

ORDINANCE NO. 01671

**AN ORDINANCE TO REPEAL AND RECREATE THE
OUTDOOR LIGHTING ORDINANCE FOR THE CITY OF MIDDLETON**

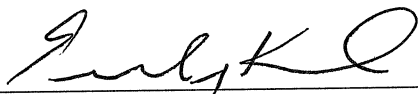
The Common Council of the City of Middleton do hereby ordain as follows:

1. Chapter 33 of the Middleton Municipal Code is hereby repealed.
2. Chapter 33 of the Middleton Municipal Code, as set forth in Exhibit "A", as attached hereto and incorporated by this reference, is hereby created as the Outdoor Lighting Ordinance applicable to the City of Middleton.

The above and foregoing ordinance is duly adopted by the Middleton Common Council at a regular meeting held on the 3rd day of March, 2026.

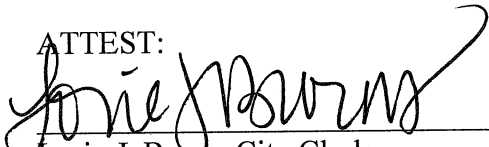
CITY OF MIDDLETON

By:



Emily Kuhn, Mayor

ATTEST:



Lorie J. Burns, City Clerk

First Reading: 2/17/26

Vote: Ayes: 7

Noes: 0

Adopted: 3/3/26

Published: 3/12/26

NEW ORDINANCE CONTENT & FORMAT

This is the Final Draft of a replacement to the Outdoor Lighting ordinance that was adopted by the Common Council on 2/20/24. It is based on the template released by DarkSky International in October 2024. In general terms, this code has fewer standards pertaining to how light sources illuminate the property (e.g., no average on-site lighting maximum, more flexibility with pole height and lumen output, etc.). Instead, this code emphasizes the minimization of light trespass (light leaving a property, whether horizontally or vertically), and standardization with the Illuminating Engineering Society (IES) standards used by lighting engineers.

Updated 2/3/26

CITY OF MIDDLETON, WISCONSIN

CHAPTER 33: OUTDOOR LIGHTING CODE

Section 33.01 Purpose and Intent

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CHAPTER 33: OUTDOOR LIGHTING CODE

Section 33.01 Purpose and Intent

This outdoor lighting ordinance is intended to protect the health and welfare of all residents within the City of Middleton, enhance its attractiveness and quality of life, prevent inappropriate and poorly installed outdoor lighting, reduce lighting conflicts between property owners, prevent the increase of potentially harmful sky glow, and preserve the naturally dark sky for the benefit of residents, visitors, wildlife, and the environment. The City recognizes that:

- (1) Outdoor uses of Artificial Light at Night (ALAN) often include inappropriate and bright sources of light that cause an unsafe reduction in human visual performance.
- (2) Excessive, unnecessary, and misdirected ALAN contributes to light pollution and wastes energy resources that would, if corrected, generate tangible cost savings.
- (3) Increased use of ALAN has contributed to an escalation of light pollution, thus increasing the brightness of the night sky by 10% annually and rendering the current night sky orders of magnitude (often hundreds of times) brighter than the natural and original sky background.
- (4) Light pollution from ALAN is known to cause adverse effects on the health and well-being of birds, wildlife, nocturnal ecosystems, vegetation, and under certain circumstances, human health.

Section 33.02: Conformance with Applicable Codes

All outdoor illuminating devices shall be installed and maintained in conformance with all other applicable provisions of the City of Middleton Code of Ordinances, including but not limited to the Building Code (Chapter 11), the Electrical Code (Chapter 12), the Sign Code (Chapter 22), and the Zoning Code (Chapter 10).

Section 33.03: Definitions

As used in this Code unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

ANSI. American National Standards Institute.

ANSI/IES Lighting Standards. Applicable outdoor lighting standards and metrics include but are not limited to:

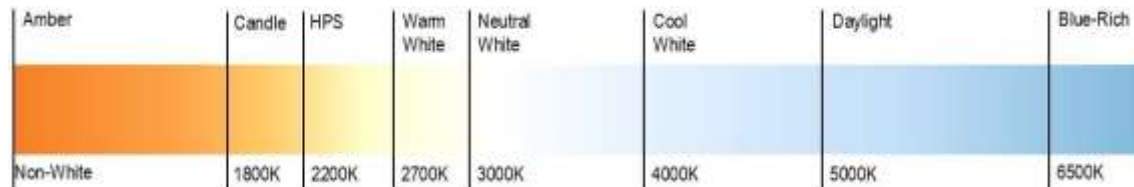
- (1) RP-2: outdoor retail spaces
- (2) RP-6: outdoor sports and recreational areas
- (3) RP-7: outdoor industrial areas
- (4) RP-8: roadway and parking facilities
- (5) RP-40: port terminals
- (6) RP-43: outdoor pedestrian areas

ALAN (artificial light at night). Light that is created from human technology, rather than a naturally occurring process.

Section 33.03: Definitions

Candela (cd). The unit of measure for luminous intensity.

CCT (correlated color temperature). The measured color appearance of light emitted by a light source described using a nominal value stated in kelvins (K). Lower CCTs (1800 K to 2200 K) appear very warm or amber. Medium CCTs (2700 K to 3000 K) appear “warm white,” similar to standard incandescent bulbs. High CCTs (4000 K and higher) appear “cool white” or “blue.”



Fully Shielded. A *Luminaire* designed or shielded in such a manner that no light is emitted, either directly or indirectly, at or above a horizontal plane running through the lowest light-emitting part of the luminaire.

Glare. The sensation produced by a bright source within the visual field that is sufficiently brighter than the ambient level to which the eyes cannot adapt to, thus causing annoyance, discomfort, or impairment of visual performance. The magnitude of glare may be affected by factors such as the size, position, brightness of the source, and on this brightness level to which the eyes are adapted.

IES (Illuminating Engineering Society). An *ANSI*-recognized Standards Development Organization. *ANSI/IES Recommended Practices* are universally recognized as authoritative references for lighting applications.

Illuminance. Measured in *Lux* or footcandles, the total luminous flux incident at a point on a surface.

Installation. The attachment or assembly, whether or not connected to a power source, of any outdoor light fixture affixed to the ground, a building, a pole or any other supporting structure or device.

Light Level. The maintained *Luminance* or *Illuminance* value.

Light Pollution. *ALAN* traveling into areas where it is not needed or wanted. This can be in the form of *Light Trespass*, glare, or atmospheric sky glow.

Lighting Sources. Any lamp or manufactured device emitting energy that is capable of exciting the retina and producing a visual sensation. Such devices shall include, but are not limited to, incandescent, fluorescent, carbon arc, quartz-iodine/tungsten halogen, low pressure sodium, high pressure sodium, metal halide, mercury vapor, and LED lamps.

Light Trespass. *ALAN* illuminating past property lines without permission. Unless specified otherwise, light trespass limits are measured at any location along a property line both horizontally at the ground plane facing upward and vertically at 1.5 meters (5ft) above grade with the meter aimed toward the light source in question.

Lighting Zones. An *ANSI/IES/DarkSky* system describing the luminous environment and related lighting conditions based on land uses and expected tasks. These range from natural and intrinsically dark zones to very bright zones.

Lumen (lm). A unit of measure of the luminous flux of a light source, used to measure the amount of visible light emitted by lamps.

Section 33.03: Definitions

Luminaire. A complete lighting unit, including the light source, housing, optics, electronics, and other necessary components for the purpose of providing outdoor illumination.

Luminance. The intensity of light emitted from a surface per unit area in a given direction.

Lux (lx). The SI metric system unit of measure for *Illuminance*.

Nadir. A downward vertical vector directly beneath a luminaire, opposite to zenith.



Nighttime Hours. The time between 10:00 PM and sunrise, or 6 AM (whichever comes earlier). For businesses and events with operating hours later than 10:00 PM, nighttime hours will begin one hour after closing.

Non-essential. Lighting that is not directly associated with security lighting or other exempted lighting, including but not limited to: landscape lighting, illuminated signage or advertising after business hours, façade lighting, vacant sports fields, and seasonal lighting.

Nuisance Lighting. Any excessive lighting causing glare, trespass, or pollution and constituting a nuisance as defined in Chapter 17 of the Middleton Code of Ordinances.

Person. Any individual, tenant, lessee, owner, operator, or any public, private, nonprofit, or commercial entity including, but not limited to, firm, business, partnership, joint venture, association, corporation, municipality, agency, or governmental agency.

Residential Use. Municipal zoning districts dedicated exclusively to places of low-rise (i.e., 3 stories or less) human residence and dwelling. Examples include single family, duplex, dual family, multi-family, apartment, townhouse, and mobile home. This does not include mixed-use or commercial districts with combined dwellings.

Seasonal Lighting. Outdoor or site lighting that is portable, temporary, decorative, and used in connection with holidays and traditions. This includes but is not limited to string lighting, icicle lighting, and lighted inflatables, none of which are intended for general illumination.

Security Lighting. Lighting for the safety of persons, property, and infrastructure.

Shielding. A *Luminaire* design, optical intervention, or physical accessory (such as a louver) preventing light emission from traveling into a particular area, angle, or region.

Sky Glow. The brightening of the night sky that results from the scattering of artificial visible radiation by the constituents of the atmosphere.

Section 33.04: Applicability

Use, Abandonment of. The cessation of a use or activity by the owner or tenant for a period of six months, excluding temporary or short-term interruptions for the purpose of remodeling, maintaining, or otherwise improving 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 use of the property.

Section 33.04: Applicability

- (1) **New Outdoor Lighting Sources.** This Chapter applies to all sources of outdoor lighting installed or replaced within the City of Middleton after [enactment date]. This includes, but is not limited to, newly permitted development and construction projects involving dwellings, roadways, public right-of-way, signage, buildings, facilities, properties, landscape, parking lots, hardscape, non-habitable structures, and monuments.
- (2) **Nonconforming Exterior Lighting.** Existing outdoor lighting lawfully installed prior to [enactment date] and not meeting the requirements of this Chapter shall be considered legal and repairable but non-conforming. Any existing outdoor lighting that did not meet the requirements of the ordinance in effect at the time it was installed shall be brought into compliance with this Chapter. All legal non-conforming luminaires may continue to be used and maintained until one of the following occurs:
 - (a) A determination by the building inspector that an outdoor light source constitutes a hazard to public safety or constitutes a nuisance.
 - (b) When a property is re-zoned for a new land use, at which time all outdoor lighting on the property shall meet the requirements of this Chapter before the new use commences.
 - (c) If a property or use with nonconforming lighting is abandoned as defined in Section 33.03, then all outdoor lighting shall be reviewed and brought into compliance with this Chapter before the use is resumed.

Section 33.05: Exemptions

- (1) **Lawful.** Lighting requirements mandated by other regulations of the City, state, county or federal government or lighting regulated by state or federal law applying stricter standards or otherwise preempting City regulation, including but not limited to
 - (a) Lighting required for aviation navigation and safety under federal and state statutes or regulations of the Federal Aviation Administration or State of Wisconsin Department of Transportation Bureau of Aeronautics and worker safety under the Occupational Safety and Health Administration or Wisconsin Department of Safety and Professional Services.
 - (b) Legally required safety lighting for communication towers per Section 10.03.20 of the City of Middleton Zoning Code, Chapter 10.
 - (c) Any contradictory building code or Department of Transportation illumination requirements.
 - (d) Lighting for worker safety as mandated by the Occupational Safety and Health Administration or Wisconsin Department of Safety and Professional Services.
- (2) **Safety.** Luminaires installed for the benefit of public safety, including but not limited to:

Section 33.06: Prohibitions

- (a) Security Lighting as determined by Section 33.07(5).
 - (b) Temporary lighting used by authorized first responders or other governmental officers or employees (or at their direction) during emergency procedures or engaging in other governmental functions.
 - (c) Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards provided herein, though it must conform to all other provisions of this Code.
- (3) **Historic.** Luminaires replicating historical character and lighting effects that are protected by historical registration.
 - (4) **Special Event Permit.** Temporary and semi-permanent lighting approved by municipal permit for special events, festivals, and community benefit, provided the permitted lighting still meets light trespass requirements and does not add further disruption to ecological migration or habitat.
 - (5) **Decorative.** Decorative light fixtures with frosted glass lamps, seasonal lighting, and any fixtures that have no bulbs that exceed a factory-rated light output of 500 lumens
 - (6) **Granted by Plan Commission.** The Plan Commission is authorized to grant one (1) or more exemptions for specific requirements and prohibitions in this Ordinance to allow lighting of comparable levels, quality, and design when it can be demonstrated that the provisions of this Ordinance are infeasible or that the granting of such exemption is in keeping with the purpose of this Section. Granting of exemptions by the Plan Commission shall be identified within the conditions of approvals as part of the design review component of any Site Plan Review (Section 10.10.43).

Section 33.06: Prohibitions

Unless specifically authorized by the City as part of an approved special event permit (see [Section 7.17](#) of the City of Middleton Municipal Code, Chapter 7), the following lighting shall not be permitted within the City of Middleton even if it may otherwise be considered exempt under Section 33.05:

- (1) Any lighting that is determined by the City of Middleton Police Department to distract or disable the vision of a motor vehicle operator (e.g., excessively bright or rapid blinking, flashing, flickering, and/or motion video) or contribute to traffic control confusion (e.g., sources resembling or imitating traffic or railroad signals) is prohibited. Artificial Light At Night shall not interfere with the safe movement of motor vehicles.
- (2) Beacons and searchlights, except for emergency use by authorized first responders.
- (3) Strobe lights and laser lights, including laser light shows and aerial laser lights.
- (4) Neon lights larger than 24 square feet.
- (5) Lighting which is used to outline a building, structure, or window outside of seasonal lighting, including but not limited to rope, neon, and fluorescent tube lighting.
- (6) Reflected glare into the sky or onto nearby buildings, streets, or pedestrian areas.
- (7) Lighting used to illuminate property other than that on which the fixture is located and which constitutes light trespass.

Section 33.07: Outdoor Lighting Requirements

- (1) **General**

Section 33.07: Outdoor Lighting Requirements

- (a) **Legal.** All outdoor luminaires and luminaire installations shall comply with federal and state law; county and municipal codes; applicable energy and building codes; product safety labeling; the requirements of this Chapter; and shall be subject to the appropriate permit and inspection requirements thereof. Every Vehicle Sales and Outdoor Sales and Display lot, as defined in Section 10.03.10, lighting system design and installation shall be certified by a qualified registered engineer as conforming to all applicable restrictions of this Ordinance.
- (b) **Light Level.** Unless otherwise specified in this ordinance, lighting installed for an outdoor use shall not exceed 25% more than the Light Level recommended by the applicable ANSI/IES Lighting Standard, or a state approved alternate, as published by the date of adoption of this ordinance. All areas designated on required site plans (see Section 10.10.43 of the Zoning Ordinance) for pedestrian circulation, vehicular or bicycle parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 4.3 lux (0.4 foot-candles). The illumination on any vertical surface shall not exceed 5 lux and shall not spill over roof lines or building edges.
- (c) **Distribution.** Unless otherwise specified in this ordinance, luminaires emitting more than 1,000 lumens shall be Fully Shielded and shall emit no more than 5% of their total Lumen output above 80 degrees from Nadir. Exceptions are:
1. Festoon string lighting where no individual lamp emits more than 50 lumens, and the lumen density of the string is no greater than 25 lumens per foot.
 2. Directional Luminaires used for façade illumination which are shielded and aimed to hit their target such that the light is contained by architectural elements.
- (d) **Trespass.** Unless otherwise specified in this ordinance, Light Trespass shall meet the following:
1. Luminaire light sources shall not be visible from federal or state designated wilderness, natural area, habitat, or reserves, and Light Trespass shall measure no greater than 0.1 Lux.
 2. Light Trespass onto Waters of the United States shall measure no greater than 1 Lux.
 3. Light Trespass onto Residential Use property shall measure no greater than 1 Lux.
- (e) **Curfew.** Non-essential outdoor lighting, including but not limited to landscape and decorative lighting elements, shall be extinguished during Nighttime Hours as defined in Section 33.03.
1. When applicable, outdoor lighting shall dim or be extinguished during Nighttime Hours as prescribed by an adopted energy code.
- (f) **Controls.** Luminaires activated by motion detection shall automatically turn off or return to their dimmed state no more than five (5) minutes after activity is no longer detected.
- (g) **Spectrum.** Unless otherwise specified in this ordinance, the maximum allowable correlated color temperature (CCT) for outdoor Luminaires is 3000 K.
1. Exception: CCT exemptions are allowed if a public safety need is documented.
- (h) **Design.**
1. All new exterior lighting shall be light-emitting diode (LED) fixtures.
 2. The color and design of fixtures shall be compatible with the building and public lighting in the area, and shall be uniform throughout the entire development site.
 3. No wall packs or similar lights shall be permitted unless they comply with all provisions of this section. If swivel mountings are used, lights may be raised a maximum of twenty (20) degrees from horizontal and shall emit no more than 5% of their total lumen output above 80 degrees from nadir.
 4. No lights shall be mounted above the parapet, or for pitched roofs above the eave, except for motion detection security lighting and decorative building lighting that is used primarily to enhance the building's architectural appearance through the illumination of the building.
 5. All new street lamps on public and private streets shall be fully shielded. This requirement shall not be construed to apply to the repair or replacement of an existing lamp unless part of a larger project including replacement of all street lamps in the project area. Public street lighting shall be approved by the Director of Public Works.
 6. All outdoor lighting fixtures, unless expressly exempted from the terms of this Code must be installed and maintained according to approved plans.

Section 33.07: Outdoor Lighting Requirements

- (i) **Lighting Public Nuisance.** Nothing in this Chapter shall be construed to permit lighting that otherwise constitutes a public nuisance. Any lighting producing excessive glare, pollution, or trespass may be deemed a public nuisance under Chapter 17 of the Middleton Code of Ordinances or Wis. Stats. Chap. 823 and be subject to enforcement and the remedies provided therein.
- (2) **Residential Use.** The following requirements are supplementary to the General Outdoor Lighting Requirements (Section 33.07(1) and its subsections) and shall further regulate outdoor lighting on Residential Use property.
 - (a) Lighting for Residential Use, excluding roadway, parking, and public right-of-way, shall be exempt from the requirement in Section 33.07(1)(b) provided no single Luminaire exceeds 1,000 lumens and the total installed lumens per dwelling, prorated for multifamily, does not exceed the following:

Property Size		Lz0	Lz1	Lz2
Acre	Square Feet			
1.33+	58,000+	5,200	13,000	22,800
1.00-1.32	43,000-57,999	4,600	11,500	20,200
0.75-0.99	32,000-42,999	4,100	10,200	17,900
0.50-0.74	21,000-31,999	3,500	8,700	15,300
0.33-0.49	14,000-20,999	2,800	7,000	12,300
0.25-0.32	10,800-13,999	2,400	5,900	10,400
0.20-0.24	8,700-10,799	2,000	5,000	8,800
0.13-0.19	5,400-8,699	1,500	3,600	6,300
0.05-0.12	2,100-5,399	850	1,700	3,000
< 0.03	< 2,100	850	850	1,500

Multi-Family Example: 32 townhome units on a 3.2-acre development equals .10 acres per dwelling. Therefore, each dwelling is allowed 1,700 lumens when located in Lz1.

For Lighting Zones, see Lighting Zone Map in Sec. 33.10(2).

- (b) Light Trespass leaving Residential Use property shall be no greater than 1 Lux.
 - (c) When needed, Residential Use roadway Luminaires installed after the adoption date of this ordinance shall be a maximum CCT of 2400 K.
 - (d) Exterior lighting with automatic controls shall be provided so that the house numbers are visible from the adjacent street and interior drive. For units with individual exterior entrances, such lighting shall be provided so that the unit numbers are visible to pedestrians on the sidewalk.
- (3) **Non-Residential Land Use.** The following requirements are supplementary to the General Outdoor Lighting Requirements (Section 33.07(1) and its subsections) and shall further regulate outdoor lighting on non-residential property, including land uses as defined in Sections 10.03.08-10.03.26 of the Zoning Ordinance.

Section 33.07: Outdoor Lighting Requirements

- (a) Non-Residential Use lighting shall be exempt from the requirement in Section 33.07(1)(b), provided there is no Luminaire installed on the property capable of exceeding a total output greater than 3,000 lumens.
 - (b) Light Trespass leaving non-residential use property onto adjacent public right-of-way shall be no greater than 3 Lux when measured 20 feet past the property line.
- (4) **Active Outdoor Recreation and Intensive Outdoor Activity Land Uses.** The following requirements are supplementary to the General Outdoor Lighting Requirements (Section 33.07(1) and its subsections) and shall further regulate outdoor lighting for land uses as defined in Section 10.03.12(1) and 10.03.10(16) of the Zoning Ordinance.
- (a) Eighty-five percent (85%) of the lumens generated by luminaires shall be confined to within 33 feet (10 meters) or a distance of one pole height, whichever is greater, of the playing field or the spectator track or bleacher area, whichever is greater.
 - (b) Lighting installations for sports in which the height of a ball in play would, in the normal course of playing the sport, exceed the height of the sports lighting poles are allowed a maximum of 8% of the total lumen output to be emitted above 80 degrees from Nadir.
 - (c) When the recommended *Light Level* is higher than 100 lux, installed lighting shall not exceed 10% more than the *Light Level* recommended by the applicable *ANSI/IES lighting standard*, or a state approved alternate, as published by the adoption date of this ordinance.
 - (d) The maximum CCT for outdoor sports lighting should be the lowest possible for the sport, class of play, and viewing audience as defined by the relevant ANSI/IES lighting standard, or any state approved alternative, but never exceeding 5700 K.
 - (e) The maximum luminous intensity from any luminaire lighting a sports field shall not exceed 10,000 candelas (cd) as measured along a perimeter that is 150 feet (46 meters) from the edge of the field, at 5 feet (1.5 meters) above grade.
 - (f) Lighting shall be set to automatically shut off when there is no scheduled play and shall be extinguished no later than permitted by the Zoning Administrator through the Site Plan review and approval process. Lower light levels for off the field lighting may be provided for an additional 1 hour for safe egress.
- (5) **Security Lighting.** Security lighting is a minimum amount of lighting required for all principal land uses in Article III of the Zoning Ordinance, except for Single-Family Dwelling Units, Mobile or Manufactured Homes, Duplexes, Twin Homes, and Two Flats in Section 10.03.06 (see the City of Middleton Zoning Code, Chapter 10). The purpose of security lighting is for the safety of persons and property.
- (a) Lighting with automatic controls shall be provided for all exterior/interior parking areas, service walk areas, and sidewalks connecting the parking area with the building(s). Each exterior building entrance/exit shall have an exterior light per the requirements of the City of Middleton Building Code (Chapter 11) and Electrical Code (Chapter 12).
 - (b) All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area. In no case shall security lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways.
 - (c) Motion sensor lights shall be permitted, provided they comply with this Code, the City of Middleton Building Code (Chapter 11), and Electrical Code (Chapter 12).
 - (d) Commercial and multi-family dwelling construction sites whether new, additions or remodeling shall install the minimum-security lighting in accordance with IESNA recommendations and standards to safeguard the site and materials.
 - (e) Additional lumens in excess of the calculated allowance may be permitted through the design review process with a finding that exceeding the allowance is necessary to meet public safety or security needs.

Section 33.08: Administrative Procedures and Requirements

Section 33.08: Administrative Procedures and Requirements

- (1) **Lighting Plan Submittal.** An outdoor lighting plan shall be submitted, along with evidence that the proposed work will comply with this Chapter, for any application for site plan review pursuant to Section 10.10.43 of the Zoning Ordinance and installation or replacement of light fixtures along streets or in other common or public areas. An outdoor lighting plan shall not be required for routine servicing and same-type lamp replacement. The outdoor lighting plan shall include luminaire identification (i.e., manufacturer, model number, type, a catalog page, cut sheet, or photograph) and shall follow the Calculation method below unless the subject property is a single-family or two-family residence, in which the Schedule method is acceptable.
 - (a) Schedule Method: Only available for renovation and single-family or two-family land uses; projects to be documented using a spreadsheet or table format by listing the luminaire identification, luminaire quantities, installation locations, and lumen outputs for each; or
 - (b) Calculation method: Available for all project types but required for Active Outdoor Recreation and Intensive Outdoor Activity land uses, and when specifically requested by the zoning administrator; an outdoor lighting design shall be prepared by a certified lighting professional or licensed professional engineer using lighting design software and Luminaire .ies files. This outdoor lighting plan shall include:
 1. Luminaire identification, installation locations, mounting heights, targeted directions (lighting distribution in all angles vertically and horizontally around the fixture), buildings, and other physical objects within the site that could affect the lighting outcome.
 2. Site plan and Illuminance calculation plots demonstrating conformance with this Chapter, including (if applicable) the sports lighting luminous-intensity Light Trespass limit. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
- (2) **Additional Submittal.** The above required plans, descriptions and data shall be sufficiently complete to permit a determination that compliance with the requirements of this Chapter will be secured. If such plans, descriptions and data are insufficient to make the required determination, the applicant shall submit such additional evidence as necessary to enable such determination.
- (3) **Lamp or Fixture Substitution.** Should any outdoor light fixture or the type of light source therein be changed to a fixture or light source not substantially equal to the type of fixtures or light sources in the approved plan after the permit has been issued, a change request must be submitted to the Zoning Administrator or designee for approval, together with adequate information to assure compliance with this Code, which must be received prior to the change.
- (4) **Plan Review.** The Zoning Administrator or designee shall review submitted spreadsheets, site lighting plans, and compliance statements and shall have the authority to refer an application to the Plan Commission or Landmarks Commission if deemed appropriate. If the Zoning Administrator or designee determines that the proposed lighting does not comply with this Code, the zoning permit shall not be issued, or the plan approved.
- (5) **Certification.** For all projects where the total initial output of the proposed lighting equals or exceeds 100,000 lamp lumens, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified lighting engineer, or other similarly qualified professional acceptable to the City, before the certificate of occupancy is issued. Until this certification is submitted, approval for use of a Certificate of Occupancy shall not be issued for the project.

Section 33.09: Enforcement and Penalties

- (6) **Fee.** All submittals for approval of lighting plans shall be accompanied by a fee per the City of Middleton's adopted fee schedule to cover costs of processing the application. In addition to this fee, the applicant shall be required to pay all City costs relating to staff or outside consultant review of the lighting plan. The scope of review and related cost may vary depending upon the size and complexity of the plan. An itemized invoice shall be sent to the applicant for all such costs which shall be paid within thirty (30) days. If not paid, such costs shall be placed on the tax roll against the applicable property as a special charge pursuant to Wis. Stats. § 66.0627.

Section 33.09: Enforcement and Penalties

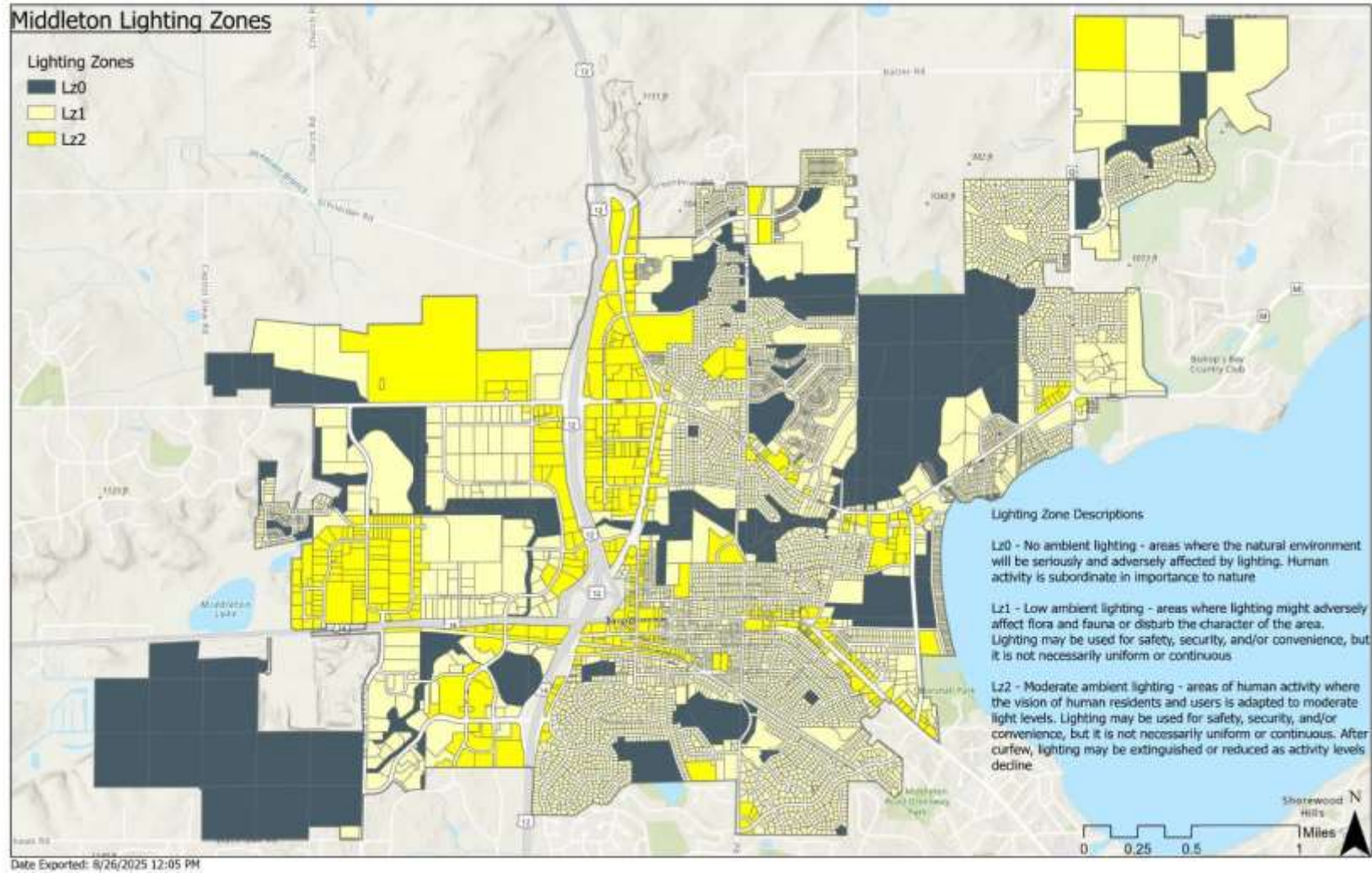
- (1) **Violations.** Any person found to have violated or caused a violation of this Code may be subject to enforcement action as provided in this section. Each day during which the violation continues shall constitute a separate offense. The City may institute appropriate action or proceedings to enjoin violations of this Code.
- (2) **Penalties.** Any person who fails to comply with the provisions of this Code shall, upon conviction thereof, forfeit no less than the fee required in the City of Middleton's adopted fee schedule.

Section 33.10: Lighting Zone Map

(1) **Lighting Zone by Land Use**

Lighting Zone Designation by Land Use												
Zone District	Residential								Mixed Use			
Lighting Zones	SR-L	SR-M	SR-H	TR-D	TR-F	MR-L	MR-M	MR-H	MU-N	MU-A	MU-U	MU-D
Lz0												
Lz1	X	X	X	X	X	X ₁	X ₁	X ₁	X ₁	X ₁	X ₁	X ₁
Lz2						X	X	X	X	X	X	X
Lz3												
Lz4												
X ₁ = Properties adjacent to CON zoning require a lower lighting zone												
Lighting Zone Designation by Land Use												
Zone District	Non-Residential											
Lighting Zones	INST	I-L	R-P	I-M	I-H	IOS	IOC	EXD	AIR	PR	CON	AGR
Lz0										X	X	X
Lz1	X ₁	X ₁	X ₁	X ₁					X ₁			
Lz2	X	X	X	X	X ₁	X ₁	X ₁	X ₁	X			
Lz3					X	X	X	X				
Lz4												
X ₁ = Properties adjacent to CON zoning require a lower lighting zone												

(2) Lighting Zone Map



Section 33.11: Reserved

4909-5232-9095, v. 1