

ORDINANCE 8.035
VILLAGE OF LUXEMBURG
OUTDOOR RESIDENTIAL LIGHTING

THE VILLAGE BOARD OF LUXEMBURG, WISCONSIN, DO ORDAIN AS FOLLOWS:

AN ORDINANCE REGULATING OUTDOOR RESIDENTIAL LIGHTING WITHIN THE VILLAGE OF LUXEMBURG, KEWAUNEE COUNTY, WISCONSIN.

8.035 OUTDOOR RESIDENTIAL LIGHTING

(1) INTRODUCTION

(a) Purpose. The purpose of this ordinance is intended to regulate outdoor residential lighting in order to reduce and prevent light pollution within the Village of Luxemburg, promoting the public health, safety, prosperity, aesthetics and general welfare of the community. This means, to the extent reasonably possible, the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security. This ordinance will ensure the aesthetically appropriate outdoor residential lighting in keeping with the character of the Village of Luxemburg.

(b) Applicability. This ordinance applies to all outdoor residential lighting within the Village of Luxemburg unless otherwise exempted in this ordinance. This ordinance does not apply to:

- (1) emergency lighting;
- (2) temporary lighting;
- (3) vehicular lighting; and/or
- (4) any lighting for which the Village Board has issued an exemption after a finding of good cause.

(c) Severability. This ordinance and its individual provisions are declared to be severable. If any section, clause, provision, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the ordinance as a whole. All parts of the ordinance not declared invalid or unconstitutional shall remain in full force and effect.

(d) Definitions

- (1) Dark Sky Cutoff: any light fixture that emits its light below 45 degrees when measured from 0 to 180 degrees vertical. Dark Sky Cutoff fixtures keep most of their light from reaching the night sky and also minimize ground reflection and reduce light scatter beyond the property line.
- (2) Dark Sky Fixture: a light fixture that emits its light below 90 degrees when measured from 0 to 180 degrees vertical. Dark Sky fixtures keep most of their light from reaching the night sky.
- (3) Dark Sky Shade: anything that is used to shade a light fixture so that it behaves as a Dark Sky fixture. These include but are not limited to, fixtures

- outfitted with caps or housings or installed under canopies, building overhangs, roof eaves, or shaded by other structures, objects or devices.
- (4) Dark Sky Shield: anything that is used to shield a light fixture so that it behaves as a Dark Sky cutoff fixture. These include but are not limited to, for example, fixtures outfitted with caps or housings or installed under canopies, building overhangs, roof eaves, or shaded by other structures, objects or devices.
 - (5) Lamp or Bulb: the light-producing source installed in the socket portion of a luminaire or fixture.
 - (6) Emergency: refers to lighting as required by a unit of government or by civil officers, agents and officials to perform their duties to maintain the public health, safety and welfare.
 - (7) Fixture or Luminaire: a complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
 - (8) Full cut-off: a light fixture that prevents all transmission of light above the horizontal.
 - (9) Full shield: a fixture with housing or attachment which prevents a line of sight to the bulb when viewed from another property and which prevents a line of sight to any part of the light source at or above a horizontal plane running through the lowest portion of the fixture.
 - (10) Light Pollution: a general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
 - (11) Light Trespass: light emitted by a fixture that shines beyond the property on which the fixture is installed causing private nuisance to adjacent property owners.
 - (12) Motion Sensor: any device that turns a light fixture on when it detects motion and off when motion stops.
 - (13) Shielding: allows no light rays to be emitted by a fixture above the horizontal plane running through the lowest point of the fixture where light is emitted.
 - (14) Switch: any device that can be manually controlled by a person to turn a light fixture on and off. For the purposes of this ordinance, switches include motion sensors but switches do not include light sensors or timers.
 - (15) Temporary: refers to lighting as required by citizens to carry out legally approved activities for durations as specified in the permits for those activities. These include but are not limited to, for example, activities such as nighttime construction work lighting and seasonal decorations, but in no case for more than a period of 3 months without an exemption granted by the Village of Luxemburg.

(2) GENERAL PROHIBITIONS

- (a) Except as specifically permitted by this ordinance, all non-Dark Sky lights and fixtures are prohibited.

(3) LIGHT FIXTURES PERMITTED

- (a) All light fixtures previously installed with exception. All light fixtures that were installed prior to the effective date of this ordinance are grandfathered, approved and permitted by this ordinance, unless it is causing objectionable light trespass into or onto a residential property.

However, at such time as such fixture is repaired or replaced, the provisions of this ordinance shall apply as noted in Section 4 below.

- (b) Dark Sky fixtures. All light fixtures that are Dark Sky fixtures and Dark Sky Cutoff fixtures are approved and permitted by this ordinance.
- (c) Dark Sky Shade or Shield. All light fixtures that have a Dark Sky Shade or a Dark Sky Shield (*fully shielded*) are approved and permitted by this ordinance. (See Appendix B)
- (d) Other Light Fixtures encouraged but not required
- (1) Light fixtures with motion sensors are encouraged to minimize the duration of nighttime lighting.
 - (2) Light fixtures with soft yellow or orange lights instead of harsh white lights are encouraged to protect the view of the night sky.
 - (3) Dark Sky Shades and Dark Sky Shields are encouraged for old existing fixtures to protect the view of the night sky, minimize ground reflection and reduce light scatter beyond the property line.
 - (4) Dark Sky Cutoff fixtures are encouraged where light fixtures are mounted on structures or poles higher than the first level above ground level to protect the view of the night sky, minimize ground reflection and reduce light scatter beyond the property line.

(4) LIGHT FIXTURE REPLACEMENTS

- (a) When a Non-Dark Sky fixture is replaced, it shall be replaced with one of the following:
- (1) Dark Sky fixture; or
 - (2) Dark Sky cutoff fixture; or
 - (3) Non-Dark Sky fixture that has a Dark Sky Shade or Dark Sky Shield that causes it to operate as if it were a Dark Sky fixture or a Dark Sky Cutoff fixture. (See Appendix B)

(5) INSTALLATION

- (a) When a new light fixture is installed, it shall be installed with a switch to allow it to be manually turned on and off or with a motion sensor to automatically turn it on when motion is detected and turn it off when motion ends.

(6) EXEMPTIONS

- (a) The Village of Luxemburg may allow Exemptions from this ordinance as needed to relieve any unusual circumstances or difficulties or significant costs that would be encountered if an attempt were made to comply with this ordinance. The burden shall be on the person requesting an exemption to establish good cause.
- (b) The Village of Luxemburg may allow Exemptions from this ordinance to recognize that a good faith attempt has been made to comply with this ordinance, but compliance is still not possible due to unusual circumstances or difficulties or costs encountered. The burden shall be on the person requesting an exemption to establish good cause.

(7) LIABILITY

- (a) A person utilizing or maintaining an outdoor light shall be responsible for all costs of notification and enforcement and any other liability resulting from failure to comply with this ordinance. Responsibility for costs and liability begins from and after the day after passage and publication of this ordinance as required by law.

(8) ENFORCEMENT, INVESTIGATION, PENALTIES AND APPEAL

- (a) Enforcement. The Village Board of the Village of Luxemburg is authorized to enforce the provisions of this ordinance.
- (b) Investigation. Upon receiving a complaint of objectionable light trespass into or onto a residential property following the enactment of this ordinance, the alleged violation shall be investigated. Upon a finding that the fixture, shielding, bulb, positioning, location or any combination of these conditions is in violation of this ordinance, the property owner shall be subject to the penalties of this ordinance.
- (c) Penalties
 - (1) First violation: a written notice to the property owner, as well as tenant in certain cases, outlining the violation and requesting compliance within 90 days
 - (2) Second violation: If after 90 days following written notice, no exemption from this ordinance has been granted and there is continued non-compliance, a forfeiture citation of \$50.00 plus Court costs shall be issued.
 - (3) Penalties are doubled for third and subsequent offenses (\$100.00 plus Court costs).
 - (4) Each 30-day period of non-compliance may be considered a separate violation.

(d) Appeal

- (1) Appeals to the Village Board may be taken by an aggrieved person affected by a decision of the Village Board under this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Village Clerk and with the Board a notice of appeal in writing, specifying the grounds thereof.
- (2) The Clerk shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken. The Chairman shall fix a date for hearing the appeal and cause notice thereof to be given to all parties in interest as provided by the rules of the Board.


(9) DISCLAIMER

(a) The Village of Luxemburg does not, by approving or disapproving a lighting fixture, warranty or make assurance of any kind whatsoever, specifically as to whether the subject of the approval or disapproval is safe, suitable for its intended purpose, merchantable, or in compliance with any applicable codes or regulations.

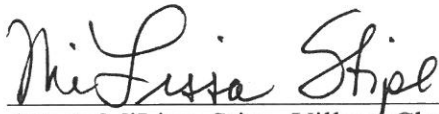
(10) EFFECTIVE DATE

Following passage by the Village Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 61.50, Wis. Stats.

Adopted by the Village Board of the Village of Luxemburg, Kewaunee County, Wisconsin, this 9 day of April, 2019.



Kenneth Tebon, Village President



Attest: MiLissa Stipe, Village Clerk-Treasurer

Date Published: 4/26/19

