

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 Town Village
(Select one:)

of Hewlett Neck

Local Law No. 9 of the year 2018

A local law to amend the Code of the Village of Hewlett Neck to regulate outdoor
(Insert Title)
lighting on private property in the Village of Hewlett Neck.

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

County City Town Village
(Select one:)

of Hewlett Neck as follows:

Section 1. Chapter 84 of the Village Code of the Village of Hewlett Neck, entitled "Lighting, Outdoor", is added to read as follows:

§84-1. Prohibited Acts.

No person, firm or corporation, or their respective agents, servants, guests or employees shall install, repair, alter, replace, relocate, operate or maintain any permanent outdoor light fixture, lamp or other artificial means of radiating light ("exterior lighting") on private property in the Village that does not comply with one or more of the following requirements:

- A. All exterior lighting shall be either "fully shielded" or fitted with opaque hoods, shields, louvers, shades, or other devices to insure that all light generated by the light source is directed downward and not outward horizontally, and so fitted that no portion of the light source is visible when the light fixture is viewed from the property line or beyond. The term "light source" includes the light bulb and all refractive, reflective, and translucent light transmitting parts of the fixture. Post lanterns, pier lanterns and lanterns mounted on residences are exempt from the provisions of Subsections A and B of this section.

- B. No exterior light source, including fixtures not mounted on the primary structure,

shall be mounted higher than 12 feet measured from the actual grade immediately beneath the light source.

- C. No exterior lighting shall illuminate any public or private road, public right-of-way, public waterway, public beach, or conservation easement.
- D. No exterior light source shall illuminate, reflect, spill over, or otherwise create a nuisance upon an adjoining property or properties.
- E. No flashing, laser, searchlight, strobe, tracing, pulsating, or neon exterior lighting is permitted.
- F. No recreational court, including tennis courts, basketball courts, or sports courts shall be artificially illuminated after 10:00pm.
- G. Lighting intended to illuminate foliage, trees, landscape, or architectural structures must be fully shielded and turned off daily by 12:00am. Temporary holiday exterior lighting is exempt from the provisions of this chapter, except that such temporary exterior lighting shall not be lit earlier than 21 days before the date of the respective holiday and must be disabled within 15 days after the date of the respective holiday and must be turned off daily by 12:00am.
- H. No outdoor light fixture shall be operated by a "dusk to dawn" timer or sensor, unless motion-sensor activated. Motion-sensor light fixtures shall be operated to shut off after 10 minutes and shall not be triggered by activity located off the property.
- I. Exterior light source(s) illuminating a driveway or walkway shall be mounted only along the margins of the driveway or walkway, mounted no higher than 18 inches from the grade at its base and spaced at intervals of no less than six (6) feet.
- J. Exterior light source(s) installed along fences are prohibited.
- K. Lighting that is determined by municipal law enforcement personnel to contribute to a condition of disabling or distracting glare into a public roadway from a light source. In addition to any other penalties, such lighting may be ordered to be extinguished at any time.

84-2. Existing Lighting.

Any exterior lighting existing on the effective date of this chapter shall be extinguished or brought into compliance with the provisions of this chapter on or before June 1, 2019.

84-3. Complaints.

A. Any person complaining about a violation of this chapter may make a written complaint to the Building Inspector. Each complaint submitted to the Building Inspector shall include the date, time, place and manner in which a violation of this chapter has occurred and must be signed by the complainant.

B. Upon receipt of a written complaint, the Building Inspector, upon verification of a violation, may issue an appearance ticket and otherwise take lawful action to enforce compliance with this chapter.

84-4. Variances.

The Board of Appeals, after a public hearing, may, upon a showing that the benefit to the owner in retaining or permitting lighting not compliant with this chapter outweighs the potential detriment to the neighborhood if a variance is not granted, may grant variances from the requirements of this chapter. In making a determination, the Board shall be guided by the balancing factors contained in New York State Village Law §7-712-b(3)(b) and may only grant the minimum variance necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section two. Any local law, ordinance, or resolution of the Village of Hewlett Neck in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.

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

(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. 9 of 2018 of the ~~(County)(City)(Town)(Village)~~ of Hewlett Neck was duly passed by the Board of Trustees on December 17, 2018, in accordance with the applicable *(Name of Legislative Body)* 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 20__ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20__ , 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 20__ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20__. *(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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20__. Such local *(Elective Chief Executive Officer*)* 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.

* 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.)

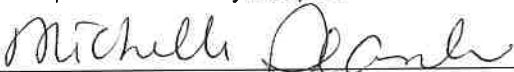
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.



Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: December 17, 2018

