

The Corporation of the Town of LaSalle

By-law Number 8593

Outdoor Illumination By-law

Whereas section 129 of the *Municipal Act*, 2001, S.O. 2001, c. 25 authorizes the councils of local municipalities to pass by-laws to prohibit and regulate with respect to outdoor illumination;

And whereas it is in the public interest to regulate outdoor illumination in the Town of LaSalle by adopting a by-law to prohibiting and regulating nuisance lighting;

Now therefore the Council of the Corporation of the Town of LaSalle hereby enacts as follows:

1.0 Definitions

1.1 In this by-law,

- a) "Committee" means the Town of LaSalle By-law Committee;
- b) "Direct Lighting" means light emitted directly from the lamp of the reflector or luminaire.
- c) "Enforcement Officers" means Municipal By-law Enforcement Officers appointed by Town of LaSalle Council from time to time to enforce this By-law;
- d) "Direct Lighting" means light emitted directly from the lamp of the reflector or luminaire.
- e) "Fixture" means the assembly that houses the lamp or lamps and can include all or some of the following parts: housing, a reflector, and a mounting bracket or pole socket.
- f) "Flood or Spot Light" means any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
- g) "Glare" means light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, or to produce sensation of discomfort.
- h) "Indirect Lighting" means light that has been reflected or has scattered off other surfaces.
- i) "Municipality" means the geographical area in respect of which the Town has jurisdiction;
- j) "Light Trespass" means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- k) "Luminaire" means a complete lighting system, including a lamp or lamps enclosed in a housing complete with reflectors, refractors, etc.
- l) "Motion-Sensor Activated Lighting" means lighting products equipped with a sensor that detecting activity will switch on the luminaire and then switch it off again after an interval of no activity detection.

- m) "Nuisance" means anything that is injurious to health, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- n) "Outdoor Light Fixtures" means outdoor artificial illuminating devices, installed or portable, used for flood lighting, general illumination or advertisement.
- o) "Person" includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation.
- p) "Residential Area" means any land within the municipality which is zoned for residential uses by the Town's Zoning By-law or which is used in whole or in part for human habitation.
- q) "Special Event" includes festivals, carnivals, entertainment or advertising, which includes, but is not limited to that which may require Town approval for specific event components..
- r) "Wall-Pack Light Fixture" means light fixtures on exterior walls of buildings.

2.0 General Prohibition

- 2.1 Any Person who installs outdoor lighting on private property within the boundaries of the Town of LaSalle shall do so in conformity with the requirements of this By-law. If conflicts arise between this By-law and other by-laws regarding control and maintenance of outdoor lighting, this By-law shall be the governing document.
- 2.2 Direct or Indirect Lighting from private property identified as causing Glare or Light Trespass by the Clerk and not in compliance with the provisions of the By-law shall be corrected or removed to the satisfaction of the Clerk.
- 2.3 Direct or Indirect Light emitted from Wall-Pack Light Fixtures on private property identified as creating Glare or Light Trespass by the Clerk, and not in compliance with the provisions of the By-law shall be corrected or removed to the satisfaction of the Clerk.

3.0 Nuisance

- 3.1 No Person shall cause a Light Nuisance within the City without limiting the generality of the foregoing:
 - (a) The use of laser source light, signal beacons, Flood Light, Spot Lights, flashing lights any other similar high intensity Luminaire that projects light onto adjacent private property is prohibited; notwithstanding the exemptions set out in Section 4.
 - (b) The use of strobe, twinkling or chasing lights for private purposes and for advertising or entertainment purposes on private property is prohibited notwithstanding the exemptions set out in Section 4.
 - (c) No Direct Lighting or Indirect Lighting shall be used so that an unusual quantity or type of light creates a Glare or Light Trespass upon the land of others so as to be or to cause a Nuisance to the public generally or to others residing or carrying on a business or trade in the vicinity.

4.0 General Exemptions

- 4.1 The Town is exempt from the requirements of this By-law.
- 4.2 Motion-Sensor Activated Lighting may be left unshielded provided it is located in such a manner as to prevent Direct Lighting and Glare on to the properties of others, or into a public right of way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.
- 4.3 Vehicular lights and all temporary emergency lighting needed by the Fire and Police departments, or other emergency services shall be exempt from the requirements of this By-law.
- 4.4 Nothing in this By-law shall apply to radio, communications and navigation towers that require lights shall have dual lighting capabilities. For daytime, white strobe lights may be used, and for night-time, only red lights shall be used.
- 4.5 Nothing in this By-law shall prohibit the temporary use of low wattage lights for decoration and property ornamentation purposes, for the celebration of religious or cultural events during a reasonable period of celebration of that event, which said reasonable period shall not extend for more than 30 days prior to the date of the event or celebration or 30 days after such date.
- 4.6 Outdoor lighting utilizing only fossil fuels, including torches, lanterns and open flame devices are exempt from the requirements of this By-law.
- 4.7 A contractor's identification light, provided it is located on the property where the work is being performed and only during the period of such work, is exempt from the requirements of this By-law.
- 4.8 The provisions of this By-law do not apply to any of the Special Events, Sport Fields or other activities approved by Council.

5.0 Exemption by Committee

- 5.1 Despite any other provision in this By-law, any person may submit a written application with full particulars and supporting documentation to the By-law Committee for an exemption from any of the provisions of this By-law.
- 5.2 The application mentioned in subsection (1) shall be made in writing, in duplicate, and shall contain the information and fulfil the requirements set out in the prescribed form.
- 5.3 The Committee may require an application to provide such further and other information as the Committee deems necessary to consider and evaluate the application.
- 5.4 No application shall be deemed complete until all required information has been provided by the applicant.
- 5.5 The application shall be submitted to the Committee, and the Committee may refuse to grant the exemption or may grant the exemption applied for, or any exemption of lesser effect and any exemption granted shall specify the time period, which shall not be in excess of six months and may impose such terms and conditions as the Committee sees fit.
- 5.6 A breach by the applicant of any of the terms or conditions of the exemption granted by the Committee shall terminate the exemption forthwith.

6.0 Administration, Offences and Penalties

- 6.1 If an Enforcement Officer is satisfied that a contravention of this By-law has occurred, he or she may issue a notice of contravention requiring the Person who contravened the By-law or who caused or permitted the contravention or the owner of the property on which the contravention occurred to discontinue the contravening activity.
- 6.2 Every Person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable:
- (a) on a first conviction, to a fine of not more than \$10,000; and,
 - (b) on any subsequent conviction, to a fine of not more than \$25,000.
- 6.3 Despite section 6.2, where the Person convicted is a corporation:
- (a) the maximum fine in subsection 8.2(a) is \$50,000; and,
 - (b) the maximum fine in subsection 8.2(b) is \$100,000.
- 6.4 Where a Person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the Person convicted.
- 6.5 Where the repair, alteration, change or removal of lighting is a matter of extreme urgency so as to be a danger to the public, or motorists or any other situation deemed to be dangerous, the Enforcement Officer may give notice verbally and may reduce the period within which, in his/her sole discretion, is adequate, taking into account the circumstances at the time the notice is given.

7.0 Liability

- 7.1 Any Person installing or maintaining any Luminaire or illumination device on whose property a Luminaire or illumination device is located, shall be liable for such light device. The Town is hereby indemnified against all losses, damages, claims, actions, demands, suits, costs and interest arising directly or indirectly from the erection, maintenance, removal or falling of such light device or part thereof and anything done in connection with the performance of, outside of, or contrary to this By-law and whether or not in accordance with the Town's standards, inclusive of anything done on the public highway or other Town or public property.

8.0 Severability

- 8.1 Should any part, section, subsection or portion of this By-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the By-law as a whole or in part thereof, except for that which was declared to be invalid.
- 8.2 In the event there is a conflict with this By-law and any other bylaw this By-law will prevail.

9.0 Schedules – Part of By-law

- 9.1 Schedules A attached to this By-law shall form part of this By-law.

10.0 Effective Date

- 10.1 This By-law shall take effect upon the date of its passing and shall be called the "Nuisance Lighting By-law".

Read a first and second time and finally passed this 10th day of August, 2021.

1st Reading – August 10, 2021

2nd Reading – August 10, 2021

3rd Reading – August 10, 2021

Marc Bondy, Mayor

Linda Jean, Deputy Clerk