

**ORDINANCE NO. 2017-06-12-02**

**AN ORDINANCE TO AMEND AND RESTATE SECTION 5.23 (1) OF THE VILLAGE CODE OF THE VILLAGE OF CHENEQUA RELATING TO OUTDOOR LIGHTING**

The Village Board of Trustees of the Village of Chenequa, Waukesha County, Wisconsin does hereby ordain and adopt an ordinance amending and restating Section 5.23 (1) of the Village Code relating to Outdoor Lighting.

**SECTION 5.23 (1)** is hereby amended and restated to read:

**5.23 OUTDOOR LIGHTING**

- (1) **PURPOSE.** The purpose of this section is to perpetuate and preserve the rural character of the Village of Chenequa and to improve the health, safety and general welfare of the Village by restricting light trespass and unnecessary glare.
- (2) **INTENT.** The intent of this Section is to have outdoor lighting fixtures designed, located and/or downward directed and shielded, unless upward illumination is allowed by this section, so that light emitted therefrom does not create light trespass.
- (3) **APPLICABILITY.** The provisions of this section shall apply to all outdoor lighting fixtures used, installed, replaced, altered, moved or repaired after the effective date of this section, except as such applicability is specifically expanded or reduced herein.
- (4) **DEFINITIONS.** For the purpose of this section certain terms and words are hereby defined as follows:
  - (a) **Downward Directed:** An outdoor lighting fixture which is designed or shielded in such a manner that light rays emitted therefrom are projected below the horizontal and do not create light trespass.
  - (b) **Fully Shielded:** A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal. Any structural part of the light fixture providing this shielding must be permanently affixed.
  - (c) **Glare:** A light ray emanating directly from an outdoor lighting fixture , reflector or lens such that it falls directly upon the eye of an observer.
  - (d) **Holiday Lighting:** Seasonal decorations using unshielded low-wattage bulbs in place from November 10 through January 30.
  - (e) **Light Trespass:** Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

(f) **Light Shield:** Any attachment which interrupts and blocks the path of light emitted from an outdoor lighting fixture.

(g) **Outdoor Lighting Fixture:** An outdoor illuminating device, luminaire, outdoor lighting lamp or similar device, permanently installed or portable. Such devices shall include, but are not limited to lights used for:

- i. Private roadway and driveway lighting;
- ii. Buildings and structures;
- iii. Recreational areas;
- iv. Landscape lighting;
- v. Building overhangs and open canopies.

(5) **GENERAL RULES.** All outdoor lighting within the Village of Chenequa shall be fully shielded or designed, located and/or downward directed and shielded, unless upward illumination is allowed by this section, so that no glare, light trespass or illumination is cast upon property of others. Outdoor lighting fixtures shall not be aimed toward or directed at a neighboring property.

(6) **HOURS OF OPERATION.** All outdoor lighting fixtures shall be turned off between 11:00 PM and sunrise, except:

- (a) Outdoor lighting fixtures necessary for security purposes and which are equipped with motion or proximity sensors;
- (b) Outdoor lighting fixtures necessary to illuminate walkways, stairways or private roads; and
- (c) Outdoor lighting fixtures for non-residential establishments, if authorized by a conditional use permit.

(7) **SHORELAND LIGHTING.** The purpose of this section is to minimize glare and light trespass in the shoreland environment without significantly inhibiting safety and security.

- (a) This sub-section applies to all outdoor lighting fixtures located on berthing structures, piers or docks or designed to illuminate such structures.
- (b) The following requirements shall apply:
  - i. Flashing and rotating lights are prohibited.

- ii. Outdoor lighting fixtures located on the exteriors of berthing structures, piers or docks shall be fully shielded or fitted with an opaque light shield to prevent direct visibility of the lamp to persons on public waters or adjacent lands more than 50 feet beyond such structure.
- iii. Outdoor lighting fixtures not mounted on berthing structures, piers or docks but designed to illuminate such a structure or its immediate vicinity shall comply with subparagraph ii above.
- iv. Outdoor lighting fixtures installed on, or intended to illuminate, seasonally-used berthing structures, piers or docks shall be turned off when not required for safety or security.

(8) EXEMPTIONS. The following are exempt from the requirements of this section:

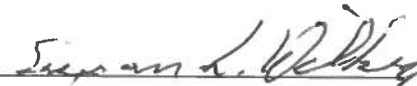
- (a) Temporary Exemption. A request for temporary exemption from the provisions of this section may be submitted to the Village Administrator in written form describing the reasons for the request and the nature of the request. If approved and granted in writing by the Village Administrator, such exemption shall be in force for not more than 30 days. A request for a maximum of one 30 day renewal may be made in similar manner. The Village Administrator may terminate any temporary exemption for any reasonable cause, including but not limited to concerns about safety or light trespass.
- (b) Low-Voltage. Low-voltage landscape or accent lighting and holiday lighting is exempt from the requirements of this section, except for the requirements of sub-section (6).
- (c) Pool and Fountain. Underwater lighting for the illumination of swimming pools and fountains, where light emitted therefrom does not create light trespass.
- (d) Elevated Objects. Uplighting for 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 confine the illumination to the object of interest; provided however that the lighting must be restricted to an angle of not less than 75 degrees up from horizontal.
- (e) Public Right-of-Way and Facilities. Outdoor lighting fixtures located within the public right-of-way or which serve or are located upon public facilities.

(9) NEW CONSTRUCTION – LIGHTING PLANS. An outdoor lighting plan must accompany original submissions of building plans for all new construction. The submission shall contain but shall not necessarily be limited to the following:

- (a) Plans indicating the location on the premises of each illuminating device, both proposed and any already existing on the site;
  - (b) Descriptions of all illuminating devices, fixtures, lamps, supports, reflectors, both proposed and existing. The description may include, but is not limited to catalog cuts and illustrations by manufacturers;
  - (c) Photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off of light emissions.
- (10) EFFECTIVE DATE. This ordinance shall be effective for all properties in the Village as of June 12, 2017.

Dated: June 12, 2017

VILLAGE OF CHENEQUA

BY:   
Susan L. Wilkey  
Village President

ATTEST:

  
Pamela Ann Little  
Village Clerk

Date Adopted: June 12, 2017

Date Published (by Posting): June 13, 2017