by By-Law Officers.

DISCUSSION

By-Law Officers have received a good deal of feedback from businesses and residents since the adoption of the lighting amendments thus administration is recommending that Council consider and adopt the following changes to the Property Standards By-Law in an effort to provide relief for circumstances which are believed to align with the objectives of Council when passing the by-law amendments.

Proposed Changes to the Property Standards By-Law

- Adding subsection 2.17 which is a provision to allow for holiday lighting during the time period of November 15 to January 15.
- Adding subsection 5.13 to permit businesses to operate an outdoor illuminated commercial sign between the hours of 11:00pm and 7:00am provided that the business is open to the general public for retail sales.

The draft Property Standards By-law 68-2023 is attached as Appendix "A".

FINANCIAL CONSIDERATIONS

No financial considerations at this time.

ENVIRONMENTAL CONSIDERATIONS

Taking positive action to minimize light pollution should be encouraged. This is best accomplished through education rather than prosecution.

CONSULTATIONS

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Daryl Flacks, Senior By-law Enforcement Officer
Kyla Ferguson, By-Law Enforcement Officer

PREPARED BY:



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REVIEWED BY:



John Norton
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