

Notice of Public Hearing - Town of Perry
Tuesday, April 16, 2024
Perry Town Hall - 10084 CTH A
Teleconference - 425-585-6272 access - 394-722-206 #
7:30PM

Notice is hereby given that on Tuesday, beginning at 7:30 PM at the Perry Town Hall, the Town Board will hold a Public Hearing on proposed Dark Sky Ordinance amendments.

Section 6: Light fixtures permitted by this ordinance.

6.4 All light fixtures permitted by this ordinance shall be fixtures approved by the International Dark Sky Association [IDA] as of the date of first publication of this ordinance or thereafter. See IDA Approved Dark Sky Fixtures Section of this ordinance for examples of IDA approved fixtures. [Section 15.0]

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

9.00 Light fixtures with certain features that are encouraged but not required.

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, and to minimize ground reflection unless there is light scatter beyond the property line onto neighboring properties in which case cutoff fixtures are required.

Section 10: Exemptions.

10.4 The Town Board may, at its discretion, decide not to allow an Exemption from this ordinance when to builders and electrical contractors fail to check the Town's ordinances before proceeding with work. Any expense or effort that might be required to bring the light fixture into compliance with this ordinance resulting from a builder's or electrical contractor's failure to check the Town's ordinances is the responsibility of the builder/electrical contractor not the property owner.

10.5 The Town of Perry Board will allow temporary Exemptions from this ordinance when a property containing a Non-Dark Sky fixture changes ownership.

10.5.1 Anyone selling real estate they own in the Town is responsible for disclosing non-compliance with this ordinance to their prospective buyers.

~~10.5.2. Any expense or effort that might be required to bring the light fixture into compliance with this ordinance resulting from failure to check local ordinances is the responsibility of the realtor/home inspector not the property owner.~~

~~10.5.3 This ordinance is silent on whether the buyer or the seller of a property should assume any expense or effort that might be required to bring the light fixture into compliance with this ordinance, such expense or effort to be negotiated between them.~~

10.5.2 The new owner of a property containing a Non-Dark Sky fixture will have one year from date of taking ownership of the property to bring the non-compliant light fixture into compliance with this ordinance.

Section 11: Liability.

11.00 Liability. Except as specified in Section 10 hereof, a person utilizing or maintaining an outdoor light fixture shall be responsible for all costs and any other liability resulting from failure to comply with this ordinance.

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

Section 12: Enforcement and penalties.

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

12.2.1 Required Notice of Violation: The Town Clerk shall send a notice to the property owner requesting compliance with specified violations within 6 months of the date of the notice.

12.2.2. Penalty for Failure to Comply If after 6 months from the sending of the notice specified in section 12.2.1 the compliance requested in said notice has not been achieved nor has an Exemption from this ordinance been granted by the Town Board , a forfeiture of \$100 shall be imposed on the party responsible for achieving the compliance plus the cost of prosecution and collection of the applicable forfeiture. The \$100.00 forfeiture shall be doubled for each subsequent offense.

Section 13: Disclaimer.

13.00 By approving or disapproving a given lighting fixture, the Town of Perry does not warranty or make assurances of any kind whatsoever that 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.

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

Section 15: Dark Sky Fixtures Approved By International Dark Sky Association

15.00 The fixtures shown BELOW in this ordinance are examples of fixtures approved and not approved by the International Dark Sky Association [IDA] as of the first date of publication of this ordinance. New fixtures may be approved and disapproved by the IDA at any time thereafter. Property owners, builders, electrical contractors, realtors, and home inspectors should consult with the International Dark Sky Association for the most current examples of approved and non-approved fixtures. Any fixture approved by the IDA at the time it was properly installed, but later becomes disapproved by the IDA shall remain grandfathered, approved, and permitted by this ordinance until it is no longer functional at which time it shall be removed.

Mary L. Price, Clerk

Publish: April 4, 2024