LOCAL LAW INTRODUCTORY NO. 4 OF 2015
VILLAGE OF TUXEDO PARK

A LOCAL LAW AMENDING CHAPTER 100 OF THE VILLAGE CODE CONCERNING EXTERIOR LIGHTING

Be It Enacted By The Village Board Of The Village Of Tuxedo Park As Follows:

Section 1: Findings and Purpose

The Village Board of the Village of Tuxedo Park does hereby make the following findings, and does hereby declare the following purposes with regard to the enactment of this local law:

1* The Village of Tuxedo Park is concerned that the natural night sky is our common and universal heritage, yet it is rapidly becoming unknown to our newest generations.

2* The Village finds that the nighttime environment is a precious natural resource for all life on Earth, but the glow of uncontrolled outdoor lighting has hidden the stars and changed our perception of the night.

3* The Village has become aware of the desire of Village residents to enjoy a dark sky during night time hours, including unobstructed enjoyment of the stars, of the moon, and of undisturbed darkness.

4* The Village finds that unregulated outdoor lighting at nighttime produces Light Pollution and Sky Glow.

5* The Village finds that Light Pollution is an adverse effect of artificial light, including sky glow, unsightly glare, light trespass, decreased visibility at night, energy waste, and more; the common wish is to minimize skyglow and reclaim the ability to view the wonder of the night sky.

6* The Village finds that Light Pollution wastes energy and money, disrupts global wildlife and ecological balance, has been linked to negative consequences in human health.

7* The Village wishes to discourage the waste of energy caused by excessive lighting, and to minimize the impact of stray lighting on human health, habitats and the environment.

8* The Village finds that it needs to govern and regulate the use of seasonal decorative lighting and recreational/sport lighting in the Village; to regulate the use of such lights in a manner that is consistent with and considers the health, safety and welfare of the residents of the Village of Tuxedo Park,

9* The Village of Tuxedo Park is a unique community listed on the National Register of Historic Places, and the continuous and increasing level of Nocturnal Light Pollution would negatively impact the unique characteristics that underlie the Village's listing on the National Register of Historic Places.

10* Based upon the foregoing findings, the Village hereby determines to amend its zoning chapter so as to regulate the usage of nocturnal outdoor lighting anywhere in the Village.

Section 2: Chapter 100 (Zoning)

[Section 100-2 of the Village Code shall be amended to add:]

FLOODLIGHT
A light fixture which is designed to cover an area with light.

GLARE
Stray, unshielded light striking the eye that may result in annoyance, discomfort, distraction and/or impairment.

ILLUMINATION
The amount of light energy falling on a surface.

LAMP or BULB
The light-emitting device in a light fixture.

LIGHT FIXTURE or LUMINARE
The assembly that holds the bulb or lamp in a lighting system, mounting apparatus, reflecting elements, cover glass or lenses, ballast and the housing.

LIGHT TRESPASS
Light projected onto a property from a light fixture not located on that property.

LUMEN
A unit of measure for luminous flux, which is the total light energy emitted by a lamp. Use the values listed in the literature of the lamp manufacturer, if available.

MOTION SENSOR
A device designed to activate a light fixture or luminaire when motion is detected in a given area, and to deactivate the light fixture when that motion ceases.

MOUNTING HEIGHT
The distance from natural grade to the highest light-emitting part of a light fixture.

SKYGLOW
The illumination of clouds, moisture and airborne matter by upward lighting from the earth's surface which impedes one's view of the night sky.

[Chapter 100 of the Village Code shall be amended to add section 100-21.1]

100-21.1 EXTERIOR LIGHTING

A. Purpose. The purpose of this section is to establish provisions for exterior lighting in the Village in order to:
   a. Minimize the impact of stray lighting on human health, habitats and the environment.
   b. Provide safe roadways for pedestrians, cyclists and motorists.
   c. Protect against direct glare and excessive lighting.
   d. Prevent light trespass in all areas of the Village of Tuxedo Park.
   e. Minimize skyglow and reclaim the ability to view the wonder of the night sky.
   f. Provide lighting guidelines.
   g. Discourage the waste of energy caused by excessive lighting.
   h. Allow for flexibility in the style of lighting fixtures.
   i. Provide clear guidelines for the Boards and enforcement staff of the Village to use in administering this section

B. No use shall produce illumination beyond the boundaries of the property on which it is located in excess of _____ footcandle, measured vertically at five feet above the ground, at the property line.

C. Flashing, dazzling and pulsating sources of illumination are prohibited.

D. Existing exterior lighting that is determined by municipal law enforcement to contribute to a condition of disabling or distracting glare onto a public roadway may be ordered to be changed or removed at any time.

E. All uses shall limit light sources and illuminated surfaces to the illumination levels indicated below:

Source	Maximum Illumination Level
Bare or neon-type bulbs or lamps	***(Prohibit or set FC level)***
Illumination of any vertical building surface(measured vertically on the side of the building)	***(Prohibit or set FC level)***
Sports lighting, such as stadium lighting, tennis court lighting, or lights for any field, court or similar playing area	***(Prohibit or set FC level)***

F. Building- or pole-mounted, shielded floodlights and/or shielded spotlights meeting the requirements of the above chart are permitted . Such lights must be angled downward so as not to create glare as seen from above and shall meet any one of the following criteria:
   a. They are not visible beyond the property line;
   b. They are turned off by _____ p.m.; or
   c. They are controlled by a motion sensor.

G. If certain Village residents are desirous of nocturnal illumination of houses and landscape details, the lighting source should always be pointed towards the house, not away from it;

H. Illumination levels shall be measured with a photoelectric photo meter in accordance with the standards published by the Illuminating Engineering Society of North America.

I. The mounting height for any lighting fixture shall not be greater than ____ feet.

J. Flags of the national, state, county or Village government, that are not illuminated with downward lighting, may be illuminated only with a single ground-mounted narrow cone spotlight that confines the illumination to the flag, provided the lumen output is no greater than _____ lumens, regardless of the number of lamps. No other flags may be illuminated.

K. Lighting of radio, communication and navigation towers shall not be permitted unless required by the Federal Aviation Administration (FAA) regulations, in which case required lighting shall be of the lowest permitted intensity and red, unless otherwise required by FAA regulations.

L. Pillars demarking main property entrance: ***To be determnined***

M. Temporary exterior holiday lighting shall be exempt from the requirements of this chapter. Strobing or flashing temporary holiday lighting is permitted as long as the strobing cycle is longer than 50x per minute (ie 40x per minute is permitted).

N. Temporary Lighting: Notwithstanding any other section in this Local Law, each Village Resident is permitted unrestricted nocturnal illumination from 5pm to **[__am]** of the following morning _____***(frequency)*** per year for special events (e.g. party). Each and every time a resident wishes to use this exception, a notice expressing such desire must be received by the Village Office, and by each and every adjacent lot owner, at least ___ calendar days prior to the date of the event.

O. An applicant may apply to the Board of Architectural Review for approval of temporary uses of lighting that is not otherwise permitted within the above standards.

P. Lighting of Residents' main house and landscape by Village Residents will not require the approval process of the BAR/Planning Board, as long as it complies with each and every section of this local law. Office of The Village Building inspector is determinant of such compliance or lack thereof.

Q. In the case of applications requiring site plan review, the Planning Board and/or Board of Architectural review may impose standards more or less stringent than those listed in this section in order to meet the general purpose and intent of Section 17-3, Site Plan Approval, of this Code.

R. In any case where national and New York State building code requirements exceed the requirements of this section, the national and state requirements shall apply.

Section 3: SEQRA

This matter constitutes a Type I action under the State Environmental Quality Review Act. The Village Board of the Village of Tuxedo Park declared itself as lead agency in regard to this action on _____.

A negative declaration was issued on _____.

Section 4: Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law on its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5.: Effective Date

This local law shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with the Municipal Home Rule Law.