

Ordinance No. 120307-03

An Ordinance Creating Section 18-35 of the Village of Fontana on Geneva Lake Municipal Code regarding exterior lighting.

The Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do hereby ordain as follows:

Section I. Section 18-35 of the municipal code for the Village of Fontana on Geneva Lake Municipal Code is hereby created as follows:

Sec. 18-35. Exterior lighting.

- 1 *Exterior lighting standards.*
 - a. *Purpose.* The purpose of this section is to regulate the spillover of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and prevent the creation of nuisances. A further purpose of this section is to regulate outdoor night lighting fixtures to preserve and enhance the area's dark sky while promoting safety, conserving energy and preserving the environment for astronomy.
 - b. *Applicability.* The requirements of this section apply to all private exterior lighting within the jurisdiction of this chapter, except for lighting within public rights-of-way and/or lighting located on public property.
 - c. *Definitions.*

Exterior lighting. An outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including general lighting fixtures, searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, signage, or other purposes.

Shielded. A fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected at least 15 degrees below a horizontal plane running through the lowest point on the fixture where light is emitted.
 - d. *Depiction on required site plan.* Any and all exterior lighting shall be depicted as to its location, orientation and configuration on the site plan required for the development of the subject property. (Refer to subsection 18-65(e).)
 - e. *Requirements.* :
 1. *Orientation of fixture.* All exterior lighting shall be shielded, except for incandescent fixtures of 150 watts or less, and other sources of 70 watts or less. In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is required so as to facilitate compliance with this requirement.
 2. *Intensity of illumination and filtering.* In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloud less night. In addition to this requirement, all exterior lighting fixtures shall not exceed the illumination levels recommended by the Illuminating Engineering Society of North America (IES) as given in appendix A. All metal halide fixtures shall

- be filtered by a glass or acrylic enclosure. Quartz glass shall not be considered as meeting this requirement.
3. *Location.* Light fixtures shall not be located in any required buffer area between land uses. Outdoor lighting installation shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height.
 4. *Flashing, flickering and other distracting lighting.* Flashing, flickering and/or other lighting which may distract motorists is prohibited.
 5. *Minimum lighting standards.* All areas designated on required site and operational plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 footcandles.
 6. *Special events lighting.* Any temporary use using exterior lighting which is not in complete compliance with the requirements of this section shall secure a conditional use permit.
 7. *Display lot lighting.* Display lot lighting shall be extinguished within minutes after closing of the business. Under no circumstances shall the full illumination of display lots be permitted between 11:00 p.m. and 7:00 a.m. All exterior lighting during such period shall be at low levels for security purposes only.
 8. *Architectural lighting.* All architectural lighting shall be of 150 watts or less in incandescent, and shall be of 70 watts or less for other lighting types. Under no circumstances shall the illumination of architecture be permitted between 11:00 p.m. and 7:00 a.m. All exterior lighting during such period shall have a minimum of 90 percent of its light fall onto the illuminated structure, rather than into sky or space beyond the structure.
 9. *Temporary security lighting.* Temporary security lighting triggered by motion or noise shall be permitted and exempt from the above provisions. Sensors for such lighting shall not be triggered by activity located off the subject property. Such lighting shall not remain on for more than 15 minutes beyond the triggering event.
 10. *Pier lighting.* Pier lighting installed after the adoption date of this ordinance shall be limited to a maximum of one footcandle at the ordinary high water mark. All such fixtures shall be oriented and/or shielded so as to limit the upward and outward projection of light to an angle no greater than 45 degrees below the horizon.
 11. *Holiday lighting.* Holiday lighting shall be permitted and exempt from the provisions of this article.
 12. *Use of mercury vapor fixtures.* No new mercury vapor exterior lighting fixtures shall be installed following the effective date of this ordinance amendment.
 13. *Nonconforming lighting*
 - a. A time limit shall be placed upon the continuance of existing nonconforming lighting. This amortization program permits the owner to maintain nonconforming lighting for a period of time, identified below, while at the same time assuring that all exterior

lighting in the village will come into conformity within that period of time.

- b. Nonconforming lighting shall be any exterior light fixture which was lawfully erected and maintained in accordance with the provisions of any prior zoning or other applicable ordinance but which does not conform to the limitations and standards established by this section.
- c. Any nonconforming lighting may be continued in operation and maintenance after the effective date of these regulations, provided that the lighting shall not be changed in any manner that increases its noncompliance with these provisions. Such lighting shall be subject to the termination provisions of subsection d., below.
- d. The right to maintain nonconforming lighting shall terminated immediately by any of the following actions:
 - i. *By abandonment.* Abandonment or cessation for a period of one month.
 - ii. *By destruction, damage, or obsolescence.* Whenever the light fixture is damage or destroyed, from any cause whatsoever, to the extent that it must be replaced.
 - iii. *By amortization.* Any light fixture which, on the date the light fixture became nonconforming, would cost the following amount to replace shall be terminated or made to conform within the following period after the exterior lighting became nonconforming:

\$0 to \$2,000	1 year
\$2,001 or more	2 years

- e. A current file of all nonconforming lighting shall be maintained by the building inspector so the owners, agents or persons having beneficial interest in the lighting can be properly notified.
14. *Violations and penalties.* Any person, firm, entity or corporation violating the provisions of this subsection shall be subject to all applicable penalties and procedures under section 18-312. Each day the violation continues after notice and/or citation shall constitute a new violation.

APPENDIX A

RECOMMENDED ILLUMINATION LEVELS OF THE ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IES)

Parking lots

TABLE INSET:

Level of Activity	Examples	General Parking and Pedestrian			Vehicle Use Only		
		Average	Minimum	Uniformity (Avg./Min.)	Average	Minimum	Uniformity (Avg./Min.)
High	Major league athletic events Major cultural or civic events Regional shopping centers	3.6 fc 60,000 lu 1 750 W MH 750 WHPS 375 W LPS	0.9 fc 15,000 lu 1 185 W MH 185 W HPS 90 W LPS	4:1	1.8 fc 30,000 lu 1 125 W MH 125 W HPS 375 W LPS	0.6 fc 10,000 lu 1 125 WMH 125 W HPS 65 W LPS	3:1
Medium	Community shopping centers Cultural, civic or recreational event Office parking Hospital parking Transportation parking Fast-food facilities Residential complex parking	2.4 fc 40,000 lu 1 500 W MH 500 W HPS 250 W LPS	0.6 fc 10,000 lu 1 125 W MH 125 W HPS 65 W LPS	4:1	0.9 fc 15,000 lu 1 185 W MH 185 W HPS 90 W LPS	0.3 fc 5,000 lu 1 60 WMH 60 W HPS 30 W LPS	3:1
Low	Neighborhood shopping Industrial employee parking Educational facility parking Church parking	0.9 fc 15,000 lu 1 185 W MH 185 W HPS 90 W LPS	0.18 fc 3,000 lu 1 35 W MH 35 W HPS 18 W LPS	4:1	0.45 fc 7,500 lu 1 90 W MH 90 W HPS 45 W LPS	0.12 fc 5,000 lu 1 25 WMH 25 W HPS 15 W LPS	4:1

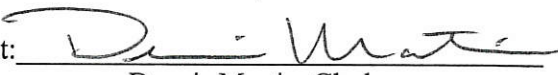
¹ Assumes light is at a height of 20 feet. If light is at 30 feet, the lumens need to be doubled to achieve the same fc at the ground.
(Ord. No. 09-09-02-2, § 1, 9-9-2002)

Effective Date: This ordinance shall be in full force and effect upon and from its passage, approval and publication as required by law.

Passed and Adopted by the Village Board of Trustees of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, this 3rd day of December, 2007.

By: 

Ron Pollitt, President

Attest: 

Dennis Martin, Clerk

