



**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