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**ORDINANCE NO. 2023-007**  
**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF**  
**LINN, WALWORTH COUNTY, WISCONSIN, S. 12-17, OUTDOOR LIGHTING**

**§ 12-17 Outdoor lighting.**

**A.**

Purpose. The purpose of this section is to regulate outdoor night lighting fixtures, including pier lights, to improve nighttime public safety utility and security by restricting the night-time emission of light rays which are the source of light trespass and/or unnecessary glare, and/or are detrimental to the safety and/or security of persons, property or vehicular traffic, and/or are detrimental to the traditional aesthetic values of the Town, and/or unnecessarily restrict persons from the peaceful enjoyment of their property.

**B.**

The provisions of this ordinance shall apply to all outdoor luminaires used, installed, replaced, altered, moved, or repaired after the effective date of this ordinance, except as this applicability is specifically expanded or reduced herein.

**C.**

Definitions. As used in this section, the following terms shall have the meanings indicated:

**FOOTCANDLE**

A unit for measuring illumination of a surface one foot distant from a source of light is equivalent to one candle.

**OUTDOOR LIGHTING FIXTURE**

An outdoor artificial illuminating device, whether permanent or portable, including pier lights, used for illumination or advertisement, including searchlights, spotlights, and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or streetlighting.

**SHIELDED**

Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.

## **OPEN PARKING FACILITIES**

Shall mean a parking facility without an overhead covering.

### **D.**

Light Trespass. The maximum allowable light trespass shall be 0.5 horizontal foot candles four (4) feet above the ground. The point of measurement of this offending light shall be beyond the boundaries of the property on which the luminaire is located and/or 150 feet from that property's shoreline when measured on the water.

**E. Open Parking Facilities.** The illumination requirements of an open parking facility depend on the amount of usage the facility receives. Three levels of activity shall be established as High, Medium and Low, reflecting both traffic and pedestrian activity. The following examples are nonexclusive and include:

High Activity: Facilities for major or league athletic events or major cultural or civic events.

Medium Activity: Shopping centers, retail parking areas, hospital, and clinic parking areas, cultural or recreational events, and fast-food facilities.

Low Activity: Employee parking, education facility parking, office parks, and church parking.

General Parking & Pedestrian Areas		
Level of Activity	Min. Avg. Footcandles	Max. Avg. Footcandles on Pavement
High	0.6 fc	3.75 fc
Medium	0.4 fc	2.5 fc
Low	0.2 fc	1.5 fc

### **F.**

Shielding of outdoor lighting fixtures. All outdoor luminaires shall be located, sized, shielded and/or directed in such a manner that they do not constitute light trespass as defined herein.

### **G.**

Hours of Operation. All outdoor luminaires must be turned off between 11:00 p.m. (local time) and sunrise except when used for:

1. Lighting necessary for security purposes, provided the light source shall be shielded so that the light source is not visible from streets, adjacent properties, or navigable waters beyond the nearest pierhead line.
2. Lighting necessary to illuminate public street and/or private roads or
3. Recreational use that continues after 11:00 p.m., but only for so long as such use continues.

#### **H.**

Illuminating Elevated Objects. In the case of 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 confines the illumination to the object of interest, and provided that the lighting is restricted to an angle of not less than 75 degrees up from horizontal.

#### **I.**

Safety. No outdoor luminaire may be operated in such manner as to constitute a hazard or danger to persons, or to safe vehicular or boating operation.

#### **J.**

Display lot lighting. Display lot lighting shall be turned off within 30 minutes after closing of the business. Under no circumstances shall the full illumination of the lot be permitted after 11:00 p.m. Any lighting used after 11:00 p.m. shall be used as security lighting.

#### **K.**

Exemptions. The following are exempt from the requirements of this section:

- (1) Outdoor lighting fixtures existing and legally installed prior to the effective date of this section; however, any replacement of said lighting fixtures must comply with this section as set forth above.
- (2) Temporary Exemption. Request for temporary exemption from the provisions of this Ordinance may be submitted to the Town Board in written form describing the reason for the request and the nature of the request. If approved and granted in writing by the Town Board, such exemption shall be in force for not more than 30 days. Request for a maximum of one 30-day renewal may be made in a similar manner. In the event of an emergency, the Town Chair may terminate any temporary exemption including concerns about safety or light trespass.
- (3) Low Voltage. All low-voltage landscape or accent lighting and holiday lighting are exempt from the requirements of this ordinance, except for the requirements of Section D and Section I.

(4) Security. Motion detector security lights, which are normally "off" and which are activated "on" for less than 4 minutes occasionally when motion is detected, are exempt from the requirements of this ordinance, but are not exempt from Section D and Section I.

(4) Streetlighting. Outdoor luminaires used to provide illumination for public streets and private roads are exempt from the requirements of this ordinance except as described in this section. After the effective date of this ordinance, where private street lighting is installed, public or private roads, shall be fully shielded.

(5) Commercial Establishments. Commercial establishments are exempt from the provisions of this ordinance except for Section D, E and I and regardless of whether or not the commercial establishment as defined herein is subject to a conditional use permit which contains language that the Petitioner agrees to comply with any lighting ordinance which may, at any time, be adopted by the Town. Said commercial establishments by this ordinance are only subject to any other specific lighting requirement of the specific conditional use permit and Section D, E and I of this ordinance.

(6) Agricultural Properties. Any property appropriately zoned and actively used for agricultural purposes pursuant to the provisions of the Walworth County zoning ordinances.

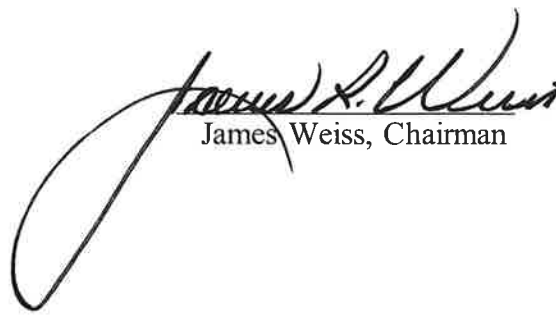
(7) Town-Owned Properties. Any property owned by the Town of Linn.

L.

Violations and penalties. Any person, firm, entity or corporation violating the provisions of this section shall be required to pay a forfeiture of not more than \$500 for each day the violation continues after being issued a citation.

Dated at the Town of Linn, Wisconsin, this 11<sup>th</sup> day of September, 2023.

TOWN OF LINN

  
James Weiss, Chairman

ATTEST

  
Alysnn Morris, Clerk