

Chapter 260

OUTDOOR LIGHTING

260-1. Purpose

The purpose of this chapter is to improve nighttime public safety, utility and security by restricting the nighttime 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 Town, and/or unnecessarily restrict persons from the peaceful enjoyment of their property.

The provisions of this chapter 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.

The goal of this chapter is to have all outdoor luminaires be downward directed, sized, and/or located so that the light emitted from the luminaires does not constitute light trespass as defined herein.

260-2. Authority

The chapter is enacted pursuant to the provisions Section 60.22(3), 60.23(29) and Ch. 61 of the Wisconsin Statutes.

The provisions of this chapter 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 chapter and other requirements, the more stringent requirement shall apply.

Related chapters include Chapter 256-6, Signs, and Town of Winneconne Code Chapter 258-7.D, Site Plan Review.

260-3. General Requirements

- A. Light trespass shall be defined as a light level that exceeds allowable footcandle illumination at locations described herein.
- B. All exterior lighting must be located, sized, shielded and/or directed in such a manner that they do not constitute light trespass as defined herein. Illumination at ground level beneath the light source shall not exceed 2 footcandles (5 footcandles for active building entrances or point of property access, sidewalks or fuel station pump area). A light level of 1 footcandle or more at the property line also constitutes light trespass.
- C. All outdoor luminaires must be turned off between 11:00 p.m. local time and sunrise except when used for:
 1. Lighting necessary for agricultural purposes in compliance with 260-5, or
 2. Lighting necessary for security purposes in compliance with 260-5, or
 3. Lighting necessary to illuminate walkways, staircases, or public street and/or private roads in compliance with 260-5, or
 4. Lighting necessary for commercial purposes that continues after 11:00 p.m., but only for 30 minutes after the close of public access to the place of business and 30 minutes prior to the opening of public access to the place of business if before sunrise, or

5. Recreational use that continues after 11:00 p.m., but only for so long as such use continues.
- D. The outdoor operation of flashing or rotating exterior, searchlights, lasers or other high-intensity beams is prohibited except when authorized by conditional use.
- E. 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.
- F. 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.
- G. Outdoor light pole fixtures shall not exceed a maximum height of thirty-five (35) feet.
- H. Lighted signs must comply with Town of Winneconne Code Chapter 256.

260-4. Shore Land Lighting

This section applies to all lighting on shoreline and berthing structures or designed to illuminate shoreline or those structures associated with berths. Lighting must comply with 260-3 General Requirements of this ordinance along with the following conditions:

- A. Lighting inside a boathouse and intended to illuminate its interior is permitted.
- B. Lighting on exteriors of berthing structures shall be fitted with opaque shields to prevent direct visibility of the lamp to persons on public waters or adjacent lands more than 50 feet beyond the berthing structure.
- C. Lighting not mounted on a berthing structure but designed to illuminate a berthing structure or its immediate vicinity shall comply with (B) above.
- D. Lighting installed on, or intended to illuminate, seasonally-used berthing structures shall be turned off when not required for safety or security.

260-5. Exemptions

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

- A. Agricultural – Outdoor luminaires used to provide illumination onto land zoned Agricultural are exempt from the requirements of this chapter except as described in this section. After the effective date of this chapter, only shielded, low pressure sodium outdoor or light emitting diode (LED) luminaires may be newly installed to provide illumination.

In the case of the replacement of a luminaire, lamp, and/or fixture installed to provide illumination, if existing circuitry does not permit replacement of an individual luminaire, lamp, and/or fixture with a low-pressure sodium light or LED 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 whether existing, newly installed or replacement and whether low-pressure sodium, LED or high-pressure sodium light fixtures are used. Additional shielding to eliminate light trespass onto adjoining residential properties from outdoor luminaires shall be installed if requested by the adjoining residential property owner or occupant or any affected party.

B. Security - Motion detector security lights, which are normally “off” and which are activated “on” for less than 12 minutes occasionally when motion is detected, are exempt from the requirements of this chapter except for the requirements of 260-3.A and 260-3.D.

C. Public and Private Roads – Outdoor luminaires used to provide illumination for public streets and private roads are exempt from the requirements of this chapter except as described in this section. After the effective date of this chapter, only shielded, low pressure sodium outdoor or light emitting diode (LED) 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 or LED luminaires as specified in this subsection when authorized by conditional use.

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 or LED 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, LED 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.

D. Low Voltage and Holiday Lighting - All low-voltage landscape or accent lighting and holiday lighting are exempt from the requirements of this chapter except for the requirements of 260-3.A and 260-3.D.

260-6. Compliance

A. This chapter shall take effect and be in force from and after the day after passage and publication as required by law.

B. All nonconforming fixtures shall be brought into compliance within 12-months of publication of this chapter as required by law.

C. Within the period of compliance defined in 260-6.B, whenever a nonconforming fixture or light bulb is replaced or moved, the replacement shall meet the requirements of the ordinance. All associated nonconforming fixtures shall be brought into compliance at that time.

260-7. Violations, Legal Actions, and Penalties

A. Upon receipt of written complaint and determination of non-compliance, written notice of such violation shall be issued to the owner and/or occupant of such premises indicating the nature of the violation and demanding the violation be abated within 30 days of delivery of notice.

B. If the violation is not abated or appealed within the 30 day period, actions may be instituted to abate any violations of this chapter and to collect the penalties for such violations, including injunctive relief.

C. Any person failing to comply with the provisions of this chapter shall be subject to a penalty as provided in Town of Winneconne Code Chapter 1-4..

260-8. Severability and Liability

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

B. Conflict. If any of this chapter is found to be in conflict with any other ordinance or with any other part of this chapter, the most restrictive or highest standard shall prevail. If any part of this chapter is explicitly prohibited by federal or state statute, that part shall not be enforced.