

Article 302: OUTDOOR LIGHTING ORDINANCE

(Adopted 3/10/2009; Amended 3/09/2010)

302.1 STATEMENT OF NEED AND PURPOSE: The benefits of good outdoor lighting are increased safety, energy efficiency, enhancement of the Town's evening character and improved security. New techniques have created extremely powerful lights, which can inadvertently lead to excessive glare, light trespass, and higher energy use. Concerns resulting from excessive glare and light trespass include safety issues, loss of privacy, and increased energy costs for everyone. The goal of this lighting ordinance is to recognize the benefits of outdoor lighting and provide clear guidelines for its installation. Appropriately regulated and properly installed, outdoor lighting will maintain and complement the Town's Character and contribute to the safety and welfare of the residents of the town. The intent of this ordinance is to reduce the problems created by improperly designed and installed outdoor lighting by establishing regulations which limit the area that certain outdoor lighting luminaries can illuminate and by limiting the total allowable illumination of lots located in the Town of Kingston.

302.2 DEFINITIONS: For the purposes of this Ordinance, terms used shall be defined as follows:

- A. Direct Light:** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.
- B. Fixture:** The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
- C. Flood or Spotlight:** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
- D. Glare:** Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

- E. Height of Luminaire:** The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.
- F. IESNA:** Illuminating Engineering Society of North America.
- G. Indirect Light:** Direct light that has been reflected or has scattered off of other surfaces.
- H. Lamp:** The component of a luminaire that produces the actual light.
- I. Light Trespass:** The shining of light produced by a luminaire beyond the boundaries of the property of which it is located.
- J. Lumen:** (A unit of luminous flux.) One footcandle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.
- K. Luminaire:** This is a complete lighting system, and includes a lamp or lamps and a fixture.
- L. Outdoor Lighting:** The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
- M. Temporary outdoor lighting:** The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 30 days, with at least 180 days passing before being used again.

302.3 REGULATIONS: All public and private outdoor lighting installed in the Town of Kingston shall be in conformance with the requirements established by this Ordinance.

302.4 CONTROL OF GLARE – LUMINAIRE DESIGN FACTORS:

- A.** Any luminaire emitting MORE than 1800 lumens (with 1,700 lumens being the typical output of a 100-watt incandescent bulb) shall be fully shielded so as to produce no light above a

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horizontal plane through the lowest direct-light-emitting part of the luminaire. (Such fixtures usually are labeled Dark Sky Certified or Compliant).

- B.** Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot lights 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 $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire shall not exceed 25 feet.
- C.** Any luminaire with a lamp or lamps rated at 1800 lumens *or less*, and all flood or spot lights with a lamp or lamps rated at 900 lumens *or less*, may be used without restriction to light distribution or mounting height, except that, to prevent light trespass, if any flood or spot light is aimed, directed or focused so as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to pedestrians or persons operating motor vehicles on public ways, the luminaire shall be redirected, or its light output reduced or shielded, as necessary to eliminate such conditions. (Note: *This exempts most residential front door lights, but no so-called yard-blaster wide-area flood lighting.*)
- D.** Any luminaire used to illuminate a public area such as a street or walkway shall utilize an energy efficient lamp such as a low pressure sodium lamp, high pressure sodium lamp or metal halide lamp. Mercury vapor lamps shall not be used due to their inefficiency and high operating costs and toxic mercury content. New or replacement installation of mercury vapor luminaires shall not be permitted after the effective date of this ordinance, and the public shall be encouraged to remove and safely dispose of existing mercury vapor bulbs as soon as practicable. (Note: *Compact fluorescent lamps are not yet commercially available for roadway or wide-area lighting.*)
- E.** Luminaires used in public areas such as roadway lighting, parking lots and for exterior building illumination shall be designed to provide the illumination recommended by the IESNA in the most current edition of the IESNA Lighting Handbook.

- F. To protect light-sensitive wildlife habitats, artificial lighting in or on the periphery of these areas shall be minimized and fully shielded to prevent any emission above a horizontal plane through the lowest light-emitting part of a luminaire.
- G. It is recommended that outdoor lighting installations shall include timers, dimmers, and/or motion sensors to reduce overall energy consumption and eliminate unneeded lighting, particularly after 11 PM.
- H. Moving, fluttering, blinking, or flashing lights or signs shall not be permitted, except as temporary seasonal holiday decorations. Externally lit signs shall be illuminated by continuous direct white light with illumination confined to the area of the sign and directed downward.
- I. Luminaires mounted on a gas station canopy shall be recessed in the ceiling of the canopy so that the lens cover is recessed or mounted flush with the ceiling of the canopy and fully shielded. Luminaires shall not be mounted on the sides or top of the canopy, and the sides or fascia of the canopy shall not be illuminated.

302.5 EXCEPTIONS:

- A. Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.
- B. All lighting required for construction projects related to road construction and repair, installation of sewer and water facilities, and other public infrastructure.
- C. All emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this article.
- D. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article.
- E. Luminaires used primarily for signal or intersection illumination may be mounted at any height required to ensure roadway safety regardless of lumen rating.

- F. Seasonal holiday lighting and illumination of the American and State flags shall be exempt from the requirements of this Ordinance, providing that such lighting does not produce glare on roadways and neighboring residential properties.

302.6 TEMPORARY OUTDOOR LIGHTING:

- A. Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary lighting may be permitted by the Board of Selectmen after considering:
 - 1. the public and/or private benefits that will result from the temporary lighting;
 - 2. any annoyance or safety problems that may result from the use of the temporary lighting; and
 - 3. the duration of the temporary nonconforming lighting.
- B. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Board of Selectmen, who shall consider the request at a duly called meeting of the Board of Selectmen. Prior notice of the meeting of the Board of Selectmen shall be given to the applicant. The Board of Selectmen shall render its decision on the temporary lighting request within two weeks of the date of the meeting. A failure by the Board of Selectmen to act on a request within the time allowed shall constitute a denial of the request.

302.7 EFFECTIVE DATE AND GRANDFATHERING OF NON-CONFORMING LUMINAIRES:

- A. This ordinance shall take effect immediately upon approval by the voters of the Town of Kingston at an annual or special Town Meeting. Where any provision of this ordinance conflicts with previous ordinances pertaining to outdoor lighting, the more restrictive shall apply.
- B. All luminaires lawfully in place prior to the date of the Ordinance shall be grandfathered.

302.8 NOTIFICATION REQUIREMENTS:

- A. The Town of Kingston building permit shall include a statement asking whether the planned project will include any outdoor lighting.
- B. Within 30 days of the enactment of this ordinance, the Board of Selectmen shall publish a copy of the Outdoor Lighting Ordinance, with cover letter to all local electric utilities.

302.9 VIOLATIONS, LEGAL ACTIONS, AND PENALTIES:

- A. **Violations and Legal Actions:** If, after investigation, the Board of Selectmen finds that any provision of the Ordinance is being violated, they shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice.

If the violation is not abated within the thirty-day period, the Board of Selectmen may institute actions and proceedings, either legal or equitable, including those pursuant to RSA 502-A:11-a(b), to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

- B. **Penalties:** A violation of this Ordinance, or any provision thereof, shall be punishable by a civil penalty of two hundred and seventy-five dollars (\$275), and each day of violation after the expiration of the thirty-day period provided in paragraph 1 shall constitute a separate offense for the purpose of calculating the civil penalty.