

Section 418 Outdoor Lighting in the Village and ETJ

Lighting Ordinance of the Village of Misenheimer

STATEMENT OF NEED AND PURPOSE: Good outdoor lighting at night benefits everyone. It increases safety, enhances the Village's nighttime character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. There is a need for a lighting ordinance that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and compliment the Village's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the Village. This ordinance is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, to minimize light trespass, and to help reduce the energy and financial costs of outdoor lighting by establishing regulations. Said regulations limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Village of Misenheimer. All business, residential, and community driveway, sidewalk, and property luminaires should be installed with the idea of being a "good neighbor", with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

ARTICLE 1

1.1. DEFINITIONS: For the purposes of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood or Spot light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully-shielded lights: outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grandfathered luminaires: Luminaires not conforming to this code that were in place at the time this code was voted into effect. When an ordinance "grandfathers" a luminaire, it means that such already-existing outdoor lighting does not need to be changed unless a specified period is specified for adherence to the code.

Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off of other surfaces.

Lamp: The component of a luminaire that produces the actual light.

Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen: A unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

Luminaire: This is a complete lighting system, and includes a lamp or lamps and a fixture.

Outdoor Lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Temporary outdoor lighting: The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

ARTICLE 2

2.1. REGULATIONS: All public and private outdoor lighting installed in the Village of Misenheimer shall be in conformance with the requirements established by this Ordinance. All previous language in Misenheimer bylaws and ordinances regarding outdoor lighting is replaced with this ordinance.

2.2. CONTROL OF GLARE -- LUMINAIRE DESIGN FACTORS:

Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.

Any luminaire with a lamp or lamps rate at a total of MORE than 1800 lumens, and all

flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 18 feet.

2.3. EXCEPTIONS TO CONTROL OF GLARE:

Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or LESS, may be used without restriction to light distribution or mounting height, except that if any spot of flood luminaire rated 900 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.

Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property. All temporary emergency lighting need by the the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.

All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.

Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.

Law Governing Conflicts. Where any provision of federal, state, county, or town statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

2.4. OUTDOOR ADVERTISING SIGNS.

- (A) Off-premise outdoor advertising signs are not permitted
- (B) On-premise signs shall comply with the Sign Ordinance

2.5. RECREATIONAL FACILITIES.

- (A) Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

(B) All fixtures used for event lighting shall be fully shielded as defined in Section 2.2 of this Code, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

(C) All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

2.6. PROHIBITIONS.

(A) Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

(B) Searchlights. The operation of searchlights for advertising purposes is prohibited.

(C) Outdoor Advertising Off-Site Signs. Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of 11:00 p.m. and sunrise.

2.7. TEMPORARY OUTDOOR LIGHTING.

(A) Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Village Council after considering: (1) the public and/or private benefits that will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Planning Board, who shall consider the request at a duly called meeting of the Planning Board. Prior notice of the meeting of the Planning Board shall be given to the applicant and to the Misenheimer Lighting Committee. The Planning Board shall render its decision on the temporary lighting request within two weeks of the date of the meeting. A failure by the Planning Board to act on a request within the time allowed shall constitute a denial of the request.

ARTICLE 3

3.1. EFFECTIVE DATE AND GRANDFATHERING OF NONCONFORMING LUMINAIRES:

This ordinance shall take effect immediately upon approval by the Council of the Village of Misenheimer and shall supersede and replace all previous ordinances pertaining to

outdoor lighting.

All luminaires lawfully in place prior to the date of the Ordinance shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this Ordinance. Advertising signs are grandfathered only for a period of seven (7) years.

Grandfathered luminaires that direct light toward streets or parking lots that cause disability glare to motorists or cyclists should be either shielded or re-directed within 90 days of notification, so that the luminaires do not cause a potential hazard to motorists or cyclists.

ARTICLE 4

4.1. NEW SUB-DIVISION CONTRUCTION.

(A) Submission Contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this Code. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:

- (1) plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
- (2) description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);
- (3) photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions.
- (4) Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Code will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.
- (5) Subdivision Plat Certification. If any subdivision proposes to have installed

street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the Village of Misenheimer Outdoor Lighting Code will be adhered to.

- (6) Lamp or Fixture Substitution. Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official for his approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

ARTICLE 5

5.1. NOTIFICATION REQUIREMENTS:

A building permit shall include a statement asking whether the planned project will include any outdoor lighting.

Within 45 days of the enactment of this ordinance, the Code Enforcement Officer shall send a copy of the Outdoor Lighting Ordinance, with cover letter to all local electricians and local electric utility (including at least those in the municipalities of Misenheimer, Richfield, New London and Albemarle, as listed in the Yellow Pages).

ARTICLE 6

6.1. VIOLATIONS, LEGAL ACTIONS, AND PENALTIES:

Violation. It shall be a civil infraction for any person to violate any of the provisions of this Code. Each and every day during which the violation continues shall constitute a separate offense.

(A) Violations and Legal Actions: If, after investigation, the Code Enforcement Officer finds that any provision of the Ordinance is being violated, he shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the thirty-day period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

(B) Penalties: A violation of this Ordinance, or any provision thereof, shall be punishable by a civil penalty of not less than fifty dollars nor more than one thousand dollars for any individual (and not more than ten thousand dollars for any corporation, association, or other legal entity) for each violation. The imposition of a fine under this Code shall not be suspended. Each day of violation after the expiration of the thirty-day period provided in paragraph B shall constitute a separate offense for the purpose of calculating the civil penalty.