

ORDINANCE NO. 178 as amended by Ordinance 238 on (2_19_2008)

AN ORDINANCE TO
REGULATE OUTDOOR LUMINAIRES

WHEREAS, the Village Board for the Village of Oconomowoc Lake has received complaints over the last several years regarding the "light trespass" or unnecessary glare from outdoor lighting; and

WHEREAS, the Village Board has determined that improper or the wrong type of light fixtures installed can be a detriment or nuisance to adjacent property owners and the public traveling the roadways of the Village; and

WHEREAS, the Village Board for the Village of Oconomowoc Lake has deemed that it is necessary to place some reasonable restrictions on certain outdoor light fixtures and their installation; and

WHEREAS, in general, the Village Board for Oconomowoc Lake intends that all outdoor lighting shall be downward directed except where specified otherwise in this ordinance; and that fully shielded cut-off fixtures, directing light downward rather than upward shall be used; and that shielding the light in such a way that the light-emitting portion of the fixture cannot be seen at a reasonable distance is highly recommended; and

WHEREAS, examples of light fixtures and shielding that meet the intent of this ordinance are on file in the Village Administrator's office; and

WHEREAS, luminaries meeting the restricted emission goals of this ordinance are sometimes described commercially as hooded, shielded, or full cut-off fixtures, however, not all luminaries so designated necessarily meet these requirements;

NOW, THEREFORE, the Village Board for the Village of Oconomowoc Lake, Waukesha County, Wisconsin, DOES ORDAIN AS FOLLOWS:

Section 1: Purpose, Applicability and Goals.

- (a) The purpose of this ordinance is to improve nighttime public safety, utility and security by restricting the night-time emission of light rays which are the source of light trespass and/or unnecessary glare, and/or are detrimental to the safety and/or security of persons, property or vehicular traffic, and/or are detrimental to the traditional aesthetic values of the Village, and/or unnecessarily restrict persons from the peaceful enjoyment of their property.
- (b) The provisions of this ordinance shall apply to all outdoor luminaires used, installed, replaced, altered, moved or repaired after the effective date of this ordinance, except as this applicability is specifically expanded or reduced herein.
- (c) The provisions of this ordinance, except for Section 4 (d) do not apply to commercial establishments as defined herein.
- (d) The goal of this ordinance is to have all outdoor luminaires be located, sized and/or downward directed unless upward illumination is allowed by this ordinance so that the light emitted from the luminaires do not constitute light trespass as defined herein. Downward directed shall mean that the luminaire is shielded in such a manner that light rays emitted by the luminaire, whether

directly from the lamp or indirectly from the fixture, are restricted to regions below an angle 15 degrees beneath the horizontal plane running through the lowest point on the fixture where light is emitted.

Section 2: Effect on Other Codes.

The provisions of this ordinance are intended to supplement other applicable codes and requirements. Compliance with all applicable provisions of building, zoning, electrical and other codes must be observed. In the event of a conflict between the requirements of this code and other requirements, the more stringent requirement shall apply.

Section 3 : Definitions:

Commercial establishment: A premises that the Village of Oconomowoc Lake Plan Commission finds to include a Public and Semipublic Use, or a Highway Oriented Use, or that is subject to the I-1 Restricted Industrial District regulations, as described in Sections 17.54, 17.55, and 17.40, respectively, of the Village of Oconomowoc Lake Zoning Code, whether or not a conditional use permit has been issued for the same.

Footcandle: A standard unit of illumination.

Lighted Sign: A variety of light that is characterized by being in the form of glass tubes filled with neon, argon or krypton that is located outdoors, or faces outdoors; and also a variety of light characterized by being in the form of translucent material that depicts a sign or other display, that is illuminated wholly from within, and that is located outdoors, or faces outdoors.

Light Trespass: Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located with an intensity greater than one half foot candle at a point 4 feet above the ground at the property's boundary line and/or at a point four feet above the surface of the water and 150 feet from that property's shoreline when measured on the water.

Light Shield: Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.

Luminaire: The complete lighting system, including lamp and the fixture.

Private Driveway. Any way (1) serving not more than three lots, (2) used primarily for ingress and egress to and from said lots by motor vehicles, and (3) for which ingress and egress right is established by private easement and/or private ownership.

Private Road. Any street, highway, road or other way that is privately owned, that is used primarily for ingress and egress to and from lots by motor vehicles, and that is not a private driveway as defined herein.

Public Street. Any street, highway, road or other way owned by or dedicated to the Village of Oconomowoc Lake or governmental entity and used primarily for public travel in motor vehicles.

Section 4: Requirements.

- (a) **Light Trespass**
All outdoor luminaires shall be located, sized, shielded and/or directed in such a manner that they do not constitute light trespass as defined herein.
- (b) **Hours of Operation**
All outdoor luminaires must be turned off between 11:00 PM (local time) and sunrise except when used for:
 - (i) Lighting necessary for security purposes or
 - (ii) Lighting necessary to illuminate walkways, staircases, or public street and/or private roads or
 - (iii) Lighting commercial establishments if authorized as part of a conditional use permit as regulated in Section 5(e).
- d) **Safety**
No outdoor luminaire may be operated in such manner as to constitute a hazard or danger to persons, or to safe vehicular or boating operation.
- (c) **Searchlights**
The outdoor operation of searchlights, lasers or other high-intensity beams is prohibited except when authorized by conditional use or as authorized under Section 5(a).
- (e) **Illuminating Elevated Objects**
In the case of state and national flags, statues, entrance way markers, or other top-of-pole mounted objects which cannot be illuminated with downward directed lighting, upward directed lighting may be used only in the form of one or two narrow-cone spotlights which confines the illumination to the object of interest, and provided that the lighting is restricted to an angle of not less than 75 degrees up from horizontal.
- (f) **Pole Fixtures**
Outdoor light pole fixtures shall not exceed a maximum height of twenty-five (25) feet.
- (g) **Lighted Signs**
Lighted signs, as defined herein, are prohibited.
- (f) **Pole Fixtures**
Outdoor light pole fixtures shall not exceed a maximum height of twenty-five (25) feet.
- (g) **Lighted Signs**
Lighted signs, as defined herein, are prohibited.

Section 5: Special Exemptions.

The following are exempt from the requirements of this Ordinance, to the extent described as follows:

(a) **Temporary Exemption**

Request for temporary exemption from the provisions of this Ordinance may be submitted to the Village Administrator in written form describing the reason for the request and the nature of the request. If approved and granted in writing by the Village Administrator, such exemption shall be in force for not more than 30 days. Request for a maximum of one 30 day renewal may be made in similar manner. The Village Administrator may terminate any temporary exemption for any reasonable cause, including but not limited to concerns about safety or light trespass.

(b) **Low Voltage**

All low-voltage landscape or accent lighting and holiday lighting are exempt from the requirements of this ordinance, except for the requirements of Section 4(a) and 4(d).

(c) **Security**

Motion detector security lights, which are normally "off" and which are activated "on" for less than 4 minutes occasionally when motion is detected, are exempt from the requirements of this ordinance, but are not exempt from Sections 4 (a) or (d).

(d) **Public and Private Roads**

Outdoor luminaires used to provide illumination for public streets and private roads are exempt from the requirements of this ordinance except as described in this section.

After the effective date of this ordinance, only shielded, low pressure sodium outdoor luminaires may be newly installed to provide illumination for public streets and private roads.

However, in the event that the serving electric public utilities require high pressure sodium lamps for general street and highway lighting, or for other good and sufficient reasons, high pressure sodium lamps may be used instead of the low pressure sodium lamps as specified in this subsection upon written approval of the Village Administrator.

In the case of the replacement of a luminaire, lamp, and/or fixture installed to provide illumination for public streets, if existing circuitry does not permit replacement of an individual luminaire, lamp, and/or fixture with a low-pressure sodium light fixture, high pressure sodium may be used instead.

All reasonable attempts shall be made to meet the goals of this ordinance and to eliminate light trespass from all outdoor luminaires used to provide illumination for public streets and private roads whether existing, newly installed or replacement and whether low-pressure sodium light fixtures or high-pressure sodium light fixtures are used. Additional shielding to eliminate light trespass onto adjoining residential properties from outdoor luminaires which provide illumination of private roads shall be installed if requested by the adjoining residential property owner or occupant or any affected party.

(e)

Commercial Establishments

Commercial establishments as defined herein are exempt from the provisions of this ordinance except for Section 4(d) and regardless of whether or not the commercial establishment as defined herein is subject to a conditional use permit which contains language that the Petitioner agrees to comply with any lighting ordinance which may, at any time, be adopted by the Village of Oconomowoc Lake. Said commercial establishments by this ordinance are only subject to any other specific lighting requirement of the specific conditional use permit and Section 4(d) of this ordinance.

Section 6: Severability

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not effect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 7: Penalty.

Except as otherwise provided, any person found in violation of any provision of this ordinance or any order, rule or regulation made hereunder shall be subject to a penalty as provided in the Village of Oconomowoc Lake Ordinance No. 136 or any amendments thereto.

Section 8: Effective Date.

This Ordinance shall be in full force and effect from and after its passage and publication.

This ordinance passed this 19th day of July, 1999.

By Order of the Village Board of
The Village of Oconomowoc Lake,
Waukesha County, Wisconsin

Raymond O. Foster, Jr., President

ATTEST:

Barbara Stern, Clerk

Published or posted on the 23rd day of July, 1999