

Dark Sky Lighting Ordinance

**Town of Perry
Dane County, Wisconsin**

Section 1: Purpose.

1.00 Purpose. This ordinance is intended to promote the preservation of dark skies over the Town of Perry and to protect the view of the night sky for the enjoyment of the citizens of the Town of Perry.

Section 2: Applicability.

2.00 Applicability. This ordinance applies to all outdoor lighting within the Town of Perry unless otherwise exempted in this Section.

2.1 This ordinance does not apply to emergency lighting.

2.2 This ordinance does not apply to temporary lighting.

2.2 This ordinance does not apply to vehicular lighting.

2.3 This ordinance does not apply to lighting on wheeled farm machines.

Section 3: Severability.

3.00 Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 4: Definitions.

4.00 Definitions.

4.1 Light fixture means any device intended to produce illumination.

4.2 “Dark Sky” fixture means any 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.

4.3 “Dark Sky Cutoff” fixture means 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.

4.4 “Dark Sky Shade” means 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, for example, fixtures outfitted with caps or housings or installed under canopies, building overhangs, roof eaves or shaded by other structures, objects or devices.

4.5 “Dark Sky Shield” means 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 shielded by other structures, objects or devices.

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- 4.6 “Motion sensor” means any device that turns a light fixture on when it detects motion and off when motion stops.
- 4.7 “Switch” means any device that can be manually controlled by a person to turn a light fixture on and off. For the purpose of this ordinance, switches include motion sensors but switches do not include light sensors or timers.
- 4.8 “Emergency” refers to lighting as required by civil officers, agents and officials to perform their duties to maintain the public health, safety and welfare.
- 4.9 “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 Perry.

Section 5: General prohibition of Non-Dark Sky lights and fixtures.

- 5.00 General prohibition of Non-Dark Sky lights and fixtures.
- 5.1 Non-Dark Sky fixtures are prohibited in the Town of Perry unless the fixtures are permitted by this ordinance.

Section 6: Light fixtures permitted by this ordinance.

- 6.00 Light fixtures permitted by this ordinance.
- 6.1 All light fixtures that were installed *prior* to the effective date of this ordinance are grandfathered, approved and permitted by this ordinance.
- 6.2. All light fixtures that are Dark Sky fixtures and Dark Sky Cutoff fixtures are approved and permitted by this ordinance.
- 6.3 All light fixtures that have a Dark Sky Shade or a Dark Sky Shield are approved and permitted by this ordinance.

Section 7: Replacement of Non-Dark Sky fixtures.

- 7.0 Replacement of Non-Dark Sky fixtures.
- 7.1 When a Non-Dark Sky fixture is replaced, it shall be replaced with one of the following:
- 7.1.1 Dark Sky fixture, or
 - 7.1.2 Dark Sky Cutoff fixture, or
 - 7.1.3 Non-Dark Sky fixture that has a Dark Sky Shade or a Dark Sky Shield that causes it to operate as if it were a Dark Sky fixture or a Dark Sky Cutoff fixture.

Section 8: Installation of new Dark Sky fixtures and Dark Sky Cutoff fixtures.

- 8.0 Installation of new Dark Sky fixtures and Dark Sky Cutoff fixtures.
- 8.1 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.

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Section 9: Light fixtures encouraged but not required under this ordinance.

9.00 Light fixtures encouraged but not required.

9.1 Light fixtures with motion sensors are encouraged to minimize the duration of nighttime lighting

9.2 Light fixtures with soft yellow or orange lights instead of harsh white lights are encouraged to protect the view of the night sky.

9.3 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.

9.4 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 10: Exemptions.

10.00 Exemptions.

10.1 The Town of Perry Board 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.

10.2 The Town of Perry Board 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.

10.3 The Town of Perry Board may grant Variances from this ordinance for the historic restoration of Historic Properties, Historic Resources and Historic Structures as defined by the Town of Perry in its Historic Preservation Ordinance

Section 11: Liability.

11.00 Liability. A person utilizing or maintaining an outdoor light shall be responsible for all costs and any other liability resulting from failure to comply with this ordinance.

11.1 Responsibility for costs and liability begins from and after the day after passage and publication of this ordinance as required by law.

Section 12: Enforcement and penalties.

12.00 Enforcement and penalties.

12.1. The Town Building Inspector and Town Board are authorized to enforce the provisions of this ordinance.

12.2 The penalty for violation of any portion of this ordinance shall be:

12.2.1 First violation: A notice to the property owner requesting compliance within 6 months.

12.2.2. 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.

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Section 13: Disclaimer.

13.00 The Town of Perry 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 14: Effective Date.

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

Town Board Approval.

This Ordinance was adopted by the Town Board on this 14 day of July, 2009.

Chairman

Supervisor

Supervisor

Attest: _____
Mary L. Price, Town Clerk