



STAFF REPORT
SUBMITTED BY: Dave Andrews & Chris Frotten
DATE: January 2, 2020
SUBJECT: Light Pollution Regulations

## ORIGIN

At the August 22, 2019 PAC Meeting, the Committee discussed permitted uses in the Rural Development (RD) zone and the topic of light pollution. Following the discussion, the Committee requested Staff to perform an environmental scan of whether other municipalities are addressing this topic.

## BACKGROUND

Within our Municipal Planning Strategy (MPS), The Rural Development Zone (RD Zone) is described as the following:

The majority of land in the Municipality of the District of Barrington is located outside of the rural centres of Woods Harbour and Barrington/Barrington Passage. Here development is scattered in predominantly rural coastal communities on both the mainland and Cape Sable Island. This development pattern on the mainland creates a coastal corridor predominantly along the established public highway system that follows the coastline. Within this area the prevailing land use character is low density residential and mixed use in nature. A variety of land uses including residential, institutional, recreational, commercial, industrial, forestry, agriculture and utility uses can be found throughout the Rural Development designation. This designation is designed to accommodate a wide variety of land uses that are common in rural coastal communities in Southwest Nova Scotia.

Past planning documents placed very few restrictions on the types of land uses permitted within this designation and only established special setback requirements and development standards for shopping centres, drinking establishments, industrial uses, fish reduction plants, scrap yards and salvage yards, fox, mink and piggery operations. This MPS restricts certain land uses and no longer permits some types of land uses except by development agreement. This process requires a public review before approval can be granted. Land uses with the greatest potential for creating conflict with existing less intensive uses will be controlled in this manner.

Council has 4 policies within this zone. They are:

- RD-1 To designate as Rural Development the rural areas of the Municipality located outside the Rural Centres as shown on the Generalized Future land Use Map 1 of the Municipal Planning Strategy. This designation does not include areas designated Coastal Wetlands, Business Park, Industrial Marine or Residential Island.
- RD-2 To establish a Rural Development (RD) zone in the Land Use By-law, as shown on Schedule A of the Land Use By-law to correspond to the area designated Rural Development.
- RD-3 To permit in the Rural Development (RD) Zone a wide range of land uses including residential, institutional, recreational, commercial (Lounges, taverns and cabarets subject to Development Agreement), industrial, agricultural, forestry and utility uses.
- RD-4 To consider only by development agreement, in areas zoned Rural Development (RD) proposals for fish reduction and fish composting operations, intensive livestock operations, motor vehicle race tracks, wind farms, expansion of existing fur farms and new fur farms in accordance with Policy ECON-1.

The following is a list of eligible uses within the RD zone:

- Adult commercial day care centres
- All agricultural uses except fur farms
- All forestry uses
- All institutional uses
- All residential uses
- Automobile sales establishments
- Automobile service stations
- Automobile washing establishments
- Bakeries
- Banks and financial institutions
- Boarding homes
- Building supply dealers
- Bus depots
- Business and professional offices
- Cable television and radio stations
- Commercial day care centres
- Communications facilities and structures
- Custom workshops
- Dressmaking and tailoring
- Dwelling units located in the same building as any Commercial use permitted in the RD Zone
- Fraternal centres
- Funeral parlours and undertaking establishments
- Garden and nursery sales and supplies
- Greenhouses
- Group dwellings
- Guest homes
- Homes for special care
- Indoor recreation facilities including premises for billiards, bowling, cinema, video arcades, interactive recreational simulators
- Land lease communities
- Lobster pounds
- Lounges, taverns and cabarets subject to Policy RD-3
- Marinas
- Municipally owned sewage treatment plants
- Medical clinics
- Outdoor aquaculture operations
- Outdoor commercial displays
- Parking lots and parking structures
- Photography studios
- Printing establishments
- Private boathouses, haulouts, storage buildings and wharfs

- Private recreational clubs
- Public and private parks
- Recycling depots
- Repair shops
- Restaurants (eat-in, take-out, drive through)
- Retail stores
- Service shops
- Shopping centres
- Tourist accommodations
- Veterinary clinics
- Warehousing, wholesale and distribution uses
- Utilities

At this time, there is no language nor are there any regulations regarding light pollution within our planning documents.

## DISCUSSION

The Region of Queens, Municipality of Shelburne, Municipality of Argyle, Municipality of Yarmouth, Municipality of Clare, and the Municipality of Digby were contacted to determine who may have light pollution regulations locally. All municipalities contacted advised that they have no by-law or regulations concerning light emissions and noted the enforcement challenges with this type of legislation.

The Municipality of Argyle does look at light emission within their Development Agreement process. They state that “lights must be pointed at the owner’s property and not the neighbouring and that light emission can not be a bother to others”.

After a broader search, we discovered three by-laws (two in Ontario and one in British Columbia) that were helpful in providing potential options for language in the event the PAC was interested in addressing this topic.

The first is the City of Mississauga’s Nuisance Lighting By-Law. The purpose of their by-law is to promote reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce while preserving the ambiance of the night; to reduce glare from exterior luminaries and interior luminaries; to control light pollution by minimizing non-target light and by requiring light reduction through adaptive lighting techniques under site plan control; to reduce unwanted light trespass and spill; and to prohibit and regulate light nuisances.

Their by-law, which is administered by the Commissioner of the Transportation and Works Department for the City and enforced by Municipal By-law Enforcement Officers, briefly outlines the regulations, specific types of nuisances, the temporary exemption process, the general exemptions and the enforcement, administration, offences and penalties.

The second is the Town of Mississippi Mills’ Outdoor Illumination and Control Light Pollution By-Law. The purpose of their by-law is to regulate and control outdoor illumination, and control light trespass, as well as to ensure the continued astronomical importance of the Fred Lossing Observatory, located at the Mill of Kintail.

Their by-law, which is administered and maintained by a local committee called the Mississippi Mills Outdoor Illumination Committee and enforced by Municipal By-Law Enforcement Officers, outlines in

detail the regulations, prohibitions, request for exemption for temporary events process, establishment of the local illumination committee, impact on new development involving outdoor lighting and enforcement and penalties. They also provide examples of acceptable and unacceptable lighting fixtures along with shielding solutions for existing streetlamps and the sources of illumination preferred for outdoor use.

The last is the District of West Vancouver's Good Neighbour By-Law. This by-law is not exclusively dedicated to the regulation of outdoor lighting, but more so to the general protection and enhancement of the well-being of the community in relation to good neighbour practices.

Their by-law does prohibit owners to allow an outdoor light to be placed or lit on a parcel of the Owner such that the light source creates a nuisance in any residential zone and obligates owners to ensure that an outdoor light on the property is shielded by a shade or fixture such that the light source does not create a nuisance. There is an exception for outdoor lights used to illuminate public parks and playing fields.

#### BUDGET IMPLICATIONS

Implementing new regulations add administration and enforcement responsibilities on the Municipality. In some cases, these extra responsibilities can be added to the workload of an existing employee and in other cases, a new employee must be hired, or the service must be contracted through a third party. In either case, there are always costs associated with administering and enforcing by-law regulations and these costs can vary depending on the situation. In general terms, there are the salaries, supplies, equipment, training and certification of the enforcement officers and in more serious situations there can be safety and security and legal expenses.

#### LEGAL IMPLICATIONS

N/A

#### PUBLIC CONSULTATION/COMMUNICATIONS

We recently received a light pollution complaint filed by residents in Upper Port Latour. However, we have not received any other correspondence or official complaint regarding light pollution in recent years.

#### RECOMMENDATION

There is no doubt that the variety of eligible uses within the RD Zone could open the potential of light nuisance issues as some of these uses may require bright or excessive lighting. That being said, we are a rural municipality and it is common to have a variety of eligible uses in its rural areas.

As there is no language within our planning documents relating to the nuisance, mitigation or pollution of lighting, there could be an appetite to address it in some way.

Option #1 – Status Quo

The PAC could decide to make no changes to its planning documents in relation to lighting and keep status quo.

#### Option #2 – Make Minor Additions to Planning Documents

The PAC could decide to address lighting in its planning documents by implementing one or more statements regarding light in general – similar to the language found in the District of West Vancouver’s Good Neighbour By-Law.

#### Option #3 – Develop a By-Law and Implement New Regulations

The PAC could decide to address lighting more aggressively by developing a new by-law and implementing new regulations relating to outdoor lighting or light nuisances.

As noted above we are a rural municipality and it is common to have a variety of eligible uses in its rural areas. For this reason, I would recommend that, if the PAC were interested in addressing this topic, it would make only minor additions to the Municipality’s planning documents and that these additions be similar to the language found in the District of West Vancouver’s Good Neighbour By-Law.

### SUGGESTED MOTION

N/A

### ATTACHMENTS

- The City of Mississauga Nuisance Lighting By-Law
- The Town of Mississippi Mills Outdoor Illumination and Control Light Pollution By-Law
- The District of West Vancouver Good Neighbour By-Law



**THE CORPORATION OF THE CITY OF MISSISSAUGA  
NUISANCE LIGHTING  
BY-LAW 262-12**

WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001* authorize the Corporation of the City of Mississauga to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 of subsection 11(2) and paragraph 7 of subsection 11(3) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS Section 128 of the *Municipal Act, 2001* provides municipalities with authority to prohibit and regulate public nuisances, including matters that, in the opinion of the Council of the City of Mississauga are or could become public nuisances;

AND WHEREAS in the opinion of the Council of the City of Mississauga certain kinds of lights are or could become a public nuisance;

AND WHEREAS Section 129 of the *Municipal Act, 2001* provides municipalities with authority to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

AND WHEREAS section 425 of the *Municipal Act, 2001* authorizes the Corporation of the City of Mississauga to pass by-laws providing that a person who contravenes a by-law of the City of Mississauga passed under that *Act*, is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001* further authorizes the City of Mississauga, amongst other things, to delegate its authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

AND WHEREAS the City of Mississauga wishes to adopt a by-law to prohibit and regulate nuisance lighting;

NOW THEREFORE the Council of the Corporation of the City of Mississauga ENACTS as follows:

**1. PURPOSE**

1.1 The general purpose of this By-law is:

- (a) to promote reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce while preserving the ambiance of the night;
- (b) to reduce glare from exterior luminaries and interior luminaries;
- (c) to control light pollution by minimizing non-target light and by requiring light reduction through adaptive lighting techniques under site plan control;
- (d) to reduce unwanted light trespass and spill; and
- (e) to prohibit and regulate light nuisances.

## 2. DEFINITIONS

2.1 In this By-law:

- (a) **"By-law"** means this Nuisance Lighting By-law and any amendments or updates thereto.
- (b) **"City"** means The Corporation of the City of Mississauga.
- (c) **"Commissioner"** means the Commissioner of the Transportation and Works Department for the City or his/her designate.
- (d) **"Direct Lighting"** means light emitted directly from the lamp of the reflector or luminaire.
- (e) **"Fixture"** means the assembly that houses the lamp or lamps and can include all or some of the following parts: housing, a reflector, and a mounting bracket or pole socket.
- (f) **"Flood or Spot Light"** means 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.
- (g) **"Glare"** means light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, or to produce sensation of discomfort.
- (h) **"Indirect Lighting"** means light that has been reflected or has scattered off other surfaces.
- (i) **"Enforcement Officers"** means Municipal By-law Enforcement Officers appointed by City Council from time to time to enforce this By-law;
- (j) **"Light Trespass"** means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- (k) **"Luminaire"** means a complete lighting system, including a lamp or lamps enclosed in a housing complete with reflectors, refractors, etc.
- (l) **"Motion-Sensor Activated Lighting"** means lighting products equipped with a sensor that detecting activity will switch on the luminaire and then switch it off again after an interval of no activity detection.
- (m) **"Nuisance"** means anything that is injurious to health, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- (n) **"Outdoor Light Fixtures"** means outdoor artificial illuminating devices, installed or portable, used for flood lighting, general illumination or advertisement.
- (o) **"Person"** includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation.
- (p) **"Special Event"** includes festivals, carnivals, entertainment or advertising, which includes, but is not limited to that which may require City approval for specific event components, such as compliance with zoning regulations as well as related road access restrictions or congestion supervision.
- (q) **"Wall-Pack Light Fixture"** means light fixtures on exterior walls of buildings.

### **3. APPLICATION**

- 3.1 Any Person who installs outdoor lighting on private property within the boundaries of the City of Mississauga shall do so in conformity with the requirements of this By-law. If conflicts arise between this By-law and other by-laws regarding control and maintenance of outdoor lighting, this By-law shall be the governing document.
- 3.2 Direct or Indirect Lighting from private property identified as causing Glare or Light Trespass by the Commissioner and not in compliance with the provisions of the By-law shall be corrected or removed to the satisfaction of the Commissioner.
- 3.3 Direct or Indirect Light emitted from Wall-Pack Light Fixtures on private property identified as creating Glare or Light Trespass by the Commissioner, and not in compliance with the provisions of the By-law shall be corrected or removed to the satisfaction of the Commissioner.
- 3.4 Nothing in this By-law shall affect the rights of any City employees or other Persons from enforcing the Property Standards By-law 654-98, as amended, or any other applicable laws or by-laws, if such City employees or Persons are authorized to enforce such laws and by-laws. Further, nothing in this By-law shall limit the enforceability or applicability of the Property Standards By-law 654-98, as amended, the standards for maintenance and occupancy of property as prescribed as the minimum standards for the City.

### **4. NUISANCE**

- 4.1 No Person shall cause a Light Nuisance within the City without limiting the generality of the foregoing:
  - (a) The use of laser source light, signal beacons, Flood Light, Spot Lights, flashing lights any other similar high intensity Luminaire that projects light onto adjacent private property is prohibited; notwithstanding the exemptions set out in Section 5.
  - (b) The use of strobe, twinkling or chasing lights for private purposes and for advertising or entertainment purposes on private property is prohibited notwithstanding the exemptions set out in Section 5.
  - (c) No Direct Lighting or Indirect Lighting shall be used so that an unusual quantity or type of light creates a Glare or Light Trespass upon the land of others so as to be or to cause a Nuisance to the public generally or to others residing or carrying on a business or trade in the vicinity.

### **5. TEMPORARY EXEMPTIONS**

- 5.1 Any Person may submit a written request on a form prepared by the City for a temporary exemption to the requirements imposed by this By-law by way of an application to the Commissioner.
- 5.2 The request for a lighting exemption for temporary events shall contain the following information:
  - (a) Specific exemption requested;
  - (b) Type and use of exterior light involved;
  - (c) Date(s) of the event;
  - (d) Duration of time for requested exemption;
  - (e) Proposed location of exterior light;
  - (f) Physical size of exterior light;



- (g) Wattage of exterior light;
  - (h) Height of exterior light; and
  - (i) Proof of publication for two consecutive days within the preceding ten (10) days in a newspaper of general circulation within the City, of a Notice of Intention to apply for any exemption to this By-law, received or by the distribution of a flyer as prescribed by the City to all residences and businesses within a 100 metre radius of the subject property containing the information required by Clauses (a) through (h) hereof, stating the date upon which objections may be submitted to City staff.
- 5.3 The owner of lands upon which it is intended to place and use prohibited light(s) for the purposes of a Special Event or other activity, shall apply to the Commissioner for a temporary exemption to the requirements imposed by this By-law certifying approval of the light(s). Plans for the location and fixture specifications for such light(s) shall be submitted with the application and application fee, and temporary exemption shall not be issued unless the light(s) shown on such plans comply with the provisions of all applicable bylaws of the City.
- 5.4 The Commissioner may grant an exemption, in whole or in part, with terms and conditions, subject to the provisions of this By-law.
- 5.5 In considering the completed application for any exemption, the Commissioner shall take into account the following:
- (a) If an exemption is granted, a time limit shall be specified, and an exemption shall not exceed six months.
  - (b) The Commissioner shall consult with the affected Ward Councillor on an application for an exemption and the consultation shall include any terms and conditions that may be attached to an exemption.
  - (c) Any correspondence received regarding the application as a result of the distribution of the notice or newspaper advertisement referred to in Section 5.2(i).
  - (d) The proximity of the light to a residential area and the likelihood that the light for which an exemption is requested may negatively affect persons in a residential area.
  - (e) Whether any negative impacts under clauses (c) or (d) can be reduced with the use of mitigation measures including limiting the light to certain days or times or times of the day.
- 5.6 A breach by the applicant of any of the terms or conditions imposed by the Commissioner in granting an exemption shall immediately render the exemption null and void.
- 5.7 Notwithstanding that the authority to grant an exemption is delegated to the Commissioner, and that he or she may have already exercised the delegated power, Council shall retain the right to exercise the authority to grant or deny an exemption in accordance with the conditions set out in section 5.5 of this By-law.

## **6. GENERAL EXEMPTIONS**

- 6.1 The City is exempt from the requirements of this By-law.
- 6.2 Motion-Sensor Activated Lighting may be left unshielded provided it is located in such a manner as to prevent Direct Lighting and Glare on to the properties of others, or into a public right of way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.

- 6.3 Vehicular lights and all temporary emergency lighting needed by the Fire and Police departments, or other emergency services shall be exempt from the requirements of this By-law.
- 6.4 Nothing in this By-law shall apply to navigational lighting systems at lighthouses and airports, or to airport lighting systems marking runways or taxiways. All radio, communications and navigation towers that require lights shall have dual lighting capabilities. For daytime, white strobe lights may be used, and for night-time, only red lights shall be used.
- 6.5 Outdoor lighting utilizing only fossil fuels, including torches, lanterns and open flame devices are exempt from the requirements of this By-law.
- 6.6 A contractor's identification light, provided it is located on the property where the work is being performed and only during the period of such work, is exempt from the requirements of this By-law.
- 6.7 The provisions of this By-law do not apply to any theatrical, film or television production approved by the City.
- 6.8 The provisions of this By-law do not apply to any of the Special Events or other activities set out in Schedule 1 to this By-law.

## **7. ENFORCEMENT**

- 7.1 Enforcement of this By-law is carried out by Enforcement Officers as defined in this By-law, as amended herein.
- 7.2 For the purpose of determining whether there is compliance with this By-law, an Enforcement Officer may have access to or enter any land, building, or structure governed by this By-law and may conduct an inspection.
- 7.3 An Enforcement Officer conducting an inspection shall upon request produce identification issued by the City.
- 7.4 No Person shall hinder, obstruct or interfere with an Enforcement Officer lawfully conducting an inspection under this By-law.
- 7.5 Every Person who is served with a Notice of Contravention pursuant to the provisions of this By-law shall comply with the terms of the Notice within the time set out therein.
- 7.6 Where an Enforcement Officer has reasonable grounds to believe that an offence has been committed by a Person, the Enforcement Officer may require the name, address and proof of identity of that Person, and the Person shall supply the required information.

## **8. ADMINISTRATION, OFFENCES AND PENALTIES**

- 8.1 If an Enforcement Officer is satisfied that a contravention of this By-law has occurred, he or she may issue a notice of contravention requiring the Person who contravened the By-law or who caused or permitted the contravention or the owner of the property on which the contravention occurred to discontinue the contravening activity.
- 8.2 Every Person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable:
  - (a) on a first conviction, to a fine of not more than \$10,000; and,
  - (b) on any subsequent conviction, to a fine of not more than \$25,000.

8.3 Despite section 8.2, where the Person convicted is a corporation:

- (a) the maximum fine in subsection 8.2(a) is \$50,000; and,
- (b) the maximum fine in subsection 8.2(b) is \$100,000.

8.4 Where a Person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

8.5 Where the repair, alteration, change or removal of lighting is a matter of extreme urgency so as to be a danger to the public, or motorists or any other situation deemed to be dangerous, the Enforcement Officer may give notice verbally and may reduce the period within which, in his/her sole discretion, is adequate, taking into account the circumstances at the time the notice is given.

## **9. LIABILITY**

9.1 Any Person installing or maintaining any Luminaire or illumination device on whose property a Luminaire or illumination device is located, shall be liable for such light device. The City is hereby indemnified against all losses, damages, claims, actions, demands, suits, costs and interest arising directly or indirectly from the erection, maintenance, removal or falling of such light device or part thereof and anything done in connection with the performance of, outside of, or contrary to this By-law and whether or not in accordance with the City's standards, inclusive of anything done on the public highway or other City or public property.

## **10. SEVERABILITY**

10.1 Should any part, section, subsection or portion of this By-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the By-law as a whole or in part thereof, except for that which was declared to be invalid.

10.2 In the event there is a conflict with this By-law and any other bylaw this By-law will prevail.

## **11. EFFECTIVE DATE**

11.1 This By-law shall take effect upon the date of its passing and shall be called the "Nuisance Lighting By-law".

**ENACTED AND PASSED this 12<sup>th</sup> day of December, 2012**  
**Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk**

**SCHEDULE 1 TO BY-LAW 0262-2012  
SPECIAL EVENTS AND ACTIVITIES TO WHICH THIS BY-LAW DOES NOT  
APPLY**

<b>ACTIVITIES TO WHICH THE BYLAW DOES NOT APPLY</b>	<b>LOCATION</b>
All Mississauga Celebration Square Approved Activities  Exemption applies to appropriately approved events and activities that appear on the MCS calendar of events, programs and activities	Civic Square 300 City Centre Drive,  Library Square 301 Burnhamthorpe Road West  Living Arts Centre Park 4141 Living Arts Centre Drive
Can-Sikh Festival	Wildwood Park 3430 Derry Road West
Canadian Cancer Society – Relay for Life	Mississauga Secondary School 730 Courtney Park Dr West
Carolling in the Park	Port Credit Memorial Park 22 Stavebank Road North
Desh Bhagat	Wildwood Park 3430 Derry Road West
Kalayaan Festival	Mississauga Valley Park 1275 Mississauga Valley Boulevard
Malton Community Festival	Wildwood Park 3430 Derry Road West
Mississauga Waterfront Festival	Port Credit Memorial Park 22 Stavebank Road North
Movies In The Park Series	Port Credit Memorial Park 22 Stavebank Road North
On the Verandah Concert Series	Benares Museum 1507 Clarkson Road North
Port Credit Paint the Town Red / Canada Day Celebration	Port Credit Memorial Park 22 Stavebank Road North
Port Credit’s Busker Fest	Downtown Port Credit, Port Credit Memorial Park 22 Stavebank Road North
San Salvador Del Mundo Festival	Fred Halliday Park 2187 Stir Crescent
Shakespeare Under the Stars	Bradley Museum 1620 Orr Road
Sherwood Forrest Family Fun Day	Sherwood Green Park 1864 Deer’s Wold
Streetsville Canada Celebration	Streetsville Memorial Park 335 Church Street
Streetsville Founders Bread & Honey Festival	Streetsville Memorial Park 335 Church Street
Southside Shuffle	Port Credit Memorial Park 22 Stavebank Road North

## THE CORPORATION OF THE TOWN OF MISSISSIPPI MILLS

### BY-LAW NO. 03 – 62

**BEING** a By-law to Regulate Outdoor Illumination and Control Light Pollution to ensure responsible lighting, light pollution abatement and the conservation of the night sky environment.

**WHEREAS** Section 129 of the Municipal Act 2001, S.O. 2001 c.25 provides municipalities with the authority to prohibit and regulate with respect to noise, vibration, odour, dust, and outdoor illumination, including indoor lighting that can be seen outdoors.

**AND WHEREAS** the Council of the Corporation of the Town of Mississippi Mills deems it desirable to enact a by-law respecting the regulation and control of outdoor illumination, and control light trespass, as well as to ensure the continued astronomical importance of the Fred Lossing Observatory, located at the Mill of Kintail;

**AND WHEREAS** properly designed light fixtures do not emit undesirable illuminating light rays into the night sky and thus protect the night-time environment;

**NOW THEREFORE** the Council of the Corporation of the Town of Mississippi Mills enacts as follows:

#### SECTION 1: DEFINITIONS

For the purposes of this By-Law, terms used shall be defined as follows:

**Direct Light** means light emitted directly from the lamp, off the reflector or luminaire.

**Fixture** means 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.

**Flood or Spot light** means 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.

**Footcandle** means a measure of luminance per unit area used in IESNA standard measurements i.e. one footcandle (fc) equates to one lumen per square foot.

**Full-Cut-Off Fixture** means a luminaire or light fixture that; by design of the housing, does not allow any light dispersion or direct glare to shine above a horizontal plane from the base of the fixture where light is emitted and must be installed in a horizontal position as designed. These fixtures produce no glare or stray light due to the exposure of the bulb light source because the source is recessed or shielded.

**Glare** means 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.

**Grandfathered Luminaires** means luminaires not conforming to this code that were in effect prior to the passage of this by-law.

**Height of Luminaire** means the height of a luminaire as calculated by the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

**IESNA** means the Illumination Engineers Society of North America, which is the standards committee for responsible outdoor lighting. This is an organization that recommends lighting levels and lighting fixtures.

**Indirect Light** means direct light that has been reflected or has scattered off other surfaces.

**Lamp** means the component of a luminaire that produces the actual light.

**Light Trespass** means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**Lumen** means a unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source.

**Luminaire** means a complete lighting system, including a lamp or lamps and a fixture.

**Outdoor Light Fixtures** means outdoor artificial illuminating devices, installed or portable, used for flood lighting, general illumination or advertisement.

**Pole Spacing Ratio** means the ratio of the inter-pole distance per effective height of lamp on the pole.

**Sharp-Cut-Off Fixture** means the same as Full-Cut-Off Fixture.

**Town** means the Corporation of the Town of Mississippi Mills.

**Uniformity Ratio of Lighting** means the average level of illumination in relation to the lowest level of illumination for a given area.

**WallPack Light Fixture** means flood light fixtures on exterior walls of buildings

## **SECTION 2: REGULATIONS**

### **2.1 General Regulation**

Any person who installs outdoor lighting within the boundaries of the Town shall do so in conformity with the requirements of this By-Law. If conflicts arise regarding control and maintenance of outdoor lighting, this By-Law shall be the governing document.

## **2.2 Luminaire Design Factors For Outdoor Areas**

Any person installing an outdoor lighting fixture shall be required to use completely shielded Full-Cut-Off fixtures, as identified in Appendix I attached hereto and forming part of this by-law. Outdoor lighting fixtures shall include, but are not limited to, lights for: buildings and structures, including canopies and overhangs; recreational areas; parking lot lighting; landscape lighting; billboards and signs; public and private street lighting; display and service area lighting; public and private walkway lighting; rural barn lights; residential yard lights; and outdoor lighting for all residential, commercial, industrial, institutional and provincial and federal government uses not otherwise specified.

### **2.2.1 Municipal Street Lights and Residential Areas**

The Town shall strive to maintain outdoor street lights that have the following:

1. Uniform light levels within the urban area that do not exceed uniformity ratios recommended by the IESNA
2. Minimum light used for safety that does not exceed IESNA recommendations.
3. Full-Cut-Off fixtures examples of which are identified in Appendix I
4. The recommended values for average surface illumination and uniformity ratios for illuminated areas as identified in Table I of Appendix I.

### **2.3 Street Lighting Design**

All new municipal outdoor street lighting must be Full-Cut-Off Fixtures installed in accordance with IESNA standards. Any existing grandfathered partially cut-off street lighting shall be replaced by Sharp-Cut-Off fixtures when lamp replacement is required. The lamp wattage design requirements for both new and grandfathered street lighting shall be as follows:

- a) 70 W for Residential
- b) 100 W for Intersections
- c) 100-200 W for major thoroughfares
- d) 200 W for pole spacing ration of greater than 5:1
- e) Pole spacing ratio not to exceed IESNA luminance and uniformity factors
- f) Pole spacing ratio assumes values 3:1 to 10:1 based on usage (traffic, residential, etc)

### **2.4 Structural Illumination**

2.4.1 All new wall-mounted commercial lighting shall be Full-Cut-Off fixtures.

- 2.4.2 All existing grandfathered wall-mounted lights shall be encouraged to adhere to the requirements of Section 2.2. Property owners whose structures are furnished with unshielded wall-packs shall be encouraged to shield such fixtures.
- 2.4.3 All architectural lighting and building accent lighting shall be mounted such that the accent light is aimed down. There shall be no glare emanating from the fixture in accordance with fully shielded design.
- 2.4.4 The use of low wattage lights for decoration purposes such as Christmas lighting and property ornamentation shall be exempt from Section 2.4.3.

## **2.5 Property Illumination**

All artificial lighting for yards and parking areas shall be arranged so as to eliminate light trespass. Light trespass may be reported to the Mississippi Mills Outdoor Illumination Committee for problem resolution.

## **2.6 Provisions For Shielding Exterior Lighting to reduce Light Trespass**

Applications may be made to the Mississippi Mills Outdoor Illumination Committee to obtain advice for proper shielding in the form of visors, rotational adjustments, etc. to street lighting that cause light trespass. Examples are provided in Appendix I.

## **2.7 Lighting Of Outdoor Advertising Signs**

The Town's Sign By-law No. 02-98 Section 5.2 shall regulate the lighting of outdoor advertising signs.

## **2.8 Recreational Facilities**

- 2.8.1 Any light source permitted by this By-law may be used for lighting of outdoor public or private recreational facilities, such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
  - a. All fixtures used for event lighting shall be Full-Cut-Off Fixtures, or be designed or provided with sharp cut-off capability by a shielding retrofit, so as to minimize up-light, spill-light, and glare.
  - b. A facility's lighting shall be turned off when not in use.
  - c. Owners of grandfathered lighting fixtures at outdoor recreational facilities are encouraged to install shielding fixtures when maintenance and replacement occurs.

## **2.9 Prohibitions**

### **2.9.1 Laser Source Light**

The use of laser source light or any similar high intensity light for outdoor advertising or entertainment purposes is prohibited.



### **2.9.2 Searchlights**

The operation of searchlights for advertising or entertainment purposes is prohibited.

### **2.9.3 Outdoor Advertising Off-Site Signs**

Electrical illumination of outdoor advertising off-site signs along roadways is prohibited after business hours.

## **2.10 Request For Exemption For Temporary Events**

Any person may submit a written request on a form prepared by the Outdoor Illumination Committee for a temporary exemption to the requirements imposed by this By-law.

The request for lighting exemption for temporary events shall contain the following information:

- a. Specific exemption requested (i.e. searchlights)
- b. Type and use of exterior light involved
- c. Date of the event
- d. Duration of time for requested exemption
- e. Proposed location of exterior light
- f. Physical size of exterior light

## **2.11 Grandfathering of Nonconforming Luminaires**

2.11.1 All luminaires and luminous advertising signs lawfully in place prior to the date of passing of the By-law shall be grandfathered. Any luminaire that replaces, modifies, or moves a grandfathered luminaire shall be required to meet the provisions of this By-law.

2.11.2 Existing luminaires which are determined by the Outdoor Illumination Committee to direct light toward streets or parking lots and cause glare to motorists or cyclists and therefore deemed to be a public safety concern, shall be either shielded or re-directed within 90 days of notification to the owner.

## **2.12 Establishment of the Mississippi Mills Outdoor Illumination Committee**

The maintenance of this By-law shall be the responsibility of a committee known as the Mississippi Mills Outdoor Illumination Committee. The Committee's responsibility is to help enforce this By-law in both new and existing developments by:

- a. providing consultation on outdoor and building lighting design
- b. providing outdoor lighting problem resolution (light trespass and light pollution)
- c. conducting standards research and area investigation
- d. examining submissions for new lighting developments

### **2.13 Conservation Of Night Sky Environment Near The Fred Lossing Observatory (FLO)**

Due to the light sensitive nature of the astronomical operation of the Fred Lossing Observatory, zoned protection shall be implemented appropriate to the existing and planned land use within four (4) kilometers of this site. Any new development within four (4) kilometres of FLO must comply with the provisions as outlined in Table 2 of Appendix 1, attached hereto and forming part of this By-law and provide documentation indicating the types and number of fixtures to be installed. Existing luminaries shall be compliant within five (5) years from the date of adoption of this provision and shall not be grandfathered. The Outdoor Illumination Committee shall address and resolve problems with unshielded illumination in this area.

## **SECTION 3: NEW DEVELOPMENT INVOLVING OUTDOOR LIGHTING**

### **3.1 Submission Contents**

The applicant for a permit required by this By-law involving outdoor lighting fixtures shall submit to the Outdoor Illumination Committee as part of the application for permit, evidence that the proposed work will comply with this By-law. The submission shall contain, but shall not necessarily be limited to, the following:

- a. Plans indicating the location of lighting on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
- b. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalogue cuts by manufacturers and drawings (including sections where required);
- c. Photometric data, such as that furnished by manufacturers, or similar documentation showing the angle of cut off or light emissions.

The above required plans, descriptions and data shall be sufficiently complete to enable the Mississippi Mills Outdoor Illumination Committee to readily determine compliance with the provisions of this By-law. If the information is deemed to comply with the provisions of the By-law, a permit will be issued by the Outdoor Illumination Committee. If such plans, descriptions and data are not sufficient to allow the Outdoor Illumination Committee to determine compliance by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall consult with the Mississippi Mills Outdoor Illumination Committee to find an acceptable solution.

### **3.2 Lamp or Fixture Substitution**

Should it be necessary for any outdoor light fixture, or the light source therein to be changed after the permit has been issued, a change request must be submitted to the Chief Building Official and forwarded to the Outdoor Illumination Committee for approval, together with adequate information to enable the Outdoor Illumination Committee to ensure the provisions of this By-law are met, prior to implementing the installation.

**SECTION 4: OFFENCES AND PENALTIES**

- 4.1 Whenever the By-law Enforcement Officer, after inspecting lighting including portable lighting, finds such lighting to be in violation of the provisions of this By-law, he/she shall notify the owner of the property and the owner of the sign in writing by registered mail, or by causing a notice to be delivered personally to such owner(s) requiring them to repair, alter, change, or remove such lighting within ten (10) days from the receipt of such notice.
- 4.2 Where the repair, alteration change or removal of lighting is a matter of extreme urgency so as to be a danger to the public, or motorists or any other situation deemed to be dangerous, the By-law Enforcement Officer may give notice verbally and may reduce the period within which, in his/her sole discretion, is adequate, taking into account the circumstances at the time the notice is given.
- 4.3 Where removal is required, the notice as provided for in Sections 4.1 and 4.2. above shall terminate any existing permit.
- 4.4 Refusal by the owner to comply with Section 4.1 or 4.2 will allow the Town to remove the offending lighting at the expense of the owner and the expenses incurred may be recovered in like manner as municipal taxes.
- 4.5 Every person who contravenes any provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided in the Provincial Offences Act, Chapter P.33, R.S.O. 1990 as amended.

**SECTION 5: SEVERABILITY**

Should any part, section, subsection or portion of this By-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the By-law as a whole or in part thereof, except for that which was declared to be invalid.

**SECTION 6: EFFECTIVE DATE**

This By-Law shall take effect upon the date of passing thereof.

**READ** a first time this 9<sup>th</sup> day of September, 2003.

**READ** a second time this 9<sup>th</sup> day of September, 2003.

**READ** a third time, passed, signed and sealed in open Council this 9<sup>th</sup> day of September, 2003.

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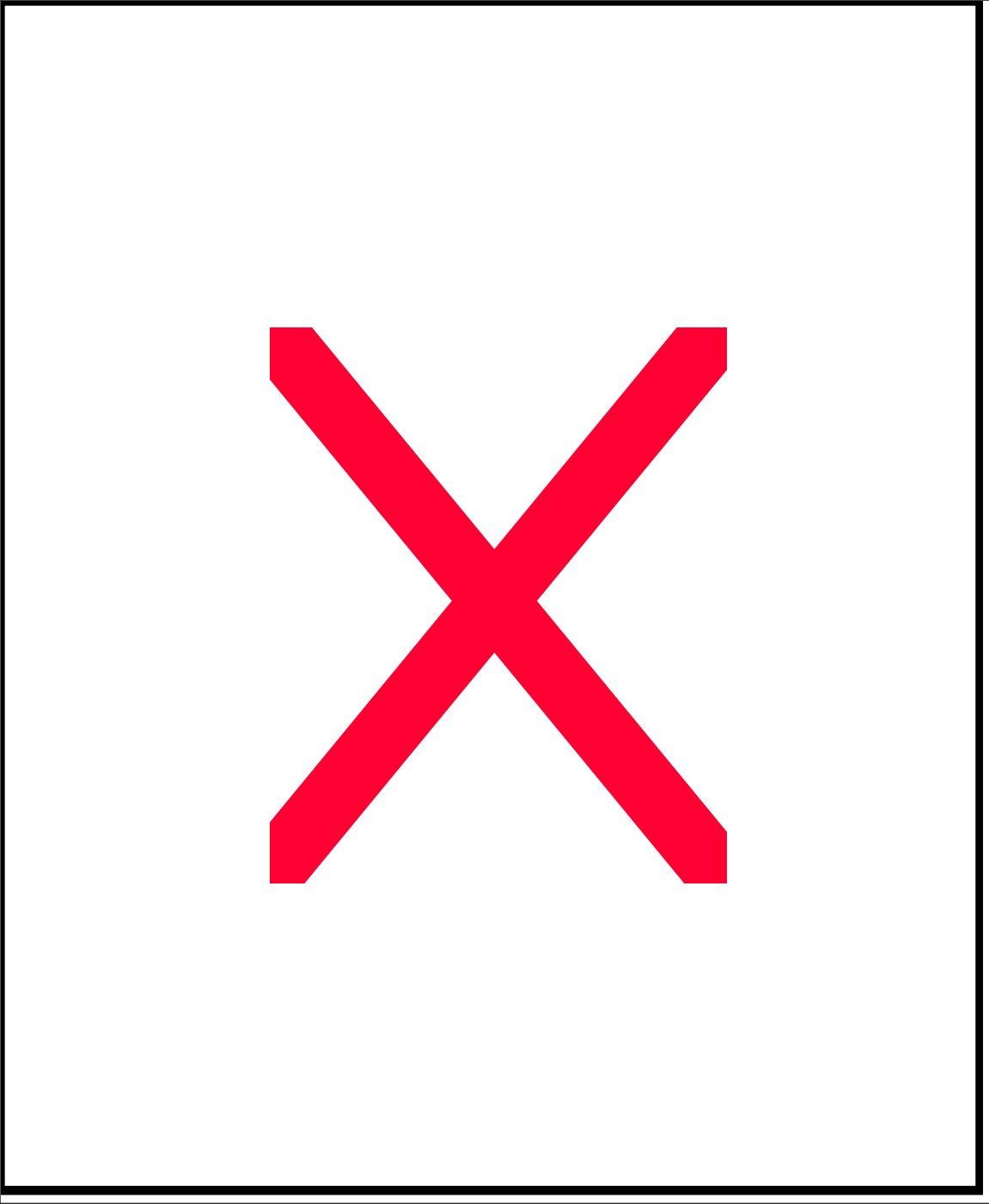
F.R. (Ron) Pettem, Mayor

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Cynthia Halcrow, Clerk

**APPENDIX 1  
TO BY-LAW NO. 03-**

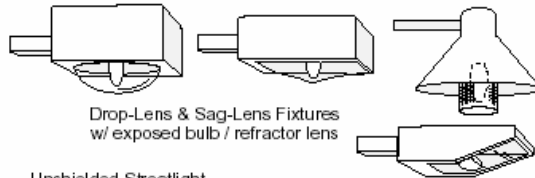
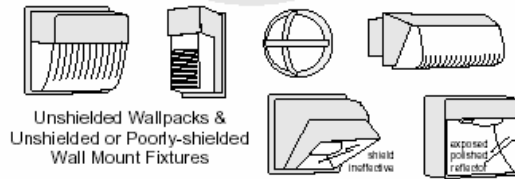
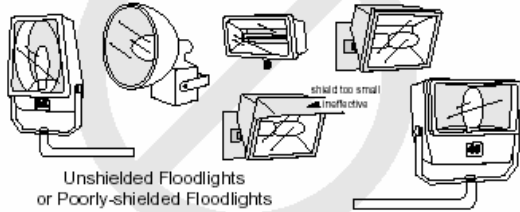
**Full or Sharp Cut Off Definition**



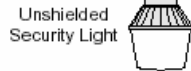
# Examples of Acceptable / Unacceptable Lighting Fixtures

## Unacceptable / Discouraged

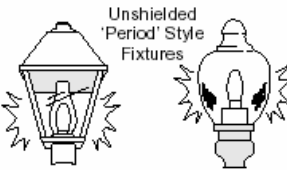
Fixtures that produce glare and light trespass



Unshielded Streetlight



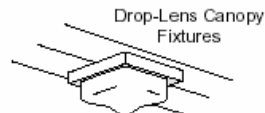
Unshielded Security Light



Unshielded 'Period' Style Fixtures



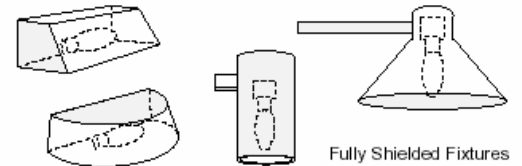
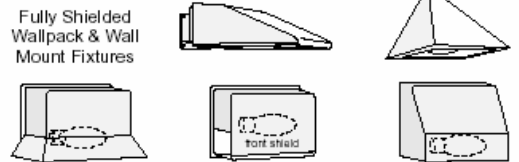
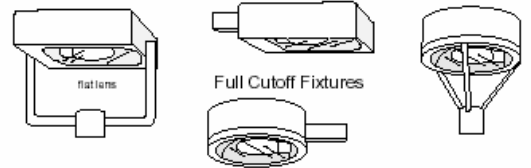
Unshielded PAR Floodlights



Drop-Lens Canopy Fixtures

## Acceptable

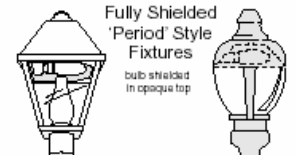
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Full Cutoff Streetlight



Fully Shielded Security Light

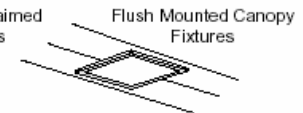


Fully Shielded 'Period' Style Fixtures

bulb shielded in opaque top

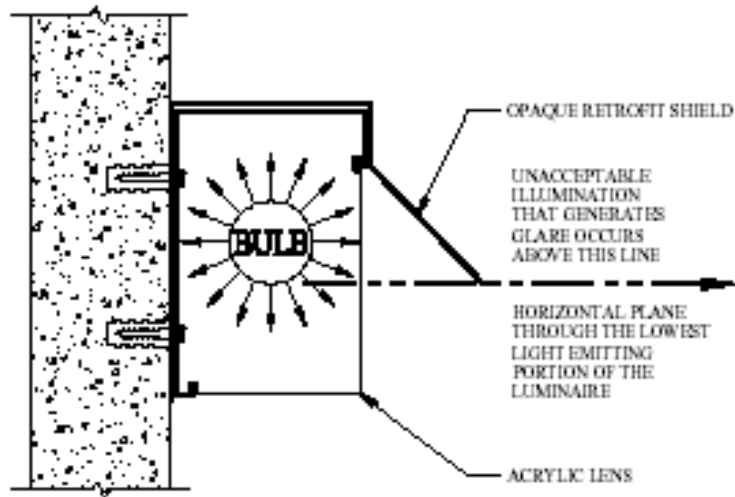


Shielded / Property-aimed PAR Floodlights



Flush Mounted Canopy Fixtures

**SHIELDING SOLUTIONS FOR EXISTING FIXTURES**



**TYPICAL WALLPACK LUMINAIRE  
USING OPAQUE SHIELD RETROFIT**

Figure 1

Shielding Solution for existing Street lamp – Kanata Ontario - 2003



The following sources of illumination have been rated by preferential order for outdoor use:

Low Pressure Sodium (LPS)	1 - Recommended
High Pressure Sodium (HPS)	2 - Acceptable
Other High Intensity Discharge Lights	3
Incandescent	4
Fluorescent	5
Quartz Halogen lights	6

Notes:

HID sources include mercury vapor, metal halide, high-pressure sodium and low-pressure sodium. The benefits of HID sources are their high efficacy in lumens per watt and long lamp life (20,000 hours). HID is also a point source, which provides the opportunity for better light control. Light can be better directed where it is needed.

Most lamps on the market today can be categorized into three groups: high intensity discharge (HID), incandescent and fluorescent.

1. Low Pressure Sodium (LPS) is HID. It is good because the monochromatic yellow light emitted can be filtered out at the telescope. It is also the single most efficient light source (30% more efficient than HPS).
2. High Pressure Sodium (HPS) also HID, is used in the standard street light luminaire – accepted when fixture is a Full-Cut-Off Fixture
3. Other HID lights (Metal Halide, Mercury Vapour) can be classified as accepted only if properly shielded. Certain applications requiring whiter light use these sources. These should be in totally enclosed luminaires.
4. Incandescent lights are accepted if fully shielded. It should be noted that warm white natural lights are usually preferred over fluorescent lights. Note also that for outdoor applications, these are less efficient than HPS or LPS. Incandescent is a spectral continuum of light, and therefore cannot be filtered
5. Fluorescent light – normally incandescent is preferred for the warmer white light and is accepted if shielded.
6. Quartz Halogen lights are normally used in security applications. They are high power flood lamps and produce significant radiation both in the visible and non-visible spectrum. They are not recommended. They should be replaced by properly shielded HID (High Intensity Discharge) lights.



**APPENDIX 1****TABLE 1**

The following IESNA standards have been adapted for outdoor lighting and light levels in Mississippi Mills. These values serve as design guidelines when considering development of new outdoor lighting as well as standard criteria when measuring existing areas of outdoor illumination.

<b>Roadway Lighting</b>	Average Maintained Illuminance (fc)	Uniformity Ratio
Major Road	0.6 – 1.6	3:1
Collector Road	0.4 – 1.1	4:1
Local Road	0.3 – 0.8	6:1

<b>Public Spaces and Usage Levels</b>	Horizontal Illuminance (fc)	Uniformity Ratio
Community Shopping Centres Cultural, Civic or Recreational Events Office Parking Airports, Commuter Lots, etc. Residential Complex Parking Hospital Parking	0.6 – 2.4	4:1
Neighbourhood Shopping Industrial Employee Parking Educational Facilities Churches	0.2 – 0.8	4:1

**TABLE 2****Outdoor Illumination Control for Fred Lossing Observatory (FLO)**

Table 2 details unshielded or inappropriate outdoor lighting sources which shall not be permitted within four (4) kilometers of the FLO site.

<b>Lighting Requirements</b>	<b>Within 4km radius of FLO</b>	<b>Beyond 4km radius of FLO</b>
Illuminated Signs	Prohibited	Permitted
NON-Full Cutoff Cobra	Prohibited	Permitted
Pole Spacing Ratio < 10	Prohibited	Permitted



District of West Vancouver

**Good Neighbour  
Bylaw No. 4380, 2004**

**Effective Date – July 29, 2004**

# Good Neighbour Bylaw No. 4380, 2004

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## Good Neighbour Bylaw No. 4380, 2004

A bylaw to protect and enhance the well-being of the community in relation to good neighbour practices thereby reducing nuisances, disturbances and other objectionable situations.

The Council of the District of West Vancouver enacts as follows:

### Part 1 Citation

1.1 This Bylaw may be cited as Good Neighbour Bylaw No. 4380, 2004.

### Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.

### Part 3 Previous Bylaw Repeal

3.1 Untidy Premises Bylaw No. 3935, 1996 (adopted March 25, 1996) as amended is repealed.

### Part 4 Definitions

4.1 In this bylaw:

**“Building Materials”** includes items used in the construction of structures or in landscaping, including, but not limited to lumber, windows, doors, fill, and soil;

**“Bylaw Enforcement Officer”** means the person or persons appointed by Council by name of office or otherwise as a bylaw enforcement officer to enforce this Bylaw and includes a peace officer who is a member of the West Vancouver Police;

**“Derelict Vehicle”** includes a Motor Vehicle incapable of movement under its own power that does not contain all of the parts necessary for

movement on a highway;

“**District**” means the Corporation of the District of West Vancouver;

“**Emergency Vehicle**” has the same meaning as in the *Motor Vehicle Act*;

“**Light Source**” means a light bulb, light tube or floodlight lamp;

“**Motor Vehicle**” means a vehicle, not on rails, that is designed to be self-propelled and includes off road vehicles, parts and equipment;

“**Outdoor Light**” means any Light Source that is not contained inside a building or structure;

“**Owner**” means any person who is the registered owner, or owner under agreement, of real property, and includes any person in actual or apparent possession of real property under a lease, license or other agreement with another owner;

“**Rubbish**” includes, without limiting the generality of the word, a Derelict Vehicle or Motor Vehicle parts;

“**Shade**” means a non-transparent light shade that does not form part of a Light Source;

“**Zoning Bylaw**” means Zoning Bylaw No. 2200, 1968 as amended.

## **Part 5      General Provisions**

### **5.1      Owner Prohibitions**

5.1.1 No person may create or cause a nuisance.

5.1.2 No Owner may permit a nuisance to be caused or to exist on or from a parcel of the owner.

5.1.3 No Owner may allow a parcel owned by the Owner to become or remain unsightly.

5.1.4 Without limiting subsections 5.1.1, 5.1.2 or 5.1.3:

- (a) no Owner in respect of a parcel of the Owner may cause, allow or permit the accumulation of filth, discarded materials, unwholesome matter, or rubbish of any kind, whether or not for commercial purposes or as part of a trade or calling,

- including but not limited to dead animals, paper products, crockery, glass, metal, plastics, plastic containers, wire, rope, machinery, tires, appliances, vehicle parts, or any other scrap or salvage, unless the materials are in a closed building or structure such that they are not visible from another parcel or a public place;
- (b) no Owner, in respect of a parcel of the Owner, may permit or cause water to collect or accumulate in an open drain, watercourse, pond, swimming pool, hot tub or as surface water which could become sufficiently stagnant as to permit the breeding of mosquitos which may result in the spread of the West Nile Virus or of other harmful disease bearing insects as deemed affecting public safety as determined by the Medical Health Officer;
  - (c) no person may deposit or store bottles, broken glass or other rubbish on a parcel unless the materials are in a closed building or structure such that they are not visible from another parcel or a public place;
  - (d) no person may place graffiti on walls, fences or elsewhere on, or visible from, a public place;
  - (e) no person may cause or permit a Motor Vehicle engine to be left in operation for more than five minutes in a 60 minute period while the vehicle is stationary, except:
    - (i) motor vehicles undergoing repairs at a service garage licensed under a bylaw
    - (ii) emergency vehicles, or
    - (iii) if the operation of the motor vehicle engine is necessary to power equipment by way of a power take-off to operate utility equipment such as a lift, mower, or similar equipment;
  - (f) no Owner may allow an outdoor light to be placed or lit on a parcel of the Owner such that the light source creates a nuisance in any residential zone;
  - (g) except when specified as a permitted use in the Zoning Bylaw, no Owner of a parcel may cause, allow or permit the accumulation of building materials on the parcel for more than 15 days unless:

- (i) the Owner is in possession of a valid building permit in respect of the parcel; or
  - (ii) the building materials are stored in a closed building or structure such that they are not visible from another parcel, highway or other public place;
- (h) except when expressly specified as a permitted use in the Zoning Bylaw, no Owner may cause, allow or permit the storage or accumulation on the parcel of all or part of a motor vehicle that is not:
- (i) validly licensed in accordance with the *Motor Vehicle Act*, or
  - (ii) capable of movement under its own power unless it is stored in a closed building or structure such that the vehicle, or any portion of the vehicle, is not visible from another parcel or from a highway or another public place.
- (i) no Owner in respect of a parcel of the Owner may cause, allow or permit a fence to become unsightly, unstable or unsafe.

## 5.2 Property Owner Obligation

5.2.1 Every person who is the Owner of a parcel must prevent and abate nuisances on or from the parcel.

5.2.2 Without limiting the generality of subsection 5.2.1, every Owner of a parcel must:

- (a) remove from the parcel any unsightly accumulation of discarded materials, rubbish of any kind or graffiti;
- (b) prevent the infestation of the parcel by noxious or destructive insects;
- (c) clear the parcel of noxious or destructive insects;
- (d) clear the parcel of brush, noxious weeds listed in Schedule "A", and of grass in excess of 30 centimetres in length;
- (e) ensure that an outdoor light on the property is shielded by a shade or fixture such that the light source does not create a nuisance.

- (f) repair, remove, replace or otherwise deal with a fence as determined by the Manager of Bylaw and Licencing Services.

### **5.3 Exceptions**

5.3.1 The prohibitions in section 5.1 and the requirement in section 5.2(e) do not apply to the following:

- (a) Christmas or holiday lights between November 15 and January 15;
- (b) street lighting provided by the District;
- (c) lighting required by law enforcement or emergency services personnel;
- (d) traffic control signals and devices;
- (e) vehicle lights; and
- (f) outdoor lights used to illuminate public parks and playing fields.

## **Part 6 Enforcement**

### **6.1 Bylaw Enforcement Officer:**

6.1.1 The Bylaw Enforcement Officer may, to the extent necessary to give effect to this bylaw, enter, at all reasonable times, on any property subject to the regulations of Council, to ascertain whether the regulations or directions of this bylaw are being observed.

## **Part 7 Order to Comply**

### **7.1 Service of Order**

7.1.1 If a person has failed to perform the obligations pursuant to subsections 5.2.2 (a) to (f), the Bylaw Enforcement Officer may, serve on such person an Order to Comply which requires the



person to remove the contravention;

- (a) within 14 days or,
- (b) three days if the Bylaw Enforcement Officer believes the contravention is a nuisance under this bylaw.

#### 7.1.2 The Bylaw Enforcement Officer may serve the Order to Comply:

- (a) on the owner of the parcel where the contravention exists by:
  - (i) personal service, or
  - (ii) return by express post to the address of the owner shown on the last revised real property assessment rolls;
- (b) on the occupier of the parcel where the contravention exists by:
  - (i) personal service, or
  - (ii) delivery to a mail box or other receptacle for messages, if any, on the parcel, or
  - (iii) posting on the real property;
- (c) on any agent of the owner or occupier of the parcel where the nuisance exists by:
  - (i) personal service, or
  - (ii) return express post;

and when an Order to Comply is not personally served it is deemed to have been served on the third day after mailing or posting.

## 7.2 Appeal

- 7.2.1 A person upon whom an Order to Comply has been served may, by giving notice in writing to the Municipal Clerk at least 72 hours prior to the expiry of the time given in the Order to Comply to remedy the nuisance, appeal to the Council who must hear and determine the appeal by confirming, amending or rescinding the Order to Comply.

## 7.3 Default

- 7.3.1 If the obligations stipulated in an Order to Comply are not performed by the date therein set out, the District by its employees

and others may enter the parcel and perform the obligations at the expense of the person defaulting. The Bylaw Enforcement Officer shall certify all costs incurred by the Municipality in performing any such obligations, and such costs shall constitute a debt due and owing in accordance with section 269 of the *Local Government Act*. If the Owner does not pay the cost of removal on or before December 31 in the year in which the removal was done, the cost shall be added to and form part of the taxes payable on the parcel as taxes in arrears.

7.3.2 No person shall in any way interfere with, resist or wilfully obstruct any person authorized to carry out any duty under the provisions of this bylaw.

**Part 8 Designation of Bylaw**

8.1 This bylaw is designated as a bylaw that may be enforced by means of a municipal ticket information under the Community Charter or a bylaw notice under the Local Government Bylaw Notice Enforcement Act.

**Part 9 Designation of Bylaw Officer**

9.1 Members of the West Vancouver Police and Bylaw Enforcement Officers are designated to enforce this bylaw by means of a municipal ticket information under the *Community Charter* or a bylaw notice under the *Local Government Bylaw Notice Enforcement Act*.

**Part 10 Offence and Penalty**

Amended by  
Regulatory  
Bylaw  
Enforcement  
and Penalty  
Bylaw No.  
4521, 2007

10.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is guilty of a separate offence each day that a violation continues or exists.

**Schedules**

Schedule A – Noxious Weeds

READ A FIRST TIME on May 17, 2004

READ A SECOND TIME on May 17, 2004

SECOND READING RESCINDED on July 26, 2004

READ A SECOND TIME on July 26, 2004

READ A THIRD TIME on July 26, 2004

ADOPTED by the Council on July 29, 2004

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Mayor

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Municipal Clerk

**Schedule A to Good Neighbour Bylaw No. 4380, 2004****Noxious Weeds**

Canada Thistle	<i>(Cirsium areense)</i>
Bindweed or Morning Glory	<i>(Convolvulus sp.)</i>
Couchgrass	<i>(Agropyron repens)</i>
Purple Loosestrife	<i>(Lythrum salicaria)</i>
Giant Hogweed	<i>(Heracleum mantegazzianum)</i>