

Subchapter 404. Lighting

404.1.PURPOSE. The purpose of this ordinance is to balance the need for safety and security with the need to eliminate glare, light trespass, light pollution and the obstruction of the night sky.

404.2.AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 60.22(3), 60.23(29) and CH 61, Wis. Stats. to enact this ordinance.

404.3.DEFINITIONS

- (1). Fixture - the assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and attached parts.
- (2). Full-cutoff - a light fixture which prevents all transmission of light above the horizontal.
- (3). Fully shielded - 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.
- (4). Glare - a light source which often results in annoyance, discomfort or loss of visual performance causing visual impairment and/or discomfort experienced by an observer with a direct line of sight.
- (5). Shoreline lighting - a light source within the 75 foot shoreline setback.
- (6). Light trespass - light projected onto a property from a fixture not located on that property.
- (7). Light source - the bulb and lens, diffuser, or reflective enclosure.

404.4.ORDINANCE

- (1). Exterior lighting, such as vapor, flood and spot, within the Town of Presque Isle shall be controlled and directed to minimize glare and light trespass onto neighboring properties, roadways, water bodies and the overhead sky by:
- (2). Using fully shielded, or full cut-off fixtures, so that the light emitting portion of the fixture cannot be seen from off of the property;
- (3). Directing light from fixtures directly downward rather than outward or upward;
- (4). Using motion-detecting fixtures rather than dawn-to-dusk fixtures when automated activation is necessary;
- (5). Flashing or rotating exterior lighting is prohibited, except for emergency purposes.
- (6). Shoreline lighting shall be prohibited, except that no more than one (1) permanent fixture shall be

permitted on a berthing structure; and said fixture shall be configured in such a way to prevent illumination more than 50 feet beyond the berthing structure. Illumination shall only be activated during those times when the dock or watercraft is in use.

404.5.EXEMPTIONS

- (1). Outdoor holiday lights and decorations shall be exempted from the shielding and directional requirements of this ordinance.
- (2). Lighting otherwise prohibited may be authorized by written permit from the Town Board if there are special circumstances relating to public safety and if the public interest in the provisions of this section can be adequately protected.
- (3). Messaging units permitted under Subchapter 203-04(5)(a)(i).

404.6.COMPLIANCE. Exterior lights on structures for which building permits were issued after December 31, 2004 shall comply with the provisions of this ordinance. A copy of this ordinance shall accompany all building permits issued by the Zoning Administrator. A violation of this ordinance shall be deemed a public and/or private nuisance.

404.7.ENFORCEMENT. No unnatural act or act of God shall negate the land owner's responsibility to comply with this ordinance. Any town officer may issue a written notice respecting the existence of such defect. Such written notice shall be served on the owner of such property and shall direct the owner of such property to promptly remedy the defect within 30 days. If owner fails to remedy or improve the defect in accordance with the written notice the landowner shall be issued a citation.

404.8.PENALTIES.

- (1). Violators shall be subject to a forfeiture of \$50 to \$1,000. A second violation within 24 months of the initial violation will have a forfeiture of \$50-1,000. A third violation within 24 months of the initial violation will have a forfeiture of \$50-1,000.
- (2). Any person violating this section shall pay the recommended forfeiture for every offense for each day of the continuance of the violation, after being so notified by the Town's representative. Each day thereafter shall constitute a separate violation of each offense.

404.9.EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as required by law.