

AN ORDINANCE TO PROVIDE FOR THE QUALITY OF OUTDOOR NIGHT LIGHTING TO CONSERVE ENERGY, REDUCE LIGHT POLLUTION, AND IMPROVE SAFETY BY LIGHT DIRECTION.

SECTION 1.

It is the intent of this Ordinance to encourage, through the regulation of the types, kinds, construction, installation, and uses of outdoor electrically powered illuminating devices, lighting practices and systems to conserve energy without decreasing safety, utility, security, and productivity while enhancing nighttime enjoyment of property within the village.

SECTION 2. DEFINITIONS

Definitions

- ***Canopy structure:*** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- ***Fixture:*** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens
- ***Footcandle:*** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- ***Glare:*** Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
- ***Illuminance:*** The level of light measured at a surface.
- ***Lamp:*** The component of a luminaire that produces the light.
- ***Light direct:*** Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaires
- ***Light emitting surface:*** Any part of a fixture (lamp, diffusor) which emits light rays.
- ***Light pollution:*** General sky glow caused by the scattering of artificial light in the atmosphere, much of which is caused by poorly designed luminaries.
- ***Light shield:*** Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.
- ***Light trespass:*** Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.
- ***Lumen:*** A unit of measurement of luminous flux.
- ***Luminaire:*** The complete lighting system, including the lamp and the fixture.

- ***Luminaire full cutoff:*** A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.
- ***Luminaire permanent outdoor:*** Any fixed luminaire or system of luminaries that is outdoors and this is intended to be used for seven (7) days or longer.
- ***Outdoor light fixtures:*** Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.
- ***Roadway lighting:*** Permanent outdoor luminaries that are specifically intended to illuminate roadways for automotive vehicles.
- ***Fully Shielded:*** Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plans certified by a photometric test report.
- ***Standard methods:*** Methods of measurement established by a nationally recognized Board.

SECTION 3. OUTDOOR LIGHTING

OUTDOOR LIGHTING

(a) INTENT AND SCOPE OF APPLICATION

Intent The purpose of this section is to improve the travel conditions for persons and vehicles on public ways by reducing glare, to reduce light trespass, to protect the general health, safety, and welfare of the public the village of Lithopolis, to decrease the expense of lighting, to decrease light pollution, and to improve the aesthetics of the village in general while providing adequate night-time safety, utility, and security.

(b) PROCEDURE:

The standards in this section shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The Zoning Inspector may review any building or site to determine compliance with the requirements of this section. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use permit, subdivision plat approval, or site plan approval from the Village, the applicant shall submit sufficient information to enable the Zoning Inspector and/or Council's designee to determine whether the proposed lighting will comply with this ordinance. The lack of a required permit or approval is not an exemption of complying with this ordinance. Upon written complaint to Council, the Zoning Inspector shall investigate and take appropriate action to determine, and enforce, compliance with this ordinance.

Submission of Plans and Evidence of Compliance with Code - Subdivision Plats.

Submission Contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that

the proposed work will comply with this Code. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:

1. plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
2. description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);
3. photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions.

Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Code will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

Subdivision Plat Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the Village of Lithopolis Outdoor Lighting Code will be adhered to.

Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Zoning Inspector for his approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

(c) STANDARDS:

1. All areas:

- a) All lights shall be fully shielded in such a way as to direct all light toward the Earth's surface and away from reflective surfaces.
- b) Light fixtures or lamps shall be shielded/shaded in such a manner as to direct incident rays away from all adjacent property.
- c) Lights on poles shall not be taller than the building whose area they illuminate nor taller than fifteen (15) feet whichever is shorter.
- d) All fixtures must meet the building code requirements for their particular zoning district.
- e) Any facilities which may require floodlighting may not arrange the light in such a way that it will shine towards roadways, onto adjacent residential property or residential use property or into the night sky.

- f) Any interior lighted signs may not be lit at night when any face of the sign is removed or damaged in such a way that the light may distract drivers or homeowners.
- g) All outdoor lighting in or adjacent to residential zoning districts shall be directed toward and confined to the ground areas of lawns or parking areas.
- h) The level of lighting shall not exceed 0.5 footcandles at any residential property line.
- i) Except as stated elsewhere in these regulations, light levels will be limited to those published as recommendations by the Illuminating Engineering Society of North America.

2. Business, industrial and open space districts and any roadway adjacent to residential zones:

- a) Any light fixture must be placed in such a manner that no light-emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.
- b) The level of lighting shall not exceed 0.5 footcandles at any residential property line or 1.0 footcandles at any non-residential property line.
- c) Any Canopy structure used at a business location must have recessed lights with diffusers which do not extend below the surface of the canopy.
- d) Any luminaire on a pole, stand or mounted on a building must have a shield, an adjustable reflector and nonprotruding diffuser.

3. Installation and operation cost: The cost of installing, replacing and operating public lighting and approved roadway lighting on any public road shall be through a financial method approved by the village council. The costs of all other lighting systems shall be borne by the developer/property owner.

EXISTING OUTDOOR LIGHT FIXTURES

1. Adjustable Outdoor Light Fixtures.

It shall be the responsibility of the Village to disseminate the ordinance by appropriate means; to identify those spotlights, floodlights and wallpacks requiring adjustment; and to inform their owners of these provisions. Any required adjustments shall be completed within two (2) years from the date of this ordinance.

2. Non-adjustable Outdoor Light Fixtures.

Existing light fixtures, other than adjustable fixtures in service at the time this ordinance is enacted may continue in service without adjustment or modification until such time that they are replaced through any action or have not been used for 90 consecutive days. At such time the light fixtures must be replaced with fixtures that comply with this ordinance.

3. New Outdoor Light Fixtures.

All new light fixtures installed after the effective date of this ordinance, including replacements for existing fixtures, must conform to this ordinance.

4. Any owner who fails to comply with these provisions shall be issued a warning notice. Any owner who further fails to comply after thirty (30) days from the issuance of such warning shall be subject to the penalties set forth in section 5 for each day of noncompliance.

PROHIBITIONS

1. Mercury Vapor Lamps Fixtures and Lamps. The installation of any mercury vapor fixture or lamp for use as a permanent outdoor luminaire is prohibited.
2. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising, entertainment or non-commercial use when projected above the horizontal is prohibited.
3. Searchlights. The operation of searchlights for advertising, entertainment or non-commercial purposes is prohibited.
4. Outdoor Advertising Off-Site Signs. Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 p.m. and sunrise is prohibited.
5. Bottom-mounted outdoor sign lighting shall not be used.
6. Lighting shall not be of a flashing, moving, intermittent or scintillating type except for signs that display only time and temperature. Other electronic, changeable message signs may not change their message more than once per hour.

EXCEPTIONS

1. The Zoning Inspector may recommend to Council that a waiver of any of the provisions stated in section (c) when after a request for such an exception has been made and reviewed; the Zoning Inspector determines that such an exception may be necessary for the lighting application. Requests for such an exception shall be made to the Zoning Inspector in such form as the Zoning Inspector shall prescribe and shall include, but not be limited to, a description of the lighting plan, a description of the efforts that have been made to comply with the provisions of these regulations and the reasons such an exception is necessary. In reviewing a request for such exception, the Zoning Inspector shall consider safety, design, and other factors deemed appropriate by the Zoning Inspector and shall consider the following:
 - a) The new or replacement luminaire is a full-cutoff luminaire when the rated output of the luminaire is greater than 1,800 lumens.
 - b) If a lighting recommendation or regulation applies, the minimum illuminance specified by the recommendations or regulation is used.

- c) If no lighting recommendation or regulation applies, the minimum illuminance adequate for the intended purpose is used, giving full consideration to safety, energy conservation, glare, and minimizing light trespass.
 - d) For roadway lighting, a determination is made that the purpose of the lighting installation or replacement can not be achieved by installation of reflectorized roadway markers, lines, warnings or informational signs, or other passive means.
 - e) Adequate consideration has been given to conserving energy and minimizing glare, light pollution, and light trespass.
2. Exemptions from the provisions of this section are permitted only when:
- a) Federal or state laws, rules and regulations take precedence over these provisions.
 - b) Fire, police, rescue, or repair personnel need light for temporary emergency situations.
 - c) There are special requirements, such as sports facilities, monument or flag lighting and temporary lighting; all such lighting shall be selected and installed to shield the lamp(s) from direct view to the greatest extent possible, and to minimize upward lighting and light trespass. (See Special Uses section)
 - d) A determination has been made by the Village Board of Zoning Appeals, established through an open, public hearing process, that there is a compelling public safety interest that can not be addressed by any other method.
 - e) The applicant shall submit a detailed description of the proposed exemption for nonconforming lighting to the Zoning Inspector. The applicant shall provide written notice via Certified U.S. Mail of said request to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the request during a period within ten days after mailing of the notice and prior to final action on said request. Comments will be directed to the Village Administrator, who shall bring such public input to the Zoning Inspector.

SPECIAL USES

Recreational Facilities

Any light source permitted by this ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, auto race tracks, horse race tracks or show areas, provided all of the following conditions are met:

- a. Lighting for parking lots and other areas surrounding the playing field, court, or track shall comply with this ordinance for lighting.

b. All fixtures used for event lighting shall be fully shielded or be designed or provided with sharp cut-off capability, so as to minimize up light, light trespass, and glare.

c. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

Flags and monuments (public and private)

Each flag or monument may be lighted by one (1) spotlight emitting no more than 1,800 lumens. The light must be angled or shielded in such a way to minimize up light, light trespass, and glare.

Temporary Lighting

Temporary lighting that conforms to the requirements of this ordinance shall be allowed. Nonconforming temporary exterior lighting may be approved by the Zoning Inspector only after considering 1) the public and/or private benefits which will result from the temporary lighting; 2) any annoyance or safety problems that may result from the use of the temporary lighting; 3) comments and opinions of adjacent property owners; and 4) the duration of the temporary nonconforming lighting.

The applicant shall comply with the public notice requirement in Exemptions section 2(e).

Seasonal/holiday Lighting

House decorations and municipal lighting in non-conformity to this regulation shall be permitted without permit or review only during seasonal times and events that are generally recognized in the community.

PENALTIES

Every person convicted of a violation of any provision of this Ordinance shall be punished by a fine of not more than one hundred dollars (\$100.00). Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The imposition of a fine under this Ordinance shall not be suspended.

In addition to the penalties stated herein, the Village of Lithopolis shall enjoin or abate any violation of this Ordinance by appropriate action.