

PURPOSE

The purpose of this Chapter XX is to protect a Person from the intentional and unintentional Light Trespass caused by another Person.

DEFINITIONS

“Glare” intense and blinding light emitted by a Luminaire that reduces visibility and creates visual discomfort and/or momentary visual impairment. Discomfort Glare causes a nuisance due to overly bright light sources in the field of view. Disability Glare causes interference in the visual process and impairs the viewer’s vision.

“Illuminance” measured in Lux or footcandles, the total luminous flux incident at a point on a surface.

“Lamp” means the bulb or other light-emitting portion of a Luminaire, not inclusive of any reflective or refractive optics used to direct light.

“Light Trespass” means a condition in which artificial light emitted from a Luminaire on one property is directed in such a manner that the light source or glare is visible from any other property and constitutes a public hazard or a nuisance. Unless specified otherwise, light trespass limits are measured at any location along a property line both horizontally at the ground plane facing upward and vertically at 1.5 meters (5ft) above grade with the meter aimed toward the light source in question. -Light Trespass levels shall meet the following:

- 1) Luminaire light sources shall not be visible from federal or state designated wilderness, natural area, habitat, or reserves, and Light Trespass shall measure no greater than 0.1 Lux.
- 2) Light Trespass onto Waters of the United States shall measure no greater than 1 Lux.
- 3) Light Trespass onto Residential Use property shall measure no greater than 1 Lux.
- 4) Light Trespass leaving non-Residential Use property onto adjacent public right-of-way shall be no greater than 3 Lux when measured 20 feet past the property line.

“Lumen” is a unit of measurement that quantifies the total amount of visible light emitted by a light source, with higher lumen values indicating a brighter light.

“Luminaire” means a complete lighting assembly, consisting of a Lamp, housing, optic(s), and other structural elements, but not including any mounting pole or surface.

-“Lux (lx)” The SI metric system unit of measure for Illuminance.

“Nuisance” the unreasonable, unwarranted and/or unlawful use of property, which causes inconvenience, disruption of enjoyment, or damage to others, either to individuals and/or to the general public.

“Person” means an individual, a member of a limited liability company, a partnership, or a corporation.

“Public hazard or nuisance” means lighting that, by virtue of its intensity, brightness, area of coverage, position or direction causes to adjacent property or occupants thereof visual discomfort or other physical harm or damage, or a substantial and unreasonable interference with the use and enjoyment of such property.

“Town” means the town of Milton, MA.

ENFORCEMENT

The Select Board, or its designee, in their sole discretion, shall determine if a Light Trespass constituting a public hazard or nuisance exists. Any complaint about Light Trespass shall be made to the Select Board office in writing with any additional material needed to determine that Light Trespass exists.

The Select Board, or its designee, shall notify the property owner of its intention to review a complaint regarding Light Trespass at their property within ten (10) business days of receiving the complaint in writing and request any documentation or response the property owner deems appropriate to prove there is no violation of Light Trespass.

The Select Board, or its designee shall conduct a site visit to review the complaint and observe conditions and The Select Board, or its designee, shall prepare a written summary of existing conditions.

Within forty-five (45) days of receiving the initial complaint the Select Board, or its designee, shall hold a meeting with the parties to determine if Light Trespass violation exists. During this timeframe the property owner may take steps to rectify the alleged Light Trespass.

The Select Board, or its designee, shall take into consideration the following conditions, or any other information deemed appropriate to determine the outcome of the Light Trespass complaint:

- 1) Lights directly shining into another's windows;
- 2) Excessive Glare;
- 3) What angle the fixtures are affixed to the property to create poorly directed lighting;
- ~~4) Outdoor lights on a timed motion sensor~~
- ~~5) 4) Lumens~~ Illuminance levels that are too bright for the area that would impact sleeping, enjoying one's own property while outdoors, or directly impacting the enjoyment of the night sky:-

~~a) Appropriate lumens levels for residential neighborhoods:~~

- ~~i) Step lights: 100 lumens or less;~~
- ~~ii) Path lights: 200 lumens or less~~
- ~~iii) Landscape lights: 300 lumens or less~~
- ~~iv) Wall lights: 600 lumens or less~~
- ~~v) String lights: 100 lumens or less per bulb~~
- ~~vi) Pond/pool lights: 400 lumens or less~~

- vii) Security lights: 1300 lumens or less, on a motion sensor
- viii)i) LED flood lights: 800 lumens or less

④5) Any Illuminance lumens levels in question shall be measured by a Town employee designated by the Town Administrator Select Board by using a high-quality illuminance light meter taken on multiple points of the property line in question and the results shall be submitted to the Select Board, or its designee for consideration.

EXEMPTIONS

The following are exempt from compliance with all provisions of this Bylaw, except as noted:

- 1) Temporary emergency lighting needed by the Police, Fire, and Public Works departments; Water District personnel; or other law-enforcement and emergency services, as well as all vehicle-mounted luminaires.
- 2) Lighting employed during repairs of roads, utilities, and similar infrastructure, including unshielded lighting, provided that such lighting is deployed, positioned, and aimed such that to the extent possible the resulting glare and light trespass do not extend beyond the work area.
- 3) Any form of lighting whose use is mandated or otherwise governed by any legal jurisdiction with broader authority than that of the Town.
- 4) Temporary lighting for events sponsored by the Town or for which a license or other approval has been issued, such as concerts, fairs, and festivals.
- 5) A motion-activated luminaire that causes a nuisance but otherwise complies with this Bylaw is permitted as long as its output remains on for no more than five (5) minutes, does not flicker intermittently, and is not triggered by right-of-way traffic.
- 6) Luminaires used to illuminate athletic fields or recreational facilities. Further, luminaires used to illuminate athletic fields, or recreational facilities must be turned off within one (1) hour after the end of play or by 10 p.m., whichever occurs sooner.
- 7) Seasonal Lighting where outdoor or site lighting that is portable, temporary, decorative, and used in connection with holidays and traditions. This includes but is not limited to

string lighting, icicle lighting, and lighted inflatables, none of which are intended for general illumination.

- 8) Non-Residential use lighting shall be exempt, provided there is no Luminaire installed on the property capable of exceeding a total output greater than 3,000 Lumens.
- 9) Any pole-mounted flag illuminated at night shall utilize no more than three (3) spotlight luminaires per flagpole. Each of these luminaires shall not exceed six hundred (600) lumens in output and be installed and oriented so that their light output points directly toward the flag(s) and incorporates optics to create the narrowest possible beam.
- 10) Outdoor accent lighting of landscaping, monuments, plaques, and similar installations are exempted from this Bylaw but shall be focused directly at the target so that the luminaire does not create a nuisance. Such lighting shall be designed and installed so that the luminaire points downward toward the target where possible, emits no more light than is necessary for the task, and is turned off or dimmed between 12 a.m. and 6 a.m. or within one (1) hour of the posted closing time for that facility, whichever occurs first, unless a safety or security need is demonstrated.

VIOLATIONS

A condition determined by the Select Board, or its designee, to constitute a public hazard or nuisance shall be in violation of this Bylaw. Persons found in violation shall have thirty (30) days to rectify the violation after which each additional day during which the violation exists shall constitute a separate offense or violation. A person shall not make multiple Light Trespass violation claims on the same home once it is found to be compliant with this Bylaw, unless new lighting is installed by the homeowner; further, a person shall only make a single claim on the home itself, not each individual light allegedly creating the Light Trespass.

RELIEF

The Town shall have the right to bring a civil action to enforce the provisions of this Bylaw and to seek remedies as allowed by law, including, but not limited to injunctive relief, monetary damages; or other relief as directed by a court with jurisdiction over the matter.

PENALTY

Any person or entity who violates this Bylaw shall receive a warning for the first violation; and shall be liable to the Town in the amount of \$50 for the second violation; and in the amount of \$100 for each subsequent violation, which money shall inure to the Town for such uses as the Select Board may direct. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with MGL c. 40 S. 21D. Each separate instance

of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation. The Select Board or its designee shall be the “enforcing person” for purposes of MGL c. 40S. 21D.

And to authorize the Town Clerk to assign or amend chapter and section numbers; and to act on anything relating thereto.