

ARTICLE 37 To see if the Town will vote to amend the General Bylaws by inserting the following new Chapter XX Protection Against Light Trespass

PURPOSE

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

DEFINITIONS

“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 public hazard or a nuisance.

“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.

“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, in its 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 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. 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 shall hold a meeting 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 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. Lumens 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. LED flood lights: 800 lumens or less
- b. Any lumens levels in question shall be measured by a Town employee designated by the Select Board by using a light meter and submitted to the Select Board for consideration.

VIOLATIONS

A condition determined by the Select Board 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.

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 By-Law shall receive a warning for the first violation and shall be liable to the Town of Milton 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 of Milton 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.

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

RECOMMENDED that the Town vote Yes.

COMMENT: