



REPORT

Council

Meeting Date: November 18, 2024

FROM: Municipal Enforcement Services Department

DATE: November 5, 2024

SUBJECT: Housekeeping Amendments to Public Nuisance By-law 2007-143 and Property Standards By-law 2023-074 Respecting Lighting (By-law 2024-164 and By-law 2024-165)

LOCATION: Town Wide

WARD: Town-wide

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RECOMMENDATION:

1. That By-law 2024-164, a by-law to amend Property Standards By-law 2023-074, as amended, attached as Appendix A to the report from Municipal Enforcement Services dated November 5, 2024, be passed.
2. That By-law 2024-165, a by-law to amend Public Nuisance By-law 2007-143, as amended, attached as Appendix B to the report from Municipal Enforcement Services dated November 5, 2024, be passed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- Public Nuisance By-law 2007-143 (the “Public Nuisance By-law”) prohibits or regulates public nuisances, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors within the town of Oakville
- Property Standards By-law 2023-074 (the “Property Standards By-law”) prescribes standards for the maintenance and occupancy of property within the town of Oakville
- Staff is proposing an amendment to the Property Standards By-law to include regulations for the direct illumination of outside living spaces. These amendments are contained in By-law 2024-164 attached as Appendix A to this report

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- It is recommended that regulations regarding lighting appear in only one by-law for clarity and for enforcement purposes. As such, staff is proposing an amendment to the Public Nuisance By-law to delete provisions for lighting as lighting is currently regulated under the Property Standards By-law. These amendments are contained in B-law 2024-165 attached as Appendix B to this report
 - Staff will prepare a guideline to provide information to residents on steps they can take to reduce light pollution

BACKGROUND:

At its meeting of June 17, 2024, Council referred proposed amendments to the Public Nuisance By-law back to staff to “identify best practices on light transfer onto properties (including outside living spaces) in intensifying urban areas to minimize nuisance and transmission across properties, as well as light pollution into the sky affecting our environment (dark sky regulations), while balancing the needs for sensor activated lighting for security and safety purposes”.

Both the Public Nuisance By-law and the Property Standards By-law currently regulate lighting in Oakville. The Public Nuisance By-law prohibits the broadcasting of light from a person’s property to another property. The Property Standards By-law regulates outdoor lighting and requires that lighting be placed or blocked so that it does not directly illuminate the interior of a dwelling unit on an adjoining property.

COMMENT/OPTIONS:

Direct Illumination of Outdoor Living Spaces

Staff completed a scan of 13 municipalities to find out how they regulate light trespass from one residential property to another. The results are:

- 10 of the 13 municipalities regulate light directly illuminating a dwelling unit; much like Oakville’s Property Standards By-law.
- 2 of the 13 municipalities require that residential exterior lighting be directed in a manner to minimize the undue trespass of light from one property to another, or to prevent an unusual quantity of light trespassing from one property to another.
- 1 of the municipalities requires that exterior lighting fixtures be directed in a manner to prevent the light source from shining directly onto abutting properties.

Requiring that exterior lighting be directed in a manner to minimize light trespass or to prevent an unusual quantity of light from trespassing is difficult to enforce. Further, prohibiting light from shining directly onto an abutting property is not practicable.

To address Council's concerns, staff are proposing to amend the Property Standards By-law to add a provision that all residential outdoor lighting be placed, directed, and maintained or shielded to prevent direct illumination of light onto an adjoining residential property in an area where an outdoor living space is located. A definition of "outdoor living space" will also be added to the Property Standards By-law. These amendments are set out in the Appendix A to this report. Prohibiting the direct illumination of an outdoor living space is reasonable, although enforcement could still be challenging in some circumstances.

If the above amendment is approved, the Property Standards By-law will provide that:

- a. Outdoor lighting be placed and maintained, or have a barrier placed and maintained, so as to prevent or block direct illumination of the interior of a dwelling or dwelling unit on adjoining property regardless of whether such dwelling or dwelling unit has or may have shades, drapes or other interior window coverings; and
- b. All residential outdoor lighting shall be placed, directed, and maintained or shielded to prevent direct illumination of light onto an adjoining residential property in an area where an outdoor living space is located.

In order to keep lighting regulations in one by-law only, staff is proposing to delete the lighting provisions contained in the Public Nuisance By-law. These amendments are included in Appendix B to this report. Including lighting only in the Property Standards By-law will assist with enforcement and provide a centralized source for lighting regulations.

Light Pollution Guidelines

Staff will create guidelines, to be available on oakville.ca, for residents to access if they are interested in reducing light pollution. The guidelines will include things to consider when installing or replacing outdoor light fixtures and other tips on reducing light pollution. The guidelines are not enforceable.

CONSIDERATIONS:

(A) PUBLIC

The delegate who addressed Council at the June 17, 2024 meeting was notified of the proposed amendment to the Property Standards By-law and advised of the Council meeting date. The light pollution guidelines created by staff will be posted on oakville.ca.

(B) FINANCIAL

N/A

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Municipal Enforcement Services, Planning, and Legal have been involved in the review process for this report.

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses the corporate strategic goal(s) to:

- continuously improve our programs and services
- provide outstanding service to our residents and businesses
- be accountable in everything we do
- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

N/A

APPENDICES:

Appendix A - By-law 2024-164, a by-law to amend Property Standards By-law 2023-074, as amended

Appendix B - By-law 2024-165, a by-law to amend Public Nuisance By-law 2007-143

Prepared and recommended by:
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Submitted by:
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