

# **Town of Searsport Lighting Ordinance**

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# Town of Searsport Lighting Ordinance

## SECTION I:

### A. TITLE

This Ordinance shall be known as and may be cited as the "Lightning Ordinance of the Town of Searsport, Maine", and will be referred to herein as the "Ordinance".

### B. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VII Part 2, Section 1 of the Maine Constitution and Title 30-A, MRSA, Section 3001 et seq.

### C. STATEMENT OF NEED AND PURPOSE

1. The town of Searsport recognizes the following:

- a. Improperly located lighting can cause unsafe and unpleasant condition;
- b. Excessive lighting can cause unsafe, unhealthful and unpleasant conditions, waste electricity and threaten the natural environment;
- c. Obtrusive lighting can cause unsafe and unpleasant conditions;
- d. Proper lighting can enhance safety and enjoyment of the built environment;
- e. On balance, lighting with a higher color rendering index (CRI) provides more desirable lighting than lighting with a lower CRI; and.
- f. Illumination levels should be appropriate to the visual task.

2. This ordinance is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

- a. Allow appropriate lighting levels to preserve safety, security, and the nighttime use and enjoyment of property;
- b. Reduce light pollution, light trespass, glare, and offensive lighting;
- c. Promote energy conservation;
- d. Allow people in residential areas to view the stars against a dark sky;
- e. Enhance the aesthetics of the built environment; and
- f. Protect the character of the natural environment and preserve ecological values.

### D. APPLICABILITY

**1. New construction/uses.** The provisions of this ordinance apply to parking lots, buildings, structures, and land uses requiring either Planning Board or Code Enforcement approval after the effective date of this ordinance.

**2. Expansion and redevelopment.** The provisions of this ordinance apply to the entire building/structure, parking area, or use, as appropriate, under the following conditions:

- a. when a building or structure is expanded in size by 25 percent or more;
- b. when the area of a parking area is expanded by 25 percent or more;
- c. when an outdoor use (e.g., outdoor storage, vehicle sales) is expanded by 25 percent or more; and
- d. any other activity subject to site plan or subdivision review.

**3. Exemptions.** The following are exempt:

- a. lighting required by the Federal Aviation Administration (FAA) for aviation control/safety;
- b. seasonal lighting displays using low-wattage lamps between November 15 through January 15 of the following year;
- c. lights used by police, fire, and medical personnel during an emergency;
- d. luminaires attached to a residential building which are less than 2,000 lumens and mounted below the eaves; and
- e. lighting placed underwater to illuminate swimming pools or fountains, for lamp type and shield standards only.

## E. CONSTRUCTION

**1. Validity and Severability:** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision will not invalidate any other section or provision of this Ordinance.

**2. Conflict with Other Ordinances:** Should any section or provision of this Ordinance be found to be in conflict with any other municipal ordinance or regulation, the more stringent section or provision prevails.

**3. Amendments:** From time to time, circumstances may require that portions or sections of this Ordinance be amended, revised, or deleted. Such action shall be proposed at town meeting to the voters of Searsport by the Select Board. Approval of any amendments, revisions or deletions rests exclusively with the voters of Searsport.

**4. Appeals:** If the Planning Board or Code Enforcement Officer disapproves a lighting application, or grants approval-with-conditions that are objectionable to the applicant or any abutting property owners or any aggrieved party, or when it is claimed that the provisions of this ordinance do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, abutting property owner(s) or aggrieved party may appeal the decision of the Planning Board or Code Enforcement Officer, in writing, to the Board of Appeals within 30 days of the official written decision.

The Board of Appeals may, after holding a public hearing, sustain, reverse or modify the decision in accordance with the Board of Appeals Ordinance.

## **F. PROHIBITED LIGHTING**

The following types of outdoor lighting are specifically prohibited:

1. lighting that could be confused for a traffic control device;
2. lighting that is oriented upward, except as otherwise provided for in this ordinance;
3. searchlights, beacons, and laser source light fixtures;
4. lights that blink, flash, move, revolve, flicker, change intensity, or change color;
5. any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting; and
6. lighting inside of an awning when the awning material is translucent.

## **SECTION II: GENERAL STANDARDS**

### **A. ILLUMINATION LEVEL AT PROPERTY BOUNRARY LINE**

When a commercial or industrial use abuts a residential use, lighting must be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.3 foot-candles. When a commercial or industrial use abuts a public right-of-way, or another commercial or industrial use, lighting must be designed so that the illumination at the property boundary line does not exceed 1.0 foot-candles;

### **B. POLE-MOUNTED LUMINAIRES**

Luminaires must not be taller than 15 feet in residential and downtown districts or when placed within 50 feet of a residential zoning district. In all other zoning districts, luminaires must not be taller than 30 feet;

### **C. BUILDING-MOUNTED LUMINAIRES**

In non-residential zoning districts, building-mounted luminaires must not be taller than 30 feet or the height of the principal building, whichever is less. The use of wall-mounted unshielded luminaires (e.g., "wall-pack") is discouraged;

### **D. OVERHEAD ELECTRICAL LINES PROHIBITED**

For new installations, electrical lines for luminaires mounted on freestanding poles must be placed underground between poles.

### **E. MATERIALS FOR LIGHT POLES**

Light poles must be anodized, painted or otherwise coated so as to minimize glare from the light source;

### **F. CONTINUED MAINTENANCE**

Lighting installations must be maintained in good repair to meet the provisions of this ordinance on an on-going basis;

### G. LIGHTING CURFEW

For parcels with non-residential uses, lighting in vehicle parking areas containing 20 parking spaces or more must be reduced to 50 percent of permitted levels one hour after the business closing to one hour before the business opens. If lighting levels are already below 50 percent of permitted levels, no curfew adjustment is required;

### H. LUMINAIRE TYPES

Full-cutoff luminaires must be used in parking areas, along internal streets, and along pedestrian ways. The town may allow cutoff luminaires or semi-cutoff luminaires in these locations when the overall uplight would be less than for full-cutoff luminaries. To promote a unified development theme, post top luminaires (also referred to as period lighting) may be used as an alternate if they have built-in reflectors that effectively eliminate uplight. Except as provided in this ordinance, all other luminaires must be directed downward and the light source must be shielded so that it is not visible from any adjacent property;

### I. MAXIMUM AVERAGE LIGHTING LEVELS

Average lighting levels must not exceed the standards provided for in Exhibit 1. For those areas not specified, the planning board must work with the applicant to set an appropriate level on a case-by-case basis in keeping with the intent of this ordinance;

### J. MAXIMUM UNIFORMITY RATIO

In all parking areas and along sidewalks and other pedestrian walkways, an average to minimum uniformity ratio of 6:1 or better must be maintained;

<b>Exhibit 1 Maximum average light levels</b>	
<b>Location</b>	<b>Foot candles</b>
At entries for residential, commercial, And industrial buildings	5.0
At loading areas (berths) associated with A commercial or industrial use	10.0
In parking areas for multi-family uses	3.0
In parking areas for non-residential uses	5.0
Along sidewalks and other pedestrian walkways	3.0
Under service station canopies	10.0
In general storage areas for commercial And industrial uses	8.0
In vehicular display areas	10.0
Playgrounds	5.0
Sports grounds	20.0

### K. MINIMUM COLOR RENDERING INDEX (CRI)

In all parking areas and along sidewalks and other pedestrian walkways, lighting must meet or exceed the minimum color rendering index as provided for in Exhibit 2.

<b>Exhibit 2 Minimum color rendering index (CRI) for parking areas and pedestrian ways</b>	
<b>District</b>	<b>Minimum CRI</b>
Residential zoning districts	60
Downtown area	60
Mixed Residential	60
Rural Agriculture residential	60
Commercial zoning districts Except downtown area	20
Industrial zoning district	20
Historic Overlay and Marine district	80

### SECTION III: SPECIAL STANDARDS FOR SPECIFIC APPLICATIONS

These standards are in addition to the foot candle standards and CRI standards specified in Exhibits 1 and 2.

#### A. FLAG POLES, STATUES AND SIMILAR MONUMENTS

A flagpole bearing a state flag, a flag of the United States or a flag of a foreign nation may be illuminated, provide the following standards are met:

1. The luminaires must be fully shielded.
2. Upward aiming luminaires must be placed as close to the base as possible.
3. The luminaires must not collectively exceed 40,000 mean lumens.

Public statues, memorials or similar monuments may also be lighted upon approval by the planning board, provided the above standards are met.

#### B. BUILDING FAÇADE LIGHTING

The exterior of a building may be lighted provide the following standards are met:

1. The lighting is done to accentuate an architectural or aesthetic element of the building, not the entire building.
2. The light must only be directed onto the building façade and not spillover beyond the plane of the building.
3. Upward aimed lighting must not exceed 4,000 mean lumens per accent feature, must be fully shielded, and mounted as flush to the wall as possible.
4. Lighting exceeding 4,000 mean lumens per accent feature must be aimed downward, fully shielded, and mounted as flush to the wall as possible.

#### C. SIGN LIGHTING

Signs may be lighted consistent with the following standards:

1. Ground signs that are less than 6 feet in height may be internally lit, lighted from above provided the luminaire is no taller that the top of the sign, or lighted with ground mounted lights provided the lights are fully shielded and mounted as close to the sign as possible.
2. Ground signs 6 feet in height or taller may be internally lit or lighted from above provided the luminaire is no taller than the top of the sign.



3. Wall signs may be internally lit or lighted with ground mounted lights provided the lights are fully shielded and mounted as close to the wall as possible.

#### **D. CANOPY LIGHTING**

Lighting associated with a canopy used for a vehicular shelter must meet the following standards:

1. Luminaires beneath a canopy must be either a full-cutoff luminaire or mounted so the luminaire or lens, whichever is lower, does not project below the bottom of the canopy surface.
2. The sides or top of the canopy must not be illuminated, except as permitted by the sign lighting standards.
3. Lighting installed beneath a canopy must be pointed downward and substantially confined to the ground surface directly beneath the perimeter of the canopy.
4. Lighting beyond the perimeter of the canopy must be consistent with the lighting standards for parking areas.

#### **E. TELECOMMUNICATIONS FACILITIES**

Telecommunications facilities must be unlit, except for the following:

1. A manually-operated or motion-detector controlled light above the equipment shed door which must be kept off except when personnel are actually present at night.
2. The minimum tower lighting required by the Federal Aviation Administration or other state or federal requirement. Where tower lighting is required, it must be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences.

#### **F. RECREATIONAL FACILITIES**

Lighting for outdoor athletic fields, courts, or tracks must meet the following standards:

1. Lighting installations must be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
2. Light trespass and glare must be reduced to the greatest extent possible given the illumination constraints of the design. When an outdoor athletic field abuts a residential district, lighting as a goal should be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.5 foot-candles.
3. Lighting used to illuminate the athletic surface must be turned off within one hour after the last event of the night.
4. Lighting must be designed by a registered engineer having experience with lighting installations.

## SECTION IV: VIOLATIONS AND ENFORCEMENT

### A. CODE ENFORCEMENT OFFICER.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

### B. LEGAL ACTIONS

When the above does not result in the correction or abatement of the violation or nuisance condition, the Select Board, upon notice from the Code Enforcement Officer, are hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance in the name of the municipality.

### C. PENALTIES

Any person or persons who violate any provision(s) of this Ordinance or any permit issued under the provisions of this Ordinance, shall be subject to civil penalties in accordance with the provisions of Title 30-A MRSA § 4452.

## SECTION V: DEFINITIONS

### A. CONSTRUCTION OF LANGUAGE

1. In this Ordinance, certain terms or words should be interpreted as follows:
  - a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
  - b. The present tense includes the future tense, the singular number includes the plural and plural includes the singular;
  - c. The words "will, must, or shall" are mandatory;
  - d. The word "may" is permissive;
  - e. The words "used" or "occupied" includes the words "intended", "designed", or "arrange to be used or occupied"; and
2. Terms not defined shall have the customary dictionary meaning.

### B. DEFINITIONS OF WORDS

For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

**"Color rendering index (CRI)"** means a scale used to describe the visual effect of light on colored surfaces. Natural daylight is assigned a color rendering index of 100. The scale is shown in the table

below. These are times, such as in historic districts, where good color rendering is important. However, the lights that produce the best color rendering may also be the least energy efficient.

<b>Color Rendering Index Values for Light Sources</b>	
<b>LIGHT SOURCE</b>	<b>CRI</b>
Clear Mercury	17
White Deluxe Mercury	45
Warm White Fluorescent Tube	55
Cool White Fluorescent Tube	65
Deluxe Warm White Fluorescent	73
Daylight Fluorescent	79
Metal Halide 4200K	85
Deluxe Cool White Fluorescent	86
Metal Halide 5400K	93
Low Pressure Sodium	0-18
High Pressure Sodium	25
100-Watt Incandescent	100
Source: Illuminating Engineering Society of North America	

**“Cutoff Luminaire”** means a luminaire where less than 2.5 percent of the lamp lumens occur at or above the horizontal plane and no more than 10 percent of the lamp lumens occur above 80 degrees.

**“Foot-candle”** means a measure of light falling on a given surface. One foot candle is equal to one lumen per square foot.

**“Full-cutoff Luminaire”** means a luminaire where no light occurs above the horizontal plane and no more than 10 percent of the lamp lumens occur above 80 degrees.

**“Glare”** means an extreme contrast between bright and dark areas in the field of view. It is particularly problematic for road safety, as badly shielded lights along roads may partially blind drivers or pedestrians unexpectedly, and can obscure night vision for up to an hour after exposure.

**“Illuminance/Illumination”** means the amount of light falling on a surface. Illuminance may be measured in lux or in foot-candles.

**“Illuminating Engineering Society of North America (IESNA)”** means a professional organization that was created to advance knowledge and disseminate information for the improvement of the lighted environment to the benefit of society. Its membership includes engineers, architects, designers, manufactures, contractors, distributors, utility personnel, educators, students, and scientists.

**“Light level/Lighting level”** see “Illuminance/Illumination”

**“Light meter”** means a device that measures the amount of light energy falling on a given surface.

**“Light trespass”** means light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited.

**“Light fixture”** See Luminaire.

**“Lumen”** means a measure of light energy generated by a light source. Manufacturers list ratings for all their lamps. Average lumen ratings are slightly lower than initial lumen ratings.

**“Luminaire”** means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**“Nadir”** means the angle pointing directly downward from the luminaire, or 0

**“Non-cutoff luminaire”** means a luminaire where a considerable amount of light occurs above the horizontal plane.

**“Security lighting”** means outdoor lighting used for, but not limited to, illumination for walkways, roadways, and equipment.

**“Semi-cutoff luminaire”** means a luminaire where less than 5 percent of the lamp lumens occur above the horizontal.

**“Uniformity ratio”** means the ratio of average illumination to minimum illumination within a given area.

**“Uplight”** means light emitted upward by a luminaire.

## SECTION VI: ADOPTION

This Ordinance was submitted to the voters of Searsport and adopted at a Town Meeting held on the 5<sup>th</sup> day of March, 2022

This is a true and attested copy by: \_\_\_\_\_

Harriet Clark, Town Clerk