

TOWN OF NEWFANE
COUNTY OF NIAGARA, STATE OF NEW YORK
LOCAL LAW NO. _____ OF THE YEAR 2026

A LOCAL LAW to amend Chapter 168 of the Code of the Town of Newfane by repealing and replacing Article I thereof, entitled “Lighting Nuisances.”

Be it enacted by the Town Board of the Town of Newfane, County of Niagara, State of New York, as follows:

SECTION 1. Legislative intent.

The Town Board of the Town of Newfane finds that unregulated and excessive outdoor lighting, including light directed or projected onto neighboring properties, causes light trespass, glare, and related nuisances that diminish the use and enjoyment of property, disturb the comfort and repose of residents, and detract from the character of the community. The Town Board further finds that the existing provisions of Article I of Chapter 168 are outdated and difficult to apply and enforce. The Town Board therefore determines that repealing and replacing Article I with the provisions set forth herein will better protect the health, safety, and welfare of the Town and its inhabitants while allowing reasonable and adequate outdoor lighting. This local law is enacted pursuant to the Municipal Home Rule Law and the Town Law of the State of New York.

SECTION 2. Authority

This Local Law is enacted pursuant to Article IX of the New York State Constitution, Municipal Home Rule Law § 10, and the Town Law of the State of New York.

SECTION 3. Repeal and replacement.

Article I of Chapter 168 of the Code of the Town of Newfane is hereby repealed in its entirety and replaced with the following:

CHAPTER 168

ARTICLE I

Lighting Nuisances

§ 168-1 Purpose.

The purpose of this article is to improve the health, safety, and general welfare of the community, including the protection and preservation of property in the Town of Newfane and the comfort of its inhabitants, by controlling nuisance lighting. This article is intended to reduce light trespass, glare, and other objectionable lighting directed upon or across neighboring properties, while allowing reasonable and adequate outdoor lighting for safety and use.

§ 168-2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

- A. **Light Source:** The light bulb and all refractive and translucent light-transmitting parts of the fixture.
- B. **Reasonable Person:** A person of normal sensibilities, not unusually sensitive to light.
- C. **Spotlight:** A focused beam of light with the majority (90% to 100%) of the beam directed toward an area.

§ 168-3 Standards, restrictions, and prohibitions.

The standards in Subsection A apply to exterior lighting fixtures. The restrictions and prohibitions in Subsections B and C apply to all artificial light sources, wherever located, that are directed or projected outward onto or beyond a property line, including any interior light source projected outward through a window, door, or other opening.

- A. **Standards.** Exterior lighting fixtures on premises in the Town of Newfane shall:
 - 1. Be fully shielded, by opaque hoods, shields, louvers, shades, or equivalent means, so that no direct view of the light source is available from any neighboring property.
 - 2. Be installed and aimed as follows:
 - a. Fixtures providing general illumination shall direct all light downward, with no light emitted at or above the horizontal plane passing through the lowest light-emitting part of the fixture.
 - b. Fixtures illuminating a sign or building face may direct light upward, provided the light shall not extend beyond the vertical plane of the sign or building face illuminated; nor shall such lighting be located so as to cause the light source to be reflected upon any adjoining property, public street, or vehicular circulation area.
- B. **Restrictions.** No artificial light source on premises in the Town of Newfane shall:
 - 1. Shine directly upon any neighboring property, be established so as to shine directly upon any neighboring property, or shine directly into any room, porch, or patio of any neighboring property, in such a manner as to be a nuisance or annoyance to a reasonable person residing at or occupying the neighboring property, or to interfere with the physical comfort of the occupants; or

2. Otherwise be maintained or operated in such a manner as to be a nuisance or annoyance to a reasonable person residing at or occupying the neighboring property.

C. **Prohibitions.** The following are prohibited on premises in the Town of Newfane:

1. Spotlights and other artificial lighting that provide a concentrated beam of light directed so that the beam extends beyond any property line.
2. Flashing, laser, searchlight, strobe, tracing, and pulsating lighting.

§ 168-4 Existing lights.

Any artificial light source existing on the effective date of this article shall be subject to this article. The Building Inspector or the Code Enforcement Officer may require any such light source to be brought into compliance with this article or extinguished, in accordance with the enforcement and penalty provisions of § 168-6.

§ 168-5 Exemptions.

Except as otherwise provided, the following lighting is exempt from this article:

- A. Streetlighting installed by the Town, the Niagara County Highway Department, or the New York State Department of Transportation.
- B. Holiday and seasonal lighting, provided such lighting does not shine directly into a habitable room of a neighboring dwelling.
- C. Temporary construction lighting, and emergency lighting used by police, fire, emergency, or highway personnel, provided the light is extinguished upon completion of the work.
- D. Hazard warning lights required by a federal or state regulatory agency, provided each fixture is operated as close as possible to the required minimum output.
- E. Lighting associated with a farm operation; provided, however, that such lighting within 100 feet of a residential dwelling on a neighboring property shall be shielded, to the extent practicable and subject to Agriculture and Markets Law § 305-a, to prevent light trespass onto the dwelling.

§ 168-6 Enforcement; penalties.

- A. **Enforcement.** This article shall be enforced by the Building Inspector or the Code Enforcement Officer. A determination made at the property line by the Building Inspector or the Code Enforcement Officer shall be sufficient to support a finding that a violation of this article has been committed.

- B. **Notice to abate.** Upon determining that a violation of this article has been committed, the Building Inspector or the Code Enforcement Officer shall serve written notice upon the owner or other person responsible, directing that the violation be abated within 10 days of service by extinguishing or bringing the light into compliance with this article.
- C. **Penalties for offenses.** Any person responsible for such violation, whether owner, lessee, or other person using any premises with or without the permission of the owner, who fails to abate the violation within the 10-day period provided for in Subsection B, shall, upon conviction thereof, be subject to a fine not exceeding \$250 or to imprisonment for a term not exceeding 15 days, or to both such fine and imprisonment, in the discretion of the court. Each day that a particular violation continues shall constitute a separate offense.
- D. **Repeat offenses.** Any person who has previously committed a violation of this article at the same premises – whether the violation was abated following notice under Subsection B or resulted in the imposition of a penalty under Subsection C – and who thereafter commits a further violation of this article at the same premises within 12 months of the earlier notice or conviction shall be subject to the penalties in Subsection C without entitlement to the 10-day abatement period, and each such further violation shall be deemed a separate offense.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this local law, which shall remain in full force and effect.

SECTION 5. Effective date.

This local law shall take effect immediately upon filing with the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.