

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~~ of CLAY
Town
~~Village~~

NOV 17 2006

RECEIVED
STATE DEPARTMENT OF STATE

Local Law No. 8 of the year 2006

A local law Adding a new Chapter 140 entitled "LIGHTING" to the Code of the Town of Clay.
(Insert Title)

The purpose of this Local Law is to set forth definitions, restrictions on installation and operation, standards of operations, exemptions, nonconforming lights and penalties for offenses with regard to lighting standards in the Town of Clay.

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

~~County~~
~~City~~ of Clay as follows:
Town
~~Village~~

Said Local Law No. 8 of the Year 2006 to read as follows: (See Attached)

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

**LOCAL LAW NO. 8 OF THE YEAR 2006
TOWN OF CLAY**

**A LOCAL LAW ADDING A NEW CHAPTER 140 ENTITLED "LIGHTING"
TO THE CODE OF THE TOWN OF CLAY**

IT IS ENACTED by the Town Board of the Town of Clay, County of Onondaga as follows:

SECTION 1. Adding a new **Chapter 140** entitled "**LIGHTING**" to the Code of the Town of Clay. The purpose of this local law is to set forth definitions, restrictions on installation and operation, standards of operation, exemptions, nonconforming lights and penalties for offenses with regard to lighting standards in the Town of Clay. Said proposed Local Law is to read as follows: See attached.

The Town Board called public hearing on August 21, 2006 for September 6, 2006.

Town Board held and completed public hearing on September 18, 2006.

Local Law No. 8 of 2006 as approved by Town Board sent to Dept. of State on _____.

On _____ received letter from Dept. of State with notification of date filed being _____.

GENERAL REFERENCES

Building construction — See Ch. 81.

Zoning — See Ch. 230.

§ 140-1. Title.

This chapter shall be known as the "Lighting" local law of the Town of Clay.

§ 140-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FOOT CANDLE- A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

ILLUMINATION - The luminous flux per unit area on an intercepting surface at any given point.

LUMINAIRE - A complete lighting unit.

§140-3. Restrictions on installation and operation.

No person, firm or corporation or his or its agents, servants or employees shall install, operate or maintain on private property in the Town any exterior light, lamp or other illumination except in compliance with § 140-4 hereof.

§140-3. Standards of operation.

- A. All exterior lights, lamps and other illumination shall be so arranged, adjusted and operated with reflectors, refractors and screening that:
 - (1) No illumination shall cause direct light rays to cross any property line.
 - (2) All permanent outdoor lights, including those used for area lighting or building floodlighting, shall originate from steady, stationary, shielded sources directed so as to avoid causing a hazard to motorists, pedestrians, or causing direct light rays to be cast upon neighboring properties.
- B. All blinking, intermittent, flashing, or other animated forms of illumination or light, and all sources of illumination which, through direct or indirect means, create glare are prohibited.
- C. The marginal increase in light, as measured at any property line other than a street line, shall not exceed one footcandle.

- D. A luminaire shall be of a design accepted by the Illumination Engineering Society of North America, or IESNA, as a fully enclosed, cutoff-style fixture with an integrally designed, fixed-connector (no swivel) arm for post or wall mounting.
- E. Mounting
- (1) Wherever possible, light fixtures shall face inward from the perimeter of a property and shall face toward the structure.
 - (2) Fixtures used for architectural lighting, for example, facade, fountain, feature and landscape lighting, shall be aimed so as not to project their output beyond the objects intended to be illuminated.
 - (3) Canopy light fixtures shall have a flat lens. Drop lens fixtures are not acceptable.
 - (4) Flood or spotlights shall be so installed or aimed that they do not project their output into the window of a neighboring property, an adjacent use, directly skyward or onto a roadway.
 - (5) Lighting at service stations or convenience stores shall not be mounted on the top or fascia of the canopy.
- F. Height of luminaire shall be measured from the ground.
- G. Light Controls
- (1) All non residential lighting shall be extinguish lighting between the hours of 30 minutes after closing and dawn except where lighting is necessary for safety or security.

§ 140-4. Exemptions.

The following applications of outdoor lighting are hereby exempt from the provisions of this code:

- A. Hazard warning and emergency lighting by a governmental entity;
- B. Federal Aviation Administration (FAA) lighting requirements;
- C. Lighting required by the Town of Clay, Onondaga County, state or federal office;
- D. Temporary holiday lighting;

§ 140-5. Nonconforming lights.

- A. Any existing lights which do not conform to the regulations herein established shall be considered a nonconforming light.
- B. All nonconforming lights shall be discontinued within one (1) year from the effective date of this chapter, and their continued use shall be subject to the regulations of this chapter.

§ 140-6. Penalties for offenses.

Any person or persons responsible for such nuisance or annoying lighting as described hereinbefore, whether owner, lessee or lessees or others using any premises with or without the permission of the owner, violating any of the provisions of this chapter shall, upon conviction thereof, a complaint having been made, be subject to a fine not exceeding two hundred fifty dollars (\$250.00) or to imprisonment for a term not exceeding fifteen (15) days, or to both fine and imprisonment, in the discretion of the court. Each day a particular violation shall continue to constitute a separate offense.

SECTION 2. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

(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. 8 of 20 06 of the ~~(County)(City)(Town)(Village)~~ of Clay was duly passed by the Town Board on September 18 20 06, in accordance with the applicable provisions of law.
(Name of Legislative body)

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 with 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.

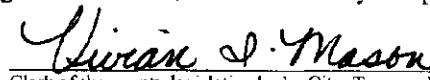
6. (County local law concerning adoption of Charter.)

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 1, above.

(Seal)


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
VIVIAN I. MASON, TOWN CLERK
Date: 10-06-06

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature
ROBERT M. GERMAIN
TOWN ATTORNEY

Title

~~County~~
~~City~~ of CLAY
Town
~~Village~~

Date: 10-06-06