

**VILLAGE OF WALDEN  
INTRODUCTORY LOCAL LAW  
AMENDMENT OF VILLAGE ZONING LAW  
EXTERIOR LIGHTING STANDARDS**

BE IT ENACTED by the Board of Trustees of the Village of Walden, County of Orange, State of New York, as follows:

**Section 1** Chapter 305, titled “Zoning” of the Code of the Village of Walden Subsection 60 entitled “Site Plan Approval” is amended by adding a new Section 305-60(D)(9) to read as follows “adequate site lighting shall be provided which shall be designed and located in a manner that it does not produce glare on adjacent properties, does not impede the vision of traffic on adjacent roads, and shall otherwise be in compliance with the specifications of the International Dark Sky Association (IDA) or any other industry-accepted Dark Sky standard and be in compliance with Chapter 168 Exterior Lighting Standard”. The current §305-60(D) (9) through §305-60(D)(19) shall be renumbered §305-60(D) (10) through §305-60(D)(20).

**Section 2** Chapter 260, titled “Subdivision of Land” of the Code of the Village of Walden Subsection 15 entitled “Streets” is amended by adding a new Section 260-15 (R) to read as follows “ Any Lighting provided along streets and walkways shall be adequate for community safety needs and not produce excessive glare on adjacent properties and shall generally comply with the specifications of any industry-accepted standard for dark sky compliance.”

**Section 3** A new Chapter 168, titled “Exterior Lighting Standards”, of the Code of the Village of Walden, is enacted to read as follows:

**§168-1. Purpose.**

The purpose of this article is to set forth lighting standards for outdoor uses that serve to create a safe and comfortable nighttime environment, while protecting the public's ability to view the night sky. These lighting standards are designed to ensure personal safety, prevent motor vehicle and pedestrian conflicts, reduce the negative effects of glare, light pollution and light trespass, and conserve energy and resources to the greatest extent possible.

**§ 168-2. Scope.**

All exterior lighting and interior lighting to the extent that it impacts the outdoor environment shall comply with the requirements of this article, unless specifically excluded. The following light sources are not regulated by this article:

- A.  
Public roadway lighting;
- B.  
Lighting in the public right-of-way installed by the governmental authority having jurisdiction thereof;
- C.

Lighting required temporarily for emergency purposes or repairs in the public right-of-way, which lighting must comply with applicable state regulations;

D.

Temporary use of low-wattage lighting for public festivals or events and the observance of holidays, provided that such use does not create disability glare that may cause a hazard for vehicle or pedestrian travel or a vehicle/pedestrian conflict; holiday exterior lighting must be turned off by 11:59pm.

E.

Lighting installed by a governmental entity for the benefit of the public health, safety, and welfare.

### **§ 168-3. Prohibited lighting types.**

A.

Blinking, flashing, moving, oscillating, or changing intensity lights, including those used or proposed for signage;

B.

Lighting that could be confused with a traffic control device;

C.

Lighting of a type, style or intensity determined to interfere with vehicle or pedestrian traffic safety;

D.

Strobe lights, searchlights, beacons or laser light, or similar upward or outward oriented lighting;

E.

Exposed neon, exposed LED, or similar exposed lighting, except when used for illuminating window signs and the display area of electronic message signs;

F.

Lighting creating a public hazard, including lighting that creates disability glare particularly where such disability glare has a detrimental effect on vehicle or pedestrian traffic;

G.

Lights mounted on poles for the purpose of illuminating the building facade;

H.

High-intensity floodlighting except as approved specifically for sports facility lighting;

I.

Wallpack light fixtures that are not classified as full cutoff.

### **§ 168-4. Control of glare, shielding requirements.**

The provisions of this section shall apply to exterior lighting in all zoning districts. Lighting regulations applying to signs are set forth in Article VII Sign Regulations.

A.

All exterior lighting fixtures not otherwise addressed by this article shall be type FL, FM, FH, BL, BM or BH as defined by the BUG (Backlight, Uplight and Glare) system of the Illumination Engineering Society of North America (IESNA).

B.

Notwithstanding the foregoing, a lighting fixture containing a single incandescent lamp of 60 watts or less, or equivalent light output, does not require shielding when installed in residential districts as listed in §305-7(a).

**§ 168-5. Installation, reflection, illumination, height and power requirements.**

A.

The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited in all zoning districts.

B.

The installation of high-intensity illumination, including, but not limited to, high-pressure sodium, metal halide or fluorescent linear fixtures or lamps is prohibited in the residential districts as listed in §305-7(a).

C.

Exterior lighting fixtures shall be designed and arranged not to reflect or shine light onto adjoining properties or streets, and not to distribute light skyward.

(1)

Light fixtures located near property lines shall have a back-lighting zone classification of BL.

(2)

Light fixtures with an upper-lighting zone classification such as UL or UH are prohibited.

(3)

Light fixtures mounted under roof overhangs, soffits, and canopies shall be recessed so that the lamp and/or lens cover is flush with the bottom surface of the canopy or overhang or is shielded by the fixture or the edge of the structure so that light is restrained to an angle no higher than 80° above nadir.

(4)

Floodlights and spotlights, except for approved sign lighting, shall be aimed at an angle no higher than 45° above nadir.

(5)

If, due to topography, such as steep slopes, the use of fully shielded light fixtures is not sufficient to prevent light trespass onto adjacent properties, additional shields, or floodlights and spotlights aimed at angles less than 45° above nadir may be required.

D.

Average illumination levels generated by exterior lighting shall not exceed one footcandle for medium activity areas, such as a community shopping center, office park, or residential complex parking, and two footcandles for high activity areas, such as a fast-food facility. The maximum illumination level at the property line from which light originates adjacent to a residential property shall not exceed 0.2 footcandle as measured three feet above the ground along the residential property line and within adjacent residential property.

E.

For security and safety lighting of nonresidential property in all zoning districts, including, but not limited to, parking lots:

(1)

Light fixture height must not exceed 25 feet from finished grade to the underside of the light fixture and light fixtures must be full cutoff and "dark-sky" compliant according to the specifications of the International Dark Sky Association (IDA);

(2)

Recommended lamp types are LEDs of 2,700 K CCT or lower; and

(3)

Timers, sensors, and/or dimmers should be used where practicable to reduce energy consumption and unnecessary lighting.

F.

The total power of a lamp in a lighting fixture shall not exceed 265 watts.

G.

All levels of illumination, luminance, and glare not limited within this article must not exceed recommended activity levels from the latest Illuminating Engineering Society of North America (IESNA) published recommended practices and handbook. Where no standard from IESNA exists, the Planning Board shall determine the appropriate level in consultation with the Village's Code Enforcement Officer, taking into account levels for the most comparable IESNA activity.

§ 168-6. Automatic teller machine lighting.

Exterior lighting installed to illuminate an automatic teller machine may exceed the maximum lighting levels of this article, provided that the excess levels are the absolute minimum required in order to comply with Article II-AA of the New York State Banking Law, commonly referred to as the "ATM Safety Act."

**§ 168-7. Existing nonconforming lighting fixtures.**

A.

Any lighting fixture that replaces an existing nonconforming lighting fixture, or any existing nonconforming lighting fixture that is relocated, shall comply with the requirements of this article.

B.

Any existing nonconforming lighting fixture that creates disability glare such that it creates a safety hazard shall be either shielded or redirected, upon notification to the owner or occupant.

**§ 168-8. Enforcement.**

A.

The provisions of this article shall be administered and enforced by the Village's Code Enforcement Officer and/or Police Officer, who shall have the authority to enter upon the premises upon which exterior lighting is located or is to be located to make inspections.

B.

If the Code Enforcement Officer determines that lighting does not comply with the provisions of this article, the Code Enforcement Officer shall notify the owner of the premises on which the noncompliant lighting is located to remove, repair, or bring the lighting into compliance within 30 calendar days of the date of such notice, except in the case of unsafe lighting, in which case the owner must bring the lighting into compliance upon receipt of written notice. Notice of violation shall be served in the manner set for in 305-65(a).

If those persons notified shall fail to remove such violation within the allotted time period, the Building Inspector shall charge them with such violation of this chapter before the appropriate court of law.

C.

Persons found guilty of such violation shall be subject to a fine not exceeding \$250 or to imprisonment for not more than 15 days, or both, for each violation. Each and every week such violation continues after the allotted period of time for its removal shall be deemed a separate and distinct violation.

D.

In addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate such violation, or to prevent the use of offending light, or to prevent any illegal act, conduct, business or use in or about such premises.

E.

Notwithstanding the provisions of Subsection **B** of this section, nothing shall preclude the Building Inspector from requiring the removal of a violation immediately upon service of the notice, where the violation involves the use of an offending light in contravention of the site plan, special exception use permit, variance, building permit or certificate of occupancy provisions of this chapter.

Upon the failure of a person or entity to comply with a notice to correct a condition which violates the provisions of this chapter, the Board of Trustees may, after a hearing, order the condition abated and shall authorize the enforcement officer to take the necessary steps to carry out the Board's order. All costs associated with the abatement of the condition shall be charged to the owner of such real property, which cost shall be assessed and constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied and discharged, and the same shall be collected in the same manner and at the same time as other Village charges.

F.

The removal or abatement of any nuisance, hazard or condition by the Village or its agents shall not operate to excuse the owner or occupant from properly maintaining any premises as required by this chapter, and such owner or occupant shall, notwithstanding such action, be subject to any penalties provided for herein

#### **§ 168-9. Appeals.**

The owner of the premises upon which the lighting is or is intended to be located, or the person responsible for the lighting, may appeal a determination of the Code Enforcement under this article to the Village's Zoning Board of Appeals in accordance with the procedures set forth in Article IX.

**Section 4** This local law shall take effect immediately upon filing with the Secretary of State.