

Local Law Filing

41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Town of Tully

Local Law No. Seven (7) of the year 2007.

A local law amending and supplementing parts of Chapter 280 of the Town of Tully Municipal Code.

Be it enacted by the Town Board of the Town of Tully as follows:

Section One (1). Section 280-9(E) of the Code of the Town of Tully shall be deleted in its entirety and replaced with the following language:

1. Intent

These regulations are intended to reduce problems created by improperly designed and installed outdoor lighting, and to enhance the natural beauty of the night sky and preserve the rural nature of our community. The objective is to reduce or eliminate problems of glare, minimize light trespass on adjoining properties and reduce energy consumption by establishing regulations that limit the types of acceptable outdoor lighting fixtures and their illumination levels. By regulating outdoor lighting, community character and aesthetics will be enhanced, and excessive lighting that can become a distraction to the traveling public and an annoyance to occupants of neighboring properties caused by improper lighting can be avoided.

2. Definitions

In this local law:

“Cut off fixture” shall mean a light fixture that restricts the amount of light emission by shielding parts of the lamp. A cutoff, or semi cut-off design allows a restricted amount of light emitted above the horizontal plane running through the lowest point on the luminaire.

“Fixture” shall mean the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector or refractor the ballast, housing and the attached parts.

“Footcandle” shall mean the basic measuring unit of illuminance. Footcandle measurement is taken with a light meter with CIE photopic (human eye response curve). One footcandle is approximately equal to the illuminance produced by a light source of one candela in intensity, measured on a surface at a one foot distance from the source. Horizontal and vertical foot-candle measure the illumination striking a horizontal plane or vertical plane, respectively.

“Full-cutoff fixture” shall mean a light fixture that cuts off all upward transmission of light above an angle of 90 degrees from the horizontal plane at the lowest part of the luminaire.

“Fully shielded fixture” shall mean a luminaire constructed and installed such that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal. It is the same as a full cut-off luminaire, but without any restrictions on light distribution below the horizontal plane.

“Glare” shall mean discomfort experienced by an observer with a direct line-of-sight to a light source which often results in visual impairment due to an intensity great enough to reduce the viewer’s ability to see.

“Light trespass” shall mean light projected onto a property from a fixture not on that property.

“Lumen” shall mean a measure of the brightness of the illumination exiting a bulb, provided by a manufacturer. One footcandle is one lumen per square foot.

“Luminaire” shall mean a complete lighting fixture, including the lamp, housing, ballasts, and photocells, less the support and mounting assembly.

“Temporary Outdoor Lighting” shall mean specific illumination of an outdoor area or object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with a least 180 days passing before being used again.

3. General Regulations

Industrial/Commercial Uses and Zoning Districts Only:

(a) All installed outdoor lighting levels shall be in general compliance with the accepted illumination guidelines, standards and recommended practices established by the illuminating Engineering Society of North America (IESNA) and also in conformance with the requirements established by this Section. All lighting applications shall be controlled by these provisions including, but not limited to signs, architectural, landscaping, decorative lighting, and sports facility lighting.

(b) A luminaire shall be of a design accepted by the IESNA, as fully enclosed, fully shielded, cut-off style fixture (see attached illustrations as examples of Acceptable and Unacceptable Lighting Fixtures).

(c) Fixture mounting heights for all pole-mounted parking and circulation lighting shall not exceed 30 feet above the paved grade adjacent to the pole and are required to have full cutoff-type luminaires. Luminaires for recreational playing fields shall be exempt from the height restrictions.

(d) Wall-mounted fixtures shall prevent direct views of the lamp through the lens. The fixture housing shall cut-off the light beam so it projects not more than 75 degrees up from the vertical plane.

(e) Canopy lights, such as service station lighting, shall be fully recessed or fully shielded.

Residential Uses and Zoning Districts Only:

(a) The luminous surface of a luminaire shall, in general, be horizontally mounted and aimed away from a property boundary.

(b) Residential flood lights are allowed with the restriction they are aimed 30 degrees below a horizontal plane and comply with light trespass restrictions in this Section 4. Motion sensor switches are encouraged.

All Uses and Zoning Districts:

(a) Pedestrian-scale lighting shall be on fixtures not exceeding 15 feet in height.

(b) The maximum mounting height for wall-mounted lighting shall not exceed 20 feet on all buildings except for industrial buildings which shall not exceed 25 feet.

(c) Except as otherwise provided by law, no lighting device shall be constructed or placed in any district which:

- i. Consists of moving, rotating or otherwise animated parts, strings of lights or lights of varying intensity such as flashing, intermittent, moving, rotating or otherwise animated lights, including but not restricted to LED fixtures.
- ii. Is so placed as to aim or direct a light beam or reflection upon or toward any public highway, land, right-of-way or adjacent property.
- iii. Is so placed as to cause glare or reflection that constitutes a hazard or nuisance to on-site or off-site vehicular and pedestrian traffic circulation.

4. Non-Conforming Lighting. All non-conforming lighting shall conform to the provisions hereof within a time period commencing from the effective date and expiring on the date when the improvements comprising the fixtures (and not the real property affixed to same) have been fully depreciated for federal income tax purposes. The owner or other responsible person shall provide evidence in this regard via a sworn or certified statement attaching documentary proof of such owner or person or a sworn/certified statement of its certified public accountant attesting to the applicable depreciation schedule. Where such lighting has not been so depreciated the applicable time period shall be ten (10) years from the effective date.

5. Maximum illuminance at property lines for all zoning districts.

(a) Illumination from luminaires shall not exceed 0.1 foot-candle at a residential property line or 0.5 foot-candle on nonresidential property, as measured on a vertical plane.

(b) Control of Glare

- i. Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane.
- ii. All luminaires of 1800 lumens shall be a full-cutoff fixture as installed. For luminaries under 1800 lumens the lamp must be frosted glass or installed behind a translucent cover, except floodlights which must be aimed no higher than 30 degrees a below horizontal plane. This can be accomplished by the use of full-cutoff fixture design, shielding, visors, louvers, or other devices.
- iii. Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value $D/3 + 3$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 30 feet. For Example: Pole height at a distance of 36 feet to a property line would equal 15 feet, or $36/3 + 3 = 15$
- iv. Any luminaire, regardless of its rated lumens, shall be directed or its light output controlled as necessary so it is not aimed, focused, or directed in such a way that causes light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or create glare perceptible to persons operating motor vehicles on public highways.

(c) Outdoor Advertising Signs

- i. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixture shall comply with the shielding requirements.
- ii. Signs constructed of translucent materials and wholly illuminated from within do not require shielding.

Section Two (2). This Local Law shall take effect immediately upon its 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. Seven of 2007 of the ~~(County)~~(City)(Town)(Village) of Tully was duly passed by the Town Board of the Town of Tully on December 12, 2007 in accordance with the applicable provisions of law.

~~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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed

_____ (Name of legislative Body) disapproval) by the _____ and was deemed duly adopted on _____, 199__ (Elective Chief Executive Officer*)

in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No _____ of 199__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19__. Such local law was _____ (Elective Chief Executive Officer*)

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 _____ 19__, 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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19__, and was (approved)(not approved)(repassed after _____ (Name of Legislative Body)

disapproval) by the _____ on _____ 19__. Such local law was subject to _____ (Elective Chief Executive Officer*)

permissive referendum and no valid petition requesting such referendum was filed as of _____ 19__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

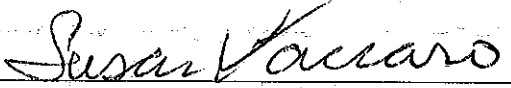
I hereby certify that the local law annexed hereto, designated as local law No _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19__, 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 19__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19__, 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 one (1) above.


Susan Vaccaro, Town Clerk

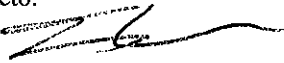
(Seal)

Date: Dec. 21, 2007

(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
Steven J. Primo

Attorney for the Village

Title

County

City of Tully

Town Village

Date: 12/14, 2007

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.