

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

BY-LAW NUMBER 2026-057

BEING A BY-LAW TO REGULATE OUTDOOR ILLUMINATION TO ENSURE RESPONSIBLE LIGHTING, LIGHT POLLUTION MITIGATION AND CONSERVATION OF THE DARK SKY ENVIRONMENT WITHIN THE TOWNSHIP OF SEGUIN

WHEREAS Sections 8, 9 and 10 of the *Municipal Act, 2001 S.O. 2001* authorize the Township of Seguin to pass by-laws necessary or desirable for municipal purposes, and authorize by-laws respecting the economic, social, and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and animals;

AND WHEREAS Section 128 of the *Municipal Act, 2001 S.O. 2001 C.25*, provides that a municipality may,

- a) prohibit and regulate with respect to noise, vibration, odour, 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 submission of plans. 2006, c. 32, Sched. A, s 69.

AND WHEREAS Section 425 of the *Municipal Act, 2001, S.O. 2001* authorizes the Township of Seguin to pass by-laws providing that a person who contravenes a by-law of Township of Seguin passed under that Act is guilty of an offence;

AND WHEREAS Section 436 of the *Municipal Act, 2001 S.O. 2001* provides that the municipality has the power to pass By-laws authorizing the power of entry for the purpose of inspecting land to determine compliance with a By-law, direction, order, or condition of licence;

AND WHEREAS Section 444 of the *Municipal Act, 2001, S.O. 2001* provides that the municipality 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 discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001 S.O. 2001* further authorizes the Township of Seguin, 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 Section 23.1 of the *Municipal Act, 2001 S.O. 2001* authorizes a municipality to delegate its powers and duties to a person;

AND WHEREAS the Council of the Corporation of the Township of Seguin deems it appropriate and expedient to delegate authority to the Director of Emergency Services/Fire Chief to exempt upon application and paying a fee, any person, including special event, from the By-law;

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

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEGUIN HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE AND APPLICATION

1.1 This By-law may be cited as the “Dark Sky By-law”

2. DEFINITIONS

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

“Architectural Lighting” means an Outdoor Luminaire, Fixture or light that is attached to the exterior of any building, structure, boathouse, dock, post or any other thing which is used to illuminate any part of a building, structure, boathouse, dock, post or any part of a property;

“Bubbler Lights” means an Outdoor Luminaire, or other light that is used to warn people about a location of open water in the winter months, used in conjunction with the installation of a “Safeguard” as required under the Criminal Code of Canada 263 (1) dock and/or boathouse;

“Dock Light Fixtures” means an Outdoor Luminaire, or light that is used for the purpose of illuminating a dock which are affixed flat to the surface of the dock and are usually powered by using solar power and have a maximum output of 10 Lumens;

“Direct Light” means light emitted directly from the lamp, or off of the reflector or luminaire;

“Director” means the Director of Emergency Services or another department as deemed appropriate based on the circumstance;

“Fixture” means the assembly that houses the lamp or lamps and can include all or some of the following parts: housing, mounting bracket or pole socket;

“Flood Light 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;

“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;

“Festive Lighting” means strings of holiday lights, or lit inflatable or plastic decorations, or other lighting of holiday or seasonal decorations;

“Glare” means light emitting from a luminaire with intensity great enough to reduce a viewer’s ability to see and in extreme cases, causing momentary blindness;

“IESNA” means the Illumination Engineers Society of North America, which is the standard 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;

“Landscape Lighting” means an Outdoor Luminaire which illuminates trees, shrubs, rocks or other landscape features, of which the output is not more than 350 Lumens and does not include a Pathway Light Fixture;

“Light Pollution” means the shining of light upwards into the sky above the horizontal plane of the light fixture;

“Light Trespass” means the shining of light produced by an Outdoor Luminaire that shines beyond the boundaries of the property on which it is located which shall include indirect light;

“Lumens” 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;

“Municipality” means the Corporation of the Township of Seguin;

“Officer” means Municipal Law Enforcement Officer or other agencies designated by Council who are responsible for administration of this By-law for the Township of Seguin;

“Outdoor Light Fixtures” means outdoor artificial illuminating devices, outdoor lighting, reflective surfaces, Lamp or similar device, permanently installed or portable, used for flood lighting, general illumination, decoration or advertisement. Such devices shall include, but not limited to, lights used for:

- a) Architectural Lighting
- b) Recreational areas
- c) Parking lot lighting
- d) Outdoor patios
- e) Landscape Lighting
- f) Signs (advertising or other)
- g) Product display area lighting
- h) Security lighting
- i) Festive Lighting

“Pathway Light Fixture” means a Full Cut Off Fixture that is usually powered by solar power, battery power or wired, of which the output of each fixture is not more than 20 Lumens and is no higher than 0.91 m (3 ft.) from current grade and for which the sole purpose is to illuminate an exterior pathway, walkway or stairway;

“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;

“Pre-existing Nonconforming Luminaires” means luminaires not conforming to this By-law that have been confirmed to have existed prior to the passage of this By-law; for the purposes of this definition and section 3.12, the onus is upon the Owner or person to provide documentation sufficient to confirm that the Luminaire existed prior to the passage of this By-law;

“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.

3. REGULATIONS

3.1 General Regulations

Any person who installs Outdoor Light Fixtures shall do so in conformity with the requirements of this By-law.

3.2 Luminaire Design Factors for Outdoor Areas

Any person installing an Outdoor Light Fixture shall be required to use Full-Cut-Off fixtures, as identified in Schedule "A": attached hereto and forming part of this By-law.

3.3 Structural Illumination

3.3.1 All Wall Pack Light Fixtures shall consist of Full-Cut-Off fixtures.

3.3.2 All architectural lighting 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 fully shielded design.

3.3.3 The use of low wattage lights for decoration purposes such as string lights rated at 4 to 8 watts per 100 light strings and property ornamentation lighting rated at 2 to 6 watts per bulb shall be exempt from Section 3.3.2.

3.4 Property Illumination

All architectural lighting for yards and parking areas shall be arranged so as to minimize light pollution.

3.5 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 must be in compliance with other sections of this By-law and the Municipality's Sign By-law.

3.6 Recreational Facilities

Any light source permitted by this By-law may be used for lighting outdoor public or private recreation facilities, such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all the following conditions are met:

- a) All Outdoor Light Fixtures shall be Full-Cut-Off Fixtures or be designed or provided with full cut-off capability by shielding retrofit, to minimize light pollution and glare;

- b) All Outdoor Light Fixtures shall be turned off when the facility is not in use.

3.7 Prohibitions

- 3.7.1 No person shall use or permit the use of laser source light or any similar high intensity light.
- 3.7.2 No person shall use or permit the use of an Outdoor Light Fixture that is not a full-cut-off fixture, and a temporary exemption has not been permitted as per Section 3.8.
- 3.7.3 No person shall use or permit the use of a luminaire that creates light pollution.
- 3.7.4 No person shall use or permit the use of a luminaire that creates light Trespass.
- 3.7.5 No Person shall leave any Outdoor Light Fixtures on between 11:00 p.m. to sunrise the next day with the exception of the following:
 - a) Dock Light Fixtures and Pathway Light Fixtures;
 - b) Any Outdoor Luminaires necessary for the purpose of traversing the property and which all such Luminaires are only on for the time required to travers the property to a maximum period of (1) hour.
- 3.7.6 No person shall install or maintain on lands or permit to be installed or maintained upon a property, any Festive Lighting with the exception of the following:
 - a) All festive lighting shall be used during the intended season or holiday;
 - b) All festive lighting shall be turned off from 11:00p.m. to sunrise the next day;
 - c) Festive lighting shall be exempt of subsection 3.7.1 provided that all laser source lighting is pointed directly onto a building of the property in which the lights are located.

3.8 Request for Exemption of Temporary Events/Advertising

A temporary exemption request to the requirements imposed by this By-law are to be submitted to the Director, or designate, in writing. A permit for temporary events and/or advertising may be approved at the discretion of the Director, or designate, provided such permitted lighting will not continue for greater than 96 continuous hours (4 days). Every person shall comply with

the conditions of a permit issued by the Director for temporary events or advertising. Any requests for a temporary exemption to the requirements imposed by this By-law that exceed 96 continuous hours (4 days) will not be approved.

The request for all lighting exemption for temporary events shall require approval by the Director, 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 the exterior light; and
- f) Physical size of the exterior light.

3.9 Exemptions

3.9.1 Pre-existing Nonconforming Luminaires

A Pre-existing Non-conforming Luminaire shall be exempt from this By-law and shall comply with the following:

- a) Every person that needs to replace, modify, or move a pre-existing nonconforming luminaire shall replace the pre-existing nonconforming luminaire with a full-cut-off fixture; and
- b) Every person shall bring every pre-existing nonconforming luminaire that has been 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, into compliance upon the By-law being enacted or by a compliance set out in an order issued under section 5.7.

3.9.2 Every Person who installs or owns a bubbler light shall be exempt from Section 3.7.3 and shall comply with the following conditions:

- a) The light shall be blue in colour;
- b) The light shall be a solid colour;
- c) The light shall not flash or be intermittent at any time;
- d) If using a fluorescent light, the maximum Wattage shall be 13 Watts;
- e) If using an incandescent light, the maximum Wattage shall be 60 Watts;
- f) If using a LED light, the maximum Wattage shall be 10 Watts.

4. NEW DEVELOPMENTS INVOLVING OUTDOOR LIGHTING

4.1 Submission Contents

In support of new Commercial, Industrial, Institutional, or Multiple Residential development, involving the installation of Outdoor Light Fixtures, that applicant shall submit evidence that 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 types of illuminating device, fixtures, lamps, supports, reflectors and other devices;
- b) Description of the illuminating device, 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 when 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 Council and Staff to readily determine compliance with the provisions of this By-law and shall be included in an implementing Site Plan Agreement where required.

5. OFFENCES AND PENALTIES

- 5.1** Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by Provincial Offences Act, R.S.O 1990, Chapter P.33, as amended.
- 5.2** Each day on which a person contravenes any provision of this By-law shall be deemed to constitute a separate offence under this By-law as provided for in section 429(2) of the Municipal Act, 2001 S.O 2001 C.25 or of this By-law.
- 5.3** An Officer may enter a 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 complied with and enforce and carry out into effect the provisions of this By-law or any direction or order issued pursuant to Municipal Act, 2001 S.O 2001 C.25 or of this By-law.
- 5.4** For the purposes of an inspection under subsection (1) the Officer may,

- a) Require the production for inspection of documents or thing 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 relating to the inspection; and
 - d) Alone of in conjunction with a Person possessing special expert knowledge, make an examination or take tests or photographs necessary for the purposes of the inspection.
- 5.5** A receipt shall be provided for any document or thing removed under clause 5.4 b), and the document or thing shall promptly return after the copies or extracts are made.
- 5.6** No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.
- 5.7** If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Person who contravened the By-law or who caused or permitted 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.
- 5.8** Any Person who contravenes an order under subsection 5.7 is guilty of an offence.
- 5.9** An order under subsection 5.7 shall be set out,
- a) Reasonable particulars of the contravention adequate to indemnify the contravention and location of the land on which the contravention occurred; and
 - b) The date by which there must be compliance with the order.
- 5.10** An order under subsection 5.7 shall be served to the owner or any person the Officer determines to be an interested party. Service shall be deemed served by sending the order registered or first-class mail, by posting or by personal service,

- 5.11** An order under subsection 5.7 may require work to be done even though the facts constitute contravention of this By-law were present before the by-law making them a contravention came into force.
- 5.12** In default any work directed or required by the Municipality 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.
- 5.13** Where the Municipality or any authorized agent of behalf of the Municipality has performed the work required to bring about compliance with the By-law, the Municipality may recover the costs or doing anything or matter under subsection 5.12 by action or by adding the costs to the tax roll and collected in the same manner as property taxes.
- 5.14** The costs in subsection 5.13 shall include interest and penalty calculated as per the current Tax and Levy By-law, calculated for the period commencing the date the Municipality incurs the costs and ending on the day the costs, including interest are paid in full.
- 5.15** For the purposes of subsection 5.13, the Municipality or any authorized agent on the behalf of the Municipality may enter upon a land at any responsible time and complete the wok set out in the order.
- 5.16** Every Person who contravenes any section of provision of this By-law shall be guilty of an offence set out in schedule "C".

6. INTERPRETATION

- 6.1** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in Section 2 of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- 6.2** Wherever a word defined in Section 2 of this By-law is used in the form of a noun, verb, adverb, or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case.
- 6.3** All words importing the singular shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law requires otherwise.

7. SEVERABILITY

- 7.1 Should any section, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.

8. ENACTMENT

- 8.1 This By-law shall come into full force and effect on the date it is passed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED this 1st day of June, 2026.

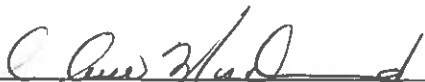



MAYOR Ann MacDiarmid


~~CLERK Craig Jeffery~~
Andrea Spinney, Deputy Clerk

By signing below, I Mayor Ann MacDiarmid hereby approve this by-law and will not exercise the power to veto this by-law.

June 1, 2026
Date


Signature

Schedule "A"

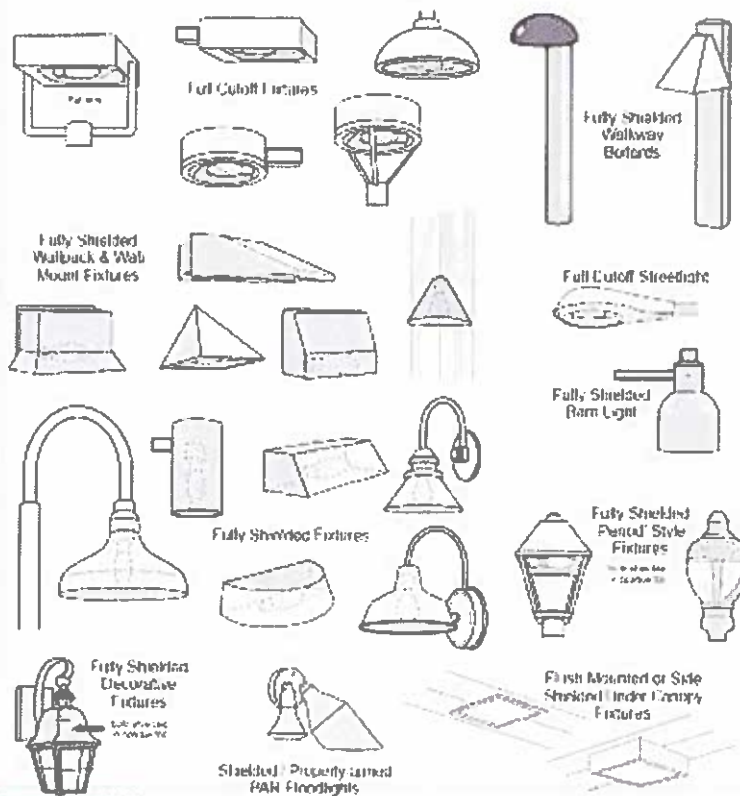
Full-Cut-Off Fixtures



Fully Shielded Fixtures

ACCEPTABLE

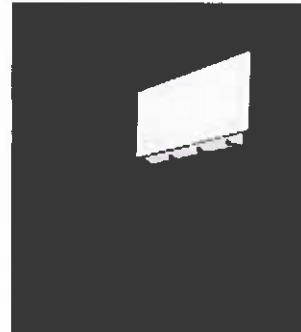
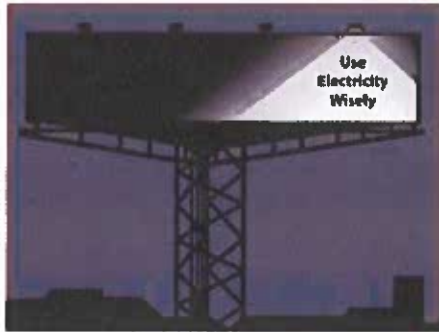
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Flat lens cobra head fixture (permitted) vs. Drop lens cobra head fixture (prohibited)

Schedule "B"

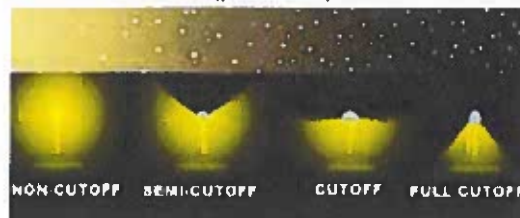
Signage Lighting / Light Standard / Light Trespass



Billboard illuminated from the top (permitted) vs. Billboard illuminated from the bottom (prohibited)



Full Cut Off Fixture (permitted) vs. Outdoor Luminaire that creates Light Trespass (prohibited)



Schedule "C"

Set Fines

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

PART 1 Provincial Offences Act

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ITEM	COLUMN 1 Short form wording	COLUMN 2 Provision creating or defining Offence	COLUMN 3 Set fine
1.	Use or permit a laser light source or any similar high intensity light	3.7.1	\$300.00
2.	Have or permit the use of an outside luminaire that is not a full-cut-off fixture	3.7.2	\$300.00
3.	Permit light pollution	3.7.3	\$300.00
4.	Permit light trespass	3.7.4	\$300.00
5.	Leaving an Outdoor Light Fixture during prohibited times.	3.7.5	\$300.00
6.	Have or permit the use of Festive Light	3.7.6	\$300.00
7.	Fail to comply with conditions for temporary events or advertising	3.8	\$300.00
8.	Fail to comply with conditions for pre-existing nonconforming luminaires	3.9.1	\$300.00
9.	Hinder or obstruct an Officer	5.6	\$300.00
10.	Fail to comply with an order	5.7	\$300.00