

Chapter 101: Exterior Lighting

101-1 Title & Purpose

This chapter shall be known as the “Exterior Lighting Law.”

- A. The purpose of this chapter is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky by establishing provisions and a process for review of exterior lighting.
- B. This chapter establishes provisions for exterior lighting in order to accomplish the following:
 - (1) To protect against direct glare and excessive lighting;
 - (2) To ensure that sufficient lighting can be provided where needed to promote safety and security in all areas of the Village of Belle Terre
 - (3) To protect and reclaim the ability to view the night sky;
 - (4) To provide lighting guidelines;
 - (5) To minimize the impact of stray lighting on human health, habitat, and environment; and
 - (6) To prevent light trespass in all areas of the Village.

101-2 Definitions

GLARE

Stray, unshielded light striking the eye that may result in: (a) nuisance or annoyance, such as light falling across property lines; in excess of 20 lumens as measured by a Village sourced light meter; (b) discomfort, such as bright light causing squinting of the eyes; (c) disability, such as bright light reducing the ability of the eyes to see into shadows and visual performance; or (d) distracting light which diverts the eye from a visual task.

HOLIDAY LIGHTING

Temporary lighting of various types and colors installed in connection with holiday or religious observances and removed thereafter.

LIGHT

Radiant energy in the visible spectrum, artificially generated by electricity, solar energy, or gas flame.

LIGHT BULB

The origin of light and its housing, such as an electric filament in a glass or plastic bulb. LED lights shall be regulated as if they are emitted from light bulbs.

LIGHT FIXTURE

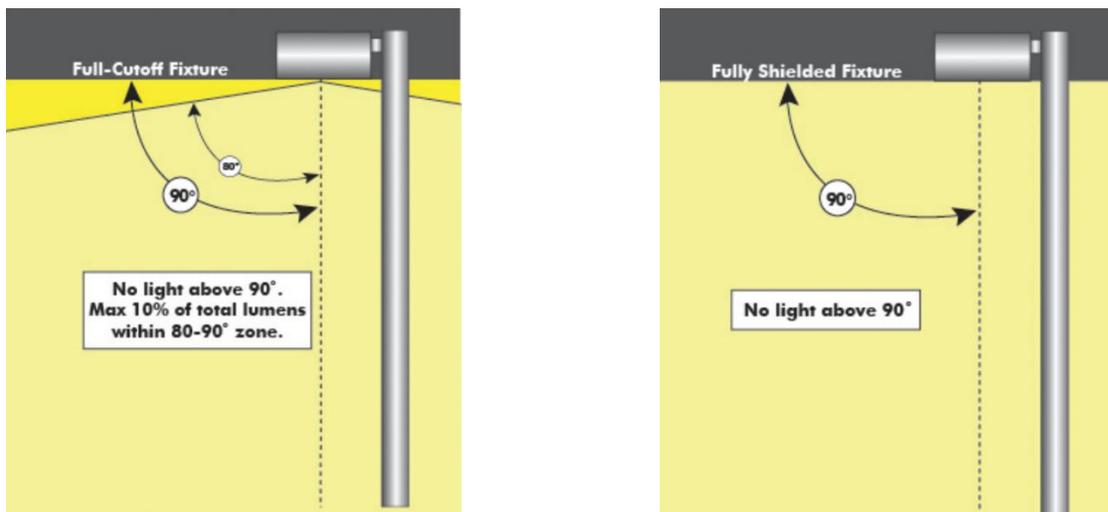
A complete lighting unit consisting of one or more light sources, together with the parts designed to distribute light, position and protect the light source, and connect the light source to the power supply. A light fixture may include a ballast, the mounting apparatus, and photocells or sensors, if any. Also known as a "luminaire" in industry jargon.

LIGHT FIXTURE, FULL CUTOFF

For the purposes of this article, a "full-cutoff fixture" is considered one that delivers 100% of the total lumens within the 0° to 90° zone with a maximum of 10% of total lumens delivered within the 80° to 90° zone. Full-cutoff fixtures are considered fully shielded.

LIGHT FIXTURE, FULLY SHIELDED

A fixture constructed and installed in a fixed position and in such a manner that all light emitted is projected below the horizontal plane through the fixture's lowest light-emitting part. Unlike a full-cutoff fixture, a fully shielded fixture is not engineered to limit lumen distribution in the 80° to 90° zone.



LIGHT FIXTURE, UNSHIELDED (or UNSHIELDED LIGHT)

A light fixture which is not fully shielded and, as installed, emits at least some light above the horizontal plane, directly or indirectly. Also classified as a cutoff, semi-cutoff or non-cutoff light fixture.

LIGHT SOURCE

The light-emitting parts of a light fixture, including the bulb, filament, light-emitting diodes, and any transparent, translucent or frosted elements (covering over the light source) as well as any refractors, reflectors, films, prismatic lenses, mirrors or diffusers which emit or transmit light.

LIGHT TRESPASS

Light illuminating a property other than that from which it is generated in excess of 20 lumens as measured by a Village sourced light meter, whether or not the light source is directly visible across property lines. Light trespass may be measured at any point on the property. This term shall not be deemed to include streetlighting or other municipal lighting which is designed or intended to illuminate land beyond the municipal property boundary.

LIGHTING

As used in this chapter, and unless otherwise specified, shall mean exterior lighting produced by artificial means; or interior lighting which illuminates the exterior of a structure, waterway, or property.

LIGHTING, TEMPORARY

Lighting which is used for a specified purpose and for a limited time and is removed thereafter. The length of time that temporary lighting is to be used is no longer than 14 consecutive days in any calendar year and shall be used exclusively for situations for which permanent lighting cannot be installed. "PAR" bulbs, spotlights and floodlights are not considered temporary lighting.

MOUNTING HEIGHT

The vertical distance measured from the average elevation of the existing natural grade or average elevation of the approved grade (if cut/fill activities are proposed) to the lowest light-emitting part of an installed fixture.

NUISANCE LIGHTING

Any exterior lighting that creates a potential hazard to the public or creates a light trespass or glare to neighboring properties, thereby causing loss of enjoyment, comfort, or repose.

SKYGLOW

The brightening of the night sky or the overhead glow from artificial light that is directed upward or from light reflected upward from the ground or off other surfaces, whether direct or indirect. Skyglow is caused by the reflection of light off moisture and dust particles in the atmosphere, reducing the ability to view the natural night sky.

101-3 Conflict with other laws

If this chapter is found to be in conflict with a provision of any other local law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the greater standard shall control.

101-4 Applicability

- A. This Chapter applies to all lots and structures thereupon situated within the Village of Belle Terre.
- B. All exterior lighting installed, replaced, changed, repaired or relocated after the effective date of this article shall conform to the provisions established herein.
- C. All existing exterior lighting lawfully installed prior to the effective date of this chapter, as evidenced by a valid electrical certificate of compliance or the equivalent thereof as legally required is deemed to be nonconforming exterior lighting. All such lighting shall be brought into compliance with the provisions of this chapter upon:

1. The replacement or relocation of any exterior lighting fixture.
Upon re-lamping (i.e., changing the light fixture/bulb), the maximum lumens on a structure for unshielded lighting shall not exceed 900 lumens, regardless of the number of light sources or fixtures.
2. The reconstruction, repair, addition other improvement to or expansion of a residential property (whether single or cumulative), the actual cost of which equals or exceeds 10% of the market value of the primary structure thereupon prior to commencement, and/or whereby lot coverage or floor area is increased by 25% or more. Market value to be determined based upon the then-current Village assessment.
3. The determination of the Village that certain exterior lighting creates nuisance lighting. If the Village makes such determination, that lighting shall be brought into compliance upon notification by the Village.
 - (a) To the extent that the abatement of nuisance lighting will require re-aiming a fixture or re-lamping to reduce lumen output, such lighting shall be re-aimed and/or re-lamped so that the light source is not visible across property lines.
 - (b) To the extent that the abatement of nuisance lighting will require removing, replacing, shielding, retrofitting, or relocating a fixture, such lighting shall be removed, replaced, shielded, retrofitted, or relocated so that the light source is not visible across property lines.

101-5 Standards

- A. Nuisance prevention. All existing and/or new exterior lighting shall be designed, installed, and maintained to prevent any skyglow and to prevent glare and/or light trespass outside of the lot upon which it is located into roadways, waterways and other properties. No exterior lighting shall be maintained or operated in such a manner so as to be nuisance lighting, as defined herein.
- B. Shielding. All exterior lighting fixtures shall be fully shielded, as defined herein, and aimed straight downward, with the following exceptions:
 1. Exterior lighting fixtures with total light output of 900 lumens or less.
 2. Exterior lighting fixtures operated by motion sensors are permitted, provided that:
 - (a) the fixture is set to go on only when activated and to go off within five minutes after activation has ceased; and

- (b) the sensor shall not be triggered by activity off the property; and
- (c) the output per fixture does not exceed 2,000 lumens; and
- (d) unshielded floodlights not exceeding 2,000 lumens per fixture are aimed no higher than 45° and do not cause nuisance lighting, as defined herein.



- 3. Driveway lighting. Unshielded fixtures installed in or on a pillar or post at the foot of a driveway may not exceed 900 lumens per pillar/post.
- C. No exterior light fixture on a building shall be installed so as to be positioned above the primary roof line of a building. The mounting height of any exterior light not affixed to a building shall not exceed 10 feet. All exterior lights not affixed to a building shall be fully shielded.

101-6 Exemptions.

The following types of lighting are exempt from the provisions of § 101-5:

- A. All temporary emergency lighting needed by fire, ambulance, police departments, or other emergency services;
- B. All essential lighting for Village owned and/or operated facilities;
- C. Lighting at the specific location(s) and time(s) which the Village Board has expressly allowed in connection with a special event;
- D. Lighting of communications towers as required by the Federal Aviation Administration;

- E. Flag-up lighting required pursuant to federal or state law, provided any such flag has a fixture as close to the pole as possible, and has a light source that emits a narrow beam of light. The light source must be recessed within a fixture with an opaque shield so that, as designed and installed, the light fixture projects all its light above the horizontal plane and is aimed directly at the flag. Pole-top-mounted "down" lighting is preferred. The light source shall not be visible across the property line or from public or private roadways and water bodies and may not exceed 2000 lumens;
- F. Underwater lighting used for swimming pools, provided such lighting meets all relevant electrical codes.
- G. String lights and/or pathway lights that do not exceed 40 lumens per bulb
- H. Building-mounted lights intended to illuminate entry doorways that are fully shielded fixtures or are fully shielded by an overhang, soffit or roof.
- I. Holiday lighting between October 15 and January 15, provided the output per light source does not exceed 200 lumens and is not illuminated between 11 pm and dawn.

101-7 Prohibited light sources

The following light sources are prohibited:

- A. searchlights, other than those required by law;
- B. strobe lights, neon lights, lasers or revolving lights;
- C. blinking, pulsating, tracing or flashing lights; and
- D. any light fixture which may be construed as or confused with a traffic control device, maritime navigational marker or emergency vehicle light.

101-8 Prohibited acts; penalties for offenses

- A. It shall be unlawful for any person, firm, owner, tenant, person in possession, partnership, corporation or other business entity (hereinafter "person and/or business entity") to install, alter, repair, move, equip, use or maintain or allow such installation of any exterior lighting in violation of any of the provisions of this article or to fail in any manner to comply with a notice, directive or order of the Village issued in accordance with § 101-8.B.
- B. If, after investigation, the Building Inspector or designee, or a Village Constable finds that any provision of this article is being violated or nuisance lighting exists, notice shall be given by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, instructing that the violation or nuisance

lighting must be abated within the time specified in the notice or, in absence thereof, within 30 days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within said period, the Building Inspector or designee, or the Village Constable may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this article.

- C. Any person and/or business entity who violates this chapter, or any provision thereof, shall be guilty of a violation punishable by a fine of no less than \$500 and no more than \$2500 after the expiration of the abatement period provided in §101-8.B, and each day shall constitute a separate offense for the purpose of calculating the fine.
- D. Any person and/or business entity who violates this article after being convicted of a violation of this article within the preceding year shall be guilty of a violation punishable by a fine not to exceed \$5000 or imprisonment for a period not to exceed 15 days, or both; any person and/or business entity who violates this article after being convicted of a violation of this article two or more times within the preceding three-year period shall be guilty of a misdemeanor punishable by a fine not to exceed \$10,000 and/or imprisonment for a period not to exceed 30 days.