

Article I: Performance Standards—Industrial Developments

Sec. 13-1-160 Article Intent.

It is the intent of this Article to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects.

Sec. 13-1-161 Noise.

No operation or activity shall transmit any noise exceeding 75 dBA from 7:00 a.m. to 10:00 p.m. and 65 dBA from 10:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from regulations:

- (a) Noises directly under the control of the property owner.
- (b) Noises from temporary construction or maintenance activities during daylight hours.
- (c) Noises from emergency, safety or warning devices.

Sec. 13-1-162 Vibration.

- (a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observance of moving objects.
- (b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

Sec. 13-1-163 Regulation of Outdoor Lighting.

No operation or activity shall produce any intense glare or lighting with the source directly visible beyond an Industrial District's boundaries.

- (a) **Purpose; Intent.** It is the intent of this Section to define practical and effective measures by which the obtrusive aspects of excessive and/or careless outdoor light usage can be minimized, while preserving safety, security and nighttime use and

enjoyment of property. These measures will reasonably curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate light amounts of light where and when it is needed, increasing the use of energy-efficient sources, and decreasing the wastage of light, sky glow, and glare resulting from over-lighting and poorly shielded or inappropriately directed lighting fixtures.

- (b) **Conformance With Applicable Codes.** All outdoor illuminating devices shall be installed and maintained in conformance with the provisions of this Section, the City Building and Electrical Codes, and applicable zoning and sign regulations of the jurisdictions as applicable and under appropriate permit and inspection.
- (c) **Applicability.**
 - (1) **New Uses, Buildings and Major Additions or Modifications.**
 - a. For all proposed new land uses, developments, buildings and structures that require a building permit or other authorization from the City, all outdoor lighting fixtures shall meet the requirements of this Section.
 - b. All building additions and/or modifications of twenty-five percent (25%) or more in terms of additional dwelling units, gross floor area, or parking area, either with a single addition or with cumulative additions subsequent to the effective date of this Section, shall be subject to the requirements of this Section for the entire property, including previously installed lighting and any new lighting.
 - (2) **Existing Uses.** Existing uses shall be exempted from the provisions of this Section pursuant to the circumstances as described in Subsection (h) below. Existing uses and lighting which substantially deviate from the purposes and intent stated in Subsection (a) above, and which are brought to the attention of the Common Council by an aggrieved party or by a report from a City official, may constitute a public nuisance, subject to abatement or other relief pursuant to City ordinances and state law.
 - (3) **Resumption of Use After Abandonment.** If a property or use with non-conforming lighting is abandoned as defined below in Subsection (d), then all outdoor lighting shall be reviewed and brought into compliance with this Section before any use is resumed.
 - (4) **Street Lighting.** Lighting for public roadways and streets is exempted from the provisions of this Section.
- (d) **Definitions.** As used in this Section unless the context clearly indicates otherwise, certain words and phrases shall mean the following:
 - (1) **Development Project.** Any residential, commercial, industrial or mixed use subdivision plat, certified survey map parcel, or other development plan which is submitted to the City for approval.
 - (2) **Diffuse.** To spread or scatter widely or thinly.

- (3) **Direct Illumination.** Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building surfaces.
- (4) **Fully Shielded Light Fixture.** A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by a photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding shall be permanently affixed.
- (5) **Glare.** The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes have adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes have become adopted.
- (6) **Installed.** The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.
- (7) **Light Pollution.** Any adverse man-made light.
- (8) **Light Trespass.** Light from an outdoor luminaire falling on an adjacent property as observed at four (4) feet above ground at the property line.
- (9) **Lumen per Acre Cap.** The upper limit, or most light allowed. Lower lighting levels are encouraged.
- (10) **Luminaire.** The complete lighting assembly, less the support assembly.
- (11) **Outdoor Light Fixture.** An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but not be limited to, lights used for:
 - a. Parking lot lighting.
 - b. Buildings and structures.
 - c. Recreational areas.
 - d. Landscape lighting.
 - e. Billboards and other signs (advertising or other).
 - f. Product display area lighting.
 - g. Illuminating building overhangs and open canopies.
- (12) **Outdoor Recreation Facility.** An area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts, and swimming pools.
- (13) **Person.** Any individual, tenant, lessee, owner, or any commercial entity including, but not limited to, firm, business, partnership, joint venture, corporation, or limited liability company.
- (14) **Sign, Externally Illuminated.** A sign illuminated by light sources from outside the sign surface.
- (15) **Sign, Internally Illuminated.** A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

- (16) **Sign, Neon.** A sign including luminous gas-filled tubes formed into the text, symbols or decorative elements and directly visible from the outside of the sign cabinet.
 - (17) **Sky Glow.** The brightening of the night sky that results from the scattering of artificial visible radiation by the constituents of the atmosphere.
 - (18) **Temporary Lighting.** Lighting which does not conform to the provisions of this Section and which will not be used for more than one consecutive thirty (30) day period within a calendar year, with one (1) consecutive thirty (30) day extension. Temporary lighting is intended for uses which by their nature are of a limited duration; for example, holiday lighting decorations, civic events, or construction projects.
 - (19) **Translucent.** Permitting light to pass through but diffusing it so that persons, objects, etc., on the opposite side are not clearly visible.
 - (20) **Use, Abandonment of.** The relinquishment of property, or the cessation of a use or activity, by the owner or tenant for a continuous period of six (6) months, excluding temporary or short-term interruptions for the purpose of remodeling, maintaining or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principal of the property.
- (e) **Shielding and Outdoor Lighting Standards.** The following lighting standards are hereby imposed and required:
- (1) **Shielding Requirement.** All non-exempt outdoor lighting fixtures shall be fully shielded.
 - (2) **Light Trespass Prohibited.** All non-exempt outdoor lighting fixtures shall be placed so as to not cause light trespass, or light glare.
 - (3) **Fixture Limitation.** All non-exempt outdoor lighting fixtures shall be of a type and placed so as not to allow any light above the horizontal, as measured at the luminaire.
 - (4) **Shielding.** All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described in Subsection (d)(4) for fully shielded fixtures.
 - (5) **Maximum Lumens Per Acre.** Residential and all other uses except commercial or business uses shall not exceed five thousand five hundred (5500) lumens per acre. Commercial or business zoned uses shall not exceed seventy thousand (70,000) lumens per property.
- (f) **Outdoor Advertising Signs.** External illumination for signs shall conform to all provisions of this Section. All upward directed lighting is prohibited.
- (g) **Special Uses.**
- (1) **Recreational Facilities.** Lighting for outdoor athletic fields, courts or tracks are exempt from the provisions of this Section except that field lighting for these

facilities shall be turned off within one-half hour after the last game or event of the night.

- (2) **Temporary Exemptions.** Any person may request of the Common Council a temporary exemption from the provisions of this Section.

(h) **Exemptions.**

- (1) **Nonconformance.** Any lighting in existence as of the original effective date of this Section is subject to the following:
- a. Bottom-mounted or unshielded outdoor advertising sign lighting shall not be used beginning five (5) years after enactment of this Section.
 - b. All other outdoor light fixtures lawfully installed prior to and operable on the original effective date of this Section are exempt from all requirements of this Section. There shall be no change in use or lamp type, or any replacement (except for same-type and same-output lamp replacement), or structural alteration made, without conforming to all applicable requirements of this Section. Further, if the property is abandoned, or if there is a change in use of the property, the provisions of this Section will apply when the abandonment ceases or the new use commences.
- (2) **State and Federal Facilities.** Compliance with the intent of this Section at all state and federal facilities is encouraged, but is not mandatory.
- (3) **Emergency Lighting.** Emergency lighting, used by law enforcement, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this Section as long as the emergency exists.
- (4) **Swimming Pool and Fountain Lighting.** Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards, though it must conform to all other provisions of this Section.
- (5) **Residential Fixtures.**
- a. Outdoor light fixtures attached to residential buildings and located below the eave and less than two thousand (2,000) lumens are exempt from the provisions of this Section. Light fixtures two thousand (2,000) lumens and over are not exempt. Outdoor fixtures above the eave, or attached to buildings or poles separate from the residence are not exempt. Spot or flood lights shall be fully shielded and directed no more than 45° above straight down.
 - b. Examples of lamps with two thousand lumens or less: The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage (check manufacturer's specifications). Examples of lamp types of two thousand (2,000) lumens or less are:
 1. 100 watt standard incandescent.
 2. 15 watt cool white fluorescent.
 3. 15 watt compact fluorescent.

4. 18 watt low pressure sodium.
- (6) **Flags, Lighted.** United States and State of Wisconsin flags are exempt from the provisions of this Section. All other outdoor lighted flags, such as, but not limited to, decorative and commercial flags shall conform to the provisions of this Section.
 - (7) **Holiday Lighting.** Holiday lighting is exempt from the provisions of this Section from the seven (7) days before Thanksgiving until January 30 of the following year.
 - (8) **Internally Illuminated and Neon Outdoor Signs.** Internally illuminated and neon lighted outdoor signs are exempt from the provisions of this Section.
 - (9) **Laser and Search Lights.** Laser and search lights are exempt from the provisions of this Section when used for temporary purposes of not more than five (5) consecutive days in a six (6) month period. This restriction shall apply to either the same person or same property.
 - (10) **Towers.** Legally required safety lighting for towers shall be exempt from this Section.
 - (11) **Airfields and Airports.** Airfields and airports, both commercial and non-commercial shall be exempt from the provisions of this Section where lighting is used for air safety reasons. All other lighting shall conform to this Section.
- (i) **Special Considerations.** When an existing light would be in violation of this Section, but is exempted, the exemption may be withdrawn if the Village Board finds the lighting to be:
 - a. Substantially aggravating or constitutes a nuisance to affected properties or traffic on public right-of-way's; or
 - b. The lighting serves little useful purpose or is excessive in view of its purpose, upon finding of the Village Board.
 - (j) **Appeals.** Any person substantially aggrieved by any decision of the designated official made in administering this Section has the right to appeal to the Zoning Board of Appeals.
 - (k) **Law Governing Conflicts.** Where any provision of federal, state, county, or local statutes, codes, ordinances, or laws conflict with any provision of this Section, the more restrictive shall govern unless otherwise regulated by law.

Sec. 13-1-164 Odor.

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 154.18, Wis. Adm. Code.

Sec. 13-1-165 Particulate Emissions.

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11, Wis. Adm. Code.

Sec. 13-1-166 Visible Emissions.

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wis. Adm. Code.

Sec. 13-1-167 Hazardous Pollutants.

No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 154.19, Wis. Adm. Code.

Sec. 13-1-168 through Sec. 13-1-179 Reserved for Future Use.