

# The Corporation of the Town of LaSalle

## By-law Number 8707

Being a By-law to Regulate Outdoor  
Illumination within the Town of LaSalle

**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,

**"Committee"** means the Town of LaSalle By-law Committee;

**"Direct Lighting"** means light emitted directly from the lamp of the reflector or luminaire;

**"Officer"** means Municipal By-law Enforcement Officers appointed by the Town of LaSalle Council and from time to time to enforce this By-law;

**"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;

**"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;

**"Full Cut-Off Fixture"** means a luminaire of light fixture that; by design of the housing, does not allow any light dispersion or direct glare to shine above a horizontal plane from the base of the fixture where light is emitted and must be installed in a horizontal position as designed. These fixtures produce no glare or stray light due to the exposure of the bulb light source because the source is recessed or shielded;

**"Glare"** means light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, or to produce a sensation of discomfort;

**"Indirect Lighting"** means light that has been reflected or has scattered off other surfaces;

**"Light Trespass"** means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located;

**"Luminaire"** means a complete lighting system, including a lamp or lamps enclosed in a housing complete with reflectors, refractors, etc.;

**"Motion-Sensor Activated Lighting"** means lighting products equipped with a sensor that upon detecting activity will switch on the luminaire and then switch it off again after an interval of no activity detection;

**"Municipality"** means the geographical area in respect of which the Town has jurisdiction;

**“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;

**"Outdoor Light Fixtures"** means outdoor artificial illuminating devices, installed or portable, used for flood lighting, general illumination or advertisement;

**“Person”** includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;

**“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;

**"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;

**"Wall-Pack Light Fixture"** means light fixtures on exterior walls of buildings

## **2.0 Application**

- 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 Luminaire Design Factors for Outdoor Areas**

- 3.1 Any person installing Outdoor Lighting Fixtures shall be required to use Full Cut-Off fixtures, as identified in Appendix “A” attached hereto and forming a part of this by-law. Outdoor lighting fixtures shall include, but are not limited to, lights for: buildings and structures, including canopies, overhangs, docks and boathouses; parking lot lighting; landscape lighting; billboards and signs; display and service area lighting, residential, commercial, industrial and agricultural uses.

## **4.0 Outdoor Light Fixtures**

- 4.1 All new Outdoor Light Fixtures shall consist of Full Cut-Off fixtures.
- 4.2 All existing light fixtures shall be encouraged to adhere to the requirements of Section 3.0. Property owners whose structures are furnished with unshielded outdoor light fixtures shall be required to replace them with Full Cut-Off fixtures within ten (10) years of the passing of this By-law.
- 4.3 All architectural light, Outdoor Lighting Fixtures and building lighting shall be mounted such that the light is aimed down. There shall be no light pollution emanating from the fixture in accordance with the full cut-off design.
- 4.4 Lighting used to warn people about the location of open water in the winter months (mainly used when bubbling boathouses and docks) shall be any colour except red. White lighting for such purposes shall be prohibited. The use of yellow/amber colour lighting is encouraged to a maximum of 13 watts compact fluorescent lighting, 60 watts incandescent lighting or 10 watts LED

lighting. The light should be used to illuminate the surface of the weakened ice and housed in a full cut-off fixture to prevent glare and light trespass across the waterway. Flashing or intermittent lights shall be prohibited.

## **5.0 Prohibitions**

- 5.1 Without limiting the generality of the foregoing, no Person shall cause a Light Nuisance within the Town from:
- 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.
  - b) The use of strobe, twinkling or chasing lights for private purposes and for advertising or entertainment purposes on private property.
  - c) Direct Lighting or Indirect Lighting which creates a Glare or Light Trespass upon the land of others.

## **6.0 Exemptions**

- 6.1 The Town is exempt from the requirements of this By-law.
- 6.2 Motion-Sensor Activated Lighting may be left unshielded provided it is located in such a manner as to prevent Direct Lighting and Glare onto 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 two (2) minutes after activation has ceased, and the light shall not be triggered by activity off the property.
- 6.3 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.
- 6.4 Nothing in this By-law shall apply to radio, communications and navigation towers that require lights.
- 6.5 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.
- 6.6 Outdoor lighting utilizing only fossil fuels, including torches, lanterns and open flame devices are exempt from the requirements of this By-law.
- 6.7 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.
- 6.8 The provisions of this By-law do not apply to any of the Special Events, Sports Fields or other activities approved by Council.

## **7.0 Exemption by Committee**

- 7.1 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.
- 7.2 The application mentioned in section 7.1 shall be made in writing, in duplicate, and shall contain the information and fulfil the requirements set out in the prescribed form.
- 7.3 The Committee may require an applicant to provide such further and other information as the Committee deems necessary to consider and evaluate the application.

- 7.4 No application shall be deemed complete until all required information has been provided by the applicant.
- 7.5 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.
- 7.6 A breach by the applicant of any of the terms or conditions of the exemption granted by the Committee shall terminate the exemption forthwith.

## **8.0 Enforcement and Penalties**

- 8.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction is liable to a fine or penalty under the Provincial Offences Act, R.S.O 1990, Chapter P.33, as amended.
- 8.2 Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such. Such fines shall be recoverable under the Provincial Offences Act, R.S.O 1990, Chapter P.33, as amended.
- 8.3 An Officer or designate may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are in compliance and to enforce and carry out the provisions of this By-law or any direction or order issued pursuant to the Municipal Act, 2001, S.O 2001, c.25 or this By-law.
- 8.4 For the purpose of an inspection under section 8.3 an Officer or designate may,
- (a) Required the production for inspection of documents or things relevant to the inspection;
  - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) Require information from any Person concerning a matter related to the inspection; and
  - (d) Alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- 8.5 A sample taken under section 8.4 (d) shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken if the Person so requests at the time the sample is taken and provides the necessary facilities.
- 8.6 If a sample is taken under section 8.4 (d) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.
- 8.7 A receipt shall be provided for any document or thing removed under section 8.4 (d), and the document or thing shall be promptly returned after the copies or extracts are made.
- 8.8 No Person shall interfere with, hinder or impede, or attempt to interfere, hinder or impede an Officer or designate in the performance of any duty authorized by this By-law or by provincial legislation.
- 8.9 If the Officer or designate is satisfied that a contravention of this By-law has occurred, the Officer or designate may make an order requiring the Person, Owner or occupier of the land who contravened the By-law or who caused or permitted the contravention to:

(a) Discontinue the contravening activity; or

(b) Do work to correct the contravention.

8.10 Any Person who contravenes an order under section 8.9 is guilty of an offence.

8.11 An order under section 8.9 shall set out:

(a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

(b) The date by which there must be compliance with the order.

8.12 An order under section 8.9 shall be served to the Owner or any Person the Officer or designate determines to be an interested party. Service of an order shall be deemed to be served by sending the order registered or first class mail, by posting or by personal service.

8.13 An order under section 8.9 may require work to be done even though the facts which constitute the contravention of the By-law were present before the By-law making them a contravention came into force.

8.14 In default of any work directed or required by the Town under this section being done by the Person directed or required to do it, the matter or thing shall be done at the Person's expense.

8.15 Where the Town or any authorized agent on behalf of the Town has performed the work required to bring about compliance with the By-law, the Town may recover the cost of doing anything or matter under section 8.14 by action or by adding the costs to the tax roll and collected in the same manner as property taxes.

8.16 The costs in section 8.15 shall include interest calculated at a rate of 15 percent, calculated for the period commencing on the day the Town incurs the costs and ending on the date the costs, including the interest, are paid in full.

8.17 For the purpose of section 8.14, the Town or any authorized agent on behalf of the Town may enter upon land at any reasonable time and complete the work set out in the order.

8.18 Where the singular is used it shall also mean or stand for the plural.

## **9.0 Liability**

9.1 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.

## **10.0 Severability**

10.1 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.

10.2 In the event there is a conflict between this By-law and any other By-law this By-law will prevail.

**11.0 Schedules – Part of By-law**

11.1 Schedule “A” attached to this By-law shall form part of this By-law.

**12.0 Effective Date**

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

**13.0 Repeal**

13.1 By-law Numbers 8593 be and the same are hereby repealed.

**Read** a first, second and third time and finally passed this 24 day of May, 2022.

1st Reading – May 24, 2022

2nd Reading – May 24, 2022

3rd Reading – May 24, 2022

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Mayor

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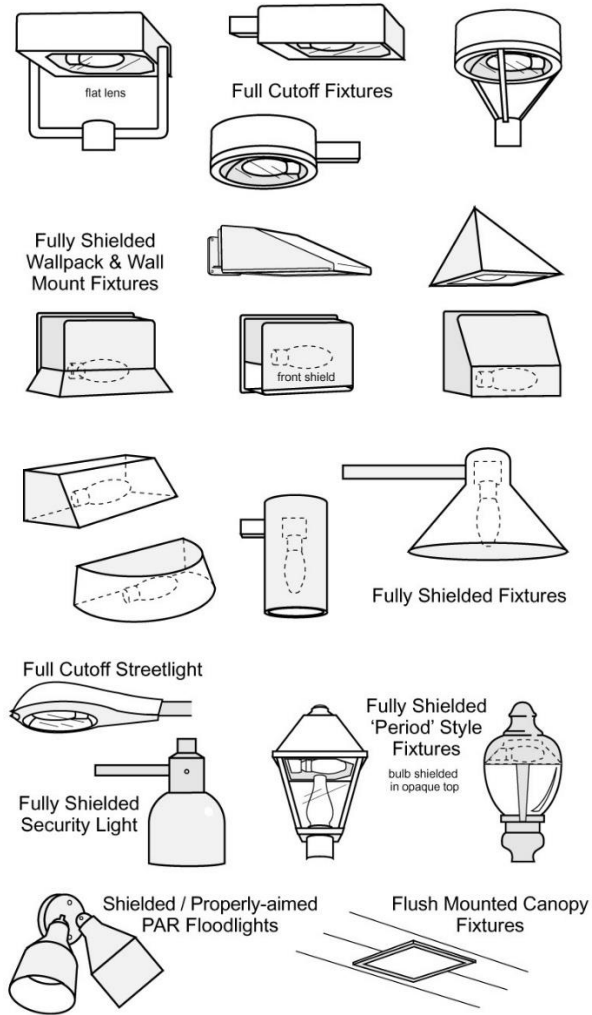
Clerk

Schedule "A"

Examples of Acceptable / Unacceptable Lighting Fixtures

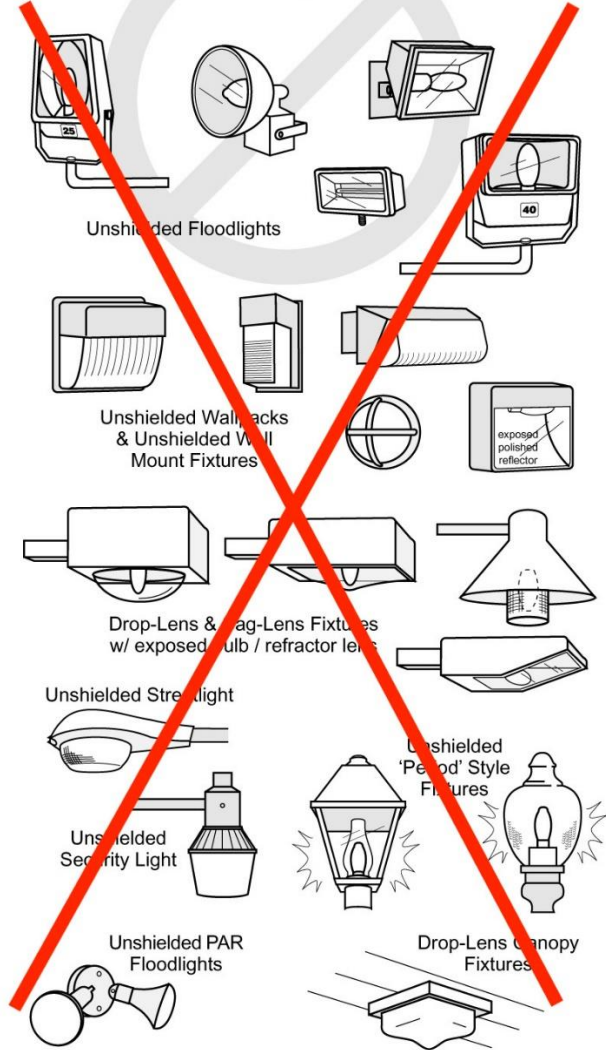
**Acceptable**

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



**Unacceptable / Discouraged**

Fixtures that produce glare and light trespass



BC 10/02