

## Bill WDS 2001A

A local law to amend the Chapter 106 of the Code of the Village of Woodsburgh, entitled "Peace and Good Order" to provide for regulation of artificial lighting and unreasonable noise.

Section one. Chapter 106 of the Code of the Village of Woodsburgh, entitled "Peace and Good Order" is hereby amended by renumbering section 106-6 to section 106-7.

Section two. Chapter 106 of the Code of the Village of Woodsburgh, entitled "Peace and Good Order" is hereby amended to add the following new section, as section 106-5, to read as follows:

### **§106-5. Regulation of Artificial Lighting.**

#### **A. Prohibited Lighting.**

Except as otherwise permitted in this section, no person, firm or entity, or their respective agents, servants, guests or employees shall install, repair, alter, replace, relocate, operate or maintain any permanent outdoor light fixture, lamp or other artificial means of radiating light on private property in the Village ("exterior lighting") that does not comply with any one or more of the following requirements:

1. All exterior lighting shall be either "fully shielded" or fitted with opaque hoods, shields, louvers, shades, or other devices to insure that all light generated by the light source is directed downward and not outward horizontally, and so fitted that no portion of the light source is visible when the light fixture is viewed from the property line or beyond. The term "light source" includes the light bulb and all refractive, reflective, and translucent light transmitting parts of the fixture. Post lanterns, pier lanterns and lanterns mounted on residences are exempt from the provisions of Subsections 1 and 2 of this section.

2. No exterior light source, including fixtures not mounted on the primary structure, shall be mounted higher than 12 feet measured from the actual grade immediately beneath the light source. Excluded from this requirement is any exterior light source contained within the soffit of the principal structure, so long as such light source complies with all other subsections in this section.

3. No exterior lighting shall illuminate any public or private road, public right-of-way, public waterway, public beach, or conservation easement.

4. No exterior light source shall illuminate, reflect, spill over, or otherwise create a nuisance upon an adjoining property or properties.

5. No flashing, laser, searchlight, strobe, tracing, pulsating, or neon exterior lighting is permitted.

6. No recreational court, including tennis courts, basketball courts, or sports courts shall be artificially illuminated after 9:00 p.m.

7. Lighting intended to illuminate foliage, trees, landscape, or architectural structures must be fully shielded and turned off daily by 12:00 midnight. Temporary holiday exterior lighting is exempt from the provisions of this chapter, except that such temporary exterior lighting shall not be lit earlier than 21 days before the date of the respective holiday and must be disabled within 15 days after the date of the respective holiday and must be turned off daily by 12:00 midnight.

8. No outdoor light fixture shall be operated by a "dusk to dawn" timer or sensor, unless motion-sensor activated. Motion-sensor light fixtures shall be operated to shut off after 10 minutes and shall not be triggered by activity located beyond the boundary line of the property on which the light fixture is located.

9. Exterior light source(s) illuminating a driveway or walkway shall be mounted only along the margins of the driveway or walkway, mounted no higher than 18 inches from the grade at its base and spaced at intervals of no less than six feet. Exterior light sources mounted on an entrance pier shall be no higher than eighteen (18) inches above the top of the pier.

10. Exterior light source(s) installed on or along fences, including fence posts, are prohibited.

11. Lighting that is determined by municipal law enforcement personnel to contribute to a condition of disabling or distracting glare into a public roadway from a light source.

#### **B. Existing lighting.**

Exterior lighting installed on private property as of [date of adoption of law, which does not conform with subsections 1, 2, 3, 4, 5, 9, 10 and/or 11 of section 106-5(A) ("Nonconforming Lighting"), may continue to remain on such private property upon

registering such lighting as provided herein. On or before [six months from the date of adoption], the owner of any property where such Nonconforming Lighting exists, shall register such lighting with the Village Building Department, and such registration shall include the location of such Nonconforming Lighting. If any Nonconforming Lighting is not timely registered as required by this subsection, the right to continue any such lighting shall terminate on [six months from the date of adoption], unless a variance to retain such lighting is obtained from the Board of Appeals. If any exterior lighting claimed to exist on [date of adoption], is not registered as required by this subsection, it shall be presumed that the installation commenced on or after [date of adoption], and the authorization to maintain such lighting shall require a variance from the Board of Appeals..

Exterior lighting that does not comply with subsections 6, 7 and/or 8 of subsection 106-5(A), and exists on the effective date of section 106-5, shall be extinguished or brought into compliance with the provisions of this section 106-5 on or before [six months from the date of adoption].

### **C. Complaints.**

1. Any person complaining about a violation of this chapter may make a written complaint to the Building Inspector. Each complaint submitted to the Building Inspector shall include the date, time, place and manner in which a violation of this chapter has occurred and must be signed by the complainant.

2. Upon receipt of a written complaint, the Building Inspector, upon verification of a violation, may issue an appearance ticket and otherwise take lawful action to enforce compliance with this chapter.

### **D. Penalties for Offenses.**

Any person, firm or corporation who violates any section of this Chapter or fails to timely comply with a notice, order or directive of enforcement personnel shall be subject to the enforcement and penalty provisions of Chapter 1 of the Village Code.

Section three. Chapter 106 of the Code of the Village of Woodsburch, entitled "Peace and Good Order" is hereby amended to add the following new section, as section 106-6, to read as follows:

#### **§106-6. Regulation of Unreasonable Noise.**

**A.** No person shall make, cause or permit to be made any unreasonable noise within the geographical boundaries of the Village of Woodsburch or within those areas over which the Village has jurisdiction, including the waterbodies adjacent to the Village.

**B.** Unreasonable noise which shall constitute a violation of this section shall be any continuous, frequent or repetitive loud sound which annoys, disturbs or interferes with the comfort, repose, peace or reasonable and normal activities of a reasonable person of normal sensitivities lawfully occupying an area adjacent to or in the vicinity of the source of the sound, taking into account the standards set forth in subsection 106-6(C).

**C.** Standards to be considered in determining whether “unreasonable noise” exists in a particular situation include, but are not limited to:

1. Volume of the noise.
2. Intensity of the noise.
3. Whether the nature of the noise is usual or unusual.
4. Whether the origin of the noise is natural or manmade.
5. The nature and the zoning district of the areas within which the noise emanates and impacts.
6. Time of day.
7. Duration of the noise.
8. Whether the noise is continuous or impulsive.

**D.** Each of the following shall constitute unreasonable noise:

1. Playing or permitting the operation of any radio, television, electronic device, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound so as to produce unreasonable noise at any time. Said sound production or reproduction shall be deemed unreasonable noise if it is produced in a manner as to create noise that can be heard inside any residence located across any real property boundary lot line from the source of the noise, where all doors and windows are closed at such residence. Said sound shall be deemed unreasonable noise if it is produced in a manner as to create noise that can be heard between 11:00pm and 10:00am, across any real property boundary lot line from the source of the noise.

2. Use of a horn or other signaling device in any case, except in an emergency.

3. Air conditioning, HVAC, generator equipment or pool equipment shall not be used or continue to be used when such equipment generates a noise level in excess of 50 decibels across any real property boundary line.

4. Repair, test, rebuild or modify any vehicle, motorcycle or boat in a manner to cause unreasonable noise across any boundary line.

5. A domestic animal barking, whining, yelping or howling continuously.

**E.** Nothing in this section shall be construed to abridge or supersede any state or federal laws, rules or regulations.

Section four. Any local law, ordinance, or resolution of the Village of Woodsburgh in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section five. Any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section six. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.