New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
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Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Canandaigua 01/29/2021

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Local Law No. _____ **of the year 20** 21

A local law Amendment to Chapter 1-17 General Provision, Definitions and
(Insert Title)
Chapter 220-77 Lighting Standards and Regulations

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Canandaigua **as follows:**

See attachment

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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Chapter 1-17 Definitions.

LIGHT, DIRECT

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

LIGHT GLARE

Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see.

LIGHT, INDIRECT

Direct light that has been reflected or has scattered off of surfaces other than those associated with the light fixture.

LIGHTING, OUTDOOR

The illumination of an outside area or object by any Luminaire.

LIGHT POLLUTION

Stray or reflected light that is emitted into the atmosphere above the 90-degree horizontal plane from the luminaire, and which can or does cause unwanted sky glow or which can or is seen from an abutting property.

LIGHT TRESPASS

Direct light from a luminaire located on one property that is intruding onto other property.

LUMINAIRE

A complete lighting system, including a light source component (lamp or lamps that produce the actual light) and a fixture.

LUMINAIRE, FULL CUT-OFF TYPE

A luminaire that, by design of the housing, does not allow any light dispersion or direct light to shine above a 90-degree horizontal plane from the base of the luminaire.

LUMINAIRE, HEIGHT OF

The vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire.

UPLIGHTING

Any light source that distributes illumination above a 90-degree horizontal plane

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§ 220-77 Lighting standards and regulations.

A. Purpose and intent. It is the purpose and intent of this section to:

(1) Control outdoor lighting for the safety of motorists and pedestrians;

(2) Aiding in law enforcement functions and reducing crime through the proper design and use of outdoor lighting to ensure nighttime appearance consistent with overall community goals or enhancing the attractiveness of businesses, streets and other portions of the environment;

(3) Provide the regulatory framework to ensure the installation of safe and attractive outdoor lighting needed to protect the health, safety and welfare of the residents and visitors to the community;

(4) Provide specific guidelines for site plan applications and standards in regard to lighting in order to maximize the effectiveness of site lighting;

(5) To avoid unnecessary upward illumination and control unwanted illumination and light trespass onto neighboring properties, roadways and night sky;

(6) Have all exterior lights and illuminated signs designed, located, installed and directed in such a manner as to prevent unreasonable light trespass and light glare.

B. Applicability. All outdoor lighting shall be in conformance with the requirements of this section.

C. General requirements for all mixed- use, multi-family, commercial and industrial zoning districts.

(1) All outdoor lighting fixtures, including display lighting, shall be full cutoff, and turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary and may operate on motion detectors/sensors.

(2) Petroleum stations. Island canopy fixtures shall be completely recessed and full cutoff.

(3) Recreational facilities, public or private. Lighting for outdoor recreational facilities shall be shielded according to the requirements set forth in Subsection D below.

(4) All light fixtures that are required to be fully shielded shall be installed and maintained so that the shielding is effective.

(5) All luminaires shall be "white light," including but not limited to metal halide, plasma, LED, and similar, for all outdoor lighting on new commercial or industrial uses.

(6) The maximum height of a pole-mounted light fixture shall be 33 feet.

(7) The maximum height of a building-mounted light fixture shall be 26 feet.

(8) Upward aimed façade and building lighting shall be fully shielded and fully confined from projecting into the sky by the building eaves, roofs, overhangs or structures and shall be mounted as flush with the illuminated wall as possible.

D. General requirements for all residential zoning districts.

(1) All outdoor lighting fixtures shall be shielded from adjacent residential properties or public right-of-way.

(2) The maximum light trespass at the property line shall be 0.25 footcandle.

(3) The maximum height of a pole-mounted light fixture or a building-mounted light fixture shall be 20 feet.

E. Regulations Applicable to All Zoning Districts.

(1) All outdoor luminaire whose initial source lumens are greater than 900 must meet the following requirements:

a. Have a cutoff angle of 90° or less. (full cutoff)

b. Canopy lights must be recessed and full cutoff.

(2) Light source visibility. The visibility of the light source inside a luminaire shall be restricted; the direct light shall not be visible above six feet at the adjoining public roadway pavement edge or 25 feet beyond the property line.
(3) No installation of new luminaries shall be permitted unless in conformance to this section.

F. Exceptions to all zoning districts.
(1) Any outdoor luminaire having initial source lumens of 900 or less, provided that no direct light causes glare on adjoining roadways.
(2) Temporary lighting for events such as circus, fair, carnival or other civic uses.
(3) Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
(4) Temporary lighting for holiday events.
(5) Lighting associated with agricultural uses.

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F. Prohibited lighting:
(1) Prohibited lighting for all uses.
(a) All moving, revolving and flashing lights for promotional purposes.
(b) Laser source lighting or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon, is prohibited.
(2) All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent glare on adjoining roadways.

G. Submittal requirements for Commercial, Industrial, Mixed Use and Multifamily Uses.
(1) All applications for site plan approval, or for a special use permit, shall require a lighting plan showing conformity with standards contained in this section.
(2) Such lighting plan shall indicate the location, type of lamp, color of lamp, luminaire, mounting height, source of lumens, illuminance, light loss factor utilized in calculations and adherence to full cutoff requirement, for each light source and area.
(3) An illuminance plan is required with isofootcandle levels shown, detailing the interaction of all lighting on the site.
a. Illuminance plan shall detail lighting levels beyond parcel boundary to 0.1 footcandles.
b. Illuminance plan shall be in Foot Candles at grade level.
c. Illuminance plan shall provide statistical data for parking areas, pedestrian areas, traffic areas, and any additional areas which are of relevance.
(4) Any additional documentation necessary to show conformance to the standards, such as hours of operation, set forth in this section shall also be provided.
(5) Additions or changes to an approved lighting plan shall be considered under the site plan review provisions of this chapter.

H. Illuminance and uniformity.
(1) Light levels shall be designed to meet but not to exceed the latest recommended levels from IESNA for the type of activity/area being lighted except light levels for ATMs, which shall be in accordance with the New York State ATM Safety Act.[1] Where no standard is available from IESNA, the applicable standard shall be determined by the Planning Board, if approval is required, taking into account the levels for the closest IESNA activity.
[1]:Editor's Note: See Banking Law § 75-a et seq.
(2) Uniform light levels shall be achieved on the site. The uniformity ratio (average to minimum) shall not exceed 3:1 for parking and traffic areas, nor 4:1 for pedestrian areas.

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(3) Design should establish a hierarchy of lighting to insure a smooth transition from bright areas to those with subdued lighting.

(4) Maximum to average light levels should be kept within a six to one ratio. Light levels shall be maintained at design levels with lamp or luminaire replacement as needed.

I. Nonconforming lighting. All outdoor lighting lawfully existing prior to the effective date of this chapter shall be deemed pre-existing non-conforming to this section, except that:

(1) No light causing glare on adjoining roadways shall be allowed to continue. The Zoning Officer may make a determination regarding outdoor lighting that causes a glare on adjoining roadways.

(a) The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

(2) Any application for renewal of a special use permit, site plan approval, or an amendment to a site plan, or sign site plan may require that any aspect of the subject property be subject to compliance with these regulations, regardless of whether or not the application involves new site lighting subject to the decision of the Planning Board.

J. Waterfront lighting

Outdoor lighting in and around the ponds, lakes, rivers, and other waters within the Town shall be installed or maintained so as not to create a hazard to other property owners and shall comply with the following:

(1) Lights on docks shall be no more than three feet above the dock, shall be directed downward and be full cut off fixtures.

(2) Lights illuminating paths, stairs, decks, etc., shall prevent direct light on the water and shall not direct light upwards.

(3) All exterior lighting shall be located, mounted and shielded, so that direct illumination is not focused towards the water surface more than 20 feet from shore.

(4) Lighting shall not be installed below the mean high-water mark of Canandaigua Lake.

(5) Lighting under the roof of boat stations shall be allowed.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20_____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20_____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20_____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
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 in the manner indicated in paragraph _____ above.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

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