

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 (hereinafter the “Town”).

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

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outfitted with caps or housings or installed under canopies, building overhangs, roof eaves or shielded by other structures, objects or devices.

- 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.
- 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 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.

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

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

9.1 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, 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.

10.00 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 (hereinafter the “Town 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 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.

10.4 The Town Board may, at its discretion, decide not to allow an Exemption from this ordinance when 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 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.

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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.

12.00 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 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

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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.

EXAMPLES OF LIGHT FIXTURES APPROVED AND NOT APPROVED BY THE INTERNATIONAL DARK SKY ASSOCIATION

Adopted May 9, 2024 by the Town of Perry Board of Supervisors

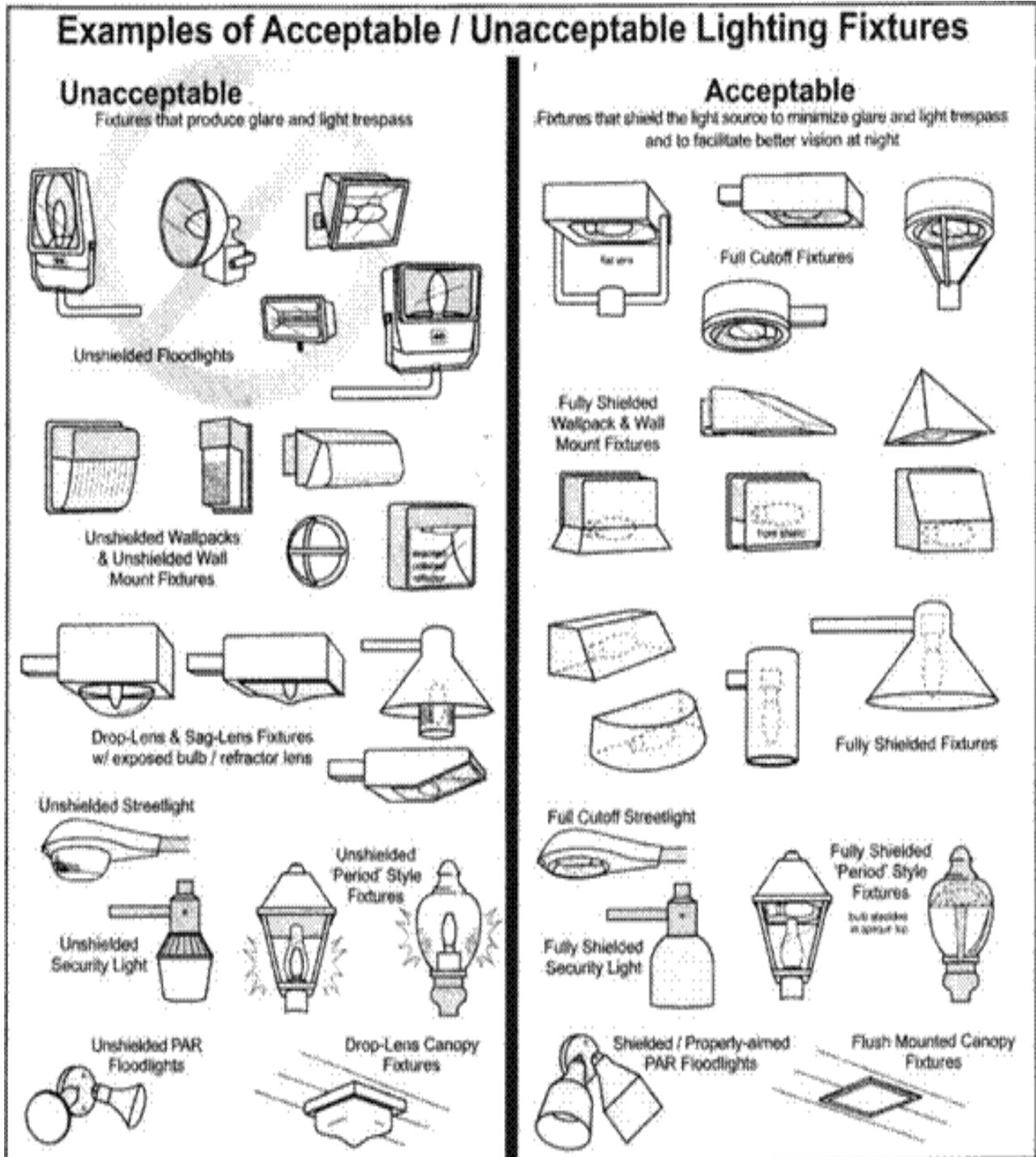
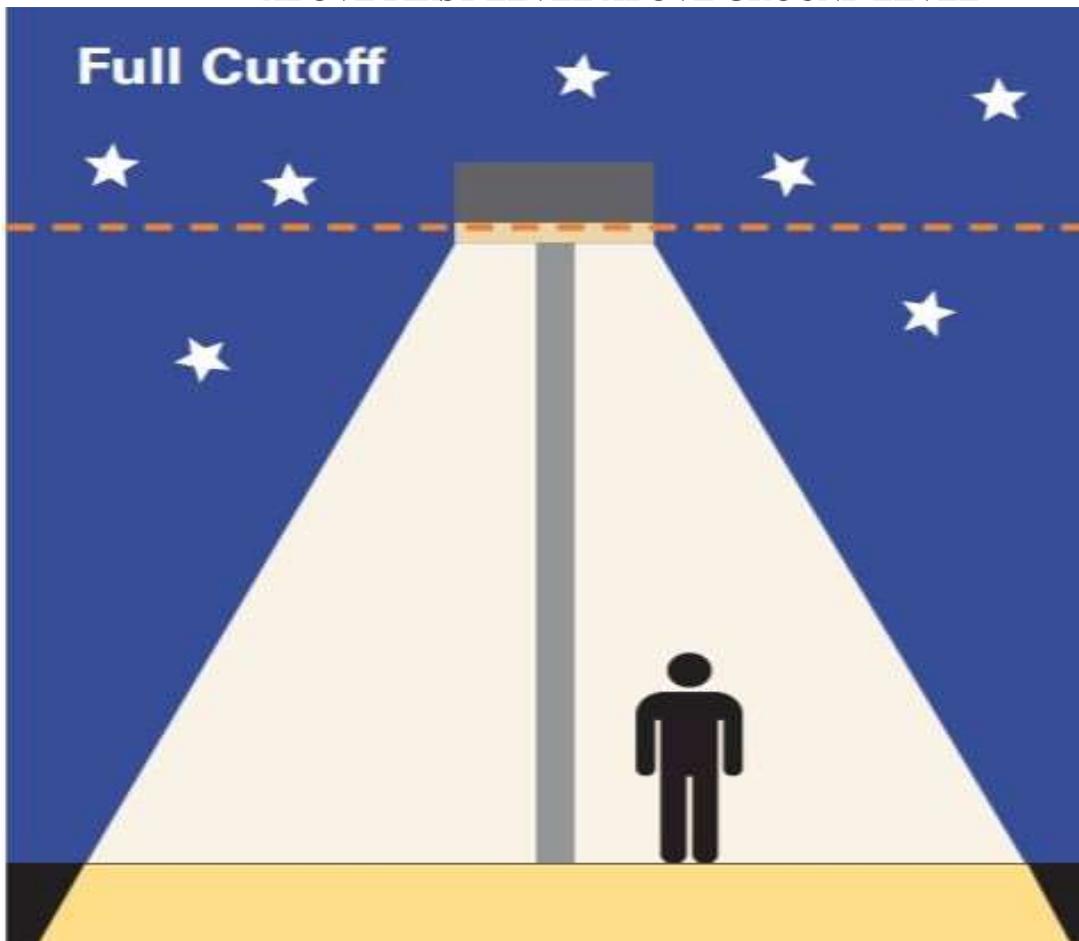


Figure 5

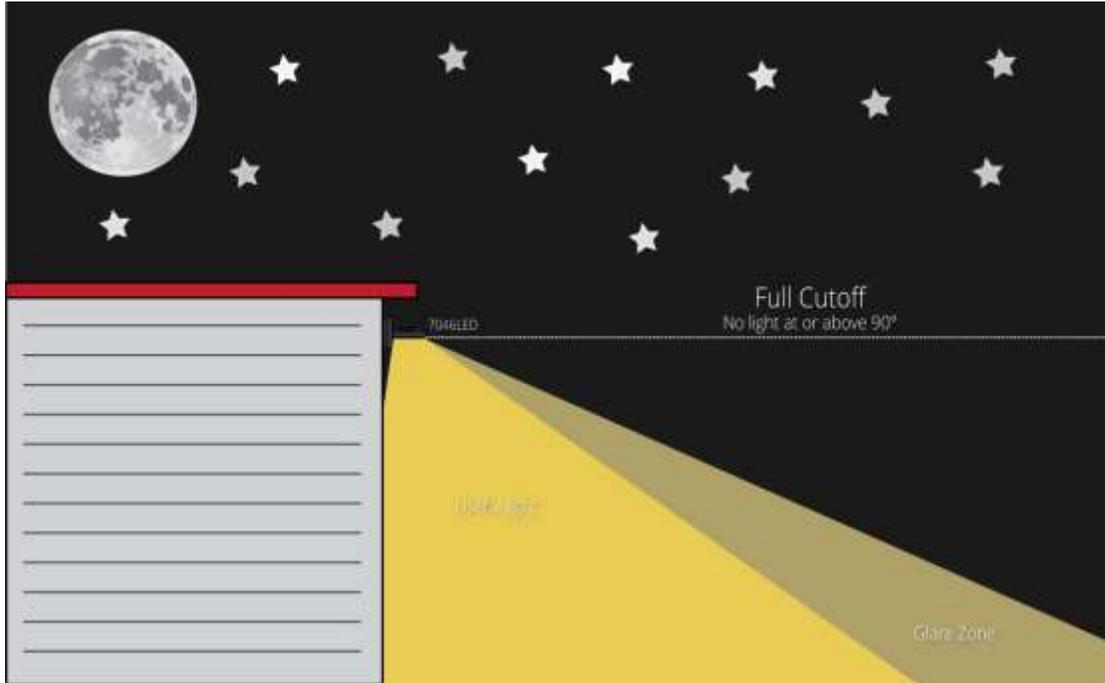
**EXAMPLE OF DARK SKY FIXTURE
AT OR LESS THAN FIRST LEVEL ABOVE GROUND LEVEL**



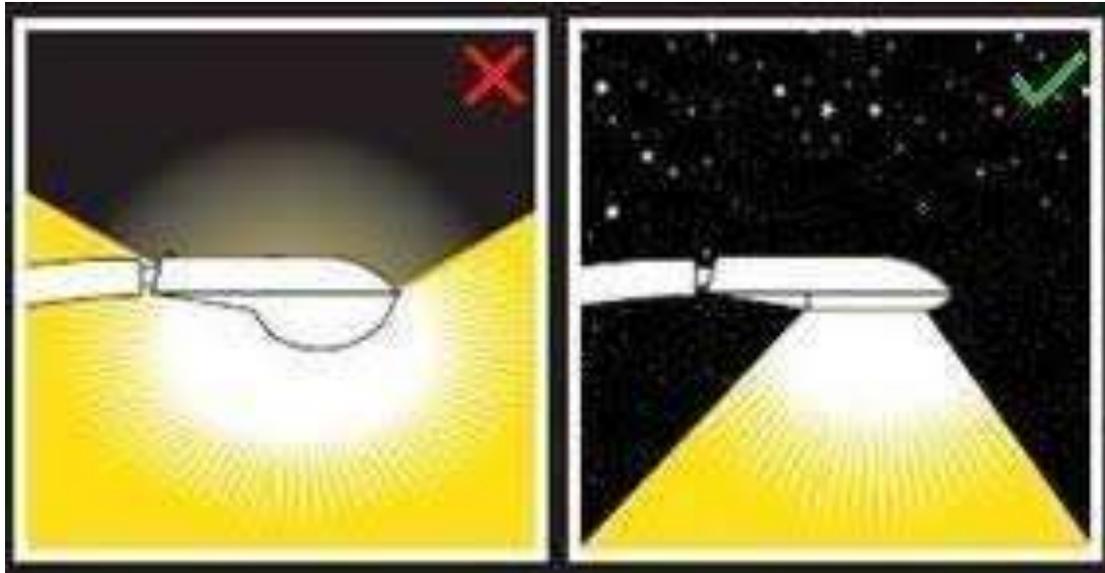
**EXAMPLE OF DARK SKY FULL CUTOFF FIXTURE
ABOVE FIRST LEVEL ABOVE GROUND LEVEL**



**EXAMPLE OF DARK SKY FIXTURE
ABOVE FIRST LEVEL ABOVE GROUND LEVEL**



**EXAMPLE OF OLD STYLE VS. MODERN
DARK SKY LIGHT FIXTURES.**



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Town Board Approval.

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

This Ordinance was amended by the Town Board on this 9th day of May, 2024.

__Mary L. Price__

Attest: Mary L. Price, Town Clerk