



EXTRACT of Minutes of the regular meeting of the Council of the Town of Hudson held at the Community Centre on June 4th, 2012 during which the following by-law was adopted:

BY-LAW N° 617

BY-LAW CONCERNING THE CONTROL OF OUTDOOR LIGHTING (LIGHT POLLUTION)

WHEREAS the Town of Hudson wishes to be proactive regarding light pollution and wishes to heighten citizen awareness on the possibility of using outdoor lighting fixtures that are more energy efficient;

WHEREAS the Environment Committee and the Planning Advisory Committee recommend the adoption of a by-law on light pollution to the Municipal Council in order to have more objective standards regarding outdoor lighting;

WHEREAS the use of outdoor lighting causes a serious degradation of the night environment, significantly increases energy demand, causes glare adversely affecting night time visibility and constitutes a nuisance by generating intrusive lighting on adjacent residential properties;

WHEREAS this by-law will be in place for the health, the safety and the quality of life of the citizens;

WHEREAS in accordance with Article 123 of the Act respecting Land Use Planning and Development, the present by-law is not subject to approval by way of referendum;

WHEREAS notice of motion was duly given at the regular Council meeting held on May 7th, 2012;

WHEREAS the requirements of Article 356 of the Cities and Towns Act have been met and that Council members declare having read By-Law N° 617 and waive its reading;

THEREFORE, it is **moved** by Councillor Diane Piacente, **seconded** by Councillor Madeleine Hodgson and unanimously resolved that By-Law N° 617 be adopted and decreed as follows:

Article 1 **Title**

The present by-law can be cited under the title "**BY-LAW CONCERNING THE CONTROL OF OUTDOOR LIGHTING (LIGHT POLLUTION)**"

Article 2 **Territory**

This by-law shall apply to all the territory of the Town of Hudson as well as to individuals and corporations whether being public or private entities.

Article 3 **Annexed Documents**

The following Appendix is an integral part of this by-law:

- Appendix "A": Selection Guide of acceptable and non-acceptable lighting fixtures.

Article 4 **Objectives**

4.1 The main objectives of this by-law are:

- 4.1.1. Minimize excessive and intrusive lighting by requiring the use of fixtures designed and emplaced to direct illumination only downward;
- 4.1.2. Favour energy efficiency by using motion detectors without bulb brightness, directed downwards, in residential areas;
- 4.1.3. To increase safety in the streets and on residential and commercial properties by minimizing glare and concentrating illumination in the minimal area required.
- 4.1.4. Encourage the population of Hudson to change their outdoor lighting sources to enhance their property without reducing safety by using understated lighting that is glare free, directed downward, and uses less energy.



- 4.1.5. Ensure that all new construction, residential as well as commercial, has light fixtures based on cost effective, low energy light sources directed only towards the area to be lit (entrance to the yard, parking, balcony, deck etc) and not illuminating areas on neighbouring properties;
- 4.1.6. Ensure that all new public parking areas, parks and recreational fields have lighting fixtures that are not glaring or intrusive onto adjacent properties;
- 4.1.7. Within the limits of public safety and security, minimize the adverse effects of lighting on the nocturnal activities of animals.

Article 5 **Application**

- 5.1 The lighting fixtures shall be protected and/or directed in such manner that they illuminate only the intended area downwards, in order not to spill over onto neighbouring properties and that the glare from the bulb is not visible laterally;
- 5.2 The use of new lighting fixtures for landscaping must not, at any given time, be blinding or intrusive to neighbouring properties or to the street;
- 5.3 No outdoor recreation facility installation shall be lit after midnight, except for a special event.

Article 6 **Prohibited type of lighting**

- 6.1 Lighting fixtures with mercury, neon or non-CFL fluorescent lamps;
- 6.2 Mobile projector or spotlight for publicity purposes;
- 6.3 Upward or vertical lighting fixtures (lighting towards the sky).

Article 7 **Sign lighting**

- 7.1 A sign can only be lit by a "gooseneck" type lighting device. The lighting must be downwards without the bulb being visible from the exterior;
- 7.2 No sign may be lit from the inside by a constant light source.

Article 8 **Exemptions**

- 8.1 The following situations do not need to conform to the present provisions. However, whenever possible, the installations must be done, inspired by the present regulation:
 - 8.1.1. Decorative outdoor lighting during the holiday period from November 15th to January 15th;
 - 8.1.2. Outdoor lighting governed by other provincial or federal regulations such as, but not limited to, telecommunication towers, airports, etc.;
 - 8.1.3. Temporary outdoor lighting for special activities such as outdoor shows, village festivities, construction areas, filming or other temporary work.

Article 9 **Acquired rights**

- 9.1 All existing outdoor lighting fixtures prior to the adoption of this by-law benefit from an acquired right. However, any modification or replacement of an outdoor lighting fixture shall be made according to the objectives of the present by-law.

Article 10

10.1 **Penalties and Legal Proceedings**

Any person who contravenes this by-law commits an infraction and is liable to the following penalties:



Hudson

BY-LAW N° 617

concerning Light Pollution

Adopted the 2012-06-04 Published the 2012-06-13

a) First infraction

A minimum of Three Hundred Dollars (\$300) and a maximum of One Thousand Dollars (\$1,000) if the offender is a physical person and a minimum of Six Hundred Dollars (\$600) and a maximum of Two Thousand Dollars (\$2,000) if the offender is a legal entity.

b) For Repeat infraction

A minimum of Six Hundred Dollars (\$600) and a maximum of Two Thousand Dollars (\$2,000) if the offender is a physical person and a minimum of One Thousand Two Hundred Dollars (\$1,200) and a maximum of Four Thousand Dollars (\$4,000) if the offender is a legal entity.

If the infraction is continuous, the continuity constitutes a distinct day by day infraction. The fine can be retroactive to the first day a statement of offence was issued to the offender.

11. Any by-law or part of a by-law contrary to or inconsistent with the provisions of this by-law is hereby repealed.
12. This by-law shall come into force according to the law.

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CARRIED

Original signed: Jacques Nadeau, Councillor

Louise L. Villandré, Director General



Appendix "A": Selection Guide of acceptable and non-acceptable lighting fixtures

