

## ORDINANCE

An Ordinance to create Section 18.040 of the Manitowoc Municipal Code regulating Outdoor Lighting.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

**Section 1.** Section 18.040 is created to read as follows:

### **“18.040 Outdoor Lighting**

#### **1. Intent and Applicability.**

This section is intended to restrict the night-time emission of light rays which may be the source of light trespass, unnecessary glare, or which may be detrimental to the safety and security of persons, property or vehicular traffic or the peaceful enjoyment of one’s property. The provisions of this section apply to all outdoor light fixtures, except low-voltage landscape or accent lighting, or holiday lighting.

“Holiday lighting” shall refer to white or colored lights spaced evenly along a cable, or to a projection luminaire, designed and used for holiday and/or seasonal decorations. These lights are only for temporary, decorative purposes to celebrate a specific holiday or event, and shall be illuminated for a period not to exceed 90 days. Such lighting shall not be directed off-site, whether onto another property or onto the public way.

All reasonable attempts shall be made to meet the goals of this ordinance and to eliminate light trespass. Additional shielding or repositioning may be necessary to eliminate light trespass onto adjoining properties from outdoor light fixtures and shall be installed if requested by the adjoining property owner or occupant.

#### **2. Outdoor Lighting Regulations.**

- a. **Hours of Operation.** All outdoor lighting shall be turned off between 11:00 p.m. and sunrise. The following lighting is exempt from this requirement:
  - i. Lighting necessary for security purposes;
  - ii. Motion detector security lights, which are normally “off” and are activated “on” for less than four minutes when motion is detected
  - iii. Lighting necessary to illuminate walkways, staircases, public streets, private roads;
  - iv. Lighting used in association with on-site recreational activities but only for so long as such use actively continues.
- b. **Light Trespass and Hazard Prohibited.** All outdoor lighting shall be located, sized, shielded, and/or directed in such a manner that it does not constitute light trespass. In this section, “light trespass” means any light that shines beyond the boundaries of the property on which the light fixture is located, with an intensity greater than one half foot candle at a point four feet above the ground at the property’s boundary line. No person may operate or program outdoor lighting in such manner as to constitute a hazard or danger to persons, or to safe vehicular operation.
- c. **High-Intensity Light Prohibited.** No person may operate searchlights, lasers or other high-intensity light beams unless advanced written permission from the City is obtained.
- d. **Illuminated Elevated Objects.** When illuminating objects positioned higher than six feet, such as flags, statues, and entrance ways, upward directed lighting may be used only in the form of one or two narrow-code 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.
- e. **Pole-Mounted Light Fixtures** shall not exceed forty feet in height.”

**Section 2.** Section 18.140 is created to read as follows:

### **“18.140 Severability.**

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.”

**Section 3.** 18.040 Outdoor Lighting.

Penalties for violating Section 18.040 shall be \$250 plus costs.

**Section 4.** This ordinance shall take effect the day after publication.

INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_

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APPROVED \_\_\_\_\_

Justin M. Nickels, Mayor

<b>Fiscal Impact:</b>	Minimal
<b>Funding Source:</b>	Building Inspection budget
<b>Finance Director Approval:</b>	/SMA
<b>Approved as to form:</b>	/EMM

This ordinance was drafted by Elizabeth Majerus, Assistant City Attorney.

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