

DEALING WITH A NEIGHBOR WITH BAD LIGHTING

Perhaps you have a neighbor who has not so neighborly lighting, lighting that remains on all night, trespasses onto your property, creates a glare nuisance, spoils your view of the night sky, disrupts your sleep or creates a health problem for you.

The initial purpose of this document is to urge you, before you take any further definitive action, to do some serious thinking about the potential risks involved in confronting your neighbor. Then, if you decide to go forward, to do your homework before you leap. The last thing you should want to have happen is to create an irreparable rift that could last for years or never heal.

Is It Really Worth It?

When faced with the problem of annoying lighting, your frustrations may tend to get the best of you, resulting in a confrontational situation, or leading you to complain to your homeowner's association or local government, or to retain an attorney to deal with the matter. Before you take any such steps, you should keep in mind that your neighbor may be doing what they sincerely believe to be the right thing.

Understand that people moving out from the city often bring with them their fears for home security. Such individuals may insist upon lighting up their yard all night under the false pretense that increased lighting promotes safety. They probably have a real but ill-founded concern and most likely aren't aware of the nuisance they create for their neighbors, nor do they realize that their lighting may actually make their property more vulnerable to those with bad intentions. Sometimes it's only one of the neighbors, husband or wife, who possesses legitimate security fears. When dealing with the other spouse, they may understand your frustration but be unwilling to act. "Look, I agree with you but my wife/husband is scared of the dark and I'm helpless."

They most likely remain unaware of the nuisance they create for others. Be mindful that in blowing off steam you likely will create an unpleasant and even irreversible rift between you and the neighbor, causing them to react angrily and to potentially even retaliate, perhaps by aiming the lights out further onto your property, adding more lights or flashing the lights on and off at odd hours. Conceivably, you might also hear "Look this is my property and I need the lights on all night for our safety, so get lost." At that point, further chance to communicate will be greatly diminished except for screaming epithets across the fence.

Clearly, a saner approach would involve approaching your neighbor in a friendly manner to keep relations amicable and ripe for opportunity. Unless you are on unusually friendly terms, it is strongly recommended you carefully consider the potentially irreversible consequences. Just how important is the issue to you? Is there anything

you could do to lessen the impact without involving the neighbor, such as erecting a fence or planting a hedge or window blinds or moving to another bedroom in the house, or just heaving a sigh and resigning yourself to the circumstances?



Getting Off to a Good Start

Once you've decided to confront your neighbor, it will be much more appropriate to approach them in a way that keeps them on your side. Below are several suggestions on approaches that have been tried and found to be effective in the past.

The first approach suggestion might be appropriate if your neighbor recently moved in and you've not yet had a chance to get acquainted with them. You might want to consider inviting them over for coffee and cake, a beer, a swim or other friendly gesture. Then, in the course of the conversation you might casually bring up the lighting issue.

In a non-confrontational manner during the chat you might mention, as sort of a oh-by-the-way, that their lights are a bit of a problem and you wondered if something might be done to tone them down a bit, for instance, aiming them downward, shielding them or putting them on a motion sensor. You could mention that you read somewhere that security lighting can actually attract problems and create shadows that could be hiding places. You might also point out that you noticed the majority of home break-ins seem to occur during the day when no one is home rather than at night. If this is the case, you might add that the neighborhood is a safe one and you can't recall there being any break ins. Maybe point out too that they could save money by not having the lights on all night.

In preparation for the get-together or as a follow up, you might wish to consider and offer a solution that helps your neighbor. Take a close look at your neighbor's offensive lighting and see what makes it offensive. If the problem derives from your neighbor's porch light or post light, a simple solution could be to suggest to your neighbor that they install lower wattage bulbs. A 40-watt incandescent or 7-watt compact fluorescent would provide plenty of light for such lighting needs while greatly reducing the glare. Also, perhaps educate your neighbor that a bright unshielded glare source causes the eye to automatically adjust to the high brightness, thereby make the eye less able to see in the darker areas beyond the light. With lower wattage bulbs visitors and family

members arriving during hours of darkness would still have the welcoming effect of the post light or porch light but wouldn't suffer the ill-effects of glare.

Another solution. Perhaps suggest that they turn off the light after a certain hour. Having outdoor lights on all night wastes energy and money, a potential source of annoyance and an unnecessary contributor to environmental pollution. You might suggest they purchase a motion sensor for their security floodlights so the lights only come on when someone enters the property. For post-top and porch lights, programmable controllers are available that replace the wall switch that controls the lights and can be set to automatically turn the lights on at dusk and off at a preset hour, say 11 p.m. Some readjust themselves after a power outage and at semiannual time changes. They quickly pay for themselves in energy cost savings. An analysis of them can be found on the POLC website.

If the sources of the problem are PAR floodlights that look like the image on the left below, they could be aimed downward more so light doesn't shine onto your property and/or could be shielded so your eyes don't look directly at the bulb. To solve the shielding issue, suggest the use of a device called the Parshield. A Parshield clips onto the floodlight rim and partially or totally covers the view of the bulb as seen from your property or windows. Another solution involves replacing the offending fixture with a full shield or a 26-watt fluorescent wall-mounted "Glare Buster." The ubiquitous "barn light" or "dusk-to-dawn" or "utility" light, originally intended to illuminate barnyards and be mounted on utility poles, now grace many a suburban and urban parking area. Their photocell control turns them on at dusk and they stay on all light until dawn. Because they are high wattage and unshielded, they spread their glare far and wide. Rendering them less offensive can be accomplished in several ways: exchange the photocell for a programmable photocell that can be set for turnoff at any time in the evening or early morning. Alternative approaches might involve spray-painting or inserting a piece of aluminum on the offending side of the globe. For any of these fixes, you might want to think about offering to purchase or contribute to cost of the device or fixture.



PAR Floods



Parshield



**Fully Shielded
Aimed Down**



Glare Buster



**Barn Light
w/Shield**

As a gesture of cooperation with an aim to coming up with an mutually agreeable solution, you might even want to consider offering to help contribute to any expense

involved. Such a gesture implies a sense of cooperation and might keep the door open for further discussion.

What if You're Beyond the Mr. Nice Guy Stage?

OK, so what if you already traveled down the Mr. Nice Guy path but either didn't receive an amicable reception or somehow made your neighbor act defensively? Where to go from here? You did all you could on your end, including putting room darkening blinds or shades on your windows. You resigned yourself to learning to live with the glare. At this point, be aware that if you have not already done so, your next step will almost assuredly make your neighbor your enemy, and might or might not resolve the issue to your satisfaction, so proceed with that consequence in mind. Your only recourse at this point extends to leveraging a governing body's authority to implement action on your behalf. For instance, you may contact your homeowners association if you belong to one, your municipal government or engage legal counsel.

If you live in a development with a homeowners association, check to see if there are rules against glare. Registering a complaint with them, assuming they have rules against glare, may resolve the issue. In the event that the homeowners association doesn't, you might try to have them revise their bylaws to include some antiglare language such as "All exterior lighting shall be aimed straight down, with the source of the light shielded from view by adjoining properties, pedestrians and drivers. Post lights and porch lights shall have a maximum aggregate wattage of 40 watts incandescent or 7-watts compact fluorescent. Lighting intended to be on past 11 p.m. shall be motion-sensor controlled."

If you are not in a development with a home owners association, contacting your municipal government is another possible approach. Again, verify that your municipality has an effective lighting ordinance on the books that provides protective language against abusive lighting at the residential level. If they don't have ordinance language that restricts glare and abusive lighting, they still possess an obligation to protect the health, safety and welfare of its citizens. You may need to convince the powers that be that you have a legitimate health, safety or welfare issue. Go online to the municipality's website, find their zoning ordinance or a stand-alone lighting ordinance and search for applicable lighting language. If the municipality has an ordinance, contact the municipality's code officer or code department to register a complaint. Invite the code officer to visit your property during hours of darkness to view the issue.

A potential problem at this point is that older eyes become much more sensitive to glare than younger eyes. The code officer may look at what you consider to be glary lighting to be acceptable. If the code officer agrees that the lighting provides unnecessary glare, request that steps be taken to have your neighbor take corrective action. As

several code departments have reported in the past, more often than not when a neighbor with the offensive lighting gets a call from the municipality, they take steps to bring their lighting into compliance. If the code officer is unwilling to intercede, it might be time to take another tack with the municipality.

Before you go any further, if you are handy with a camera, it is suggested that you take some pictures out of your window at night that show the glaring lighting source and, with the room dark, take a picture of the wall opposite the window, that shows the light reflecting off of it. As added ammunition do some homework at the POLC website to learn about the ill-effects of light at night on human health and sleep deprivation. With that background you will be armed to hopefully convince the municipality that this isn't a grudge match and you have a legitimate issue. Then, attend a public meeting of the municipality's governing body and plead your case, passing out photos and health information. Invite them to visit the site and see for themselves. Try to impress upon them that there is a workable solution to the problem. If needed, attend the next meeting for a progress report. Follow through for a decision on the part of the municipal officials. If you can get to one of the governing body members and have them plead your case, so much the better. If you are successful, fine, if not, once again you have the option of learning to live with the problem or seeking legal counsel.

Seeking legal counsel can go in different directions depending upon how angry you are and how much you are willing to invest, but it still may not be a sure-fire end to your problems. Unfortunately there is not a great amount of highly visible legal precedence in Pennsylvania for judges ruling against neighbors with light pollution. First, having your lawyer write a letter to your neighbor threatening legal action if appropriate steps are not taken can sometimes get quick results, but not always. Second, you might ask the lawyer to go before the municipal governing body to plead your case. Third, the lawyer might take the matter before a magistrate to get a ruling to force your neighbor to remediate. At this point you are probably talking high costs with uncertain results.

Hopefully one or more of these courses of action will solve the problem or provide you with the comfort that you did all you could.

What if Your Neighbor Is a Business?

If your neighbor with troublesome lighting is a commercial establishment, many of the above potential approaches could apply, especially first trying to solve the problem amicably. Whom to contact may depend upon the size of the business. If a small local operation, you'll probably be dealing with the owner. If it's a bigger operation, a facilities manager may be the appropriate contact. For a large organization like a chain, you may have to deal with an operations manager at the corporate office. A start might be to call the listed local phone number and ask to speak to the person responsible for

outdoor lighting, if you are ready for a direct confrontation, otherwise, just ask for the name and contact information so you can collect your thoughts for a phone conversation or for writing a letter.

Commercial establishments may have different motives than homeowners for their lighting configuration. While site security may be the rationale for all-night lighting for an auto dealership with an expensive inventory in plain sight, for example, an equally common motive is glitz, or providing enough light and glare to draw attention to the business. If, as an example, the business is at an intersection with competing businesses on one of the other corners, outshining the competition may be the name of the game. The point is that while security is most often the justification for all-night residential lighting, with commercial neighbors, merchandizing may be the prime motive and convincing them to tone down their site lighting and thereby jeopardize profit, may be a tough sell.

As with dealing with a residential neighbor, do your homework before making contact. Are the lights on all night, even after the business is closed? Are there floodlights that could be aimed downward or away from your property or shielded. If the lighting is for security, could motion sensors be employed? Unfortunately the type of bulbs used in many commercial establishments cannot be motion-sensor controlled because they do not come on instantly when called upon to do so. Could the light or lights that are creating a problem for you be shut off by 11 p.m., with the rest of the site lighting remaining on for site security?

For a small local business, direct contact might be the appropriate approach. Again, the main objective is to keep an open dialogue by convincing the contact that they want to be a good neighbor and that they can do so without jeopardizing their profit and/or site security. A personal visit might work for some but keep in mind that if you do so, you may be interrupting their business routine, making it less likely for them to pay attention to your concerns. If such is the case, a thoughtful letter might be a better approach, stating your concerns and perhaps requesting a get-together at the owner's convenience to further discuss the matter. If the person responsible for outdoor lighting is at a remote site, a letter expressing your concerns will probably be the best approach but its content could be similar to one to the local owner, e.g., appealing to their sense of being a good neighbor. In either case, if a response is not received within a reasonable lapse of time, a follow-up phone call or letter would be advisable.

If that approach fails to produce satisfactory results, contacting the municipal government or a lawyer may be necessary. Having the municipal government intercede on your behalf could be a wise move. For information on approaching the local municipality, see the discussion earlier in this document. If you're considering engaging

legal counsel, keep in mind that businesses, especially big businesses, have lawyers on staff or retain them and will probably be little impressed by threats to seek legal counsel.

In any event, be prepared to be ignored or intimidated. You may have to keep pestering until you get satisfaction or are flatly denied satisfaction after all avenues have been exhausted. You may have to work up the corporate ladder to find someone, such as public relations, that might be sensitive to your concerns.