

# 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 Upper Brookville

FILED  
STATE RECORDS

DEC 30 2016

Local Law No. 4 of the year 20 16

DEPARTMENT OF STATE

A local law (Insert Title) to repeal Chapter 134, "Lighting, Exterior," and add new Chapter 134,  
"Lighting, Exterior" to the Code of the Village of Upper Brookville.

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

County  City  Town  Village  
(Select one.)

of Upper Brookville

as follows:

**VILLAGE OF UPPER BROOKVILLE  
LOCAL LAW 4-2016  
CHAPTER 134  
"LIGHTING, EXTERIOR"**

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**SECTION 1.** Chapter 134 entitled, "*Lighting, Exterior,*" is hereby repealed in its entirety and new Chapter 134, "*Lighting, Exterior,*" is hereby adopted to read as follows:

**Chapter 134  
Lighting, Exterior**

**§134-1. Restriction on installation and operation.**

No person, firm or corporation, their agents, servants or employees, shall install, operate or maintain on private property in the village any exterior light, lamp or other artificial illumination which is not in compliance with 134-2.

**§134-2. Standards of operation.**

A. All exterior lights, lamps and other artificial illumination ("exterior lighting") shall be arranged, placed, oriented and operated with the required wattage, reflectors, refractors and screening that will ensure:

- (1) The light beam or any part thereof will not project beyond the property line of the premises of the owner or occupant.
- (2) The light emitted will not be directed at or towards an adjoining property or residence on an adjoining property.
- (3) The light source will be oriented, hooded and shielded to the degree necessary and equipped with the minimum wattage so that glare from the light source will not be an unreasonable nuisance to the adjoining property. For purposes of this chapter, lighting glare shall constitute an unreasonable nuisance to an adjoining property if the light projected exceeds 0.2 of a foot-candle (2.152 lumens) at any point on the adjoining property in the OP1 (five acre) and the R1 (two acre) Zoning Districts.
- (4) No light shall be directed upon any surface which shall reflect the beam beyond the property line of the premises of the owner or occupant. Light overspill shall not create shadowing discernible without instruments on any residentially zoned premises.
- (5) Exterior lighting controlled by an automatic activated motion device shall turn off after 10 minutes. Exterior lighting fixtures shall be located no closer to the property line than four times the mounting height of the fixture, and shall not exceed the height of other structures on the lot.

(6) No exterior light shall be placed so as to shed light directly upon any public street so as to interfere with motorists' vision or otherwise affect safe driving conditions on any street.

B. No flashing, fluorescent or neon exterior lights shall be permitted in any Residential district. Holiday lighting, comprised of string lighting and other illuminated articles, shall be permitted only during the traditional holiday period.

**§134-3. Lighting of tennis and athletic courts.**

No tennis or other athletic court shall be illuminated by artificial lighting.

**§134-4. Existing Lights.**

Any exterior lighting presently installed on the effective date of this chapter in violation of the above standards shall be brought into compliance with the provisions hereof within nine months thereafter.

**§134-5. Waiver.**

The Zoning Board of Appeals of the village, after a public hearing, may grant a waiver from the requirements of this chapter if it is found that such waiver will not adversely impact the neighboring properties or the Village.

**§134-6. Penalties for offenses.**

Any person who violates any provision of this chapter shall be guilty of a violation, punishable by a fine of \$250 or a term of imprisonment of not more than 15 days, or both.

**SECTION III.** This local law shall take effect upon filing with 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. 4 of 2016 of the ~~(County)(City)(Town)~~(Village) of Upper Brookville was duly passed by the Board of Trustees on December 19, 2016, 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\_\_\_\_.

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.~~

\* 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.

*Tracy L. Lynch*  
Clerk of the ~~county~~ legislative body, ~~City of Muttontown~~ Village Clerk  
officer designated by local legislative body, Tracy L. Lynch

Date: 12/19/16

