



1997 ASSEMBLY BILL 88

February 12, 1997 - Introduced by Representatives BAUMGART, POWERS, BLACK, BOYLE, R. POTTER and R. YOUNG. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 16.848 (11) (e), 66.949 (11) (e), 84.30 (4) (intro.) and subchapter
2 IV (title) of chapter 101 [precedes 101.80]; and **to create** 101.815 of the
3 statutes; **relating to:** the regulation of outdoor light fixtures and bulbs or
4 lamps used in outdoor light fixtures and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the department of commerce to promulgate rules regulating the design and installation of outdoor lighting to improve energy efficiency and to reduce inappropriate lighting.

The bill also allows a city, village, town or county to enact outdoor lighting standards that are stricter than those promulgated by the department. Finally, the bill allows a city, village, town or county to apply its standards to outdoor light fixtures installed or constructed before the date on which those standards become effective.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 88**SECTION 1**

1 **SECTION 1.** 16.848 (11) (e) of the statutes is amended to read:

2 16.848 (11) (e) Replacement or modification of lighting fixtures to increase the
3 energy efficiency of the lighting system without increasing the overall illumination
4 of a facility, unless an increase in illumination is necessary to conform to s. 101.815
5 or the applicable state or local building code for the lighting system after the
6 proposed modifications are made.

7 **SECTION 2.** 66.949 (11) (e) of the statutes is amended to read:

8 66.949 (11) (e) Replacement or modification of lighting fixtures to increase the
9 energy efficiency of the lighting system without increasing the overall illumination
10 of a facility, unless an increase in illumination is necessary to conform to s. 101.815
11 or the applicable state or local building code for the lighting system after the
12 proposed modifications are made.

13 **SECTION 3.** 84.30 (4) (intro.) of the statutes is amended to read:

14 84.30 (4) SIGN CRITERIA. (intro.) The department shall effectively control or
15 cause to be controlled, the erection and maintenance of outdoor advertising signs,
16 displays and devices that are erected subsequent to March 18, 1972 in all business
17 areas. Whenever a bona fide county or local zoning authority has made a
18 determination of customary use, as to size, lighting and spacing such determination
19 may be accepted, subject to the provisions of s. 101.815, in lieu of controls by
20 agreement in the zoned commercial and industrial areas within the geographical
21 jurisdiction of such authority. In all other business areas, the criteria set forth below
22 shall apply:

23 **SECTION 4.** Subchapter IV (title) of chapter 101 [precedes 101.80] of the
24 statutes is amended to read:

25

CHAPTER 101

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SUBCHAPTER IV

OUTDOOR LIGHTING, INSPECTION
OF ELECTRICAL CONSTRUCTION AND
CERTIFICATION OF MASTER
ELECTRICIANS, AND ELECTRICAL
CONTRACTORS, JOURNEYMEN AND
BEGINNING ELECTRICIANS

SECTION 5. 101.815 of the statutes is created to read:

101.815 Outdoor lighting. (1) The department shall promulgate rules relating to the design, sale, construction, installation and use of outdoor light fixtures and bulbs or lamps used in outdoor light fixtures to achieve all of the following:

(a) A cost-effective improvement in the energy efficiency of outdoor lighting.

(b) Appropriate outdoor lighting, including appropriate light intensity, distribution and color.

(c) Reduction of glare and uneven light distribution.

(d) Elimination, to the extent technically and economically feasible, of light that is directed on areas other than the area that is intended to be illuminated.

(e) An increase in the capability of outdoor lighting to provide nighttime security and to illuminate work sites.

(f) Avoidance, to the extent technically and economically feasible, of interference with the functions of any astronomical observatory.

(2) (a) Except as provided in par. (b), the rules promulgated under sub. (1) shall apply to all types of outdoor light fixtures and bulbs or lamps used in outdoor light fixtures, whether permanently installed or portable, including all of the following:

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1 1. Outdoor light fixtures used to illuminate areas or objects.

2 2. Outdoor light fixtures, the bulb or lamp of which is used for decoration or is
3 otherwise intended to be viewed directly.

4 3. Outdoor light fixtures used inside an object to make the object visible at
5 night.

6 (b) The rules promulgated under sub. (1) shall not apply to an outdoor light
7 fixture, or a bulb or lamp used in an outdoor light fixture, if the light fixture or bulb
8 or lamp is used in or as part of a seasonal holiday decoration between November 1
9 and January 31.

10 **(3)** Rules promulgated under sub. (1) may include any of the following:

11 (a) Exceptions and exclusions based on any of the following:

12 1. The light output or design of an outdoor light fixture or a bulb or lamp used
13 in an outdoor light fixture.

14 2. The use of an outdoor light fixture in an emergency.

15 3. The hours of operation of an outdoor light fixture.

16 (b) Limitations on the hours of operation of an outdoor light fixture.

17 (c) Criteria specific to the type of area or object being illuminated.

18 (d) Statewide or geographically restricted prohibitions of any of the following:

19 1. Specific types or designs of outdoor light fixtures or of bulbs or lamps used
20 in outdoor light fixtures.

21 2. Uses of outdoor light fixtures.

22 (e) Requirements for upgrading existing outdoor light fixtures or for replacing
23 existing bulbs or lamps.

24 (f) Requirements for the department's prior approval of specific types or
25 designs of outdoor light fixtures.

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1 (g) Provisions for variances or alternative designs based on equivalence to
2 requirements in rules promulgated under sub. (1).

3 (4) The department shall consult with the department of administration
4 regarding the rules for outdoor light fixtures and bulbs or lamps used in outdoor light
5 fixtures for state buildings and facilities and with the department of transportation
6 regarding the rules for outdoor light fixtures and bulbs or lamps used in outdoor light
7 fixtures used to illuminate highways.

8 (5) A municipality may enact and enforce standards that are more restrictive
9 than the rules promulgated under sub. (1). A municipality may apply its standards
10 to outdoor light fixtures, and bulbs or lamps for outdoor light fixtures, constructed
11 or installed before the effective date of the municipal standards.

12 **SECTION 6. Effective dates.** This act takes effect on the day after publication,
13 except as follows:

14 (1) The treatment of section 101.815 (5) of the statutes takes effect on the first
15 day of the 12th month beginning after publication.

16 (END)