## **SMOKY LAKE COUNTY**

# A G E N D A: County Council: Committee of the Whole Meeting for the purpose of Planning to be held on Monday, March 8, 2021 at 2:00 P.M., Following the MPC Meeting Virtually, Online through Zoom:

https://us02web.zoom.us/j/88419309003?pwd=ZXVlQ0Ywanp4V3FRa0V iNnBNZC8wdz09 Or, by phone: 1-877-853-5257, Meeting ID: 884 1930 9003 8632 Password: 356980.

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1. Meeting:

Call to Order

### 2. Agenda:

Acceptance of Agenda: as presented or subject to additions or deletions

### 3. Minutes:

No Minutes.

### 4. Request for Decision:

Nil.

### 5. Issues for Information:

- 1. International Dark-Sky Association (IDA) Update
- 2. Land Use Bylaw 1272-14: Animal Units in Residential Areas
- 3. (FOIP Act, Section 21(1)(a) Disclosure Harmful to Intergovernmental *Relations*)

### 6. Correspondence:

 Email Dated February 25, 2021 from Sandra Honour DVM, MSc., Executive Director, Policy Systems, Policy Division, Alberta Environment and Parks, RE : Alberta Wetlands Replacement Program, Alberta Budget 2021

### 7. Delegation:

Nil.

### 8. Executive Session:

1. (FOIP Act, Section 21(1)(a) – Disclosure Harmful to Intergovernmental Relations) In relation to item 5.3

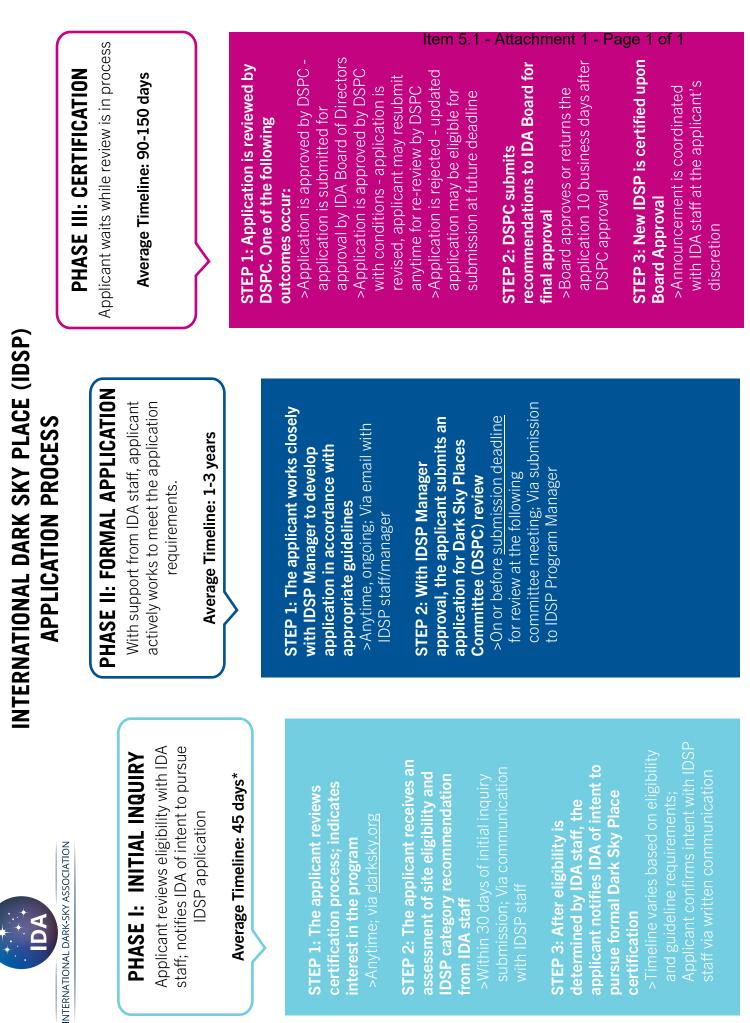
### Adjournment

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ISSUE FOR INFORMATION		DATE	March 8, 2021	5.1		
ΤΟΡΙϹ	International Dark-Sky Assoc	ciation (IDA	A) Designation Update	;		
	INTEF	RNATIONAL D	DA ARK-SKY ASSOCIATION			
PROPOSAL	That Smoky Lake County develop a Public Participation Plan and a Land Use Bylaw Amendment pursuant to Nomination as a Dark Sky Community under the International Dark-Sky Association (IDA) for consideration at a future Council Meeting.					
BACKGROUND	"An IDA International Dark Sky Community is a town, city, municipality or other legally organized community that has shown exceptional dedication to the preservation of the night sky through the implementation and enforcement of a quality outdoor lighting ordinance, dark sky education and citizen support of dark skies. Dark Sky Communities excel in their efforts to promote responsible lighting and dark sky stewardship and set good examples for surrounding communities. " - Source: IDA Website					
	International Dark-Sky Association (IDA)					
	• The IDA is the recognized authority on light pollution and is the leading organization combating light pollution worldwide.					
	• <b>Vision</b> : The night sky, filled with stars, is celebrated and protected around the world as a shared heritage benefiting all living things.					
	• <b>Purpose</b> : To protect the night from light pollution.					
	and supporting stakeholders. E policymakers,	aligned act By providing and industr	ons among IDA chapter leadership, tools and re	tegy, monitoring results, s, volunteers, and other esources for individuals, pollution and promote and functional.		
	<ul> <li>Values: In all o</li> </ul>	ur words and	I deeds we are guided by	our core values.		
	<ul> <li>Passion: We a things, and its s</li> </ul>		-	ht that benefits all living		
	-		actions in evidence – port rigorous inquiry.	where it is lacking, we		
	<ul> <li>Relationships: everyone.</li> </ul>	We build ei	nduring relationships to f	ind solutions that benefit		
	○ Consensus: W	e strive for c	onsensus and invite publ	lic participation.		
	<ul> <li>Inclusion: We person for all tir</li> </ul>		night sky is a shared g	lobal heritage for every		

	С				
	ideology.				
	• <b>Celebration</b> : Our spirit is enriched by the wonders of the night—from the star-studded sky to the flash of a firefly.				
	October 29, 2020 Committee of the Whole Meeting				
	<b>112-20: Halisky</b> That Smoky Lake County Council recommend pursuing a Nomination for an International Dark-Sky Association (IDA) Designation which recognizes exceptional dedication towards the preservation of the night sky through the implementation and enforcement of quality outdoor lighting ordinance, dark sky education and citizen support of dark skies, for the purpose of promoting responsible lighting and dark sky stewardship, and to set good examples for surrounding communities. <b>Carried.</b>				
	November 11, 2020				
	<ul> <li>Email from International Dark Sky Association File Manager Adam Dalton © ATTACHMENT 3 acknowledging Smoky Lake County's application and opening of a file, detailing next steps.     </li> </ul>				
	December 10,	2020 County Council Meeting			
	<b>213-20: Lukinuk</b> That Smoky Lake County proceed with investigating the feasibility and next steps of pursuing a Nomination of, and Designation as, a Dark Sky Community under the International Dark-Sky Association (IDA), for the purpose of providing leadership in reducing light pollution and promote responsible outdoor lighting that is beautiful, healthy, and functional. <b>Carried.</b>				
	ATTACHMENTS:				
	International Dark Sky Place (IDSP) Application Process © ATTACHMENT 1				
	International Dark Sky Community Program Guidelines © ATTACHMENT 2				
	<ul> <li>Email dated November 11, 2020 from International Dark Sky Association File Manager Adam Dalton © ATTACHMENT 3</li> </ul>				
	<ul> <li>Email dated February 23, 2021 of Support from Martin Connors, Professor, Physics, Athabasca University, Royal Astronomical Society of Canada © ATTACHMENT 4</li> </ul>				
CORRELATION T	O BUSINESS (	STRATEGIC) PLAN			
Economic Developm	nent: Victoria Dis	strict Economic Development Strategy Bylaw 1372-20.			
Values: Integrity, Sustainability/Stability, Pride, Fairness, Freedom					
Vision: Leading the way in positive growth with healthy, sustainable, rural living.					
<b>Mission</b> : Smoky Lake County strives for collaboration and excellence in the provision of transparent and fiscally responsible governance and services.					
LEGISLATIVE, BYLAW and/or POLICY IMPLICATIONS		Smoky Lake County Land Use Bylaw 1272-14			
		• Alberta Municipal Government Act R.S.A. 2000 Ch. M-26			
		Smoky Lake County Regional Heritage Board Bylaw 1236-11			

	<u>Victoria District National Historic Site of Canada Commemorative</u> <u>Statement of Integrity (CIS), 2008</u>			
	Smoky Lake Regional Heritage Survey & Inventory, 2012			
	<u>Smoky Lake County Designation of Municipal Historic Resources</u> <u>Policy 61.15.01</u>			
	<u>Smoky Lake County 20-Year Heritage Management Plan Policy</u> <u>61.20.01</u>			
	• <u>Smoky Lake County and Town of Smoky Lake Victoria District</u> <u>Economic Development Strategy Bylaw 1372-20/006-2020.</u>			
BENEFITS	<ul> <li>Regional, National, and International exposure for Smoky Lake County and the Region, enhanced marketability on-par with Waterton National Park and Jasper National Park</li> </ul>			
	<ul> <li>Opportunities for unlocking of grant dollars</li> </ul>			
	<ul> <li>Enhanced community participation, awareness, and pride</li> </ul>			
	Nature and land-based tourism development			
DISADVANTAGES	Staff time			
ALTERNATIVES	Take no action, or defer			
FINANCE/BUDGET IMPLI	CATIONS			
Operating Costs:	Capital Costs:			
Budget Available:	Source of Funds:			
Budgeted Costs:	Unbudgeted Costs:			
INTERGOVERNMENTAL INVOLVEMENT/IMPLICAT	<ul> <li>Collaboration with/among:         <ul> <li>Environment and Climate Change Canada (ECCC)</li> <li>Alberta Environment and Parks (AEP)</li> <li>Smoky Lake County Regional Heritage Board (SLCRHB)</li> <li>Victoria Home Guard Historical Society (VHGHS)</li> </ul> </li> </ul>			
COMMUNICATION STRAT	<ul> <li>A proposed Land Use Bylaw Amendment would require advertising and a Public Hearing prior to adoption.</li> </ul>			
	<ul> <li>Grapevine, Website, Social Media</li> </ul>			
	<ul> <li>Media Release/News Article</li> </ul>			
RECOMMENDATION				
That Smoky Lake County develop a Public Participation Plan and a Land Use Bylaw Amendment pursuant to Nomination as a Dark Sky Community under the International Dark- Sky Association (IDA) for consideration at a future Council Meeting.				



\*Phase I timeline varies depending on eligibility status and complexity of proposed place

### **INTERNATIONAL DARK-SKY ASSOCIATION**

3223 N First Ave - Tucson Arizona 85719 USA - +1 520-293-3198 - www.darksky.org

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TO PRESERVE AND PROTECT THE NIGHTTIME ENVIRONMENT AND OUR HERITAGE OF DARK SKIES THROUGH ENVIRONMENTALLY RESPONSIBLE OUTDOOR LIGHTING



# INTERNATIONAL DARK SKY COMMUNITIES

# International Dark Sky Community Program Guidelines

June 2018

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## **DEFINITION OF AN INTERNATIONAL DARK SKY COMMUNITY**

An International Dark Sky Community (IDSC) is town, city, municipality or other similar political entity that has shown exceptional dedication to the preservation of the night sky through the implementation and enforcement of quality lighting policies, dark-sky education, and citizen support of the ideal of dark skies.

## **GOALS FOR IDSC CREATION**

- To identify communities with exceptional commitment to and success in pursuing dark sky preservation and restoration, and their promotion of quality outdoor lighting
- To promote improved outdoor nighttime quality of life for residents and visitors
- To support protection of human health, nocturnal habitats, public enjoyment of the night sky and its heritage, and/or areas ideal for professional and amateur astronomy
- To provide local, national, and international recognition for such communities
- To promote the ideals of the International Dark-Sky Association (IDA) by encouraging communities to identify dark skies as a valuable community asset and aspiration

## **DESIGNATION BENEFITS**

Achieving this designation brings recognition of the efforts made by the Community government, residents, and public and private organizations to protect the night sky and the nocturnal environment dependent on it. The IDSC designation enhances awareness of dark-sky matters on the part of Community residents and visitors.

Designation as an IDSC entitles the Community to display the International Dark Sky Community logo in official publications, promotions, signs at entrances or within the Community, and retain the use of this logo by other groups within the Community when identifying the area itself<sup>1</sup>. IDA will promote and highlight ongoing Community ef-

<sup>&</sup>lt;sup>1</sup> For instance, a Community can identify itself as *"Flagstaff, the world's first IDA Dark Sky Community"* or other words to the same effect, or an organization within the Community can state *"located in Flagstaff, an IDA Dark Sky Community"*.

forts to protect night skies, and will maintain pages identifying and describing all IDSCs on its website.

## ELIGIBILITY

The Community must have some type of legal organization that is officially recognized by outside groups. This can be in the form of a town, city, municipality, or other legally organized community (such as a urban neighborhoods and subdivisions), but need not be an incorporated entity. Unincorporated or otherwise informally organized communities are eligible for IDSC status if their governing jurisdictions enact public policy consistent with the requirements of "Minimum Requirements For All Communities" (below) that are legally binding in at least the territory of the Community.

## **MINIMUM REQUIREMENTS FOR ALL COMMUNITIES**

- A quality comprehensive lighting policy like the IDA/IES Model Lighting Ordinance<sup>2</sup> (MLO) that includes all of the following minimum standards for permanent lighting installations<sup>3,4</sup>:
  - A) Full shielding<sup>5</sup> of all lighting fixtures over 1000 initial lamp lumens<sup>6</sup>
  - B) A limit on the emission of short-wavelength light through one of the following restrictions:
    - i) The correlated color temperature (CCT) of lamps must not exceed 3000 Kelvins; **OR**

<sup>&</sup>lt;sup>2</sup> <u>http://www.darksky.org/our-work/public-policy/mlo/</u>

<sup>&</sup>lt;sup>3</sup> More information on developing a lighting policy may be found on the IDA website.

<sup>&</sup>lt;sup>4</sup> Lighting required by law under the authority of any legal jurisdiction higher than that of the Community may be formally exempted from the requirements of this section.

<sup>&</sup>lt;sup>5</sup> "Fully shielded" is defined as a light source screened and its light directed in such a way that none is emitted above the horizontal plane passing through its lowest light-emitting part.

<sup>&</sup>lt;sup>6</sup> "Initial lamp lumens" is defined as the number of lumens of light emitted by a lamp when new and not counting any depreciation of output due to the age of the lamp. This information can be found in manufacturer data sheets.

- ii) Allowed lighting must not emit more than 25% of its total spectral power at wavelengths < 550 nanometers; **OR**
- iii) The scotopic-to-photopic (S/P) ratio of allowed lighting must not exceed 1.3
- C) A restriction on the total amount of unshielded lighting, such as a limit on lumens per net acre or a total site lumen allowance in unshielded fixtures (or equivalent wattages)
- D) A policy to address over-lighting, such as lumens per net acre caps (irrespective of shielding state) or maximum illuminance specifications
- E) Regulations of new installations of publicly-owned outdoor lighting:
  - i) A provision that clearly indicates where, when, and under what circumstances new publicly owned outdoor lighting, including street lighting, is warranted and will be permitted; **AND**
  - ii) A provision that requires that adaptive controls<sup>7</sup> and/or curfews<sup>8</sup> be employed in all future installations of public outdoor lighting
- F) Restrictions on the installation and operation of illuminated signs<sup>9</sup>:
  - i) Luminance levels for operation between sunset and sunrise shall not exceed 100 nits (100 candelas per square meter) as measured under conditions of a full white display; AND
  - ii) Sign illumination shall be extinguished completely one (1) hour after sunset, and remain off until one (1) hour before sunrise; **AND**

<sup>&</sup>lt;sup>7</sup> "Adaptive controls" is defined as devices such as timers, motion-sensors, and light-sensitive switches used to actively regulate the emission of light from light fixtures.

<sup>&</sup>lt;sup>8</sup> "Curfew" is defined as a period of time at night during which lighting must be significantly dimmed in output or extinguished in accordance with an expected decrease in human presence.

<sup>&</sup>lt;sup>9</sup> "Illuminated sign" is defined as any informational or advertising sign that is illuminated by either internal or external means. Descriptive terms are adjusted here accordingly according to the type of illumination.

- iii) The luminous/illuminated surface area of an individual sign shall not exceed 200 square feet (18.6 square meters)
- G) Outdoor recreational and/or athletic field lighting may be exempted from the strict shielding and short-wavelength emission requirements above provided that all of the following conditions are met:
  - i) Illuminating Engineering Society (IES) lighting guidelines (RP-6) are followed according to the appropriate class of play
  - ii) Field lighting is provided exclusively for illumination of the surface of play and viewing stands, and not for any other applications
  - iii) Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance)
  - iv) Off-site impacts of the lighting will be limited to the greatest practical extent possible
  - v) A strict curfew requirement (e.g., lights must be extinguished by 10pm/2200h or one hour after the end of play, whichever is later) is observed
  - vi) Timers must be installed to prevent lights being left on accidentally overnight by automatically extinguishing them
- H) Affects an amortization period, applicable to ALL publicly AND privately owned lighting, to end not more than ten (10) years from the effective date of the outdoor lighting policy, after which all non-conforming lighting extant at the time of enactment must be brought into compliance with the policy.
- 2) Community commitment to dark skies and quality lighting as shown by:
  - A) City owned lighting conforming with, or committed to conforming with, the lighting policy (if the latter, a detailed plan with a timeline for completion in no more than five (5) years), AND

- B) Municipal support of dark skies and quality lighting as demonstrated by city publications, flyers, public service announcements, funding of lighting upgrades, etc.
- 3) Broad support for dark skies from a wide range of community organizations such as chambers of commerce, local electrical utilities, IDA chapters, lighting retailers, homeowners associations, and others.
- 4) Community commitment to dark skies and education as shown by at least one of the following:
  - A) Planning and execution of at least two (2) community dark sky awareness events<sup>10</sup> per year. This may be organized through a local astronomy club, municipality, school, etc.
  - B) Inclusion of dark sky awareness documents (IDA brochures or Communitycreated brochures) with other Community informational documents for residents and visitors.
  - C) Inclusion of dark sky education in Community schools and curriculum.
- 5) Success in light pollution control as demonstrated by at least one of the following:
  - A) Examples of a number of construction projects appropriate to the Community population and amount of new construction and renovation activity, built under the lighting policy and demonstrating its effective application
  - B) Alternative evidence of success in light pollution control, to be discussed with the International Dark Sky Places Program Manager for compliance.
- 6) A sky brightness measurement program must be established and maintained either by the Community or by a public or private entity (e.g., university, research center, IDA chapter, astronomy club, etc.) to follow the evolution of light pollution in the IDSC. Applicants are encouraged, but not required, to submit their measurements

<sup>&</sup>lt;sup>10</sup> Note that astronomy education events such as star parties do NOT qualify as "community dark sky awareness events" unless the presentation explicitly includes a message relating to dark skies and out-door lighting.

to the citizen science projects such as My Sky At Night (<u>myskyatnight.com</u>) and Globe At Night (<u>globeatnight.org</u>).

7) Once established, the Community must erect and maintain appropriate signage indicating the International Dark Sky Community designation along a roadway entrance, along a footpath entrance if no roadway exists, a public gathering place such as a square or common, or at a municipal government center such as a city or town hall. If approved by IDA, language as an alternative to "International Dark Sky Community" may appear on the signage and in Community communications regarding the IDSC status. Once the sign is erected, a photograph documenting it must be taken and sent to IDA along with a description of its location.

## **PROVISIONAL STATUS**

In some cases, a Community interested in the program may lack all of the resources required to achieve a designation outright. If resource unavailability otherwise hinders the progress of a Community's application, that Community may apply for and be granted Provisional status at the discretion of the IDA Board of Directors. Provisional status recognizes the Community's ongoing work to become an International Dark Sky Community and is intended as a leverage point to successfully enable actions such as lighting upgrades/retrofits.

Provisional status expires after three (3) years. At any time before the end of this period, a Community may reapply for full status. Material submitted for the removal of Provisional status may be an addendum to the initial application as long as the material includes a current assessment of the goals, outreach efforts, and lighting policy listed in the original application and clearly demonstrates that any program requirements left unmet at receipt of the Provisional status have been satisfied.

To be considered for a Provisional status, send a nomination package to IDA that includes all of the following information:

- 1) Documented intent to create and support an IDA Dark Sky Community
- 2) An enacted and legally effective outdoor lighting policy, and summary of outreach efforts to date
- 3) A description of the circumstances that currently prevent the Community from meeting the minimum Dark Sky Community requirements
- 4) An action plan describing steps the aspiring Community will take to meet all program requirements in the specified Provisional status period

## **IDSC APPLICATION PROCESS**

### NOMINATION

The nomination may be initiated by an IDA qualified nominator<sup>11</sup> who has personally reviewed a Community's outdoor lighting and commitment to night sky preservation. Nominators are encouraged to correspond with IDA staff and the Community throughout this process. In addition, the application must include evidence, such as in the form of a letter of support, from the Community government (mayor, council, etc.) consenting to the nomination for IDSC status.

### STEPS FOR APPLICANT

- 1. Make initial contact with IDA by phone or email to discuss the process and receive recommendations, followed by continued communications to update IDA staff on progress and receive continued assistance.
- Designate a formal point of contact (POC) person, such as a project manager, and provide their telephone number, address and email address to IDA staff. Before and after designation, any changes to this POC, or their information, must be communicated to IDA immediately in order to ensure accurate communication at all times.
- 3. Obtain a letter of nomination from a qualified IDA member nominator, as well as a supporting letter from elected representatives of the Community, such as the mayor and/or council of a municipality. Solicit additional letters of support from Community organizations, clubs, groups, universities, etc.
- 4. Upon completion, sends the application to IDA staff for review of the document at least one month before the chosen submission deadline date. IDA staff will confirms that the application is complete and ready for submission or return it with suggestions for improvements.
- 5. Submit the final application packet electronically in PDF and/or Microsoft Word (.doc) format to IDA staff for formal review. Submit in plenty of time for IDA staff

<sup>&</sup>lt;sup>11</sup> An "IDA qualified nominator" is defined here as an individual or organization holding an IDA membership in good standing at the time that the IDSC application is submitted. The Community itself may join IDA as an organizational member and self-nominate.

to review and prepare your application to make the bi-monthly deadline that you prefer, as found on the IDA website. Requests to rush applications will **NOT** be honored; planning ahead is essential if the Community wishes to meet a specific deadline.

### TO BE INCLUDED IN IDSC APPLICATION PACKAGE

- 1. Map of the Community clearly indicating its legal boundaries, and basic factual information about the Community
- 2. Letter of nomination support by IDA qualified nominator and elected representatives of the Community such as the mayor and/or council
- 3. The Community's lighting policy, meeting the minimum requirements as stated in the "Minimum Requirements For All Communities" section
- 4. Documentation of examples of Community commitment and construction/renovation projects demonstrating effective application of the lighting policy
- 5. Proposed alternative wording for a IDSC (e.g. Dark Sky Village, Starry Sky City, etc.), if desired, with a justification for the request

## **IDA REVIEW PROCESS**

Six (6) application submission deadlines occur in each calendar year, commencing in January and continuing every other month. Before the Community's final application is submitted, it is highly recommended that the Community be in regular communication with the International Dark Sky Places Program Manager to perfect the application by the next application deadline.

The International Dark Sky Places Manager will forward applications to the IDA Dark Sky Places Committee (DSPC) for review. DSPC review lags the submission dates by one two-month cycle. The total elapsed time between deadline and final IDSC designation approval is approximately ten (10) weeks.

Endorsement of applications by the DSPC is by a 2/3 supermajority vote; otherwise, the DSPC will return applications with reasons for denial of an endorsement and specific recommendations for improvement. If endorsed, the applicants will be notified and the International Dark Sky Places Program Manager will present the application to the IDA Board of Directors (BOD) for final review and approval. A ten (10)-calendar-day

waiting period then commences during which the Board of Directors has the right to deny IDSC status should it determine that any problems with the application exist.

If the BOD registers no objection within the ten-calendar-day waiting period, the IDSC designation is considered immediately awarded by IDA. The Community has the right to choose when the designation is made public, but it must organize the announcement to be made at the same time as the IDA public notice unless otherwise agreed by both parties. Along with the announcement notice, IDA will publish the Community's application on its website; by submitting the application, the Community acknowledges in advance that the application will be made publicly available. If an application is denied final approval by the IDA BOD, a letter will be sent to the applicant outlining elements of the application that need improvement along with specific recommendations for ways to remedy any problems the BOD identifies. Applications may be resubmitted for future consideration after remediation is complete. Resubmitted applications will be considered without prejudice.

IDA realizes that certain circumstances surrounding an IDSC application may cause some potential authors of letters of support (or opposition) to feel uneasy about publicly declaring their opinions about the IDA designation. In the interest of providing the DSPC with as full a picture of Community sentiment about applications as possible, certain letters may be suppressed from online publication if it is felt that making the letters publicly available will subject their authors to retaliation or harassment. A prospective IDSC seeking this protection for letter-writers must make a formal written request. The International Dark Sky Places Program Manager must approve suppression of publication of any part of an application. Note that suppression of online publication does not prevent either the DSPC or the IDA BOD from reading all submitted letters.

# **POST-DESIGNATION REVIEW AND MAINTENANCE**

**The IDSC designation is not awarded in perpetuity**. Rather, it is subject to regular review by IDA and possible revocation if the minimum program requirements are not maintained. More details may be found in the "Reassessment of IDSC designation" section below.

To ensure that Communities remain exemplary in their protection and restoration of natural nighttime darkness, IDA will periodically reevaluate each site in the International Dark Sky Places Program. This is done to confirm that the Community continues to meet the minimum requirements and is making adequate progress toward LMP compliance goals outlined in this document.

Each designated IDSC must submit to IDA a written report of its activities related to the maintenance of its designation on or before 1 October of each calendar year. The report is a short (typically less than ten-page) synopsis of the Community's activities and initiatives during the intervening year<sup>12</sup>. The report should include dates and brief descriptions of any interpretive events, lighting retrofit projects, outreach efforts, etc. Samples of printed materials and press articles should also be included, if available.

Annual reports should not be burdensome to produce, as they are intended as a compilation of information accumulated throughout the year. Annual reports and supporting documentation must be submitted electronically to the International Dark Sky Places Program Manager in either PDF or Microsoft Word format. If the annual report is not received by IDA in a timely fashion, IDA may suspend the site's IDSC status until the annual reporting requirement has been met (see the following section). On or about 1 August and 1 September of each year, the International Dark Sky Places Program Manager will remind local contacts at each IDSC of the pending 1 October annual report submission deadline.

A designated IDSC is exempt from the annual reporting requirement in the calendar year in which the IDA designation was awarded. If the designation is received after 1 October of a given calendar year, the IDSC's first annual report to IDA will be due on 1 October of the following calendar year.

## **REASSESSMENT OF IDSC DESIGNATIONS**

From time to time, IDA receives comments from visitors to Communities that raise concerns about the veracity and timeliness of information provided to IDA by site administrators. IDA may, at its discretion, investigate claims in which it is alleged that IDSCs are not adhering to commitments made to IDA and to the public in their applications to the Program. This section details the IDA procedure for carrying out such investigations, and the rights of IDSCs in such matters.

An allegation of impropriety concerning any of the elements of participation in the Program outlined in this document is subject to IDA investigation and potential remedial action including temporary suspension and/or permanent revocation of the IDSC designation. IDA staff shall perform due diligence in gathering facts concerning such allegations it deems credible, and will prepare a report of its findings for consideration by the DSPC. The DSPC commits to weighing the evidence fairly and impartially, and to

<sup>&</sup>lt;sup>12</sup> Examples of acceptable annual reports are available on the individual IDSC pages on the IDA website.

seek to resolve disputes whenever possible through dialog. A Community subject to an investigation shall be notified in a timely manner and solicited for evidence contrary to the specifics of the allegation at hand. The Community will be given an opportunity to correct any deficiencies with regard to the Program guidelines established by the IDA investigation within a reasonable time period to be prescribed by the DSPC.

Failure to achieve consensus through these means risks a DSPC recommendation for suspension or revocation of the IDSC designation. If made, such a recommendation will be forwarded to the IDA Board of Directors for formal ratification before coming into force. The Board's decision on any disciplinary matters involving an IDSC shall be considered definitive and binding.

Any IDSC so investigated has the right to review the allegations against it and all factual information collected by IDA pertinent to the allegations.

## REINSTATEMENT FOLLOWING SUSPENSION

If the DSPC recommends a suspension of a Community's IDSC designation and the Board ratifies the suspension, the Community administration shall be immediately notified. The status of a suspended IDSC shall be changed to "Provisional" in all IDA communications until the designation is reinstated or revoked; however, the process of obtaining reinstatement of a designation is not the same as that outlined in the "Provisional Status" section of these guidelines.

To obtain reinstatement of a suspended designation, the IDSC must provide evidence to the DSPC's satisfaction that the specific issues identified by the DSPC as grounds for the suspension have been corrected and that all Program guidelines are once again met. The DSPC will consider the evidence presented by the IDSC and render a judgment to either:

- Accept the reinstatement petition, OR
- Reject the petition and recommend revocation, OR
- Return the petition with further instructions and a defined deadline for a IDSC response.

### REVOCATION

A suspension left unresolved after one (1) year from the date of the Board's assent to the suspension automatically becomes a permanent revocation. Revocation entails removal of the IDSC from IDA's roll of approved International Dark Sky Places, and from mention on the IDA website and in member and external communications. IDA reserves the right to take legal action against any former IDSC whose designation is duly revoked but continues to use the IDA name/logo in advertising, communications, and/or signage.

## TOWN OF BON ACCORD POLICY STATEMENT

**SECTION:** Administration

POLICY NO.: 15.51

SUBJECT: LIGHT EFFICIENCT COMMUNITY POLICY

**RESPONSIBLE AUTHORITY:** Administration Department

**REVIEWED & APPROVED BY COUNCIL:** Fel

February 17, 2015

- **<u>PURPOSE AND INTENT:</u>** To provide a framework for Council and a set of minimum standards for the adoption of a light use policy promoting efficient and environmentally responsible lighting in accordance with the Model Lighting Ordinance (MLO).
- **POLICY STATEMENT:** The Town of Bon Accord will adopt a lighting ordinance which achieves the minimum requirements of the Model Lighting Ordinance created by the International Dark-Sky Association (IDA), the Illuminating Engineering Society of North America (IES), and the Transportation Association of Canada (TAC). The Town is updating their Light Efficient Community Policy to facilitate an application to the International Dark-Sky Association of an IDA Dark Sky Community, the first such designation to be awarded in Canada.

### **DEFINITIONS:**

- 1. *"Absolute photometry"* is a photometric measurement (usually of a solid-state luminaire) that directly measures the footprint of the luminaire. Reference Standard IES LM-79.
- 2. *"Astronomic Time Switch"* is an automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.
- 3. **"Backlight"** is a reference to an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.
- 4. "BUG" is luminaire classification system that classifies backlight (B), uplight (U) and glare (G).

- 5. *"Canopy"* is a covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.)
- 6. *"Common Outdoor Areas"* One or more of the following: a parking lot; a parking structure or covered vehicular entrance; a common entrance or public space shared by all occupants of the domiciles.
- 7. *"Correlated Colour Temperature"* or CCT is a measure of light source color appearance defined by the proximity of the light source's chromaticity coordinates to the blackbody locus, as a single number rather than the two required to specify a chromaticity.
- 8. *"Development Officer"* is an official of Bon Accord appointed, according to the procedures authorized by Town Council, to act as a development authority according to the *Municipal Government Act*.
- 9. *"Emergency Conditions"* is lighting that is only energized during an emergency; lighting fed from a backup power source; or lighting for illuminating the path of egress solely during a fire or other emergency situation; or, lighting for security purposes used solely during an alarm.
- 10. *"Footcandle"* The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot. One footcandle is equal to one lumen per square foot or approximately 10.76391 lux.
- 11. *"Forward Light"* For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the direction of the intended orientation of the luminaire.
- 12. *"Fully Shielded Luminaire"* is a luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
- 13. *"Glare"* is lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
- 14. *"Hardscape"* is permanent landscape improvements to a site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is three (3) metres or less in width. Materials may include concrete, asphalt, stone, gravel, etc.
- 15. *"Hardscape Area"* is the area measured in square metres of all hardscape. It is used to calculate the Total Site Lumen Limit in both the Prescriptive Method and Performance Methods. Refer to Hardscape definition.
- 16. *"Hardscape Perimeter"* is the perimeter measured in linear metres and is used to calculate the Total Site Lumen Limit in the Performance Method. Refer to Hardscape definition.

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- 17. "IDA" is the International Dark-Sky Association.
- 18. "IESNA" is the Illuminating Engineering Society of North America.
- 19. *"Illuminance"* is the total luminous flux incident on a surface, per unit area. It is a measure of how much the incident light illuminates the surface, correlated with brightness perception.
- 20. *"Initial Lumens"* is the amount of light output from a lamp when it is new. For a metal halide lamp, these ratings are averages based on photometry at rated lamp watts after 100 hours of operation.
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- 24. "Lighting Equipment" is equipment specifically intended to provide gas or electric illumination, including, but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, or lens(es), and related structures, electrical wiring, and other necessary or auxiliary components.
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- 28. *"Low Voltage Lighting"* is lighting powered at less than 15 volts and limited to luminaires having an initial rated luminaire lumen output of 525 lumens or less.
- 29. **"Lumen"** is the photometric unit of light output and the unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from 'watt,' a measure of power consumption).

<sup>&</sup>lt;sup>1</sup>This definition was adopted by Council on 07 February 2012 in Council Meeting-Resolution 12.29.

- 30. *"Luminaire"* is a complete lighting unit or fixture, consisting of a lamp (bulb), or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to a power supply.
- 31. *"Luminaire Efficiency"* is a ratio of the light emitted by a luminaire to the light emitted by the lamps inside the luminaire.
- 32. *"Luminaire Lumens"* is a calculated sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by luminaire efficiency. If the efficiency is not known for a residential luminaire, it shall be assumed to be 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.
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- 36. *"New lighting"* is lighting for areas not previously illuminated; newly installed lighting of any type except for replacement lighting or lighting repairs.
- 37. *"Outdoor Lighting"* is lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.
- 38. *"Partially shielded luminaire"* is a luminaire with an opaque top, translucent or perforated sides that is designed to emit most light downward.
- 39. *"Pedestrian Hardscape"* is stone, brick, concrete, asphalt or other similar finished surfaces intended primarily for walking, such as sidewalks and pathways.
- 40. *"Photometry"* is the science of the measurement of light, in terms of its perceived brightness to the human eye. In modern photometry, the radiant power at each wavelength is weighted by a luminosity function that models human brightness sensitivity.
- 41. *"Photoelectric Switch"* is a control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.

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- 42. "Property line" is the edges of the legally defined extent of privately owned property.
- 43. *"Relative Photometry"* is photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire. Reference Standard IES LM-63.
- 44. *"Repair"* is reconstruction or renewal of any part of an existing luminaire for the purpose of its ongoing operation, other than re-lamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp and/or ballast technology is not considered a repair and for the purposes of this ordinance the luminaire shall be treated as if new. "Repair" does **not** include normal re-lamping or replacement of components including capacitor, ballast or photocell.
- 45. *"Replacement Lighting"* is lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.
- 46. *"Shielded Directional Luminaire"* is a luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.
- 47. "Sign" is advertising, directional or other outdoor promotional display of art, words and/or pictures.
- 48. "Sky Glow" is the brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.
- 49. *"Temporary lighting"* is lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.
- 50. *"Time Switch"* is an automatic lighting control device that switches lights according to time of day.
- 51. *"Unshielded Luminaire"* is a luminaire capable of emitting light in any direction including downwards.
- 52. *"Uplight"* is a reference to an exterior luminaire, lumens emitted or radiated in the hemisphere at or above the horizontal plane.
- 53. *"Vertical Illuminance"* is illuminance measured or calculated in a plane perpendicular to the site boundary or property line.
- 54. *"Watt"* is a derived unit of power. The unit, "W" is defined as joule per second and can be used to express the rate of energy conversion to light with respect to time.

#### **PROCEDURES:**

- 1. All new or retrofitted luminaires on public or private land within the legal and corporate limits of the Town of Bon Accord shall comply with the minimum requirements of the MLO, namely:
  - a. All lighting fixtures or luminaires over 1000 lumens initial lamp output shall be fully shielded, AND;
  - b. Restrictions on total amount of unshielded lighting, such as a limit on lumens per acre or total site lumens in unshielded fixtures, AND;
  - c. A policy to address over-lighting, such as energy density caps, lumens/acre caps, or maximum illuminance specifications, AND;
  - d. Any outdoor lighting owned by the Town of Bon Accord installed after the adoption of this *Policy* shall have a Correlated Colour Temperature (CCT) of 3,300° K or less. It is recommended that all lighting installed follow this CCT limitation.
  - e. A draft ordinance shall be attached in the Light Efficient Community Bylaw.
- 2. This Policy shall apply to all luminaires lawfully installed and operational since the adoption of Resolution 12.29, passed unanimously by Council on 07 February 2012. This previous Policy created an exception to allow for the "grandfathering" of existing luminaires. All grandfathered luminaires must comply with the Light Efficient Community Bylaw. Upon adoption of this Policy, the exemptions shall be as follows:
  - a. Permanent Exemptions:
    - i. Previously Existing Fixtures;
    - ii. Fossil Fuel Light;
    - iii. Federal and Provincial Facilities;
    - iv. Emergency Conditions;
    - v. Holiday or Seasonal Lighting; OR
    - vi. Event Lighting.
  - b. Special Requirements:
    - i. Regional or County Airports;
    - ii. Correctional Institutions.
  - c. Any exemptions not covered by the above shall be dealt with by the Chief Administrative Officer of the Town of Bon Accord or their designated officials or assignees.
  - d. A full description of the above exemptions is found in the Light Efficient Community Bylaw.
- 3. Upon adoption of this Policy by council, this Policy will be integrated into all related Town policies, standards and regulations, including, but not limited to the Engineering Servicing Standards, the Municipal Development Plan, and the Land Use Bylaw. These policies will address the specific needs of stakeholders in the Town and be created in tandem with educational programs for Town staff, residents and businesses. These policies will respect the following principles:

reference from page 63 of this document

- a. The Town of Bon Accord will adopt policies and regulations to prevent the installation of any lighting on Town-controlled/owned/operated property that is not dark sky compliant. Further it agrees to continue to implement reasonable lighting curfews on Town-controlled properties and facilities. Further, the Town agrees to install adaptive controls where appropriate and feasible.
- b. Lighting will be used where it is needed, when it is needed, and at levels suited to the required task(s). In some cases, such as natural areas, this may mean a total absence of artificial light. Council or administration will create appropriate lighting zones as defined in the Light Efficient Community Bylaw.
- c. All new or retrofitted luminaires shall employ adaptive controls and reasonable curfews such as but not limited to motion detection sensors, timers, wireless remote monitoring and turn on/off capabilities, photo sensitive light controls, etc. Reasonable curfews shall be determined for all non-essential lights.
- d. Lighting technology will be selected to address visibility needs in the most energy efficient form that is practical.
- e. Luminaires will confine light to the area(s) needing illumination.
- f. Light trespass will be minimized.
- g. Lighting that creates unsafe conditions or harmful glare will not be permitted.
- h. New outdoor lighting fixtures shall be allowed when new Town owned buildings and infrastructure are constructed and when existing buildings and infrastructures are modified with physical alterations or by a change of use and the need for outdoor lighting to provide nighttime safety and utility is deemed necessary by the Town. New lighting fixtures may also be installed on existing buildings and infrastructure in the case where the Town determines that a hazardous nighttime situation exists.
- i. Nothing in this Policy shall be interpreted in such a way that prevents adequate lighting on roadways or other similar public spaces in order to ensure public safety. The definition of adequate lighting will be guided by accepted engineering standards and principles of Crime Prevention through Environmental Design.
- j. Voluntary light curfews will be encouraged for all residential, commercial, recreational and institutional use of exterior night time illumination.
- k. All types of outdoor lighting are subject to this Policy, including, but not limited to light for streets, trails, signs, walls, and landscaping.

#### **ROLES AND RESPONSIBILITIES**

The role of **Administration** is to:

- 1. Ensure alignment of this *Policy* with the Strategic Plan and Integrated Community Sustainability Plan.
- 2. In collaboration with Planning and Development, oversee creation of appropriate lighting zones and ensure they remain up to date in accordance with the Light Efficient Community Bylaw.
- 3. Draft a new class of business license which incorporates membership into the IDA and adoption of the dark sky principles by the applicants.

The role of **Planning and Development** is to:

- 1. Update the Municipal Development Plan and Land Use Bylaw to reflect the principles and goals of this *Policy*.
- 2. Review all outdoor lighting plans of projects in development and applying for construction permits.
- 3. Establish lighting zones for existing development and ensure all future development follows the goals and aims of this *Policy*.
- 4. Provide exceptions for certain intermittent activities such as construction and holiday lighting, while ensuring the goals and principles of this *Policy* remain intact.
- 5. Develop and implement plans to retrofit existing outdoor lighting owned by the Town to ensure its compliance with this *Policy*.
- 6. Work with private entities to retrofit lighting on land not owned by the Town to achieve the overall goal of a reduction in light pollution and light trespass in town.
- 7. Adopt new light efficient standards within the Engineering Services Standards applicable to all zones and land uses.

#### The role of **Operations** is to:

- 1. Update lifecycle programs to reflect the principles of this *Policy* and related Schedules as it relates to outdoor lighting.
- 2. Replace non-conforming luminaires with conforming luminaires anytime repair or replacement to outdoor facility lights is required.
- 3. Introduce automatic time switches to new and existing facility lights so that luminaires are only lit when facilities are in use.
- 4. Develop and implement plans to replace non-conforming luminaires with conforming luminaires when upgrading any Town infrastructure.

#### The role of Arena, Parks, and Recreation is to:

- 1. Update the Open Space and Recreation Facilities Strategy to reflect the principles of this *Policy*.
- 2. Replace non-conforming luminaires with conforming luminaires when upgrading outdoor lights in public parks and trails, or any time major repair or replacement is required.

#### The role of **Economic Development and Tourism** is to:

- 1. Incorporate the principles of this *Policy* into the Economic Development Strategy.
- 2. Develop a communications plan to create awareness of this *Policy* and ensure compliance with this *Policy* by the business community.

#### The role of **Communications** is to:

- 1. Develop a Communications Plan and education strategy to create awareness of this *Policy* in the community. This may include:
  - a. A Light Efficient Community education program for Town staff.
  - b.A website for public education highlighting responsible lighting, the benefits of the *Policy*, and links to further responsible lighting information.

- c. Planning of community events to encourage public participation in adopting the mindset of becoming a Light Efficient Community.
- d.Materials regarding responsible lighting practices and methods to distribute within the community.

# The Bylaw

The bylaw was the project to work on that really put Bon Accord onto a whole new level of commitment to the niche being defined.

It has had both positive and negative resident feedback from residents but it really has identified that as a strategy the Town is commited to moving forward towards the goal of becoming a niche community.

### Town of Bon Accord Bylaw 2015-07 LIGHT EFFICIENT COMMUNITY STANDARDS BYLAW

#### A BYLAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA TO ESTABLISH TERMS FOR REDUCING LIGHT POLLUTION AND GLARE; ENHANCING THE WELL-BEING OF THE COMMUNITY THROUGH ENVIRONMENTAL ACTION

WHEREAS, pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, a council may pass bylaws for municipal purposes respecting, inter alia, the following matters:

- a) the safety, health and welfare of people and the protection of people and property;
- b) nuisances, including unsightly property;
- c) businesses, business activities and persons engaged in business;
- d) the enforcement of bylaws made under this or any other enactment; and

WHEREAS, pursuant to section 8 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, a council may, in a bylaw, inter alia:

- a) regulate or prohibit;
- b) provide for a system of licenses, permits or approvals; and

WHEREAS, pursuant to section 640 (4) of the *Municipal Government Act*, R.S.A. 2000, c. M-26, a Council may prohibit or regulate and control the use and development of land and buildings, inter alia:

- a) the design, character and appearance of buildings;
- b) the lighting of land, buildings or other things; and

WHEREAS, the safety and welfare of motorists, pedestrians, and cyclists depend upon the reduction of glare and the establishment of consistent and well-defined levels of lighting; and

WHEREAS, proper direction and use of light will minimize energy wasted on unnecessary and indiscriminate illumination; and

WHEREAS, the Town of Bon Accord recognizes the need to preserve the rural character, aesthetic value, and the unique quality of life of Bon Accord residents by preserving and enhancing the ability to view the night sky; and

WHEREAS, establishing a predetermined standard for outdoor illumination will provide residents, business owners, and developers with a clear set of guidelines by which to follow; and

WHEREAS, a clear set of guidelines for outdoor lighting will eliminate the need for commercial establishments to compete for visual attention by escalating outdoor lighting levels; and

WHEREAS, excessive illumination is harmful.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

### Town of Bon Accord Bylaw 2015-07 LIGHT EFFICIENT COMMUNITY STANDARDS BYLAW

#### **SECTION 1 – SHORT TITLE**

1.1. This Bylaw may be referred to as "The Light Efficient Community Standards Bylaw".

#### **SECTION 2 - DEFINITIONS**

- **2.1.** *"Absolute photometry"* is a photometric measurement (usually of a solid-state luminaire) that directly measures the footprint of the luminaire. Reference Standard IES LM-79.
- **2.2.** *"Astronomic Time Switch"* is an automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.
- **2.3.** *"Backlight"* is a reference to an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.
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- **2.11.** *"Forward Light"* For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the direction of the intended orientation of the luminaire.

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- **2.12.** *"Fully Shielded Luminaire"* is a luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
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<sup>&</sup>lt;sup>1</sup>This definition was adopted by Council on 07 February 2012 in Council Meeting-Resolution 12.29.

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- **2.43.** *"Property line"* is the edges of the legally defined extent of privately owned property.
- **2.44.** *"Relative Photometry"* is photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire. Reference Standard IES LM-63.
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- **2.48.** *"Sign"* is advertising, directional or other outdoor promotional display of art, words and/or pictures.
- **2.49.** *"Sky Glow"* is the brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.
- **2.50.** *"Temporary lighting"* is lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.
- 2.51. "Time Switch" is an automatic lighting control device that switches lights according to time of day.
- **2.52. "Unshielded Luminaire"** is a luminaire capable of emitting light in any direction including downwards.
- **2.53.** *"Uplight"* is a reference to an exterior luminaire, lumens emitted or radiated in the hemisphere at or above the horizontal plane.
- **2.54.** *"Vertical Illuminance"* is illuminance measured or calculated in a plane perpendicular to the site boundary or property line.
- **2.55.** *"Watt"* is a derived unit of power. The unit, *"W"* is defined as joule per second and can be used to express the rate of energy conversion to light with respect to time.

#### **SECTION 3 - PREAMBLE**

The problems of light pollution first became an issue in the 1970s when astronomers identified the degradation of the night sky due to the increase in lighting associated with development and growth. As more impacts to the environment by lighting are being identified, an international "dark sky" movement is advocating for the precautionary approach to outdoor lighting design. Many communities have passed anti-light pollution laws and ordinances. However, there is little or no agreement among these laws, and they vary considerably in language, technical quality, and stringency. This leads to ambiguity for designers, engineers, and code officials looking to meet these regulations. The lack of a common basis prevents the development of standards, educational programs, and other means of achieving the goal of effective lighting control. The purpose of this Bylaw is to provide regulations for outdoor lighting in the Town of Bon Accord in accordance with an international standard. This lighting includes, but is not limited to all lighting that is provided by the Town of Bon Accord for purposes of public safety and public information, as well as lighting on private property that encompasses commercial development, single family dwellings, and property which has more than one residence on it. As a result of adopting this Bylaw, goals aligning with Bon Accord's "Building for Tomorrow" strategy will be achieved, reducing adverse environmental impacts of outdoor lighting in two categories: carbon footprint (energy used in the life of a lighting product) and obtrusive light. This bylaw is based on and adopted from the Model Lighting Ordinance created by the Illuminating Engineering Society and the International Dark-Sky Association. These regulations will:

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- 3.1 Permit the use of outdoor lighting that is consistent with the minimum levels specified in Illuminating Engineering Society of North America (IES) recommended practices for nighttime safety, utility, security, productivity, enjoyment, and commerce (Lighting Zones).
- 3.2 Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
- 3.3 Curtail light pollution, reduce skyglow, and improve the nighttime environment for astronomy.
- 3.4 Help protect the natural environment from the adverse effects of night lighting from gas or electric sources, while conserving energy and resources to the greatest extent possible.

#### SECTION 4 – LIGHTING ZONES

Lighting zones reflect the base (or ambient) light levels desired in Bon Accord. Lower lighting zone(s) be given preference when establishing zoning criteria. Using lighting zones allows a great deal of flexibility and customization without the burden of excessive regulation. Selection of lighting zone or zones should be based not on existing conditions but rather on the type of lighting environments the Town seeks to achieve. For instance, new development on previously rural or undeveloped land may be zoned as LZ-1. Additionally, the Town may choose to establish vertical lighting zones with the lighting zone at street level at a higher zone than the residential housing on upper levels. The Lighting Zone shall determine the limitations for lighting as specified by this *Bylaw*. Lighting Zones shall be defined as follows:

#### LZO: No ambient lighting

Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished. This zone typically includes undeveloped areas of open space, wilderness parks and preserves, areas near astronomical observatories, or any other area where the protection of a dark environment is critical. This is the recommended default zone for wilderness areas, parks and preserves, and undeveloped rural areas.

#### LZ1: Low ambient lighting

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline. These typically include single and two family residential communities, rural town centers, business parks, and other commercial or industrial/storage areas typically with limited nighttime activity and may also include the developed areas in parks and other natural settings. This is the recommended default zone for rural and low density residential areas.

#### LZ2: Moderate ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not

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necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline. This zone pertains to areas with moderate ambient lighting levels. These typically include multifamily residential uses, institutional residential uses, schools, churches, hospitals, hotels/motels, commercial and/or businesses areas with evening activities embedded in predominately residential areas, neighborhood recreational and playing fields and/or mixed use development with a predominance of residential uses. Can be used to accommodate a district of outdoor sales or industry in an area otherwise zoned LZ-1. This is the recommended default zone for light commercial business districts and high density mixed-use residential districts.

#### LZ3: Moderately high ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline. These typically include commercial corridors, high intensity suburban commercial areas, town centers, mixed use areas, industrial uses and shipping and rail yards with high night time activity, high use recreational and playing fields, regional shopping malls, car dealerships, gas stations, and other nighttime active exterior retail areas. Recommended default zone for large cities' business districts. It is recommended this zone is not used in Bon Accord.

Tables providing maximum allowable lumens per Lighting Zone are included in this document.

#### **SECTION 5 - CONFORMANCE WITH PROVINCIAL AND FEDERAL CODES**

All outdoor lighting shall be installed in conformance with the provisions of this *Bylaw*, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

#### **SECTION 6 - APPLICABILITY**

Except as below, all outdoor lighting installed after the date of adoption of this *Bylaw* shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

- 6.1. Permanent Exemptions
  - 6.1.1. Previously Existing Fixtures: All outdoor luminaires existing and lawfully in place prior to the adoption of this *Bylaw* are exempt from the requirements of *this Bylaw*, except that:
    - 6.1.1.1. When existing luminaires become inoperable, replacement in compliance with this *Bylaw* is required.

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reference from page 63 of this document

- 6.1.1.2. This exemption shall cease to apply when the parcel is subject to a change in use or ownership.
- 6.1.1.3. Upon renewal of business license, the required fees can, at the discretion of the appropriate officials be reduced by a percentage of costs incurred to achieve compliance with this *Bylaw*.
- 6.1.1.4. Lighting exempted under Section 6.1.1 shall comply with Section 11 of this *Bylaw*.
- 6.1.2. Fossil Fuel Light: All outdoor light fixtures producing light *directly* by the consumption of fossil fuels (such as gas lamps, kerosene lanterns, etc.) are exempt from this *Bylaw*.
- 6.1.3. Federal and Provincial Facilities: Outdoor light fixtures on, in, or in connection with facilities and land owned by the Crown in right of Canada or the Crown in right of Alberta are exempt from this *Bylaw*. Voluntary compliance with the intent of this *Bylaw* is encouraged.
  - 6.1.3.1. Regional or County Airports: Outdoor lighting not regulated by Provincial or Federal agencies or statute, such as lighting for parking lots and pedestrian access shall comply with the *Bylaw*.
  - 6.1.3.2. Correctional Institutions: Outdoor lighting not regulated by Provincial or Federal agencies or statute, such as lighting for parking lots shall be fully shielded.
- 6.1.4. Emergency Conditions: Under any emergency, real or perceived, by local, provincial or federal authorities, any and all restrictions created by this *Bylaw* shall be, for the duration of the emergency, suspended in order that emergency responders and citizens may carry out their duties to the best of their abilities.
- 6.2. Special Requirements and Other Exemptions.

The following are not regulated by this *Bylaw*:

- 6.2.1. Lighting within the public right-of-way or easement for the principal purpose of illuminating roads and highways required by Provincial or Federal legislation. This exemption **shall not** apply to any street lighting installed under the jurisdiction and authority of Bon Accord, or to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.
- 6.2.2. Lighting used for public monuments and statuary.
- 6.2.3. Lighting solely for signs (lighting for signs is regulated by **Section 8, Outdoor Signs and Illumination** section of this *Bylaw*.).
- 6.2.4. Repairs to existing luminaires not exceeding 25% of total installed luminaires.

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- 6.2.5. Temporary lighting for theatrical, television, sports areas, and performance areas, only with permit from the authority and recognizing that steps need to be taken to minimize glare and light trespass, and will utilize sensible curfews, as determined by appropriate Town authorities.
- 6.2.6. Intermittent and seasonal lighting required under Alberta Occupational Health and Safety (OH&S) codes for lighting required on construction sites. While not superseding or supplanting the Provincial OH&S code, all lighting shall be restricted to hours during which work in actively taking place and such lighting must be shrouded or shielded to prevent glare and light trespass outside of the property lines of the construction site.
- 6.2.7. Underwater lighting in swimming pools and other water features.
- 6.2.8. Temporary lighting and seasonal lighting provided that individual lamps are less than ten (10) watts and seventy (70) lumens, for the duration of the holiday season. The holiday season shall be defined as lasting from the first day of December to the end of the second week of January.
- 6.2.9. Lighting specified or identified in a specific use permit, which shall not grant permanent exception to this *Bylaw*.
- 6.2.10. Any other exceptions not covered by the above shall be dealt with by designated Town of Bon Accord officials or their assignees. All exceptions must comply with this *Bylaw*, Section 6.2.9.

#### **SECTION 7 - LIGHTING CONTROL REQUIREMENTS**

Nothing in this section shall be interpreted to provide exemptions to the goals of this *Bylaw*. This section is intended to provide lighting controls which prohibit operation of outdoor lighting when sufficient outdoor lighting is available or such lighting is unnecessary. Additionally, this section will ensure that all outdoor lighting has the capability, either through circuiting, dimming, or alternating sources to guarantee the ability to reduce lighting without necessarily turning all lights off.

- 7.1. Automatic Switching Requirements. Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic timer switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with batteries or similar backup power or device. If motion sensors are used to comply with this section, the range of the sensor shall not exceed the property line.
- 7.2. Automatic Lighting Reduction Requirements. The Council or Administration shall establish curfew time(s) for each lighting zone, after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished. The following items are exceptions for which no reduction is required:

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- 7.2.1. Lighting for residential properties including multiple residential properties not having common areas. This exemption shall not apply to landscape lighting, and all such lighting shall comply with all applicable BUG ratings.
- 7.2.2. When the outdoor lighting consists of only one luminaire. This does not circumvent the requirement that such luminaires will be shielded according to applicable BUG ratings.
- 7.2.3. Code required lighting for steps, stairs, walkways, and building entrances. All such luminaries installed under this provision shall be in compliance with this *Bylaw* and "Dark-Sky Friendly" and comply with all applicable BUG ratings.
- 7.2.4. When in the opinion of the Town, lighting levels must be maintained.
- 7.2.5. Motion activated lighting, where the light is extinguished no more than 5 (five) minutes after illumination.
- 7.2.6. Lighting governed by a special use permit in which times of operation are specifically identified.
- 7.2.7. Businesses that operate on a 24-hour basis.

#### **SECTION 8 - OUTDOOR SIGNS AND ILLUMINATION**

This section deals with signs located in the Town, on public or private property. This section will ensure that the number, appearance, and location of signs balances the need for signs and expression, with safety and aesthetics while providing an adequate and flexible means of identification for commercial and industrial enterprises. This will improve the quality of sign design and upkeep, and minimize the adverse effect of signs on nearby property. It is the responsibility of the owner and the occupier of the lands that are subject to this *Bylaw* to ensure that signs conform to this bylaw.

- 8. All signs shall be maintained in good structural condition at all times so as to ensure that pedestrian and vehicular traffic are not compromised.
- 8.1. All sign copy shall be fastened securely to the sign structure. Where a portion of a copy area has been removed, it shall be replaced within a reasonable timeframe, either with new copy or filled in with material consistent with the sign, as determined by the Development Officer.
- 8.2. All burned out bulbs or damaged panels on a sign shall be replaced within a reasonable timeframe, not exceeding 60 days, or as determined by the Development Officer.
- 8.3. Where a panel is damaged or removed, it shall be replaced with a blank panel until such time as a new panel is installed.
- 8.4. The area within five (5) metres of a Freestanding Sign on private property shall allow access for maintenance. This standard does not exempt any landscaping requirements within this *Bylaw*; however, the landscaping shall allow access for maintenance.

- 8.5. It shall be the responsibility of the landowner to ensure maintenance of a sign is in compliance with the provisions of this *Bylaw*.
- 8.6. A sign with illumination or a sign with an electronic message feature shall not be allowed in agricultural or residential districts.
- 8.7. Any sign located within thirty (30) metres of a residence or a residential district shall not be illuminated between 10:00 p.m. and 6:00 a.m. unless dimmed to no more than 30% of its daytime operation.
- 8.8. Notwithstanding Section 8.8 of this *Bylaw*, a Development Officer may restrict the illumination of any sign, or place conditions on a development permit for a sign that would effectively mitigate any adverse effect as a result of the illumination of the sign on a residential development where, in the opinion of the Development Officer, the sign could cause an adverse effect on a residential development.
- 8.9. Signs that are illuminated shall not:
  - 8.9.1. shine or reflect light directly onto neighboring properties or, in the direction of oncoming traffic;
  - 8.9.2. create hazards for pedestrians or motorists;
  - 8.9.3. be of an intensity or brightness that would interfere with the space, comfort, convenience, and general welfare of residents or occupants of adjacent properties or, with vehicular traffic, in the opinion of the Development Officer.
- 8.10. To prevent "luminance creep," and in accordance with Section 8.10.3, no sign shall be illuminated with an intensity or brightness greater than 200 lux.
- 8.11. Signs with an electronic message feature shall have automatic timers. These signs shall comply with Section 8.8 of this *Bylaw* and be subject to the same lighting curfew outlined in Section 8.8.
- 8.12. All illuminated signs shall have the capability to be dimmed to the satisfaction of the Development Officer.
- 8.13. Externally illuminated signs shall:
  - 8.13.1. use full cut-off or, shielded and screened external light sources; and
  - 8.13.2. be positioned in a manner that directs the light directly onto the sign; and
  - 8.13.3. minimize any glare off-site.
- 8.14. Internal illuminated signs, where permitted, shall have the light source completely shielded from direct view.
- 8.15. Sign lighting shall be designed to prevent light spill into the sky.

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- 8.16. Coloured lights shall not be used at a location or in a manner so as to be confused with, or construed as traffic control devices.
- 8.17. Where a sign is allowed with a changeable display feature for frequently changing messages, the message shall not change more than once every six (6) seconds with a one (1) second transition (hold time) between messages; and the messages on the changeable display feature shall relate to:
  - 8.17.1. special event; or
  - 8.17.2. a use, business or occupant of the site where the sign is located.
  - 8.17.3. All signs regulated by this section of the *Bylaw* shall have a CCT which does not exceed 2,200° K, as determined by the manufacturer.

#### **SECTION 9 -NON-RESIDENTIAL LIGHTING**

This section addresses commercial and non-residential lighting, including multiple-family residences having common spaces, such as outdoor lobbies; internal roadways, walkways, or parking. Its intent is to:

- 9. Limit the amount of light that can be used;
  - 9.1. Minimize glare by controlling the amount of light that tends to create glare;
  - 9.2. Minimize sky glow by controlling the amount of uplight; and
  - 9.3. Minimize the amount of off-site impacts or light trespass.

This section, and accompanying tables in this document provide two methods for determining compliance. The *prescriptive method* contains precise and easily verifiable requirements for luminaire light output and fixture design that limit glare, uplight, light trespass, and the amount of light that can be used. The *performance method* allows greater flexibility and creativity in meeting the intent of the *Bylaw*. Note that both the prescriptive and the performance method limit the *amount* of light that can be used, but do not control *how* the lighting is to be used. Most outdoor lighting projects that do not involve a lighting professional will use the prescriptive method, because it is simple and does not require engineering expertise. **Only one of the two outlined methods may be used**.

#### 9.4. Prescriptive Method

9.4.1. Total Site Lumen Limit. The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen shall be determined using *either* the Parking Space Method (Table A) or the Hardscape Area Method (Table B). Only one method shall be used per permit application, and for sites with existing lighting, all existing lighting shall be included in the calculation of total installed lumens.

The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires.

9.4.2. Limits to Offsite Impacts. All luminaires shall be rated and installed according to Table C.

- 9.4.3. Light Shielding for Outdoor Illumination. All outdoor luminaires emitting more than 1000 lumens shall have no light emitted above ninety (90) degrees as illustrated in Figure 1.
- 9.4.4. Exception to this restriction is ornamental lighting permitted by special permit only, and shall meet the requirements of Tables C-1, C-2, and C-3 for Backlight, Uplight, and Glare, respectively, without the need for external, field-added modifications.
  - 9.4.4.1. An example for application of the *Prescriptive* method is included in this *Bylaw*.

#### 9.5 Performance Method

Total Site Lumen Limit. The total installed initial luminaire lumens of all lighting systems shall not exceed the allowed total initial site lumen. The allowed total initial site lumens shall be determined using Tables D and E. For sites with existing lighting, all existing lighting shall be included in the calculation of total installed lumens.

- 9.6 The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires.
  - 9.6.1 Limits to Off Site Impacts. All luminaires shall be installed using either Option A or Option B. Only one option may be used per permit application.

**Option A:** All luminaires shall be rated and installed according to Table C.

**Option B:** The entire outdoor lighting design shall be analyzed using industry standard lighting software including inter-reflections in the following manner:Input data shall describe the lighting system including luminaire locations, mounting heights, aiming directions, and employing photometric data tested in accordance with IES guidelines. Buildings or other physical objects on the site within three object heights of the property line must be included in the calculations.

9.6.2 Analysis shall utilize an enclosure comprised of calculation planes with zero reflectance values around the perimeter of the site.

The design complies if:

- i. The total lumens on the inside surfaces of the virtual enclosure are less than fifteen (15%) percent of the total site lumen limit; and
- ii. The maximum vertical illuminance on any vertical surface is less than the allowed maximum illuminance per Table F.
- a. An example application of the *Performance* method is included in this *Bylaw*.

#### **SECTION 10 - RESIDENTIAL LIGHTING**

This section applies to single family homes, duplexes, row houses, and low rise multi-family buildings of four (4) dwelling units or less. For residential properties including multiple residential properties not having common areas, all outdoor luminaires shall not exceed the allowed lumen output in Table G, row 2.

The following exceptions shall apply to this section:

- 10.1 One partly shielded or unshielded luminaire at the main entry, which shall not exceed the allowed lumen output in Table G, row 1;
- 10.2 Any other partly shielded or unshielded luminaires not exceeding the allowed lumen output in Table G, row 3;
- 10.3 Low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output in Table G, row 4;
- 10.4 Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding the allowed lumen output in Table G, row 5;
- 10.5 Open flame gas lamps;
- 10.6 Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 5 minutes after the area is vacated;
- 10.7 Lighting controlled by movement or other sensors shall be positioned so the range of their trigger mechanism does not exceed the property line, as determined by the land title of the property;
- 10.8 All Residential Landscape Lighting shall:
  - 10.8.1 Comply with Table G of this *Bylaw*; and
  - 10.8.2 Shall not be aimed into adjacent properties.
- 10.9 Lighting exempt per Section 6 of this *Bylaw*.

An example of the application of this section can be found in this *Bylaw*.

#### **SECTION 11 - EXISTING LIGHTING**

Amortization allows existing lighting to gradually and gracefully come into compliance. Substantial changes or additions to existing properties are considered the same as new construction, and must comply. Most outdoor lighting can be fully depreciated once it is fully amortized, usually no longer than

10 years, if not sooner, from the date of initial installation. Bon Accord Administration may require compliance sooner for "easy fixes" such as re-aiming or lowering lumen output of lamps. Where lighting is judged to be a safety hazard, immediate compliance shall be required. Lighting installed prior to the effective date of this *Bylaw* shall comply with the following:

- 11.1 *Amortization* On or before January 1, 2023, all outdoor lighting shall comply with this Code.
- 11.2 New Uses or Structures, or Change of Use

Whenever there is a new use of a property (zoning or variance change) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this *Bylaw* before the new or changed use commences.

11.3 Additions or Alterations Major Additions

If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

- 11.3.2 Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this *Bylaw*.
- 11.3.3 Single or cumulative additions, modification or replacement of 25 percent or more of installed outdoor lighting luminaires existing as of the effective date of this *Bylaw*.
- 11.3.4 Minor Modifications, Additions, or New Lighting Fixtures for Non-residential and Multiple Dwellings:
- 11.3.5 For non-residential and multiple dwellings, all additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this *Bylaw* shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. **Any new lighting shall meet the requirements of this** *Bylaw*.
- 11.3.6 Resumption of Use after Abandonment
  - 11.3.6.1 If a property with non-conforming lighting is abandoned for a period of 180 days or more, then all outdoor lighting shall be brought into compliance with this *Bylaw* before any further use of the property occurs.

#### SECTION 12 - PROCEDURAL REQUIREMENTS AND PLAN SUBMISSION

For all subdivision, land-development applications, and building permits where outdoor lighting is required or proposed, lighting plans shall be submitted to Town Administration for review and approval. Plan submission for residential renovations is voluntary; however any changes to lighting shall comply

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with this *Bylaw*. Field verification can be achieved by asking the applicant and/or owner to verify that the luminaire type, lamp type and wattages specified have been used. The applicant shall provide the photometric data for each luminaire, since the initial luminaire lumens and B-U-G ratings are stated on the photometric report. However, if a jurisdiction requires additional on-site verification, it may also request a point-by-point photometric plan. While this will not be a true measure of compliance with the criteria of this *Bylaw*, comparing the actual measured levels on site to the photometric plan can be an indication whether or not the installed lighting varies from the approved design. The minimum requirements for these plans shall include:

- 12.1 A site plan complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation or landscape features that may interfere with lighting, and all adjacent uses. The site plan shall show, by location, and identify each existing and proposed luminaire and shall specify its installed height, pole foundation details, and mounting methods;
- 12.2 A summary table identifying the maximum and minimum light levels for all parking entryways, signs, and walkways.
- 12.3 A description of each luminaire identified in the site plan including the manufacturer, model number, a photograph or catalog cut, photometric data verifying compliance requirements specified within this *Bylaw*, light output in initial lumens, shielding or glare reduction devices, lamp type, and on/off control devices.
- 12.3 If a developer or other entity is using the *Performance Method*, as outlined in Section 9, the following shall also be supplied:
  - 12.3.1 Iso-footcandle plots illustrating each typical installation for all luminaire types, or 3m by 3m illuminance-grid plots for multi-fixture lighting installations, which demonstrate compliance with all applicable requirements set forth within this *Bylaw*. The plots shall indicate the location of each existing and proposed luminaire, the installed height of said luminaires, and the overall light levels in **foot-candles** on the entire zoned.

#### SECTION 13 - TABLES AND CALCULATIONS

#### Table A

# Allowed Total Initial Luminaire Lumens per Site for Nonresidential Outdoor Lighting, Per Parking Space Method

May only be applied to properties up to 10 parking spaces (including handicapped accessible spaces).

LZ-0	LZ-1	LZ-2	LZ-3
300 lms/space	450 lms/space	630 lms/space	840 lms/space

# Table B

# Allowed Total Initial Lumens per Site for Nonresidential Outdoor Lighting, Hardscape Area Method

May be used for any project. When lighting intersects off site driveways and public streets or roads, a total of 55 square metres for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

LZ-0	LZ-1	LZ-2	LZ-3	
Base Allowance				
5.5 lumens per m <sup>2</sup> of	15 lumens per $m^2$ of	26.75 lumens per m <sup>2</sup> of	55 lumens per m <sup>2</sup> of	
Hardscape Hardscape		Hardscape	Hardscape	

## Table B-1

# Allowed Total Initial Lumens per Site for Nonresidential Outdoor Lighting, Hardscape Area Method

Lumen Allowances, in Addition to Base Allowance.						
	LZ-0	LZ-1	LZ-2	LZ-3		
Additional allowances for sales and service facilities.						
No more than two additio	nal allow	ances per site. See acco	mpanying notes.			
Outdoor Sales Lots	0	40 lumens per m².85 lumens per m².170 lumens per m².				
Outdoor Sales Frontage	0	0	305 per linear metre	450 per linear metre		
Drive Up Windows	0	2,000 lumens per drive up window	4,000 lumens per drive up window	8,000 lumens per drive up window		
Vehicle Service Station	0	4,000 lumens per pump (based on 5fc horiz)	8,000 lumens per pump (based on 10fc horiz)	16,000 lumens per pump (based on 20fc horiz)		

Notes accompanying Table B-1:

**Outdoor Sales Lot** refers to an allowance in lumens per square metre of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale and may not include driveways, parking or other non-sales areas. To use this allowance, luminaires must be within 2 mounting heights of sales lot area.

**Outdoor Sales Frontage** refers an allowance for linear metres of sales frontage immediately adjacent to the principle viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sites provided that a different viewing location exists for each side. In order to use this allowance, luminaires must be located between principle viewing location(s) and the frontage outdoor sales area.

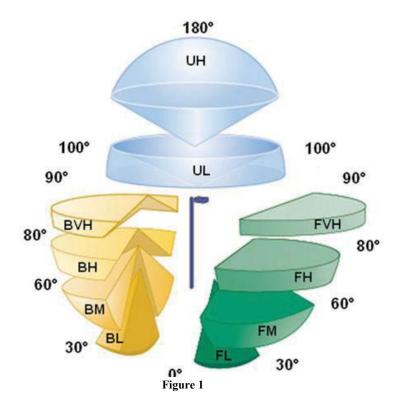
**Drive Up Windows** refers to an allowance which require the luminaires to be within 6 horizontal metres of the centre of the window.

Vehicle Service Station refers to an allowance of lumens per installed pump.

# Tables C1-C3

### Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings

May be used for any project. A luminaire may be used if it is rated for the lighting zone of the site or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted. As this is a relatively new and not yet well-known rating system, more explanation of how the rating system works is provided here. For example, more traditional terms such as "full cutoff" are used in this Bylaw. It will be very important that all groups recognize that older terms and concepts are inadequate for the complex tasks of controlling light pollution. It is recommended that the new rating system adopted in TM-15, the Luminaire Classification System for Outdoor Luminaires, developed in 2005 by the IES and followed herein by the Table C, be used intact and exclusively. BUG requires downlight only with low glare (better than full cut off) in lighting zones (LZ) 0, 1 and 2, but allows a minor amount of uplight in lighting zone 3. In lighting zone 3, the amount of allowed uplight is enough to permit the use of very well shielded luminaires that have a decorative drop lens or chimney so that dark sky friendly lighting can be installed in places that traditional-appearing luminaires are required. BUG typically cannot be used for residential luminaires unless they have been photometrically tested. For non-photometrically tested residential luminaires, shielding description is used instead. The lumen limits established for each lighting zone apply to all types of lighting within that zone. Lighting installed under Section



9 and Section 10 shall comply with all necessary BUG ratings described below. This includes, but is not limited to, specialty lighting, façade lighting, security lighting and the front row lighting for auto dealerships. BUG rating limits are defined for each luminaire and are based on the internal and external design of the luminaire, its aiming, and the initial luminaire lumens of the specified luminaires. The BUG rating limits also take into consideration the distance the luminaire is installed from the property line in multiples of the mounting height (See Table C).

The three components of BUG ratings are based on IES TM-15-07 (revised):

**Backlight**, which creates light trespass onto adjacent sites. The B rating takes into account the amount of light in the BL, BM, BH and BVH zones, which are in the direction of the luminaire OPPOSITE from the area intended to be lighted.

**Uplight**, which causes artificial sky glow. Lower uplight (zone UL) causes the most sky glow and negatively affects both professional and academic astronomy. Upper uplight (UH) not reflected off a surface is mostly energy waste. The U rating defines the amount of light into the upper hemisphere with greater concern for the light at or near the horizontal angles (UL).

**Glare**, which can be annoying or visually disabling. The G rating takes into account the amount of frontlight in the FH and FVH zones as well as BH and BVH zones. BUG ratings apply to the Lighting Zone of the property under consideration.

Figure 1	Кеу:	
UH=Uplight High	BVH=Backlight Very High	FVH=Forward Light Very High
UL=Uplight Low	BH=Backlight High	FH=Forward Light High
	BM=Backlight Medium	FM=Forward Light Medium
	BL=Backlight Low	FL=Forward Light Low

In general, a higher BUG rating means more light is allowed in solid angles, and the rating increases with the lighting zone. However, a higher B (backlight) rating simply indicates that the luminaire directs a significant portion of light behind the pole, so B ratings are designated based on the location of the luminaire with respect to the property line. A high B rating luminaire maximizes the spread of light, and is effective and efficient when used far from the property line. When luminaires are located near the property line, a lower B rating will prevent unwanted light from interfering with neighboring properties.

At the 90-180 degree ranges:

- 1. Lighting Zone 0 allows no light above 90 degrees.
- 2. Lighting Zone 1 allows only 10 lumens in the UH and UL zones, 20 lumens total in the complete upper hemisphere. (This is roughly equivalent to a 5W incandescent lamp).
- 3. Lighting Zone 2 allows only 50 lumens in the UH and UL zones, 100 lumens total (less than a 25W incandescent lamp).
- 4. Lighting Zone 3 allows only 500 lumens in the UH and UL zones, 1000 lumens total (about the output of a 75W incandescent bulb).

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# Table C-1

# Maximum Allowable Backlight (BUG) Ratings

Table C-1	LZ-0	LZ-1	LZ-2	LZ-3
Allowed Backlight Rating*				L
Greater than 2 mounting heights from property line	B1	B3	B4	В5
1 to less than 2 mounting heights from property line and ideally oriented.**	B1	B2	ВЗ	В4
0.5 to 1 mounting heights from property line and ideally oriented.**	во	B1	В2	В3
Less than 0.5 mounting heights to property line and properly oriented.**	во	В0	во	B1

\* For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 1.5 metres beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section.

**NOTE:** This adjustment is relative to Table C-1 and C-3 only and shall not be used to increase the lighting area of the site.

**\*\*** To be considered 'ideally oriented', the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.

# Table C-2

# Maximum Allowable Uplight (BUG) Ratings - Continued

	, 0			
Table C-2	LZ-0	LZ-1	LZ-2	LZ-3
Allowed Uplight Rating	U0	U1	U2	U3
Allowed Percentage (%) light emission above 90° for street or area lighting	0%	0%	0%	0%

# Table C-3

# Maximum Allowable Glare (BUG) Ratings - Continued

Table C-3	LZ-0	LZ-1	LZ-2	LZ-3
Allowed Glare Rating	G0	G1	G2	G3
Any luminaire not ideally oriented*** with 1 to less than 2 mounting heights to any property line of concern	G0	G0	G1	G1
Any luminaire not ideally oriented*** with 0.5 to 1 mounting heights to any property line of concern	GO	GO	GO	G1
Any luminaire not ideally oriented*** with less than 0.5 mounting heights to any property line of concern	GO	GO	GO	G0

**\*\*\***Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2x the mounting height of the luminaire location shall meet the reduced Allowed Glare Rating in Table C-3.

# Table D

# **Performance Method Allowed Total Initial Site Lumens**

May be used for any project.

Lighting Zone	LZ 0	LZ 1	LZ 2	LZ 3
Allowed Lumens per m <sup>2</sup>	5	12	25	50
Allowed Base Lumens per Site	0	3,500	7,000	14,000

# Table E

# Performance Method Additional Initial Luminaire Lumen Allowances.

All of the following are "use it or lose it" allowances. All area and distance measurements are in plan view unless otherwise noted.

Lighting Application	LZ O	LZ 1	LZ 2	LZ 3			
Additional Lumens Allowances for All Buildings except service stations and outdoor sales facilities. A <b>MAXIMUM OF THREE (3) ALLOWANCES ARE PERMITTED.</b>							
Building Entrance or Exits         400         1,000         2,000         4,000							
Building Facades	0	0	85/m²	170/m²			
Sales or Non-sales Canopies	0	30/m <sup>2</sup>	60/m²	130/m²			
Guard Stations	0	60/m <sup>2</sup>	130/m²	255/m²			
Outdoor Dining	0	10/m²	50/m²	110/m²			
Drive Up Windows	0	2,000 lumens per window	4,000 lumens per window	8,000 lumens per window			
Additional Lumens Allowances for Service Stations only. Service stations may not use any other additional allowances.							
Vehicle Service Station Hardscape	0	40/m <sup>2</sup>	85/m²	170/m <sup>2</sup>			
Vehicle Service Station Canopies	0	85/m²	170/m <sup>2</sup>	340/m <sup>2</sup>			

Additional Lumens Allowances for Outdoor Sales facilities only.

Outdoor Sales facilities may not use any other additional allowances.

**NOTICE:** lighting permitted by these allowances shall employ controls extinguishing

this lighting after a curfew time to be determined by the Authority.

Outdoor Sales Lots	0	40/m <sup>2</sup>	85/m²	130/m <sup>2</sup>
Outdoor Sales Frontage	0	0	305/linear metre	450/linear metre

Notes accompanying Table E:

**Sales or Non-sales Canopies.** This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to qualify for this allowance, luminaires must be located under the canopy.

**Guard Stations.** This allowance is lumens per unit area of guardhouse plus 185 m<sup>2</sup> per vehicle lane. In order to use this allowance, luminaires must be within 2 mounting heights of a vehicle lane or the guardhouse.

**Outdoor Dining.** This allowance is lumens per unit area for the total illuminated hardscape of outdoor dining. In order to use this allowance, luminaires must be within 2 mounting heights of the hardscape area of outdoor dining.

**Drive Up Windows.** This allowance is lumens per window. In order to use this allowance, luminaires must be within  $1.85 \text{ m}^2$  of the center of the window.

**Vehicle Service Station Hardscape**. This allowance is lumens per unit area for the total illuminated hardscape area less area of buildings, area under canopies, area off property, or areas obstructed by signs or structures. In order to use this allowance, luminaires must be illuminating the hardscape area and must not be within a building, below a canopy, beyond property lines, or obstructed by a sign or other structure.

**Vehicle Service Station Canopies.** This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to use this allowance, luminaires must be located under the canopy.

**Outdoor Sales Lots**. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non-sales areas and shall not exceed 25% of the total hardscape area. To use this allowance, Luminaires must be within 2 mounting heights of the sales lot area.

**Outdoor Sales Frontage.** This allowance is for lineal metres of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area.

The allowable light levels for the uses defined in Table E may be used to set a prescriptive lighting allowance for these uses in each lighting zone. It should be noted that the lighting allowance defined in Table E is only applicable for the area defined for that use and cannot be transferred to another area of the site. For some uses, such as outdoor sales, the jurisdiction is encourages to define a percentage of the total hardscape area that is eligible for the additional lighting allowance. For example, a set percentage of a car dealership's lot may be considered a display area and receive the additional lighting allowance where the remainder of the lot would be considered storage, visitor parking, etc. and cannot exceed the base light levels defined in Table A.

# Table F

# Maximum Vertical Illuminance at any point in the plane of the property line.

Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3
0.05 FC or 0.5 LUX	0.1 FC or 1.0 LUX	0.3 FC or 3.0 LUX	0.8 FC or 8.0 LUX

# Table G

# **Residential Lighting Limits**

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3
<b>Row 1</b> Maximum Allowed Luminaire Lumens* for Unshielded Luminaires at one entry only.	Not	420	630	630
	Allowed	Iumens	Iumens	Iumens
<b>Row 2</b> Maximum Allowed Luminaire Lumens* for each Fully Shielded Luminaire.	630	1,260	1,260	1,260
	Iumens	Iumens	Iumens	Iumens
<b>Row 3</b> Maximum Allowed Luminaire Lumens* for each Unshielded Luminaire excluding main entry.	Not	315	315	315
	Allowed	Iumens	Iumens	Iumens
<b>Row 4</b> Maximum Allowed Luminaire Lumens* for each Landscape Lighting.	Not	Not	1,050	2,100
	Allowed	Allowed	Iumens	Iumens
<b>Row 5</b> Maximum Allowed Luminaire Lumens* for each Shielded Directional Flood Lighting.	Not	Not	1,260	2,100
	Allowed	Allowed	Iumens	Iumens
<b>Row 6</b> Maximum Allowed Luminaire Lumens* for each Low Voltage Landscape Lighting.	Not	Not	525	525
	Allowed	Allowed	Iumens	Iumens

\* Luminaire lumens equals Initial Lamp Lumens for a lamp, multiplied by the number of lamps in the luminaire lot, and at the property lines.

## SECTION 14 - EXAMPLE OF THE PRESCRIPTIVE METHOD

For the prescriptive method, the initial luminaire lumen allowances defined in Table A (Parking Space Method) or B (Hardscape Area Method) will provide basic lighting (parking lot and lighting at doors and/or sensitive security areas) that is consistent with the selected lighting zone. The prescriptive method is intended to provide a safe lighting environment while reducing sky glow and other adverse offsite impacts. The Per Parking Space Method is applicable in small rural towns and is a simple method for small retail "mom and pop" operations without drive lane access and where the parking lot is immediately adjacent to the road. The Town may also allow a prescriptive method for classes of sites, such as car dealerships, gas stations, or other common use areas.

Note that the values are for initial luminaire lumens, not footcandles on the target (parking lot, sidewalk, etc). Variables such as the efficiency of the luminaire, dispersion, and lamp wear can affect the actual amount of light so the lumens per square foot allowance is not equal to footcandles on the site. By specifying initial luminaire lumen values, it is easier for the Development Officer to verify that the requirement is being met. Initial luminaire lumens are available from photometric data. Each initial luminaire lumens calculation should be supplied on the submittal form.

Solid state luminaires, such as LEDs, do not have initial lamp lumens, only initial luminaire lumens (absolute photometry). Other luminaires tested with relative photometry will have initial luminaire lumens which can be calculated by multiplying initial lamp lumens by the luminaire efficiency. In this example, three types of luminaires are used to light a parking area and building entry in a light commercial area. Two of these three luminaires use metal halide lamps: 70 watt wall mounted area lights and 150 watt pole mounted area lights. For these, the Initial Luminaire Lumens is equal to the initial lamp lumens multiplied by the luminaire efficiency. These values are entered into the compliance chart. The lumen value for the building mounted LED luminaires is equal to the lumens exiting the luminaire. Therefore, the value already represents the Initial Luminaire Lumens and no luminaire efficiency is needed. The total Luminaire Lumens for the site is equal to 247,840.

The allowable lumens are based on the lighting zone and the total hardscape area. Referencing Table B, the allowed lumens are  $26.75/m^2$  for LZ2. Multiplying this by the total hardscape area gives a value of 248,507.5 lumens allowed. Because this value is greater than the value calculated for the site, the project complies.

In this example, three types of luminaires are used to light a parking area and building entry in a light commercial area. Two of these three luminaires use metal halide lamps: 70 watt wall mounted area lights and 150 watt pole mounted area lights. For these, the Initial Luminaire Lumens is equal to the initial lamp lumens multiplied by the luminaire efficiency. These values are entered into the compliance chart. The lumen value for the building mounted LED luminaires is equal to the luminaire efficiency is needed. The total Luminaire Lumens for the site is equal to 247,840. The allowable lumens are based on the lighting zone and the total hardscape area. Referencing Table B, the allowed lumens are 2.5/SF for LZ2. Multiplying this by the total hardscape square footage gives a value of 248,507.5 lumens allowed. Because this value is greater than the value calculated for the site, the project complies.

Prescriptive Method			
Lamp Descriptions	Qty	Initial Luminaire Lumens	Total
70 W Metal Halide	8	3,920	31,360
150 W Metal Halide	20	9,600	192,000
18 W LED	24	1,020	24,480
Total Site Initial Luminaire Lu	umens		247,840
Site Allowed Total Luminaire	Lumens*		248,507.5
Project Compliance			Yes

\*Listed below is the method of determining the allowed total initial lumens for non-residential outdoor lighting using the hardscape area method (Table B).

Site Allowed Total Initial Lumens	
Site Description	Light Commercial
Lighting Zone	LZ-2
Hardscape Area (m <sup>2</sup> )	9,290
Allowed Lumens per m <sup>2</sup> of Hardscape	26.75

Site Allowed Total Initial Lumens (Lumens per m <sup>2</sup> x hardscape area)	248,507.5
--	-----------

The prescriptive method of this Bylaw restricts uplighting, including upward light emitted by decorative luminaires. The Town of Bon Accord may choose to preserve some types of lighting, including lighting of monuments or historic structures. In this case, the Town shall exempt or otherwise regulate these types of lighting carefully so that it does not inadvertently allow glaring or offensive lighting systems.

Offsite effects of light pollution include glare, light trespass, sky glow, and impacts on the nocturnal environment. All of these are functions of the fixture or luminaire design and installation. This Bylaw replaces the previous luminaire classification terminology of full cut-off, semi cut-off, and cut-off because those classifications were not as effective in controlling offsite impacts as with the IESNA luminaire classification system as described in TM-15-07.

A traditional method of defining light trespass is to identify a maximum light level at or near the property line. However, this method does not address offensive light that is not directed toward the ground, or the intensity of glaring light shining into adjacent windows. The requirements defined in Table C limit the amount of light in all quadrants that is directed toward or above the property line. The Backlight/Uplight/Glare (BUG) rating will help limit both light trespass and glare. (A detailed explanation of the BUG system is provided in this Bylaw. Tables C1 - C3 provide further details.) The limits for light distribution established in Table C (for the BUG rating system) prevent or severely limit all direct upward light. A small amount of uplight reflected by snow, light-colored pavement or a luminaire's supporting arms is inevitable and is not limited by the prescriptive method of this Bylaw.

A seemingly non-compliant fixture, such as a post-top translucent acorn luminaire, may in certain cases meet the BUG ratings, as long as it has proper interior baffling within the acorn globe. However, the BUG ratings in Table C will limit the use of the following types of luminaires in all lighting zones:

Figure



2

downward

#### SECTION 15 - EXAMPLE OF THE PERFORMANCE METHOD

The performance method is best for projects with complex lighting requirements or when the applicant wants or needs more flexibility in lighting design. The performance method is also used when any lighting designer plans to aim or direct any light fixture upward (above 90 degrees). An engineer or lighting professional generally will be required to design within the performance method. An adopting jurisdiction may also wish to hire an engineer or lighting professional to review and approve projects using this method and/or incorporate review of the performance method into special review procedures. The performance method is also best for projects where higher lighting levels are required compared to typical area lighting. An example might be a car sales lot where more light might be required on the new cars than would be needed for a standard parking lot. Another example is a gas station canopy requiring more light than a building entrance canopy. The first step in the performance method.

Allowances include the total of the following (Table D):

- 1. Initial lumen allowance per site
- 2. Per area (m<sup>2</sup>) of hardscape

Table E allows additional lumens for unique site conditions. Examples of allowances include:

- 1. Per building entrance/exit
- 2. Per length (linear mere) of Outdoor Sales Frontage Perimeter
- 3. Per area (m<sup>2</sup>) of Vehicle Service Station Canopy
- 4. Plus other examples described in Table E.

The Site Total Initial Site Lumens allowed are a combination of allowances from Table D and Table E. The second step in the performance method is to determine if the proposed luminaires are producing off site impacts such as glare, sky glow and light trespass. One may either use Option A which are the Maximum Allowable BUG Ratings in Table C, or Option B through computer lighting calculations show compliance with Maximum Vertical Illuminance at any point in the plane of the property line in Table F. Option B will be required for all non-residential luminaires that:

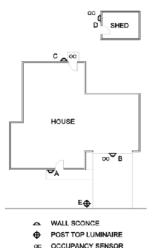
- 1. Do not have BUG ratings, or
- 2. Exceed the BUG ratings,
- 3. Are not fully shielded, or
- 4. Have adjustable mountings.

For the performance method, Option B (2) requires photometric calculations for the site perimeter, to a height of no less than 33 feet (10 metres) above the tallest luminaire. Vertical illuminances at eye height (5 feet above grade) will give values that can be used to verify compliance by comparing actual site conditions to the photometric plan submitted during review.

Note that the MLO specifies 'total initial luminaire lumens' as a measurement in addition to footcandles/lux. The footcandle (lux) is equal to one lumen per square metre. Lux is the metric unit and is equal to one lumen per square metre.

#### **SECTION 16 - EXAMPLE OF THE RESIDENTIAL METHOD**

Most residential lighting has traditionally used incandescent lamps which are identified by their wattage. However, since new technologies provide more light for fewer watts, it is no longer possible to regulate residential lighting solely by providing a maximum wattage. Table G, therefore, lists maximum initial luminaire lumens only. In this example, five different luminaires are used on a residential property. Each luminaire must comply to meet the requirements. The site plan following shows luminaire types followed by a tabulation of each luminaire, whether or not it is fully shielded lamp type, and initial luminaire lumens. If the luminaire lumens are not known, multiply the initial lamp lumens by the luminaire efficiency. If the efficiency is not known, multiply the initial lamp lumens by 0.7 as a reasonable assumption. The maximum allowable lumen values come from Table G, based on the shielding classification and location on the site. In this case, each luminaire complies with the requirements of Table G.



Output	Power (Watts)			
(Lumens)	Incan	CFL	LED	
500	40	8 - 10	9	
850	60	13 - 18	12 - 15	
1,200	75	18 - 22	15	
1,700	100	23 - 28	18	

Luminaire Type	Location	Luminaire Description	Fully Shielded	Lamp Туре	Initial Lumen Lumens *	Maximum Allowed Initial Luminaire Lumens	Controls	Compliant
А	Front Entry	Decorative wall sconce	No	9W CFL	420	420	None	Yes
В	Garage Door	Fully shielded wall pack	Yes	23W CFL	1050	1260	Motion Sensor	Yes

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# Item 5.1 - Attachment 3 - Page 41 of 43

#### Town of Bon Accord Bylaw 2015-07 LIGHT EFFICIENT COMMUNITY STANDARDS BYLAW

С	Back Entry	Decorative wall sconce	No	7W CFL	280	315	Motion Sensor	Yes
D	Shed Entry	Fully shielded wall pack	Yes	40W INC	343	1260	Motion Sensor	Yes
E	Driveway	Fully shielded post top	Yes	13W CFL	1260	1260	None	Yes

\*Initial Luminaire Lumens are calculated by multiplying the total initial lamp lumens by the luminaire efficiency. If the luminaire efficiency is not known, assume an efficiency of 70%.

#### **SECTION 17 - CONVERSION OF UNITS**

Where a measurement is provided in both imperial and metric units, and the two measurements do not correspond precisely, the metric measurement shall take precedence for purposes of interpretation of this bylaw.

#### **SECTION 18 - COMPLIANCE WITH OTHER LEGISLATION**

Compliance with the requirements of this bylaw does not exempt a person, company, or organization from:

- 1. The requirements of any federal, Provincial, or municipal legislation;
- 2. Complying with any easement, covenant, agreement, or contract affecting development.

#### **SECTION 19 – EFFECTIVE DATE**

This Bylaw comes into force on the final passing thereof.

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#### SCHEDULE A

#### VIOLATIONS AND PENALTIES

The purpose of this *Bylaw* is educational, not punitive. There are, however, certain practices that will promote compliance with lighting regulations. Education is a key tool in promoting compliance. Proactive enforcement procedures will include providing a copy of the lighting regulations to every contractor at the time they consult the Town of Bon Accord to obtain a building permit. Another effective tool is a requirement that the builder or developer acknowledge in writing that the he or she is familiar with the lighting requirements and shall submit a lighting plan for approval. Submission of the Lighting Plan shall be required as a precondition to approval of any development undertaken in the Town's corporate limits or authority. The submitted Lighting Plan shall include the location and BUG rating for each luminaire, specify whether compliance is by the performance or prescriptive method, and a worksheet to show that the luminaires and their BUG ratings are compliant. The following penalties shall apply to all non-compliant landowners:

- 1. The first disciplinary action shall be a verbal warning by the Development Officer or any of their assignees, along with suggested methods to bring the offending luminaire(s) into compliance with this *Bylaw*.
- 2. A written warning outlining the non-compliant luminaire as well as methods to bring the luminaire into compliance.
- 3. If the land owner does not take measure to bring the offending luminaire(s) into compliance with this *Bylaw* within thirty (30) days after issue of written warning by the Development Officer or their assignees, a fine of two hundred and fifty dollars (\$250) shall be issued to each non-compliant premise under the authority of by-law enforcement of the Town of Bon Accord.
- 4. If the offending luminaire(s) are not replaced or modified to comply with this *Bylaw* thirty (30) days after the issuance of the monetary fine outlined in Section 3. above, the Town of Bon Accord shall be entitled to deactivate the luminaire(s) or replace them at the cost of the holder of the land deed in addition to the monetary fine issued in Section 3.

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#### Town of Bon Accord Bylaw 2015-07 LIGHT EFFICIENT COMMUNITY STANDARDS BYLAW

READ A FIRST TIME THIS 3<sup>rd</sup> DAY OF MARCH, 2015.

Mayor Randolph Boyd

Acting Chief Administrative Officer Patrick Earl

READ A SECOND TIME THIS 17<sup>th</sup> DAY OF MARCH, 2015.

Mayor Randolph Boyd

Acting Chief Administrative Officer Patrick Earl

READ A THIRD TIME THIS 21<sup>st</sup> DAY OF APRIL, 2015.

Mayor Randolph Boyd

Acting Chief Administrative Officer Patrick Earl

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# **Kyle Schole**

From:	Adam Dalton <adam@darksky.org></adam@darksky.org>
Sent:	November 11, 2020 3:09 PM
To:	Kyle Schole
Subject:	Re: Smoky Lake County IDSC Inquiry
Categories:	Purple Category

# Kyle,

I have successfully received your payment. In terms of next steps towards becoming a certified IDSC, please consider the following:

- Make contact with the Smoky Lake County government (Council, Mayor, etc.), let them know you are interested in obtaining this designation for your community, and ask for their support. Part of that will involve assessing current city ordinances concerning outdoor lighting and making sure they are in compliance with industry best practices and are "dark-sky friendly". Learn more about policy here: <a href="https://www.darksky.org/our-work/lighting/public-policy/model-lighting-laws-policy/">https://www.darksky.org/our-work/lighting/public-policy/model-lighting-laws-policy/</a>
- Your community will also need a formal nomination from an IDA member in good standing. Take a look to see if there is an IDA Advocate in your area: <u>https://www.darksky.org/our-work/grassroots-advocacy/</u> or reach out to another International Dark Sky Place in your region: <u>http://www.darksky.org/idsp/</u>.
- Begin reaching out to local officials, businesses, non-profits, etc., who may write letters endorsing the idea of a IDSCommunity. We're interested in whether prospective IDSCommunities have "broad community support" for the idea of controlling the growth of light pollution with a commitment to good outdoor lighting. For now, I would just begin making some contacts and forging goodwill that may eventually turn into endorsements.
- See if you can secure some interest/coverage from local media (newspapers, bloggers, television, radio). The idea is to inform people living in the area about your activities. That can be the start of a public outreach/education campaign on your part.
- Lastly, the folks who secured a Dark Sky Community designation for the towns of Westcliffe and Silver Cliff, Colorado, wrote a very helpful "how-to" guide, sharing their experiences on how to start and sustain a similar effort. You can find their guide on our website at: <u>http://darksky.org/how-to-start-a-local-dark-skies-group/</u>

Please reach out to me if you have any questions on the above. We look forward to pursuing <u>International Dark</u> <u>Sky Community</u> status for Smoky Lake County together!

Best,

# **Kyle Schole**

From:	Juanita Marois <jmarois@metis.org></jmarois@metis.org>
Sent:	February 23, 2021 1:09 PM
То:	Kyle Schole
Subject:	Fwd: papamihaw asiniy

Thought you may be interested .... read to the end!

Juanita

Begin forwarded message:

From: Martin Connors <martinc@athabascau.ca> Date: February 23, 2021 at 1:06:19 PM MST To: Juanita Marois <jmarois@metis.org> Subject: papamihaw asiniy

This message originated externally.

Hi Juanita

In a discussion with Josie Auger the recent meteor made us wonder about the meteorite that used to be in the Provincial Museum. Its later story is in <a href="https://www.ecfoundation.org/blog/spirit-of-the-stone/">https://www.ecfoundation.org/blog/spirit-of-the-stone/</a>

but I have not seen it in its new site although the Royal Alberta Museum is now open.

I thought the following from this site is interesting and that by "Smoky Lake" they actually mean a site in the Victoria Settlement, i.e. near or in Métis Crossing.

Methodist missionary George McDougall felt the stone hampered his ability to convert Indigenous people to Christianity. So, in 1866, he stole it and moved it to his churchyard near Smoky Lake. It sat there for nearly 10 years before he donated it to his alma mater, Victoria Methodist College in Cobourg, Ontario.

BTW your Dark Sky Preserve was discussed by the local astronomical society branch and they will be supportive. Please keep in touch as you go forward with that. My own process stopped after I took photos as required but they were never "annotated".

See you...Martin

--

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# Item 5.1 - Attachment 5 - Page 2 of 6

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# **Kyle Schole**

From:	Martin Connors <martinc@athabascau.ca></martinc@athabascau.ca>
Sent:	March 1, 2021 2:03 PM
То:	Kyle Schole
Subject:	RE: papamihaw asiniy

#### **Categories:**

Blue Category

Hi Kyle, yes nice to "meet" you too. Please share what I passed on. I am going to try to visit the papamihaw asiniy if that part of the Museum is open.

I am very supportive of the idea of Dark Sky and also the local Royal Astronomical Society is interested (and they help with or do the approvals).

So please feel free to mention that.

Regards...Martin

--

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# Spirit of the Stone BY: WAYNE ARTHURSON

# Storied journey of papamihaw asiniy continues

Centuries ago, a fireball streaked through the Alberta sky, crashing into the prairie overlooking Iron Creek in East Central Alberta.

The Plains Cree named the meteorite papamihaw asiniy – flying rock. Many noticed it was shaped like the head of a buffalo. Others saw a face in the rock and believed it was the Creator's. Over time, papamihaw asiniy became an object of great spiritual power. Cree and Blackfoot made pilgrimages to it before a buffalo hunt. The area around it became a gathering place for contemplation and ceremony.

According to Dr. Dwayne Donald, an associate professor at the University of Alberta, a descendant of the Papaschase Cree and an expert in the field of curriculum studies, rocks such as papamihaw asiniy are "significant and deeply spiritual" to Indigenous people on the prairie. They are natural landmarks for travel, but the Plains Cree also see them as animate objects "that have an energy to them that is forever in flux. This cyclic energy is what gives the rock its spiritual quality."

The crash site has a spiritual quality, too. The rock landed where the lands of the Cree and Blackfoot intersected, contested in battles due to the prevalence of buffalo in the area. Many believed, Donald says, that the rock was a message "to remind the people that no one can own the land or the buffalo. These were meant to be held in common, openly and respectfully, shared by all." It brought peace to the area and a prophecy noted that if it was ever removed, war, pestilence and famine would follow.

Methodist missionary George McDougall felt the stone hampered his ability to convert Indigenous people to Christianity. So, in 1866, he stole it and moved it to his churchyard near Smoky Lake. It sat there for nearly 10 years before he donated it to his alma mater, Victoria Methodist College in Cobourg, Ontario.

"The prophecy said there would be starvation, there was going to be disease, there was going be warfare, that people were going to be imprisoned," Donald says. "All of it came true."

The buffalo left the area, and the Cree and the Blackfoot warred over dwindling resources. Europeans slaughtered buffalo by the millions, so there was famine. Newcomers brought smallpox and many Indigenous people died. And later, Indigenous children were taken from their families and housed in the residential school system. For almost a century, papamihaw asiniy remained in Victoria College, which became part of the University of Toronto. Studies determined the 145-kilogram rock was more than four billion years old.

It returned to Alberta in 1972, renamed the Manitou Stone, when the U of T "loaned" it to the Royal Alberta Museum (RAM). In 2002, the U of T transferred stewardship of the stone to RAM, says Chris Robinson, the executive director of the Royal Alberta Museum.

"I consider it a great privilege to have it here. It is a great sense of responsibility to not only care for it, but to make it accessible," Robinson says.

"And if it can play a role in helping people better understand their own culture or a role in healing, I think those are perhaps new roles that museums are taking on nowadays."

A special gallery to house the stone has been built in the newly constructed RAM in downtown Edmonton, which is expected to open this year.

"It's in a gallery which is before the admissions desk, so nobody need even come in and present themselves to the admissions desk," explains Robinson.

In the circular gallery, the stone will sit in the centre, on earth taken from its original location, surrounded by a 360-degree image of the original site.

"When you're in that gallery, it gives a real sense of being on that landscape and how you could very easily see the significance of the stone and this site," Robinson says. "It's designed to be a very reverential, respectful, quiet space. People can go up. They can leave offerings there. They can perform ceremony there."

Professor Donald was part of a committee of Indigenous people who advised the museum about how to house the stone in the new museum – and the discussion continues on where the stone should lie.

"Wouldn't it be better if we put it back where it was instead of trying to simulate where it came from?" Donald asks, likening the stone being in a museum to a wolf or grizzly being in a zoo. "I guess I'll put it this way: people who I admire and respect a lot think it needs to go back for things to get balanced again. I have no reason to question them."

Robinson understands those feelings, admitting that even though the museum is considered a steward of the stone, it has held consultations over the years about it. And though the idea of repatriating the Manitou Stone, or papamihaw asiniy, to Indigenous people has been brought forward, there hasn't been consensus on who exactly would take possession of it. So, it remains at the museum.

"And we've taken a couple of significant journeys in getting it here and getting it displayed and getting its stories told, but that's not the end," Robinson says.

"It's really just a new beginning."

Source: <a href="https://www.ecfoundation.org/blog/spirit-of-the-stone/">https://www.ecfoundation.org/blog/spirit-of-the-stone/</a>

					Smeky Beks		
ISSUE FO		MATION	DATE	March 8, 2021	5.2		
ΤΟΡΙϹ	Land Use B	ylaw 1272-14: An	imal Units	in Residential District	S		
PROPOSAL	Amendment	That Smoky Lake County prepare a Public Participation Plan and a Land Use Bylaw Amendment pertaining to keeping of Animal Units in Residential Districts for consideration at a future Council Meeting.					
BACKGROUND	October 29,	2020 Committee of	the Whole				
	to th the distr	e Land Use Bylaw N licensing for, and kee	lo. 1272-14 eping of, sma aid draft byla	County Council recommen for the purpose of providi all livestock animal units in w forward to the next Cor arried.	ng provisions relating to n hamlet and residential		
EXISTING LUB	7.19	PET KEEPING, LIV	ESTOCK A	ND KENNELS			
LANGUAGE	1. The total number of domestic pets shall be in conformity with the County's Animal Control Bylaw.						
	2. No a	animals other than d	omestic pets	shall be allowed:			
		(Cluster) Conse Lake, Bonnie La	rvation (R2) ake, Whitefis	ulti-lot Country Residentia Districts, located within th h Lake and/or Hanmore L han or equal to 2.03 ha (5	ne Garner Lake, Mons Lake Area Structure		
		b. on lots located v equal to 2.03 ha		t General (HG) District or area.	parcels less than or		
	3. Add	itional livestock units	shall be allo	wed:			
		(Cluster) Conse Lake, Bonnie La	rvation (R2) ake, Whitefis	ulti-lot Country Residentia Districts, located within th h Lake and/or Hanmore L er than 2.03 ha (5.0 ac.) i	ne Garner Lake, Mons Lake Area Structure		
		b. on lots located v equal to 2.03 ha		t General (HG) District or area	parcels greater than or		
	In accordance	e with the following:					
	* Plus - the hectares (10.		nits permitte	d for that portion of the p	parcel in excess of 4.05		

		Animal Unit Calculation and lots within the R1 and R2 Dis /hitefish Lake and/or Hanmore L	stricts located within the Garner ake Area Structure Plan Areas		
Residentia	al Parcel Size		Allowable Number of Animal Units		
Residentia	al Parcel Size Require	ments	Allowable Number of Animal Units		
0-2.05 hec	tares	(0 – 5.0 ac.)	0		
2.06 - 2.42	hectares	(5.1 - 5.99 acres)	1		
2.43 - 4.04	hectares	(6.0 - 9.99 acres)	2		
4.05 hecta	res or greater	(10.0 acres or greater)	3*		
Example:	8.08 hectares (20.0 ac	res) = 3+3=6 total animal units.			
	r the purposes of thi a. 1 horse, donk b. 2 colts up to c c. 1 llama, alpac		means the following:		
	<ul> <li>e. 1 cow or stee</li> <li>f. 2 calves up to</li> <li>g. 3 pigs;</li> <li>h. 15 chickens;</li> <li>i. 10 ducks, turk</li> <li>j. 3 sheep or go</li> </ul>	r (over one year old); o one year old; xeys, pheasants, geese or of	her similar fowl;		
bo	arded, shall be allow		whether the dogs are being bred o Development Authority only in thos y use in this Bylaw.		
		of dogs to be kept on-site be be be to be be to be	in each of the above Districts sha		
	In determining the number of dogs, pups less than six months of age shall not be included.				
9. An	An exercise area shall be provided for each dog as follows:				
	per dog; and		s - at least 2.3 sq. m. (25.0 sq. ft lbs.) - at least 4.6 sq. m. (50.0 sc		
all			to accommodate the dogs shall b the lot for which an application i		

17	-	
17	Provincial regulations. All development permits issued shall be subject to cancellation if any of the above	
ΔΤΤΔ	requirements, or any other condition of the development permit, is not followed.	
•	DRAFT Smoky Lake County Land Use Bylaw 1272-14 Amendment Bylaw ©	
	ATTACHMENT 1	
•	DRAFT Smoky Lake County Urban Chickens Bylaw © ATTACHMENT 2	
CORRELATION TO BUS	CORRELATION TO BUSINESS (STRATEGIC) PLAN	
Values: Integrity, Sustainability/Stability, Pride, Fairness, Freedom		
Vision: Leading the	way in positive growth with healthy, sustainable, rural living.	
Mission Smoky Lak	e County strives for collaboration and excellence in the provision of transparent and	
-	overnance and services.	
-		
fiscally responsible g	overnance and services.	
fiscally responsible g LEGISLATIVE, BYLAW and/or POLICY IMPLICATIONS	• <u>Alberta Municipal Government Act RSA 2000, Ch. M-26.</u>	
fiscally responsible g LEGISLATIVE, BYLAW and/or POLICY IMPLICATIONS	<ul> <li><u>Alberta Municipal Government Act RSA 2000, Ch. M-26.</u></li> <li>Generate revenue via licensing</li> <li>Providing sensible and competitive land use offerings, including compared to similar rural municipalities, and larger cities such as Edmonton and</li> </ul>	
fiscally responsible g LEGISLATIVE, BYLAW and/or POLICY IMPLICATIONS	<ul> <li><u>Alberta Municipal Government Act RSA 2000, Ch. M-26.</u></li> <li>Generate revenue via licensing</li> <li>Providing sensible and competitive land use offerings, including compared to similar rural municipalities, and larger cities such as Edmonton and Calgary</li> </ul>	
fiscally responsible g LEGISLATIVE, BYLAW and/or POLICY IMPLICATIONS	<ul> <li><u>Alberta Municipal Government Act RSA 2000, Ch. M-26.</u></li> <li>Generate revenue via licensing</li> <li>Providing sensible and competitive land use offerings, including compared to similar rural municipalities, and larger cities such as Edmonton and Calgary         <ul> <li>Balance between restrictive land uses and flexibility</li> </ul> </li> </ul>	
fiscally responsible g LEGISLATIVE, BYLAW and/or POLICY IMPLICATIONS BENEFITS	<ul> <li>Alberta Municipal Government Act RSA 2000, Ch. M-26.</li> <li>Generate revenue via licensing</li> <li>Providing sensible and competitive land use offerings, including compared to similar rural municipalities, and larger cities such as Edmonton and Calgary         <ul> <li>Balance between restrictive land uses and flexibility</li> <li>Clarity, transparency, and fairness for residents, prospective developer, etc.</li> </ul> </li> </ul>	
fiscally responsible g LEGISLATIVE, BYLAW and/or POLICY IMPLICATIONS BENEFITS DISADVANTAGES	<ul> <li>Alberta Municipal Government Act RSA 2000, Ch. M-26.</li> <li>Generate revenue via licensing</li> <li>Providing sensible and competitive land use offerings, including compared to similar rural municipalities, and larger cities such as Edmonton and Calgary <ul> <li>Balance between restrictive land uses and flexibility</li> <li>Clarity, transparency, and fairness for residents, prospective developer, etc.</li> </ul> </li> <li>Nil. <ul> <li>Take no action, or</li> <li>Defer</li> </ul> </li> </ul>	

Budget Available:	Source of Funds:		
Budgeted Costs:	Unbudgeted Costs:		
INTERGOVERNMENTAL INVOLVEMENT/IMPLICATIONS	• Nil.		
COMMUNICATION STRATEGY	• Nil.		
RECOMMENDATION			
That Smoky Lake County Council RECOMMEND that administration prepare a Public Participation Plan and a Land Use Bylaw Amendment for provisions relating to the licensing for and keeping of animal units in hamlet and residential districts, to the next Committee of the Whole for the Purposes of Planning.			

A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of regulating the keeping of chickens in residential areas.

### \*\*\*\*\*

**WHEREAS** the Municipal Government Act R.S.A. 2000, as amended (the Act) allows a Municipal Council to pass bylaws respecting wild and domestic animals and activities in relation to them;

**AND WHEREAS** the Municipal Government Act R.S.A. 2000, as amended (the Act) allows a Municipal Council by bylaw to regulate or prohibit, and provide for a system of licences, permits, or approvals.

**NOW THEREFORE**, The Council for Smoky Lake County in the Province of Alberta, duly assembled, and pursuant to the authority conferred upon it by the Municipal Government Act, R.S.A. 2000, as amended, hereby enacts as follows:

### 1. <u>TITLE</u>

a. This bylaw may be cited as the "Urban Chicken Bylaw".

### 2. DEFINITIONS

a. In this Bylaw:

"Accessory Building" means a building separate and subordinate to the main building and use which is incidental to the main building and is located on the same parcel of land. An accessory building to a residential use means a garage, carport, shed, storage buildings, hobby greenhouse, sundeck, patio, hen coop, permanently installed private swimming pool or hot tub, and similar buildings. Where an accessory development is attached to the main building on a lot by a roof or an open or enclosed structure, except carports where vehicular access to the rear yard is not obstructed, said accessory development is part of the main building and not an accessory building and shall, unless otherwise specified in this Bylaw, adhere to the yard and other requirements for main buildings;

"Adjoining Neighbour" means an owner or occupant of a property that is contiguous to a subject property along a common property line. If the subject property is located on a corner lot, an Adjoining Neighbour includes an owner or occupant of property that is adjacent to the subject property across a rear lane, but not across a street;

"Animal Health Act" means the *Animal Health Act,* SA 2007, C.A-40.2 including regulations under that statute;

"Chief Administrative Officer" means the person holding the office of Chief Administrative Officer of Smoky Lake County;

"County" means the Municipal Corporation of Smoky Lake County;

"Hen" means a female chicken that is at least 16 weeks of age and kept for noncommercial purposes; may be referred to herein as an Urban Chicken;

"Hen Coop" or "Coop" means an accessory building used for Urban Chicken keeping;

"Hen Keeper" means a person having right of custody, control, or possession of an urban chicken;

"Licensing Authority" means the Chief Administrative Officer or a person appointed by the Chief Administrative Officer to issue an Urban Chicken Licence;

"Livestock" means livestock as defined in the Agricultural Operation Practices Act and does not include Urban Chickens that are kept pursuant to Smoky Lake County Urban Chicken Bylaw;

"Municipal Violation Tag" means a notice that alleges a bylaw offence and provides a person with the opportunity to pay an amount to Smoky Lake County in lieu of prosecution for the offence;

"Nest Box" means a box within a Coop for the nesting of Hens for the purpose of egg laying;

"Peace Officer" has the meaning set out in the *Provincial Offences Procedure Act*, RSA 2000, c. P-34;

"Premises Identification (PID) Number" means a nine-character combination of numbers and letters issued by the Province of Alberta pursuant to the provisions of the *Animal Health Act* to owners of livestock;

"Rooster" means a male chicken of any age;

"Subject Property" means a lot or parcel of land in respect of which an Urban Chicken Licence is sought or has been issued;

"Temporary Caregiver" means a person who has been authorized by the Hen Keeper to provide care to their Hens in the event the Hen Keeper is temporarily unable to so;

"Urban Chicken" means a female Chicken (Hen), duck, turkey, pheasant, geese or other similar fowl that is at least 16 weeks of age and kept for non-commercial purposes; may be referred to herein as a hen;

"Urban Chicken Licence" means a licence issued under this bylaw that authorizes the keeping of urban chickens within Smoky Lake County Hamlets; and

"Violation Ticket" has the meaning set out in the *Provincial Offences Procedure Act*.

### 3. URBAN CHICKEN LICENCE

- a. The purpose of this bylaw is to enable urban chicken (hen) keeping as urban agriculture within Smoky Lake County Hamlets, if the Hen Keeper is the holder of a valid Urban Chicken Licence and remains at all times in compliance with the provisions of this bylaw.
- b. An Urban Chicken Licence may be issued only to a natural person aged 18 years or older.
- c. An Urban Chicken Licence may authorize the keeping of not more than 4 Urban Chickens on the Subject Property and may be issued subject to such conditions as the Licensing Authority considers appropriate.
- d. Before an Urban Chicken Licence is issued or renewed, the applicant must provide to the satisfaction of the Licensing Authority:
  - i. A completed Urban Chicken Licence or Urban Chicken Licence renewal application, in the form prescribed by the Licensing Authority and as attached hereto as **Schedule** "A";
  - ii. The Urban Chicken Licence fee prescribed in **Schedule "B"** to this bylaw; and
  - iii. Any other information reasonably required by the Licensing Authority, including but not limited to:
    - 1. The name, address, and contact information of the person who will be the Hen Keeper and of any person who may act as a Temporary Caregiver;
    - 2. A copy of a Certificate of Title for the Subject Property issued by the Land Titles Office not more than two weeks prior to the date of the application;
    - 3. Written permission to keep urban chickens on the Subject Property, from the registered owner of the Subject Property as shown on the Certificate of Title, if the Hen Keeper is not the registered owner;
    - 4. A drawing that shows the location and size of the Hen Coop on the Subject Property, and associated setbacks from the Hen Coop to the side and rear property lines; and
    - 5. Evidence that the proposed Hen Keeper has up-to-date experience or training in hen keeping.
- e. A copy of the Premises Identification (PID) Number applicable to Subject Property must be provided to the Licensing Authority within 21 days of the issuance of the Urban Chicken Licence.

- f. At the time of the application for an Urban Chicken Licence, the applicant must demonstrate to the satisfaction of the Licensing Authority that all Adjoining Neighbours have been notified of the intent to apply for an Urban Chicken Licence on the Subject Property.
- g. An Urban Chicken Licence is valid for one year from the date of issuance.
- h. An Urban Chicken Licence is not transferable from one person or property to another.
- i. The Licensing Authority may refuse to issue or renew an Urban Chicken Licence, or may revoke a previously issued Urban Chicken Licence, for any of the following reasons:
  - i. An applicant for or holder of an Urban Chicken Licence does not meet or has ceased to meet the requirements of this bylaw;
  - ii. An applicant has submitted false information;
  - iii. An applicant for or holder of an Urban Chicken Licence has outstanding unpaid fines under this bylaw;
  - iv. An applicant has previously been the holder or an Urban Chicken Licence that was revoked for non-compliance with this bylaw, or in respect of which an order has been made under section 645 of the *Municipal Government Act*,
  - v. An applicant for or holder of an Urban Chicken Licence has been convicted of any offence involving abuse, mistreatment or negligent treatment or keeping of animals; or
  - vi. In the opinion of the Licensing Authority, it is in the public interest to refuse to use an Urban Chicken Licence.

j. If the Licensing Authority revokes, or refuses to issue or renew an Urban Chicken Licence, the applicant may appeal the decision to Council.

### 4. <u>RESPONSIBILITIES OF A HEN KEEPER</u>

- a. Hen Keepers must comply with the *Alberta Animal Health Act* and any other applicable standards adopted by the Province of Alberta.
- b. Hen Keepers, owners of a Subject Property, and Temporary Caregivers must:
  - i. Ensure good husbandry practices where each Urban Chicken is provided with food, unfrozen water, shelter, adequate light, ventilation, warmth, veterinary care, and opportunities to scratch, peck, dust-bathe, roost, and socialize with their own kind;

- ii. Provide warmth to the Urban Chickens through heat lamps, wall insulation, poly-sheeting, seedling heat mats, or other means;
- iii. Maintain the Coop in good repair and sanitary conditions, free from vermin and noxious and offensive smells and substances;
- iv. Keep each Urban Chicken in a secured area at all times;
- v. Ensure that Urban Chickens are kept in the Coop with all openings, such as doors and windows, secured in such a manner that will not allow predators to enter;
- vi. Keep food and water containers in the Coop;
- vii. Store feed in a fully enclosed, non-penetrable container;
- viii. Remove leftover feed, trash, and manure in a timely manner;
- ix. Follow biosecurity procedures outlined by the Canadian Food Inspection Agency (CFIA) to reduce potential for disease outbreak;
- x. Ensure Urban Chickens are slaughtered or euthanized at an appropriate location or facility, **NOT** on the Subject Property;
- xi. Dispose of the carcass of an Urban Chicken deceased by natural causes, by double bagging and bringing it to a veterinarian, farm, abattoir, or other operation that is lawfully permitted to dispose of Urban Chickens;
- xii. Take Urban Chickens to a veterinarian, farm, abattoir, or other operation if Urban Chickens are no longer wanted;
- xiii. Urban Chickens are for personal use only. **NO** person shall sell eggs, manure, meat, or any other products derived from Urban Chickens; and
- xiv. Keep an Urban Chicken in a cage only when actively transporting the Urban Chicken.

### 5. HEN COOP REQUIREMENTS

- a. A Coop is only permitted in rear yards.
- b. Subject property must have a fenced rear yard.
- c. A Coop must be located at grade level, but not over a utility-right-of-way and no more than 2m (6.5ft) in height.
- d. Coop must have a minimum interior floor area of 0.37sq.m (3.98sqft) per Urban Chicken, and at least 9.9sqft of outdoor enclosure within the Coop.
- e. Coop must include one nesting box and one perch space (12") per Urban Chicken.

- f. Construct and maintain the Coop to prevent rodents from being harbored underneath, within, or within the walls of the Coop, and to prevent access to the Coop by any other animal.
- g. Coop must be secured at all times; this includes having a roof on the Coop.
- h. The setbacks of a Coop from property lines and/or other structures within the same property and overall size of the Coop must comply with the minimum requirements outlined in the Smoky Lake County *Land Use Bylaw* for an accessory building.
- i. The maximum lot coverage of all structures on a property, including a Coop, must comply with the Smoky Lake County *Land Use Bylaw*.
- j. The Licensing Authority has the authority to impose additional site-specific conditions.

### 6. GENERAL REGULATIONS

- a. Urban Chicken keeping is permitted under and in accordance with this bylaw.
- b. This bylaw applies to the activity of Urban Chicken keeping for personal use only. The commercial sale of Urban Chickens or Urban Chicken products is not permitted.
- c. This bylaw enables the keeping of Urban Chickens within the confines of a fenced property and does not permit Urban Chickens to be sheltered within a residential dwelling unit.
- d. Each Urban Chicken must be a minimum 4 months (16 weeks) old when acquired for keeping under an Urban Chicken Licence.
- e. This bylaw does not exempt a person from complying with any Federal or Provincial law or regulation, other County bylaw, or any requirement of any lawful permit, order, or licence.
- f. The keeping of one or more Roosters is prohibited.
- g. The keeping of Urban Chickens, other than Urban Chickens for which a valid Urban Chicken Licence has been issued is prohibited within Hamlets.
- h. Urban Chickens shall only be permitted in the Hamlet General (HG) District in accordance with the current Smoky Lake County Land Use Bylaw.

### 7. PENALTIES AND ENFORCEMENT

a. The Licensing Authority or a Peace Officer may enter upon any Subject Property to inspect for compliance of this bylaw.

- b. Should an Urban Chicken site, Coop, or Hen Keeper be found to be non-compliant with this Bylaw at any time, enforcement action may be taken including without limitation: issuing a Municipal Violation Tag or Violation Ticket, revocation of an Urban Chicken Licence or issuance of a Stop Order under Section 645 of the *Municipal Government Act*.
- c. Should Urban Chickens and/or a Coop be ordered to be removed, all costs and associated expenditures related to the removal shall be the responsibility of the Subject Property owner.
- d. No person shall willfully obstruct, hinder or interfere with a Peace Officer or any other person authorized to enforce and engaged in the enforcement of the provisions of this Bylaw.
- e. A person who contravenes any provision of this Bylaw is guilty of an offence.
- f. A Person who is guilty of an offence under this Bylaw is liable to a specified penalty of \$250.00
- g. In the case of an offence that is of continuing nature, a contravention of a provisions of this bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues. A person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each separate offence.
- h. A Peace Officer is authorized and empowered to issue a Municipal Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- i. Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid within the time on the Tag for payment, and if paid in full and on time no prosecution will be initiated.
- j. A Municipal Tag may be issued to such person:
  - i. Either personally; or
  - ii. By mailing a copy to such person at his or her last known post office address
- k. If a Municipal Violation Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act.*
- I. Despite section 42, a Peace Officer is authorized and empowered to issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

- m. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
  - i. Specify the fine amount established by this bylaw for the offence; or
  - ii. Require a person to appear in court without the alternative of making a voluntary payment.

### 8. <u>SEVERABILITY</u>

**a.** If any part of this Bylaw is found to be invalid, the remaining sections remain in force.

### 9. EFFECTIVE DATE

**a.** This Bylaw comes into force and effect upon it receiving Third Reading.

 READ A FIRST TIME IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, AD 2021.

 READ A SECOND TIME IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, AD 2021.

READ A THIRD AND FINAL TIME IN COUNCIL \_\_\_\_\_ DAY OF \_\_\_\_\_, AD 2021.

Craig Lukinuk

Reeve

SEAL

Gene Sobolewski

Chief Administrative Officer

SCHEDULE "B"

FEES

Fee Description	Fee
Urban Chicken Licence Fee	\$40.00
Urban Chicken Licences are valid for a period of one (1) year following the date of issuance.	

### A BYLAW OF THE MUNICIPALITY OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW 1272-14 BEING THE LAND USE BYLAW FOR SMOKY LAKE COUNTY.

WHEREAS Council has adopted Smoky Lake County Bylaw 1272-14 to be the Land Use Bylaw;

**WHEREAS** it is deemed expedient to amend Bylaw 1272-14 as set out in Section 692 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

**WHEREAS** a Public Hearing has been held pursuant to Section 230 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

**WHEREAS** said Public Hearing has been advertised pursuant to Section 606 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

**NOW THEREFORE** under the authority and subject to the provisions of the *Municipal Government Act*, and by virtue of all other enabling powers, the Council of Smoky Lake County, duly assembled, enacts as follows:

1. Section 1.7 is hereby amended:

"Accessory building" means a building, separate from the main building on the same parcel, the use of which, the Development Authority decides, is subordinate or incidental to that of the main building;

Is replaced with:

"Accessory Building" means a building separate and subordinate to the main building and use which is incidental to the main building and is located on the same parcel of land. An accessory building to a residential use means a garage, carport, shed, storage buildings, hobby greenhouse, sundeck, patio, hen coop, permanently installed private swimming pool or hot tub, and similar buildings. Where an accessory development is attached to the main building on a lot by a roof or an open or enclosed structure, except carports where vehicular access to the rear yard is not obstructed, said accessory development is part of the main building and not an accessory building and shall, unless otherwise specified in this Bylaw, adhere to the yard and other requirements for main buildings.

And the following is added and renumbered accordingly:

"Hen Coop" means an accessory building used for Urban Chicken keeping.

"Livestock" means livestock as defined in the Alberta Agricultural Operation Practices Act and does not include Urban Chickens that are kept pursuant to the Smoky Lake County Urban Chicken Bylaw.

"**Urban Chicken**" means a Hen that is at least 16 weeks of age and kept for non-commercial purposes.

2. Section 7.19 is hereby amended:

Subsection 5

(H) 15 chickens;

(I) 10 ducks, turkeys, pheasants, geese or other similar fowl;

Is deleted, and renumbered accordingly;

Subsection 7

The maximum number of dogs to be kept on-site in each of the above Districts shall be at the discretion of the Development Authority.

Is deleted, and replaced with:

The maximum number of dogs to be kept on-site in each of the above Districts shall be at the discretion of the Development Authority and be in conformance with the Smoky Lake County Dog Bylaw.

The following is added and renumbered accordingly:

Notwithstanding this section, Urban Chickens may be permitted within Residential Districts located within Smoky Lake County Hamlets, in accordance with the Smoky Lake County Urban Chicken Bylaw:

### 1. Severability:

i. If any part of this Bylaw is found to be invalid, the remaining sections remain in force.

### 2. Effective Date:

i. This Bylaw comes into force and effect upon it receiving Third Reading.

READ A FIRST TIME IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, AD 2021.

Craig Lukinuk, Reeve

### SEAL

Gene Sobolewski, Chief Administrative Officer

\_\_\_\_\_

READ A SECOND TIME IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, AD 2021.

READ A THIRD AND FINAL TIME IN COUNCIL \_\_\_\_\_ DAY OF \_\_\_\_\_, AD 2021.

Craig Lukinuk, Reeve

SEAL

Gene Sobolewski, Chief Administrative Officer

### (FOIP Act, Section 21(1)(a) – Disclosure Harmful to Intergovernmental Relations)

**Section 21** provides that a public body may refuse to disclose information that could harm intergovernmental relations or the intergovernmental supply of information. This is a discretionary exception.

Section 21(1) allows a public body to refuse access if disclosure could reasonably be expected to

- harm relations between the Government of Alberta or its agencies and any of the following or their agencies:
  - the Government of Canada or a province or territory of Canada, a local government body, as defined in the FOIP Act (see section 1.1. of Chapter 1),
  - an aboriginal organization that exercises government functions, the government of a foreign state, or an international organization of states (section 21(1)(a));

or

 reveal information supplied explicitly or implicitly in confidence by a government, local government body or an organization listed above or its agencies (section 21(1)(b)).

FOIP Guidelines and Practices: Chapter 4 - Exceptions to the Right of Access: Source: https://www.servicealberta.ca/foip/documents/chapter4.pdf



ISSUE FO	R INFORMATIONDATEMarch 8, 20215.4	
ΤΟΡΙϹ	Lake Subdivision Signage	
PROPOSAL	That Smoky Lake County AKNOWLEGE the budgeted 2021 Lake Subdivision Signa program.	ge
BACKGROUND	• Questions often arise regarding issues such as directional way-finding, ownership, and municipal reserve, requirement of development permits, etc., particularly at lake	S.
	<ul> <li>Many other rural municipalities (such as Lacombe County, Sturgeon County, Wetaskiwin County) have taken to installing signage which seeks to address these matters.</li> </ul>	
	<ul> <li>It is proposed to install seven such sings at:</li> </ul>	
	1) Hanmore Lake, Mons Lake (2) Sandy Lane, 3) Mons View Resort/Estates), 4) Bonnie Lake, Garner Lake (5) Birchland, 6) Sunrise), and Whitefish Lake (7) Hillside Acres)	
	<ul> <li>The 2021 Smoky Lake County Budget already contemplates this project to install lake subdivision directional signage.</li> </ul>	
	<ul> <li>Planning &amp; Development Services has been working in cooperation with the GIS Dept. in terms of developing quality maps, addresses etc. It is anticipated this will be finalized in the next few months.</li> </ul>	e
	<ul> <li>Timing of installation of said signage will be at the discretion of the Public Works Manager.</li> </ul>	
	<ul> <li>Lacombe County and Wetaskiwin County Example &amp; Smoky Lake County Draft signage copy © ATTACHMENT 1</li> </ul>	
	Supplier quote. © ATTACHMENT 2	
CORRELATION T	O BUSINESS (STRATEGIC) PLAN	
Values: Inte	egrity, Sustainability/Stability, Pride, Fairness, Freedom	
Vision: Lead	ding the way in positive growth with healthy, sustainable, rural living.	
<b>Mission</b> : Smoky Lake County strives for collaboration and excellence in the provision of transparent and fiscally responsible governance and services.		
LEGISLATIVE, BYI and/or POLICY IMPLICATIONS	LAW • Nil	
BENEFITS	<ul> <li>Emergency Services wayfinding</li> <li>Welcoming, pleasant communities</li> <li>Added clarity for public on ownership and property lines, municipal reservence.</li> </ul>	e,

DISADVANTAGES	•	Nil.			
ALTERNATIVES	•	Take no actior			
FINANCE/BUDGET IMPLIC	CATIONS	5			
Operating Costs:			Capital Costs:	-	
Budget Available: <u>ye</u>	es		Source of Fund	ds:	Parks & Rec Dept.
Budgeted Costs:			Unbudgeted C	osts:	
INTERGOVERNMENTAL INVOLVEMENT/IMPLICAT	TIONS	• Ni			
COMMUNICATION STRAT	TEGY	• Ni			
RECOMMENDATION					
That Smoky Lake County AKNOWLEGE the budgeted 2021 Lake Subdivision Signage program.					





## PLEASE STAY ON THE DESIGNATED

TRAIL





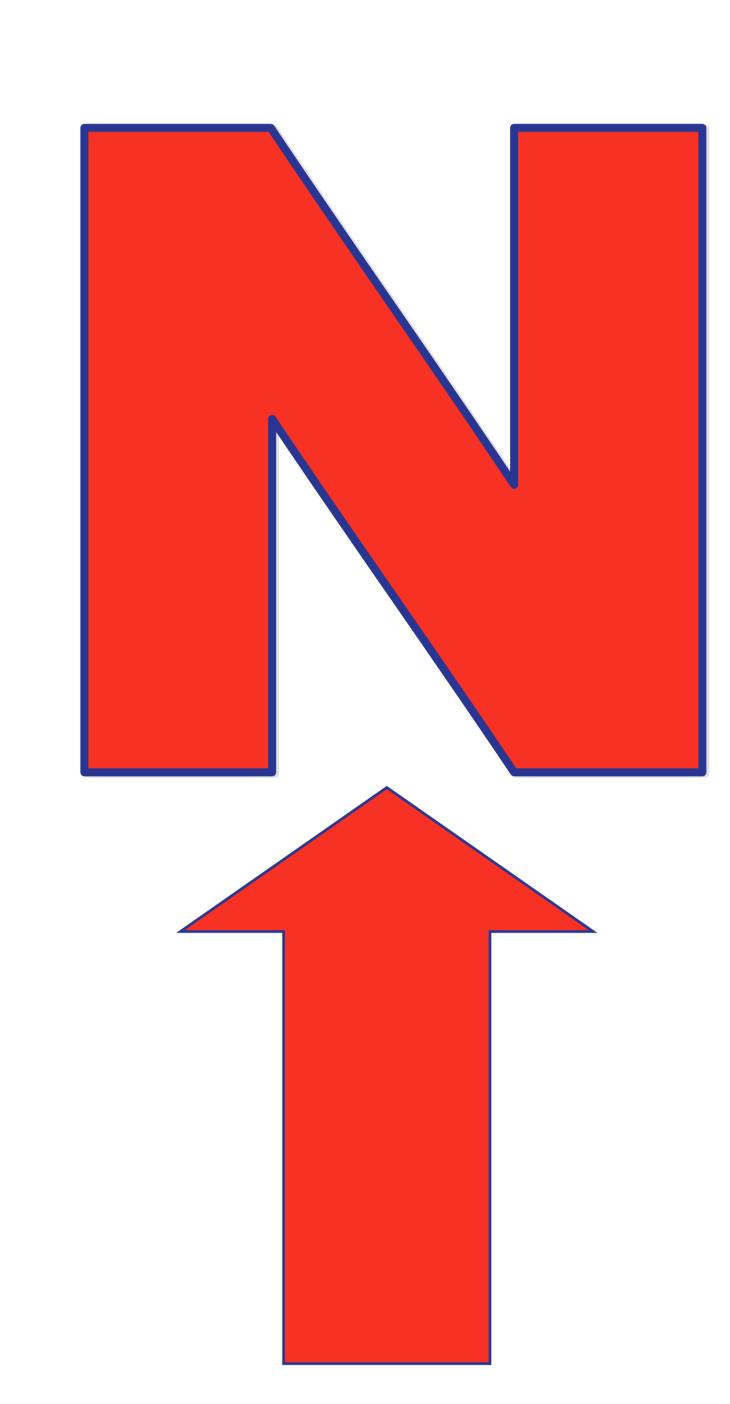




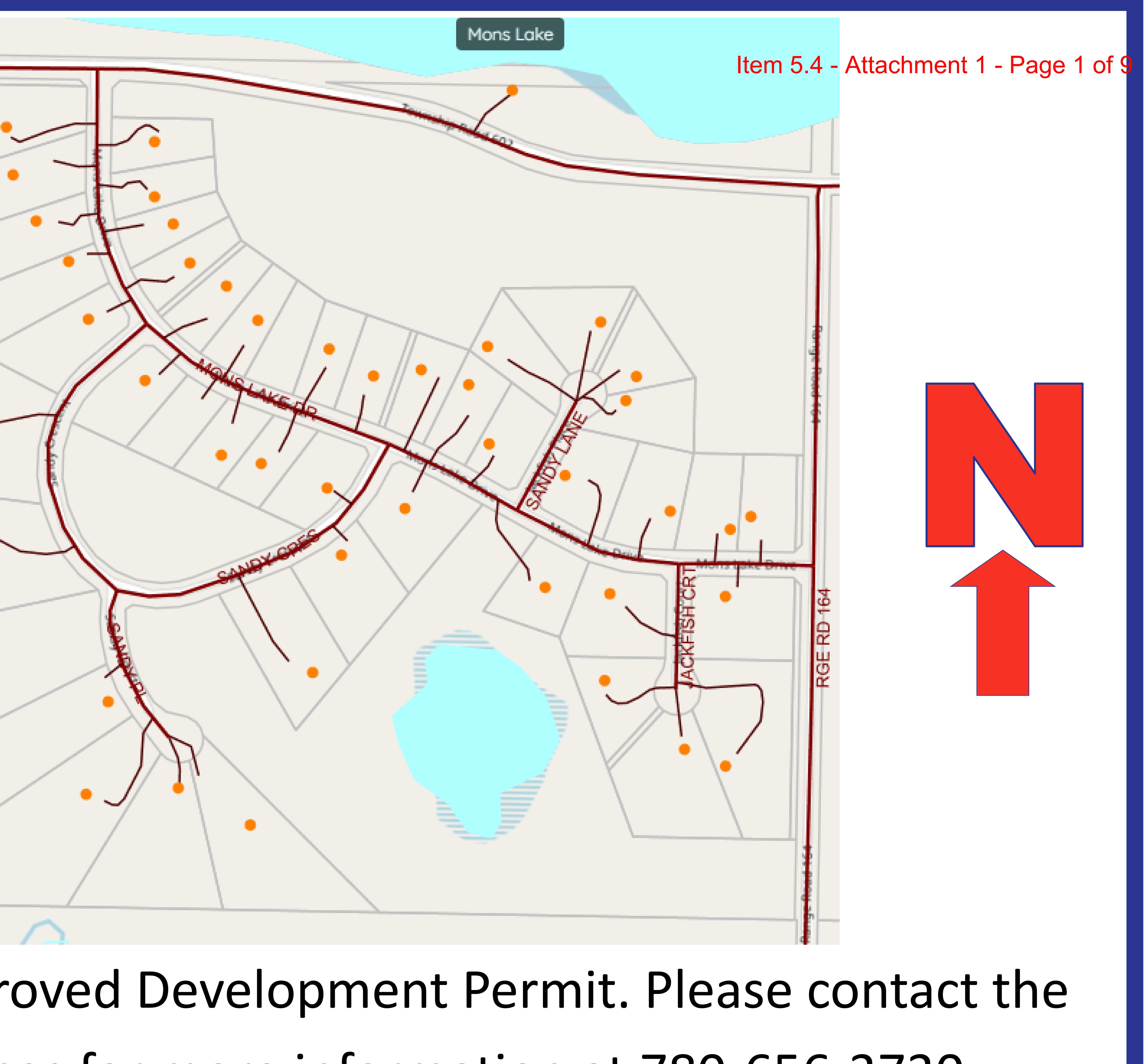








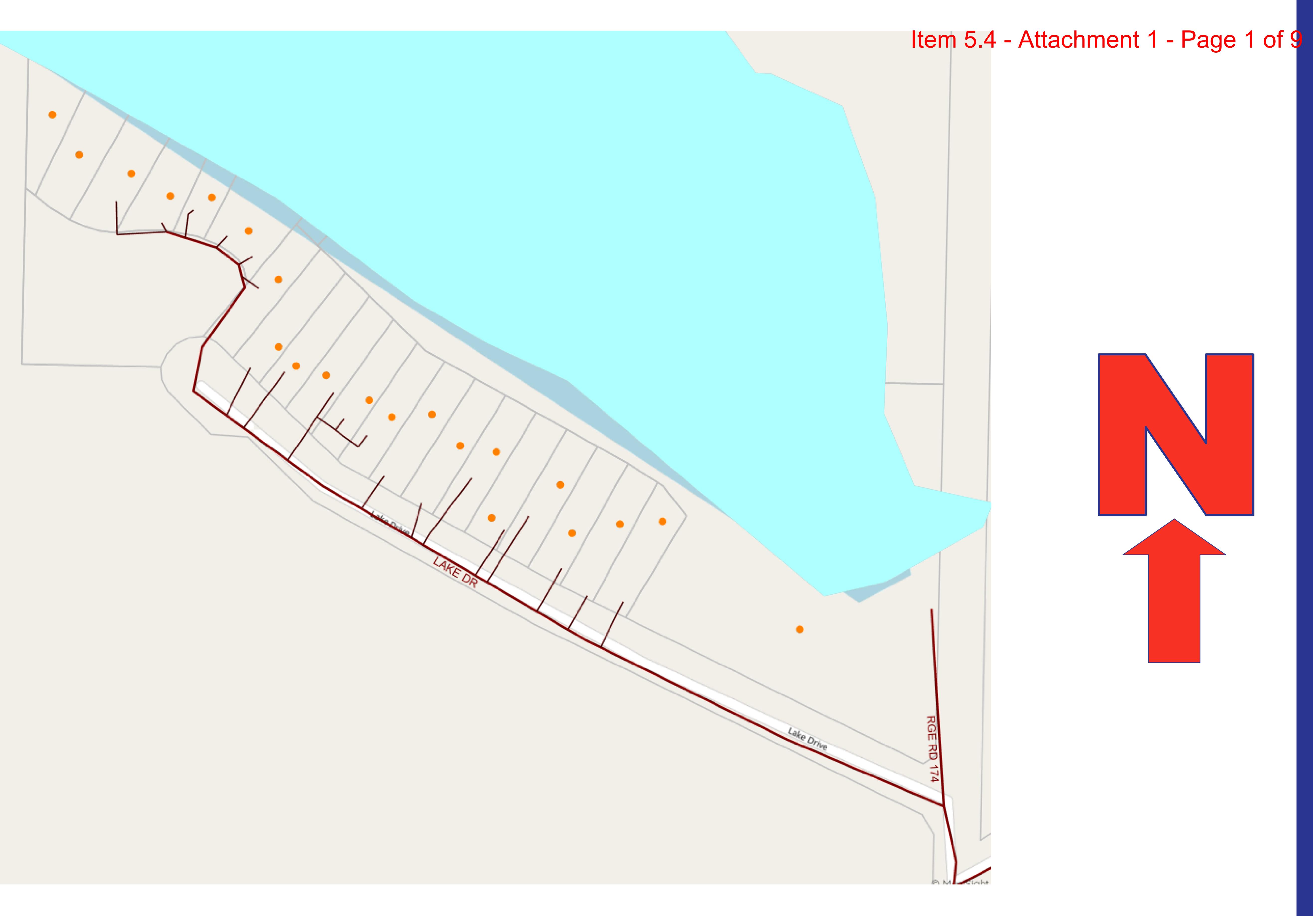












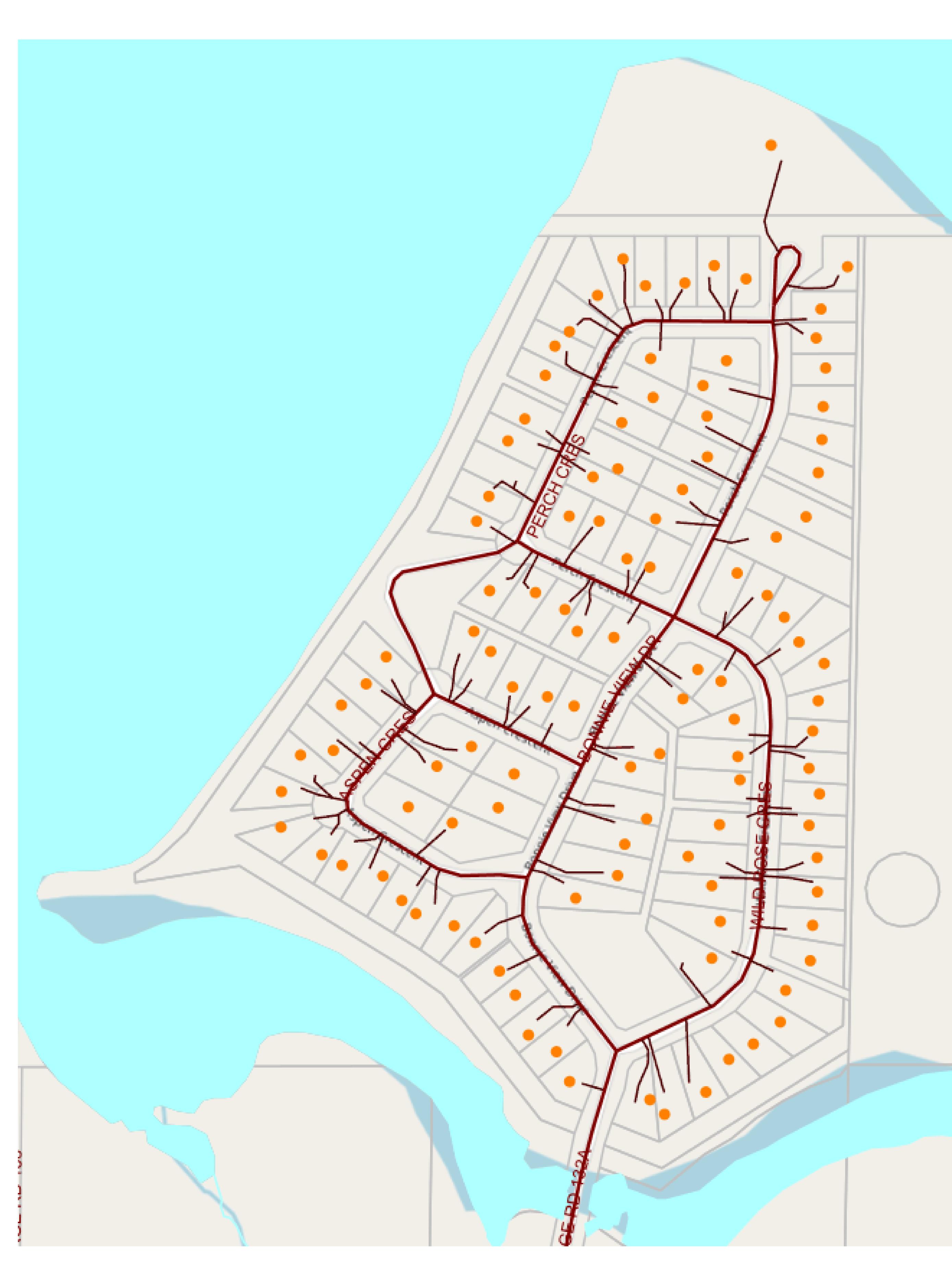
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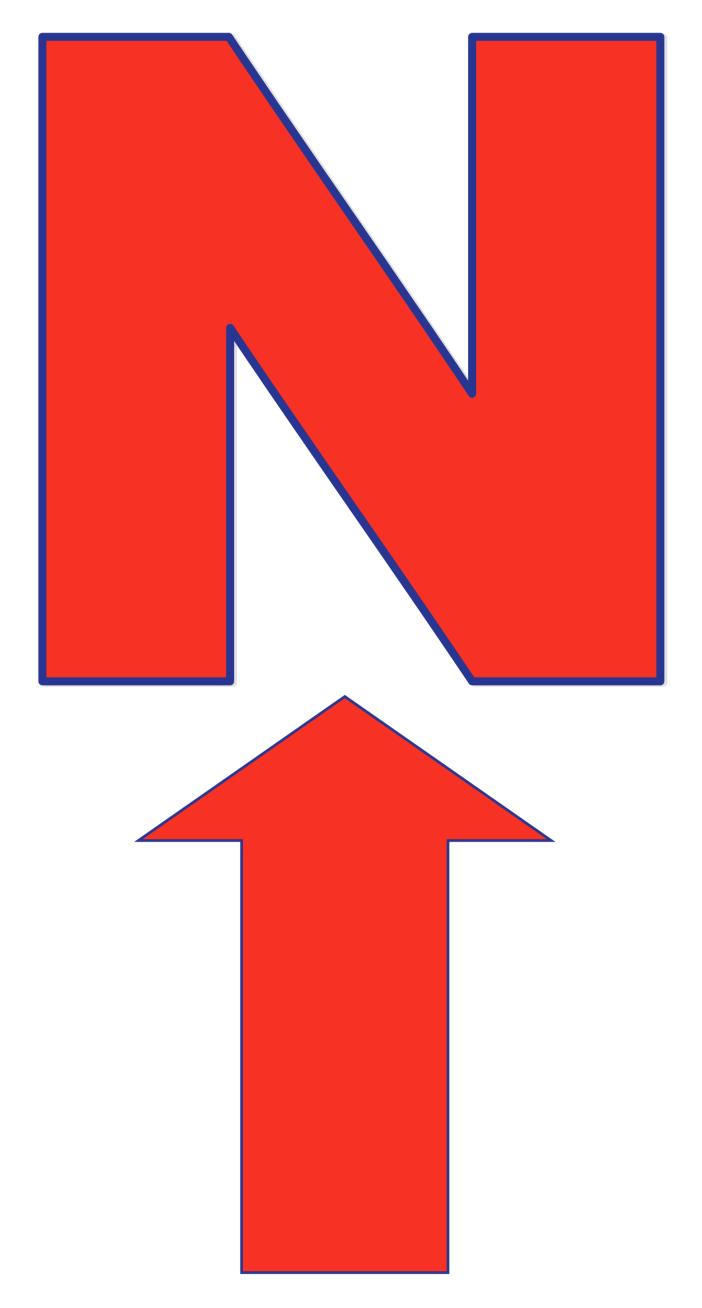


# Please Note: All development requires an approved Development Permit. Please contact the County's Planning and Development Services for more information at 780-656-3730.









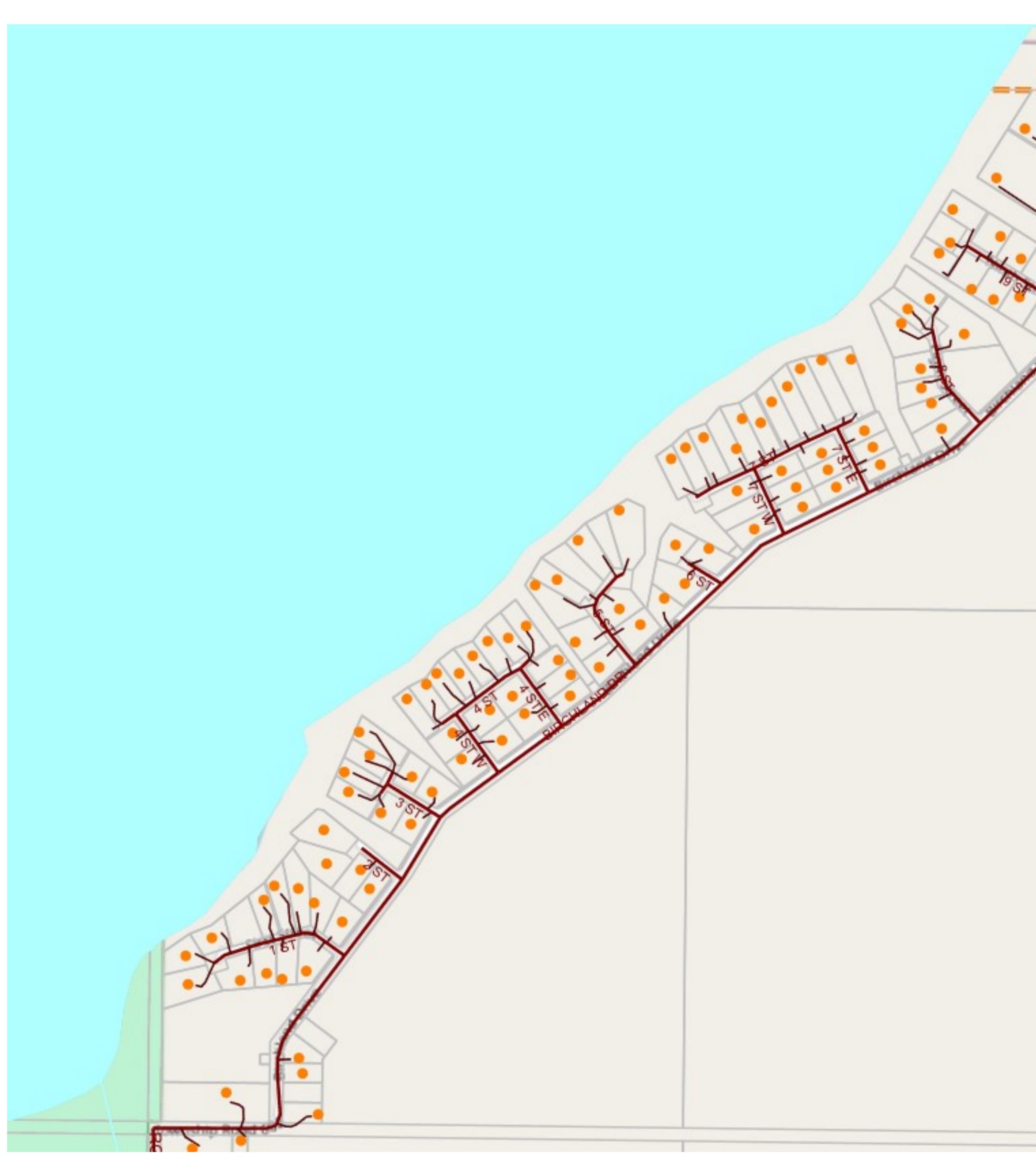
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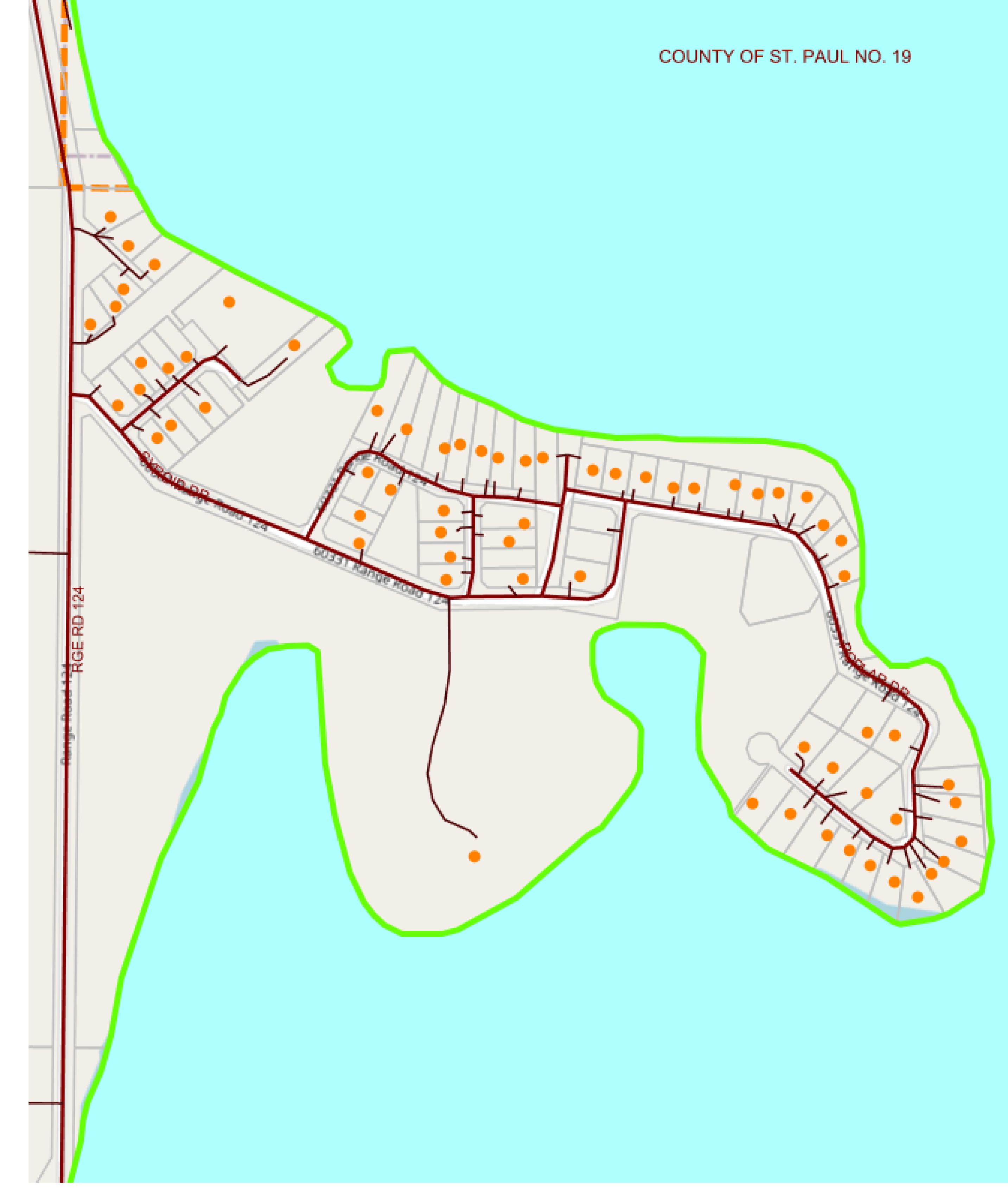
## Please Note: All development requires an approved Development Permit. Please contact the County's Planning and Development Services for more information at 780-656-3730.

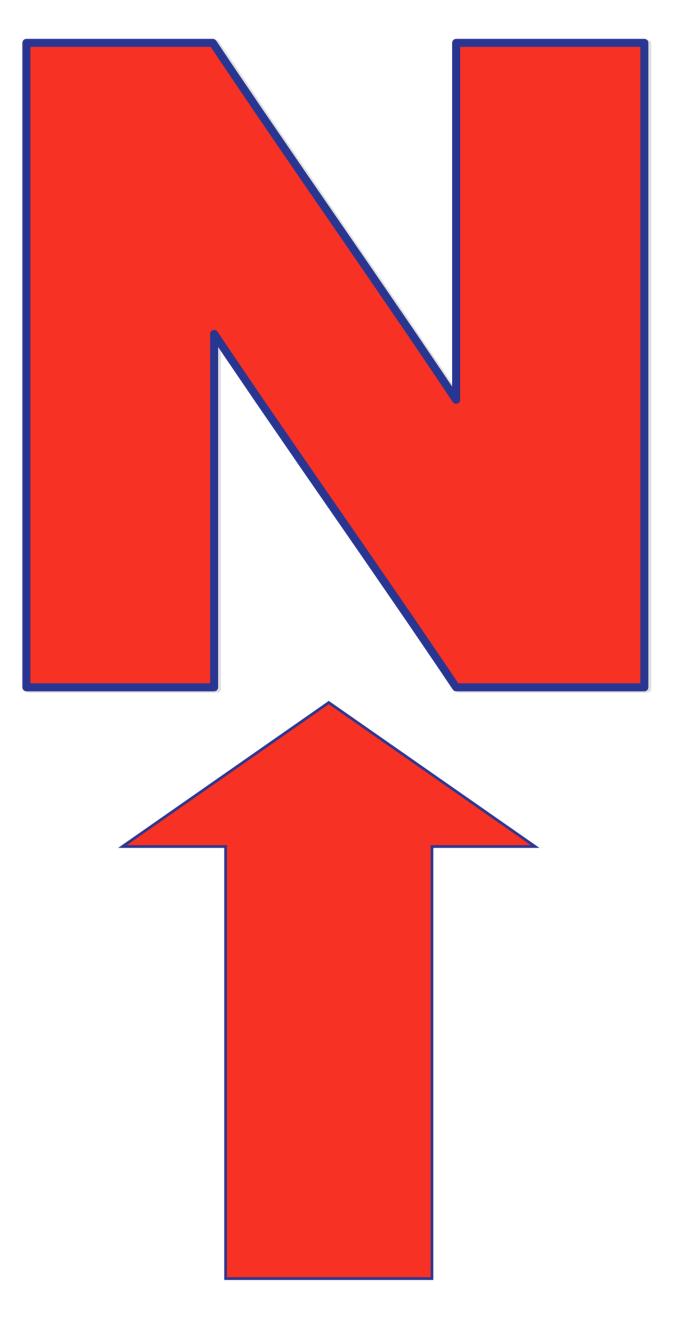




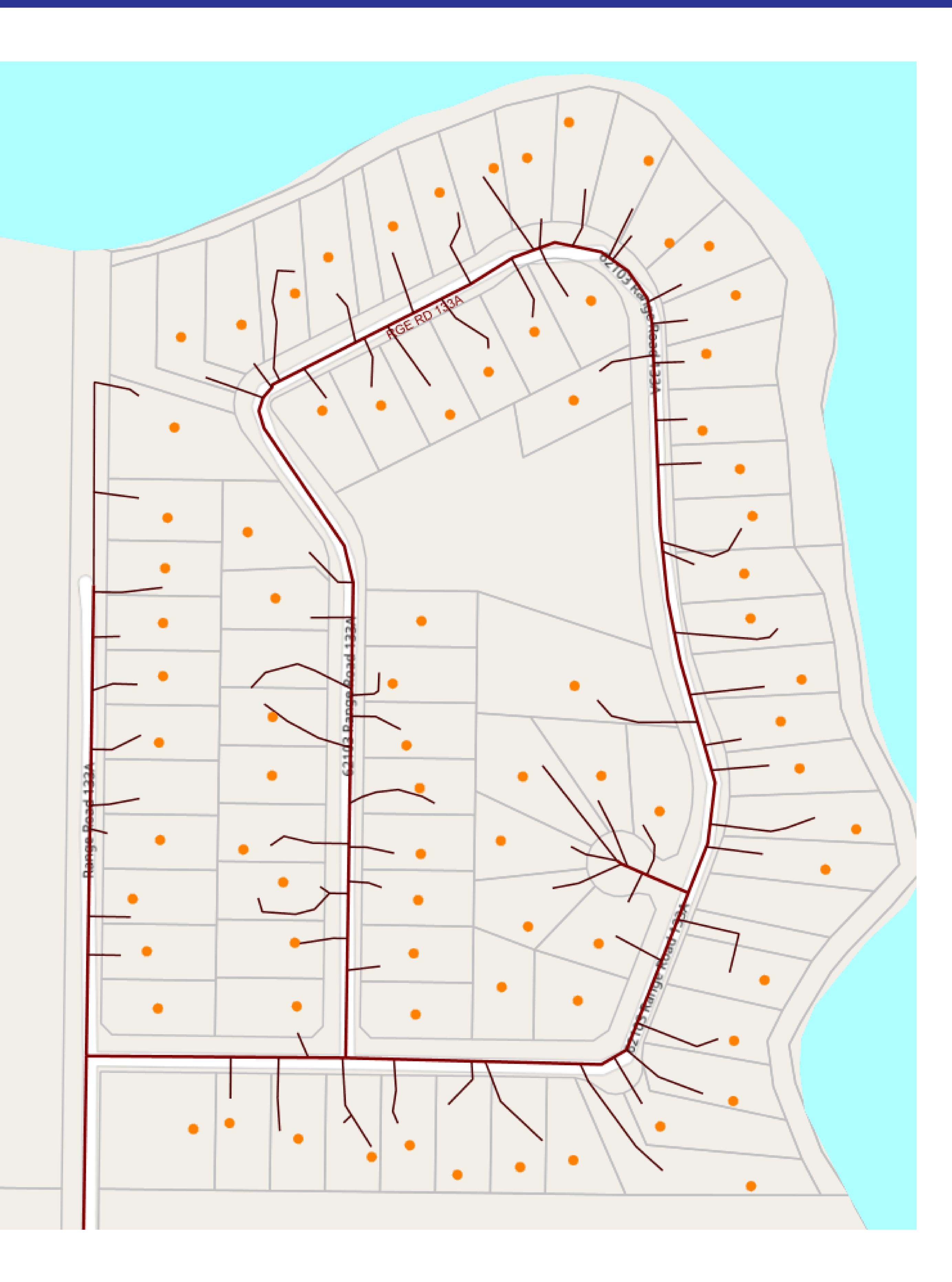


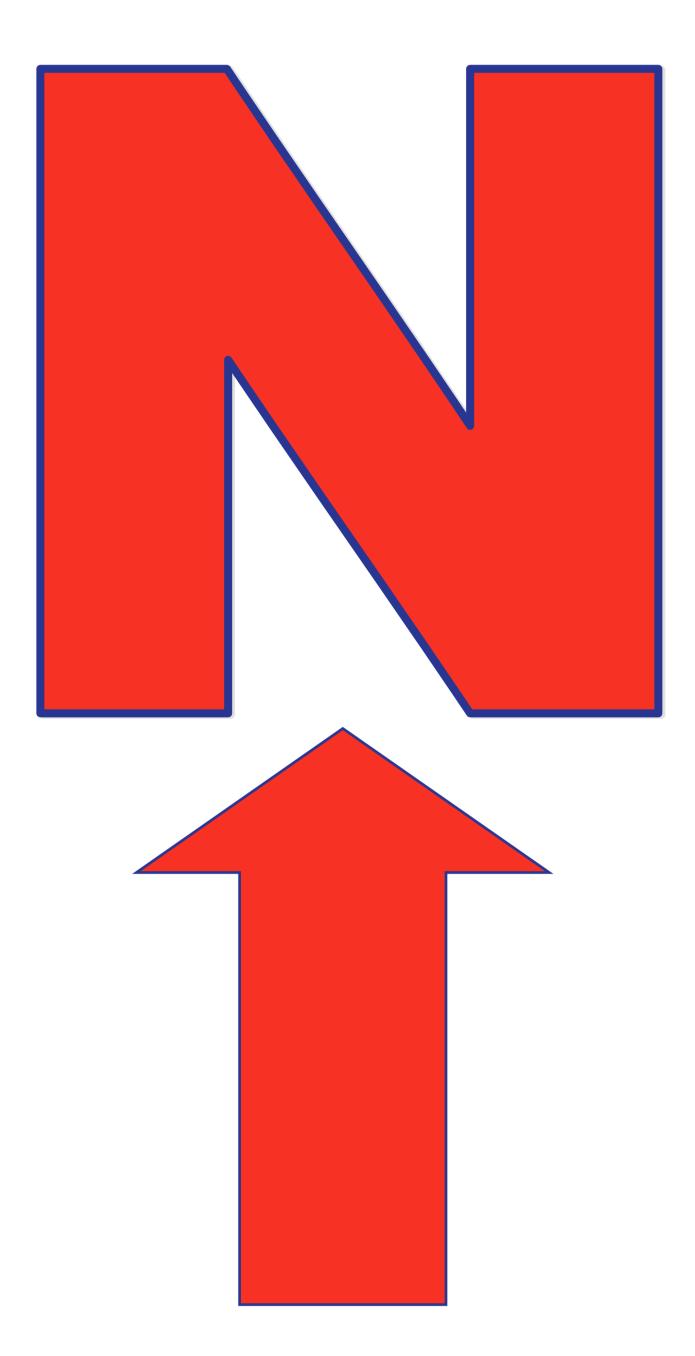












### **Kyle Schole**

From:	trevenry@telus.net
Sent:	October 4, 2020 1:55 PM
То:	Kyle Schole
Subject:	Re: Lake Subdivision Signage

Ok, a 4' x 8' Sign similar to the one you have pictured would costs 385.00 + GST. And yes it is more economical to have the Note included at the bottom. An additional sign with just the note would be 125.00 + GST

From: "Kyle Schole" <kschole@smokylakecounty.ab.ca> To: trevenry@telus.net Sent: Friday, October 2, 2020 10:55:53 AM Subject: RE: Lake Subdivision Signage

Trevor,

I believe 4'x8' is a fairly good size scale but we're open to your judgement/expertise... Is it more economical to include the note on the same piece? If so, then yes.

### **Kyle Schole** Planning, Development, & Heritage Assistant Smoky Lake County



4612 - McDougall Drive, PO Box 310 Smoky Lake, Alberta TOA 3C0 e: <u>kschole@smokylakecounty.ab.ca</u> p: (780) 656-3730 ext. 2234 / c: (780) 650-2059 w: <u>http://www.smokylakecounty.ab.ca</u>/

Ь°Ь<Си ЧЬ"△д<Р (kaskapatau sakahigan) / Димних Озеро (Dymnykh Ozero) / Lac qui Fume / Smoky Lake, on Treaty 6 Territory

**NOTE:** The Smoky Lake County municipal office has <u>re-opened</u> with COVID measures in place. The Planning & Development Services Dept. continues to be hard at work, and available during regular business hours including by phone and electronically.

This email is intended only for the use of the party to which it is addressed and for the intended purpose. This email contains information that is privileged, confidential, and/or protected by law and is to be held in strict confidence. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

A Studies show trees live longer when they're not cut down. Please do not print this email unless you really need to.

From: trevenry@telus.net <trevenry@telus.net>
Sent: October 2, 2020 10:46 AM
To: Kyle Schole <kschole@smokylakecounty.ab.ca>
Subject: Re: Lake Subdivision Signage

### **Kyle Schole**

From: Sent:	Sandra Honour <sandra.honour@gov.ab.ca> February 25, 2021 4:18 PM</sandra.honour@gov.ab.ca>
То:	Sandra Honour
Cc:	Angela Burkinshaw; Matthew Wilson; Karen Wronko
Subject:	Alberta Budget Announcement

Dear Wetland Replacement Program participant,

In the Alberta budget announcement and related documents released today you may see a line that identifies a reduction in expenses affecting the Wetland Replacement Fund of \$8 Million annually starting in 2022-23.

This email is to let you know that this represents an administrative change allowing Wetland replacement work to be targeted sooner. This does not represent a reduction in the amount of funding for wetland replacement nor a reduction in the fund balance. This is intended to be an administrative adjustment to the fund management to take advantage of delivery efficiencies and does not signal a shift in the program purpose nor is it intended to reduce contributions to the fund. The government is committed to achieving the outcomes of the Wetland Policy and the Wetland Replacement Program and it will honour agreements we have with you.

We are in the early stages of exploring the new delivery model and we will be contacting you as design progresses to ensure our recommendations includes your thoughts and ideas for an improved program delivery.

If you have any immediate questions or concerns about this item in the budget, please contact me at <u>sandra.honour@gov.ab.ca</u> / 780 902 1495 and I can both track your concerns and field your questions.

Sincerely

Sandra Honour DVM, MSc. Executive Director Policy Systems Policy Division, Alberta Environment and Parks 10<sup>th</sup> Floor – Oxbridge Building- 9820 106 St NW, Edmonton, AB T5K 2J6 Phone: (780) 229 7314 cell:(780) 902 1495 Email: sandra.honour@gov.ab.ca

1berta

**Classification:** Public