Lighting, Artificial

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

GLARE
Any artificial light which shines with a strong or steady light.

LAND
Comprising not only buildings but the ground, soil or earth as commonly understood.

STRUCTURE
A dwelling, pole or elevated object or a building or other structured improvement on any premises of such physical size as to be capable of having attached thereto or incorporated thereon, on the exterior, artificial lighting by means of electrical, gas or other luminescent fixtures.

Purpose; intent.
The general purpose of this chapter is to protect and promote the public health, safety and welfare, the quality of life, the Village's unique character, and the ability to view the night sky by establishing regulations and a process for review of exterior lighting.

Light sources facing neighboring property.
A.
No artificial lighting shall shine directly upon any neighboring residential property or be so established that it shall shine directly upon any residential property or shall shine directly on or into any room or rooms, porches or patios of any residential property, nor shall any artificial lighting be maintained or operated from any structure or land in such a manner as to be a nuisance or an annoyance to neighboring residential properties or as to interfere with the physical comfort of the occupants of residential properties.

B.
Lights directly facing a neighboring residential property or located in close proximity shall be shielded to keep direct glare from said property.

C.
No sources of light shall be maintained or operated in connection with any building or land in any manner or by any process or method which transmits an objectionable glare on residential property.

D.
In no instance will any glare be permitted if such glare originates from a light source facing any dwelling unit.

E.
The light intensity from illumination of any kind, abutting residential property, shall not exceed seven thousand (7,000) lumens.

Nonconforming lights.
A.
Any existing lights which do not conform to the regulations herein established shall be considered a nonconforming light.

B.
All nonconforming lights shall be discontinued within thirty (30) days from the effective date of this chapter, and their continued use shall be subject to the regulations of this chapter.

Lighting plan; inspections
A.
When outside lighting is proposed as part of an application for a building permit, variance, or sign permit, in conjunction with new construction, remodeling or alterations, a lighting plan shall accompany the development plan, which shall show:

(1)
A written description, with accompanying plan, which demonstrates the objectives of the lighting.

(2)
The location, height and type of outdoor luminaires on the development drawings.

(3)
A photometric grid in the form of a property layout showing lumen readings within the property or site and illustrating compliance with the shielding, light trespass and other requirements of this section.

(4)
The luminaire manufacturer’s specification data, including photographs of the fixtures, lumen output and photometric data showing cutoff angles.
(5) A total lumen output showing compliance with the total lumens per net acre.

(6) Photometric data color rendering index (CRI) of all lamps (bulbs).

(7) Landscaping information that indicates initial and mature tree size, shrubbery and other vegetation in order to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting.

(8) That light trespass will not occur on adjacent property or public streets. This will be demonstrated by the manufacturer’s data, cross-section drawings, or other means to confirm compliance with this section, or as requested by the Village Board and/or Planning Board.

(9) Control descriptions, including type of controls (timer, motion sensor, time clock, etc.), the light fixtures to be controlled by each type, and control schedule.

B. No exterior lighting shall be altered, enlarged, moved, improved, or converted unless it conforms to a lighting plan approved by the Code Enforcement Officer.

C. Any change or alteration of nonresidential exterior lighting must be approved by the Village Board and verified, post-installation, by the Code Enforcement Officer, to ensure compliance with all the provisions of this chapter

Legislative authority. This chapter is enacted pursuant to the authority given any municipality of this state to enact ordinances which the governing body deems necessary and proper for the good government, order or protection of persons and property and for the preservation of the public health, safety and welfare of the Village of Orchard Park and its inhabitants.
Penalties for offenses.
Any person or persons responsible for such nuisance or annoying lighting as described hereinbefore, whether owner, lessee or lessees or others using any premises with or without the permission of the owner, violating any of the provisions of this chapter shall, upon conviction thereof, a complaint having been made, be subject to a fine not exceeding two hundred fifty dollars ($250.) or to imprisonment for a term not exceeding fifteen (15) days, or to both fine and imprisonment, in the discretion of the court. Each day a particular violation shall continue to constitute a separate offense.