

**ORDINANCE #1-2010
TOWN OF HOLLAND
OUTDOOR LIGHTING ORDINANCE**

AN ORDINANCE REGULATING OUTDOOR LIGHTING WITHIN THE TOWN OF HOLLAND, LA CROSSE COUNTY, WISCONSIN.

SECTION 1.0 INTRODUCTION

1.01 Purpose

The purpose of this ordinance is intended to regulate outdoor lighting in order to reduce and prevent light pollution within the Town of Holland, promoting the public health, safety, prosperity, aesthetics and general welfare of the community. This means, to the extent reasonably possible, the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security. This ordinance will ensure the aesthetically appropriate outdoor lighting in keeping with the rural character of the Town of Holland.

1.02 Applicability

This ordinance applies to all outdoor lighting within the Town of Holland unless otherwise exempted in this ordinance. This ordinance does not apply to:

- (A) emergency lighting;
- (B) temporary lighting;
- (C) vehicular lighting; and/or
- (D) the lighting of wheeled, mobile or track farm machines; and
- (E) any lighting for which the Town Board has issued an exemption after a finding of good cause.

1.03 Severability

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

1.04 Definitions

- (A) Dark Sky Cutoff: any light fixture that emits its light below 45 degrees when measured from 0 to 180 degrees vertical. Dark Sky Cutoff fixtures keep most of their light from reaching the night sky and also minimize ground reflection and reduce light scatter beyond the property line.
- (B) Dark Sky Fixture: a light fixture that emits its light below 90 degrees when measured from 0 to 180 degrees vertical. Dark Sky fixtures keep most of their light from reaching the night sky.

- (C) Dark Sky Shade: anything that is used to shade a light fixture so that it behaves as a Dark Sky fixture. These include but are not limited to, fixtures outfitted with caps or housings or installed under canopies, building overhangs, roof eaves, or shaded by other structures, objects or devices.
- (D) Dark Sky Shield: anything that is used to shield a light fixture so that it behaves as a Dark Sky cutoff fixture. These include but are not limited to, for example, fixtures outfitted with caps or housings or installed under canopies, building overhangs, roof eaves, or shaded by other structures, objects or devices.
- (E) Lamp or Bulb: the light-producing source installed in the socket portion of a luminaire or fixture.
- (F) Emergency: refers to lighting as required by a unit of government or by civil officers, agents and officials to perform their duties to maintain the public health, safety and welfare.
- (G) Fixture or Luminaire: a complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
- (H) Full cut-off: a light fixture that prevents all transmission of light above the horizontal. (See Appendix A)
- (I) Full shield: 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. (See Appendix A)
- (J) Light Pollution: a general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
- (K) Light Trespass: light emitted by a fixture that shines beyond the property on which the fixture is installed causing private nuisance to adjacent property owners.
- (L) Motion Sensor: any device that turns a light fixture on when it detects motion and off when motion stops.
- (M) Shielding: allows no light rays to be emitted by a fixture above the horizontal plane running through the lowest point of the fixture where light is emitted.
- (N) Switch: any device that can be manually controlled by a person to turn a light fixture on and off. For the purposes of this ordinance, switches include motion sensors but switches do not include light sensors or timers.
- (O) Temporary: refers to lighting as required by citizens to carry out legally approved activities for durations as specified in the permits for those activities. These include but are not limited to, for example, activities such as nighttime agricultural operations, construction work lighting and seasonal decorations, but in no case for more than a period of 3 months without an exemption granted by the Town of Holland.

SECTION 2.0 GENERAL PROHIBITIONS

Except as specifically permitted by this ordinance, all non-Dark Sky lights and fixtures are prohibited.

SECTION 3.0 LIGHT FIXTURES PERMITTED

3.01 All light fixtures previously installed

All light fixtures that were installed prior to the effective date of this ordinance are grandfathered, approved and permitted by this ordinance. However, at such time as such fixture is repaired or replaced, the provisions of this ordinance shall apply as noted in Section 4.0 below.

3.02 Dark Sky fixtures

All light fixtures that are Dark Sky fixtures and Dark Sky Cutoff fixtures are approved and permitted by this ordinance.

3.03 Dark Sky Shade or Shield

All light fixtures that have a Dark Sky Shade or a Dark Sky Shield (*fully shielded*) are approved and permitted by this ordinance. (See Appendix B)

3.04 Other Light Fixtures encouraged but not required

- (A) Light fixtures with motion sensors are encouraged to minimize the duration of nighttime lighting.
- (B) Light fixtures with soft yellow or orange lights instead of harsh white lights are encouraged to protect the view of the night sky.
- (C) Dark Sky Shades and Dark Sky Shields are encouraged for old existing fixtures to protect the view of the night sky, minimize ground reflection and reduce light scatter beyond the property line.
- (D) Dark Sky Cutoff fixtures are encouraged where light fixtures are mounted on structures or poles higher than the first level above ground level to protect the view of the night sky, minimize ground reflection and reduce light scatter beyond the property line.

SECTION 4.0 LIGHT FIXTURE REPLACEMENTS

When a Non-Dark Sky fixture is replaced, it shall be replaced with one of the following:

- (A) Dark Sky fixture; or
- (B) Dark Sky cutoff fixture; or
- (C) Non-Dark Sky fixture that has a Dark Sky Shade or Dark Sky Shield that causes it to operate as if it were a Dark Sky fixture or a Dark Sky Cutoff fixture. (See Appendix B)

SECTION 5.0 INSTALLATION

When a new light fixture is installed, it shall be installed with a switch to allow it to be manually turned on and off or with a motion sensor to automatically turn it on when motion is detected and turn it off when motion ends.

SECTION 6.0 EXEMPTIONS

The Town of Holland may allow Exemptions from this ordinance as needed to relieve any unusual circumstances or difficulties or costs that would be encountered if an attempt were made to comply with this ordinance. The burden shall be on the person requesting an exemption to establish good cause.

The Town of Holland may allow Exemptions from this ordinance to recognize that a good faith attempt has been made to comply with this ordinance but compliance is still not possible due to unusual circumstances or difficulties or costs encountered. The burden shall be on the person requesting an exemption to establish good cause.

SECTION 7.0 LIABILITY

A person utilizing or maintaining an outdoor light shall be responsible for all costs of notification and enforcement and any other liability resulting from failure to comply with this ordinance. Responsibility for costs and liability begins from and after the day after passage and publication of this ordinance as required by law.

SECTION 8.0 ENFORCEMENT & PENALTIES

8.01 Enforcement

The Town Board of the Town of Holland is authorized to enforce the provisions of this ordinance.

8.02 Penalties

- (A) First violation: a notice to the property owner requesting compliance within 6 months
- (B) Second violation: If after 6 months no Exemption from this ordinance has been granted and there is continued non-compliance, a forfeiture of \$100 plus the cost of prosecution. Penalties are doubled for third and subsequent offenses. Each month of non-compliance may be considered a separate violation.

8.03 Appeals

Appeals to the Town Board may be taken by an aggrieved person, or by any officer, department, board or bureau affected by a decision of the Plan Commission or the Town Board. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Clerk and with the Board a notice of appeal in writing, specifying the grounds thereof. The Clerk shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken. The Chairman shall fix a date for hearing the appeal and cause notice thereof to be given to all parties in interest as provided by the rules of the Board.

SECTION 9.0 DISCLAIMER

The Town of Holland does not, by approving or disapproving a lighting fixture, warranty or make assurance of any kind whatsoever, specifically as to whether the subject of the approval or disapproval is safe, suitable for its intended purpose, merchantable, or in compliance with any applicable codes or regulations.

SECTION 10.0 EFFECTIVE DATE

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 9th day of June, 2010.

David Carlson, Town Vice Chairman

Attest: Marilyn Pedretti, Town Clerk
Date Published: