

The Corporation of the City of Guelph

By-law Number (2025) - 21138

A By-law to regulate outdoor illumination and prohibit light nuisances.

Whereas:

- A. Section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act*"), provides that a municipality may pass by-laws respecting, among other things, the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;
- B. Section 8(1) of the *Municipal Act* provides that the power of the City shall be interpreted broadly so as to confer broad authority on the City to enhance the City's ability to respond to municipal issues;
- C. Section 8(3) of the *Municipal Act* provides that a by-law may regulate or prohibit and may require persons to do things respecting the matter;
- D. Section 128 of the *Municipal Act* provides the municipality with the authority to prohibit and regulate public nuisances, including matters that, in the opinion of the Council of the City of Guelph, are or could become public nuisances;
- E. Section 129 of the *Municipal Act* provides the municipality with the authority to prohibit and regulate with respect to outdoor illumination, including indoor lighting that can be seen outdoors;
- F. The City of Guelph zoning bylaws and building policies support the prohibition of Light Trespass from one private property onto another private property; and
- G. The Council of the Corporation of the City of Guelph wishes to adopt a by-law to prohibit light generated from fixtures from trespassing from one private property onto another private property.

The Council of the Corporation of the City of Guelph enacts as follows:

Part 1: Interpretation

1.1 Definitions

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

- (a) "**City**" means The Corporation of the City of Guelph and any of its designated representatives;
- (b) "**Construction Lighting**" means lighting that is used for the purposes of the safety of persons in the course of construction as located on the property where the work is being performed and only during the period of such work;
- (c) "**Council**" means the municipal Council of The Corporation of the City of Guelph;
- (d) "**Direct Lighting**" means light emitted directly from a Light Fixture;
- (e) "**Glare**" means excessive brightness that causes discomfort or impairs vision;
- (f) "**Indirect Lighting**" means light emitted from a Light Fixture that has been reflected or has scattered off other surfaces (excluding the natural environment and natural elements such as snow, ice and water) that creates the presence of a bright light;

- (g) **"Light Fixture"** means a complete artificial lighting unit consisting of one or more lamps and ballasting, where applicable, together with parts designed to distribute the light;
- (h) **"Light Trespass"** means the shining of light from a Light Fixture beyond the boundaries of the private property on which the Light Fixture is located onto another property, whether by Direct Lighting, Indirect Lighting, and includes Glare;
- (i) **"Officer"** means a Police Officer or any By-law enforcement officer of the City;
- (j) **"Owner"** includes the registered owner of real property, the Person with a leasehold interest in real property, and any Person having management or control of real property, and also includes a Person the Owner authorizes in writing to act on his or her behalf; and
- (k) **"Person(s)"** includes, but is not limited to, an individual, sole proprietorship, partnership, unincorporated association, or corporation.

Part 2: Purpose

- 2.1 The purpose of this By-law is to promote reasonable uses of outdoor lighting for safety, utility, security, productivity, enjoyment and commerce while preventing light nuisance and preserving community well-being.

Part 3: Application

- 3.1 Any Person who installs or operates outdoor lighting on private property within the boundaries of the City of Guelph shall do so in conformity with the requirements of this By-Law.

Part 4: Regulations

- 4.1 Subject to the exemptions in this By-law, no Person shall cause or permit a Light Trespass within the City.
- 4.2 Any person who installs or operates lighting on private property shall utilize Light Fixtures with appropriate luminance levels for the location and intended purpose and prevent and mitigate Light Trespass through placement and orientation, shielding, and controlled operation of Light Fixtures, as applicable.

Part 5: General Exemptions

- 5.1 The City is exempt from the requirements of this By-law.
- 5.2 The provisions of this By-law do not apply to:
 - a) vehicular lights and all temporary emergency lighting operated or required by the Fire and Police departments or other emergency services;
 - b) Construction Lighting, provided it is in compliance with other applicable laws and permits and does not emit Glare that poses a public safety risk;
 - c) any theatrical, film or television production approved by the City.

Part 6: Enforcement Provisions

- 6.1 The enforcement of this By-Law shall be conducted by an Officer. An Officer may issue an order to any Person in contravention of this By-law.
- 6.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine if the By-law is complied with.
- 6.3 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-Law.

- 6.4 Every Person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of such Officer's duties.
- 6.5 An Officer may issue an order under subsection 6.1 to any Person in contravention of this By-law to:
- a) discontinue the contravening activity;
 - b) do work to correct the contravention; and/or
 - c) remove the offending Light Fixture from their property.
- 6.6 An order under subsection 6.1 shall set out:
- a) reasonable particulars of the contravention to identify the contravention and the location of the land on which the contravention occurred; and
 - b) the date by which there must be compliance with the order.
- 6.7 An order may be served by:
- a) handing it to the Owner;
 - b) handing it to an occupant of the property who appears to be an adult;
 - c) posting it in a conspicuous place upon some part of the property and sending a copy to the Owner by regular mail; or
 - d) sending it by prepaid registered mail to the Owner at the address where the Owner resides or the Owner's head/registered office address.
- 6.8 If an order is served by regular mail or registered mail, the service shall be deemed to have been made on the 5th day after the date of mailing.
- 6.9 An order under subsection 6.1 may require work to be done even though the facts which constitute the contravention of the by-law were present before the by-law making them a contravention came into force.
- 6.10 Where an Owner fails to comply with an order issued under this By-law within the time specified for compliance, an Officer, with such assistance by others as may be required, may take steps to bring the property into compliance with this By-law.
- 6.11 For the purposes of subsection 6.10, the City or any authorized agent on behalf of the City may enter upon land at any reasonable time and complete the work set out in the order.
- 6.12 Where the City, its employees, authorized agents, or contractors have performed work required to bring a property into compliance with this By-law, all expenses incurred by the City in doing the work as well as any related fees shall be deemed to be a debt to the City and may be collected by action or the cost may be added to the tax roll for the property and collected in the same manner as municipal taxes.

Part 7: Penalty Provisions

- 7.1 Every Person who contravenes any provision of this By-law, including failing to comply with an order made under this By-law, is guilty of an offence and is liable to such penalties as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended (the "*Provincial Offences Act*") and the *Municipal Act*.
- 7.2 A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, including failing to comply with an order made under this By-law, is guilty of an offence and is liable to such penalties as provided for in the *Provincial Offences Act* and the *Municipal Act*.

- 7.3 Any Person who contravenes an order under subsection 6.1 is guilty of an offence.
- 7.4 If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Part 8: General

- 8.1 This By-law shall be referred to and may be cited as the "Light Trespass By-law".
- 8.2 If any provision or part of a provision of this By-law is declared by any court or tribunal or any provincial or federal legislation or regulation to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law or its application in any other circumstance shall not be affected and shall continue to be in full force and effect.

Part 9: Effective Date:

- 9.1 This By-law shall come into force and take effect on February 1, 2026.

Passed this twenty-eighth day of October, 2025. DS

DocuSigned by:

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Cam Guthrie, Mayor

DocuSigned by:

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Dylan McMahon, Deputy City Clerk



This by-law was approved by Guelph City Council on October 28, 2025. Written approval of the by-law was given by Mayoral Decision 2025-A74 dated October 28, 2025.