



## Legislation Text

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Int. No. 1039

By Council Members Moya, Restler, Cabán, Marte, Holden, Brewer, Hanif, Bottcher, Ung, Krishnan, Menin, Feliz, Richardson Jordan, Ossé, Nurse, Abreu, Hudson, Rivera, Kagan and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to limiting nighttime illumination for certain buildings

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-116.2 to read as follows:

§ 24-116.2 Limitations on nighttime illumination. a. As used in this section, the term “night” means the period of time beginning at sunset and ending at sunrise.

b. No exterior or interior of a building whose main use or dominant occupancy is classified in group B or M pursuant to the New York city building code may be illuminated at night, except as follows:

1. This subdivision shall not apply to a retail or wholesale establishment that sells good or services to consumers and occupies under 4,000 square feet of retail or wholesale space, excluding storage space, and is not one of a chain of stores.

2. An owner of a building that is a landmark, as such term is defined in section 25-302, and 20 or more stories in height may apply to the landmarks preservation commission for relief from the provisions of this section for such building. If such commission finds that such building is a significant part of the city’s skyline, as determined pursuant to rules promulgated by such commission, such commission may, after consultation with the department, waive or vary the provisions of this section for such building.

3. Upon a showing by a building owner that special circumstances indicate a need for night security

lighting for such building, the department may waive or vary the provisions of this section for such building to the minimum extent necessary to accommodate such lighting. The department shall, in coordination with the police department and the department of buildings, promulgate rules defining such special circumstances.

4. Where individuals are inside of a building at night, such building's interior or exterior may remain illuminated until such individuals exit such building.

5. This subdivision shall not prohibit illumination of a building's interior or exterior at night where such illumination is required by law, rule or the zoning resolution of the city of New York.

6. Storefront display windows containing temporary seasonal displays may be illuminated until midnight or until the last individual within the building exits, whichever occurs later.

7. Storefront display windows, other than those containing temporary seasonal displays, may be illuminated at night, provided that (i) such illumination does not exceed 50 watts per linear foot of the window perimeter until midnight and does not exceed 25 watts per linear foot of the window perimeter after midnight, (ii) no more than 20 percent of the luminaires providing such illumination are located more than 15 feet from the window, and (iii) each luminaire used for such illumination has a luminous efficacy greater than 30 lumens per watt.

c. An owner or operator of a building found to be in violation of this section shall be subject to a civil penalty of \$1,000 for each violation.

d. The department shall enforce the provisions of this section.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of environmental protection and chair of the landmarks preservation commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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