THE CORPORATION OF THE TOWNSHIP OF THE CARLING

BY-LAW NO. 2020 - 36

Being a By-law to Regulate Outdoor Illumination to ensure responsible lighting, light pollution mitigation and conservation of the dark sky environment.

WHEREAS the Council for the Corporation of the Township of Carling finds it expedient to regulate outdoor illumination;

AND WHEREAS Authority to pass this by-law is provided by Section 129 of the Municipal Act, S.O., 2001, and Section 41 of the Planning Act, R.S.O., 1990, c.P 13 and amendments thereto;

AND WHEREAS Subsection 41(7) of the Planning Act, R.S.O., 1990, c.P.13 states that as a condition to the approval of the plans and drawings referred to in Subsection 41(4), a municipality may require the owner of land to:

a) Provide to the satisfaction of and at no expense to the municipality any or all of the following:

   5. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.

c) Enter into one or more agreements with the municipality dealing with and ensuring the provisions of any or all of the facilities, work or matters mentioned in clause (a) or (d) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4).

AND WHEREAS Subsection 51(25) of the Planning Act, R.S.O., 1990, c.P.13, states that the approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement,

d) That the owner of land proposed to be subdivided enter into one or more agreements with a municipality…dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services.

AND WHEREAS Section 129 of the Municipal Act, 2001, S.O 2001 C.25, states that:

"A local municipality may,

a) Prohibit and regulate with respect to noise, vibration, odor, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and
b) Prohibit the matters described in clause (a) unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans"

AND WHEREAS Section 5.35 of the Township of Carling Official Plan, states that no person shall erect or use an outside light fixture in any Zone except in conformity with any provisions contained in any by-law of the Township regulating lights.

AND WHEREAS the Township of Carling values its night environment as one of the natural attributes that supports our tourist economy.

AND WHEREAS the Township of Carling deems it desirable to enact a by-law with respect to preserving and improving the night environment by regulating light fixtures;

AND WHEREAS properly designed light fixtures do not emit undesirable or nuisance light into the night environment or emit light that causes a glare, and thus protect the night environment and human health both on our roads and on the water;

AND WHEREAS this by-law will be referred to as the "Dark Skies By-law"

NOW THEREFORE, the Council of the Corporation of the Township of Carling enacts as follows:

SECTION 1: DEFINITIONS

For the purpose of this By-law, terms used shall be defined as follows:

Direct Light means light emitted directly from the lamp or off of 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.

Floodlight or Spotlight 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.

Foot candle means a measure of luminance per unit are used in IESNA standard measurements i.e. one foot candle (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 allowed 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 emitted from a luminaire, or reflection 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.

IESNA means the Illumination Engineers Society of North America, which is the standards committee for reasonable 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 Pollution means the shining of light upwards into the sky above the horizontal plane of the light fixture, or lighting that interferes with the ability to see the night sky caused by any of: light trespass; excess of glare; excess of direct light; excess of reflected light; light from fixtures that are not 'full cut-off."

Light Trespass means the shining of light produced by a luminaire, or reflection 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.

Motion-Sensor Activated Lighting means lighting products equipped with a sensor that detected activity will switch on the luminaire and then switch it off again after an interval of no activity detection.

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.

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

Owner includes, with respect to land or Property, the registered owner, occupant, tenant, or the person for the time being managing or receiving the rent of the property whether on his own account or on an account of an agent or trustee of any other person, or any of the aforesaid;

Person includes an individual, an owner, corporation, partnership, company, firm, association, or party and includes the successors, assigns, heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law and the singular shall include the plural;

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

Staff means, Municipal By-law Enforcement Officer or designate for the Township of Carling.

Special Event includes festivals, carnivals, entertainment or advertising, which includes, but is not limited to that which may require Township approval for specific event components, such as compliance with zoning regulations as well as related road access restrictions or congestion supervision.

Strobe Light or Stroboscopic Lamp, commonly called a strobe, is a device used to produce regular flashes of light.

Township means the Corporation of the Township of Carling.

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

Wall Pack 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 Township shall do so in conformity with the requirements of this by-law and shall not cause direct light pollution. 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 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, overhangs, docks and boathouses; recreation areas; parking lot lighting; landscape lighting; billboards and signs; public and private street lighting; display and service area lighting; public and private walkway lighting; residential; yard lights; and outdoor lighting for all residential, waterfront residential, waterfront residential, commercial, industrial, institutional and provincial and federal government uses not otherwise specified.

2.3 Outdoor Light Fixtures

2.3.1 All new outdoor light fixtures shall consist of Full Cut-off fixtures

2.3.2 All architectural lighting, outdoor light fixtures and building lighting shall be mounted such that the light is aimed down. There shall be no light pollution emanating from the fixture in accordance with full cut-off design.

2.3.3 Lighting used to warn people about the location of open water in the winter months (mainly used when bubbling boathouses and docks) shall be any colour except red. White lighting for such purposes shall be prohibited. The use of yellow/amber colour lighting is encouraged to a maximum of 13 watts compact fluorescent lighting, 60 watts incandescent lighting or 10 watts LED lighting. The light should be used to illuminate the surface of the weakened ice and housed in a full cut off fixture to prevent glare and light trespass across the waterway. Flashing or intermittent lights shall be prohibited.

2.3.4 Lighting required to monitor emissions for industrial purposes are exempt from this by-law.

2.3.5 All artificial lighting for yards and parking areas shall be arranged so as to minimize light trespass onto neighboring properties.

2.4 Lighting of Outdoor Advertising Signs

Outdoor advertising signs and light fixtures used to illuminate signs or billboards shall minimize light pollution by being mounted on top of the sign facing down, must utilize full cut-off fixtures and be directed at the sign such that 90% of the light is on the sign and must be in compliance with other sections of this by-law. Where a conflict arises between a provision of this by-law and one or more provisions of the Township of Carling by-law, the Sign By-law will take precedence.

2.5 Prohibitions

2.5.1 Laser Source Light

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

2.5.2 Searchlights

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

2.5.3 Outdoor Advertising Off-site Signs

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

2.5.4 Strobe Lights

The use of strobe lights is prohibited, except for construction projects or emergency purposes.

2.6 Exemptions

2.6.1 Other Authorities Having Jurisdiction

This policy does not apply to any related provincial or federal policies or regulations related to lighting buildings, structures or waterways, including, but not limited to, authorities under NAV Canada, Canada Coast Guard, Transport Canada and Industry Canada.

2.6.2 Request for Exemption for Temporary Events/ Advertising

A temporary exemption to the requirements imposed by this By-law is permitted for temporary events and/or advertising provided such lighting does not continue for greater than 96 contiguous hours (4 days)

For exemptions requiring greater than 96 contiguous hours (4 days), any person may submit a written request to the By-law Enforcement Officer or designate, for a temporary exemption to the requirements imposed by this By-law. The request for lighting exemption for temporary events shall require approval by the By-law Enforcement Officer or designate, and contain the following information:

a. Specific exemption requested (e.g. 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; and
f. Physical size of exterior light.

2.7 Grandfather of Nonconforming Outdoor Light Fixture

2.7.1 Having regard to Section 2.7.3, all luminaries and luminous advertising signs lawfully in place prior to the date of passing of this By-laws shall be grandfathered.

2.7.2 Any outdoor lighting fixture and luminous advertising signs that are replaced, modified, or moved shall be required to meet the provisions of this By-law.

2.7.3 Luminaires which are determined to direct light toward streets, parking lots or navigable waterways and cause glare to motorists, cyclists or boaters, and therefore deemed to be a public safety concern, should be either shielded or re-directed within a reasonable timeframe as specified by the Officer.

SECTION 3: OFFENCES AND PENALTIES

3.1 Every Person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction is liable to a fine or penalty under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

3.2 Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be publishable as such. Such fines shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

3.3 An officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are in compliance and to enforce and carry our this provisions of this By-law or any direction or order issued pursuant to the Municipal Act, 2001, S.O. 2001, c.25 or this By-law.

3.4 For the purpose of an inspection under subsection (1) staff may,

a. Require the production for inspection of documents or things relevant to the inspection;
b. Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
c. Require information from any Person concerning a matter related to the inspection; and
d. Alone or in conjunction with a Person processing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

3.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, staff that are exercising a power or performing a duty under this By-law.

3.6 If staff is satisfied that a contravention of this by-law has occurred, staff may make an order requiring the Person who contravened the by-law or who caused or permitted

the contravention or the Owner or occupier of the land on which the contravention occurred to:

a. Discontinue the contravening activity; or
b. Do work to correct the contravention.

3.7 Any person who contravenes an order under subsection 3.6 is guilty of an offence.

3.8 Any order under subsection 3.6 shall set out:

a. Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
b. The date by which there must be compliance with order.

3.9 An order under subsection 3.6 shall be served to the owner or any person staff determines to be an interested party. Service of an order shall be deemed to be served by sending the order registered or first class mail, by posting or by personal service.

3.10 An order under subsection 3.6 may require work to be done even though the fact which constituted the contravention of the by-law were present before the by-law making them a contravention came into force.

3.11 In default for any work directed or required by the Township under this section being done by the person directed or required to do it, the matter or thing shall be done at the person's expense.

3.12 Where the Township or any authorized agent on behalf of the Township has performed the work required to bring about compliance with the by-law, the Township may recover the costs of doing anything or matter under subsection 3.11 by action or by adding the costs to the tax roll and collected in the same manner as property taxes.

3.13 For the purpose of subsection 3.11, the Township or any authorized agent on behalf of the Township may enter upon land at any reasonable time and complete the work set out in the order.

3.14 Where the singular is used it shall also mean or stand for the plural.

SECTION 4: SEVERABILITY

Should any part, section, subsection or portion of this By-law be repealed or declared by a court if 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 5: EFFECTIVE DATE

This by-law shall take effect upon the date of passing thereof.

READ and **FINALLY PASSED** in **OPEN COUNCIL** this 13 day of October, **2020.**

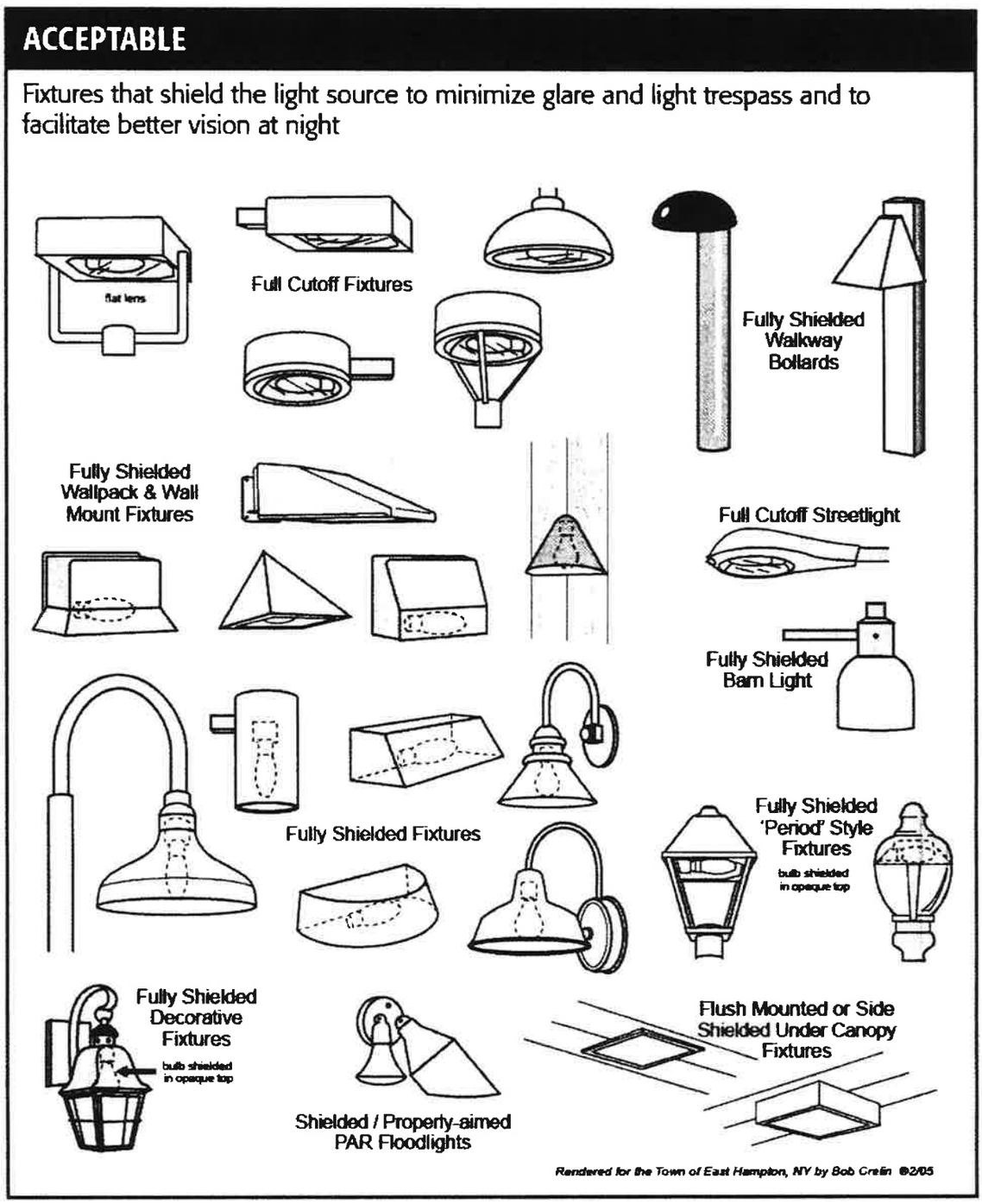
THE CORPORATION OF THE TOWNSHIP OF CARLING

Mike Konoval, Mayor

Kevin McLlwain, CAO/Clerk

Schedule "A"

Full Cut Off Lighting Examples



THE CORPORATION OF THE TOWNSHIP OF THE CARLING

BY-LAW NO. 2026-72

A By-law to Amend By-law 2020-36 being a By-law to Regulate Outdoor Illumination to Ensure Responsible Lighting, Light Pollution and Conservation of the Dark Sky Environment.

WHEREAS section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on the municipality to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues:

AND WHEREAS the Council for the Corporation of the Township of Carling has determined that it is desirable to make amendments to By-law 2020-36;

THEREFORE BE IT RESOLVED that Council of the Corporation of the Township of Carling hereby enacts as follows:

1. That By-law 2020-36 be amended by deleting Section 3.1 and Section 3.2 and replacing it with the following:

3.1 Administrative Monetary Penalties

a. Every person who contravenes any provision of this By-law is liable to the fines and administrative fees set out under the AMPS By-law, as amended, or its successor by-law, and each day shall constitute a new and separate offence.

b. Every person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the AMPS By-law, as amended, or its successor by-law.

READ and **FINALLY PASSED** in **OPEN COUNCIL** this **12th** day of **May, 2026.**

THE CORPORATION OF THE TOWNSHIP OF CARLING

Susan Murphy, Mayor

Kevin McLlwain, CAO/Clerk