

**AMENDMENT TO CHAPTER 17, ZONING CODE
OF THE VILLAGE OF WALES, REGARDING
ILLUMINATION STANDARDS**

WHEREAS, the Village of Wales (“Village”) adopted Chapter 17, Zoning Code, to the Village Code of Ordinances for the purposes set forth in Section 17.01 which are incorporated herein by reference as if set forth in length herein; and

WHEREAS, the Village desires to amend Chapter 17 in accordance with Section 17.50 in order to repeal and recreate Section 17.23, “Illumination Standards”; and

WHEREAS, the Village Plan Commission properly noticed and, having a quorum present, held a meeting on _____ to review and consider this ordinance amendment and to provide its recommendations to the Village Board; and

WHEREAS, the Village properly noticed a public hearing on this matter by a Class 2 notice with publication in a newspaper of general circulation in the Village once a week for two successive weeks preceding the date of the public hearing and customary posting at locations within the Village; and

WHEREAS, the Village Board, having a quorum present, held a public hearing on this ordinance amendment on _____, and the Village Board reviewed and considered all of the comments and issues of this matter in full including, but not limited to, the recommendation of the Plan Commission, all in accordance with Chapter 17.

NOW THEREFORE, the Village Board of the Village of Wales does hereby ordain the following amendments to Chapter 17:

SECTION 1. Section 17.23 is repealed in its entirety and recreated as follows:

17.23 ILLUMINATION STANDARDS.

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

(2) DEFINITIONS.

As used in this **Section 17.23**, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

- a) **Development Project.** Any residential, commercial, industrial or mixed use subdivision plan or development plan, which is submitted to the Village of Wales for approval.
- b) **Diffuse.** To spread or scatter widely, or thinly.
- c) **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 faces.
- d) **Display Lot or Area.** Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, the following specific uses must occur: gardening or nursery sales. Uses not on this list must be approved as display lot uses by the Village of Wales Board of Trustees upon Plan Commission recommendation.
- e) **Flood Lamp.** A specific form of lamp designed to direct its output in a specific direction (a beam) but with a diffusing glass envelope: Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.
- f) **Foot-candle.** One lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the Imperial system. One foot-candle equals approximately 0.1 (0.093) lux.
- g) **Full Cutoff Light Fixture.** A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candela per 1000 lamp lumens.
- h) **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 photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.
- i) **Glare.** The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.
- j) **Installed.** The attachment, or assembly mounted in place, whether or not connected to a power source, of any outdoor light fixture.
- k) **Light Pollution.** Any adverse effect of man-made light.
- l) **Light Trespass.** Light falling where it is not wanted or needed, typically across property boundaries.
- m) **Lumen.** Unit of luminous flux; used to measure the amount of light emitted by lamps.
- n) **Luminaire.** The complete lighting assembly, less the support assembly. For purposes of determining total light output from a luminaire, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.
- o) **Lux.** One lumen per square meter. Unit of illuminance. It is the luminous flux per unit area in the metric system. One lux equals approximately 10 (10.8) foot-candles.
- p) **Multi-class or Multi-use Lighting.** Any outdoor lighting used for more than one purpose, such as security and decoration.
- q) **Non-exempt Outdoor Lighting Fixture.** All outdoor illuminating devices other than seasonal decorations using typical unshielded low-wattage incandescent lamps and temporary lighting such as used for civic events or construction projects.

- r) **Opaque.** Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, means that the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.
- s) **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 are not limited to lights used for:
 - 1) Parking lot lighting;
 - 2) Roadway lighting;
 - 3) Buildings and structures;
 - 4) Recreational areas;
 - 5) Landscape lighting;
 - 6) Billboards and other signs (advertising or other);
 - 7) Product display area lighting; and
 - 8) Building overhangs and open canopies.
- t) **Outdoor Light Output, Total.** The maximum total amount of light, measured in lumens, from all outdoor light fixtures. For lamp types that vary in their output as they age (such as high pressure sodium, fluorescent and metal halide), the initial output, as defined by the manufacturer, is the value to be considered. For determining compliance with the total Outdoor Light Output requirement of the Ordinance, the light emitted from outdoor light fixtures is to be included in the total output as follows:
 - 2) Outdoor light fixtures installed on poles (such as parking lot luminaries) and shielded from above by the structure itself as defined below, are to be included in the total outdoor light output by simply adding the initial lumen outputs of the lamps used;
 - 3) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least five (5) feet but less than ten (10) feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (0.25) of the lamp's rated initial lumen output;
 - 4) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least ten (10) feet but less than thirty (30) feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-tenth (0.10) of the lamp's rated initial lumen output.
 - 5) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located thirty (30) or more feet from the nearest edge of the canopy or overhang are not to be included in the total outdoor light output. Such lamps must, however, conform to the lamp source and shielding requirements of this Ordinance.
- t) **Outdoor Recreation Facility.** An area designed for active recreation, whether publicly or privately owned, including but not limited to, baseball diamond, soccer and football fields, golf course, tennis courts and swimming pools.

- u) **Person.** Any individual, tenant, lessee, owner, or any commercial entity including, but not limited to firm, business, partnership, joint venture or corporation.
- v) **Sign, Externally Illuminated.** A sign illuminated by light sources from the outside.
- w) **Sign, Internally Illuminated.** A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.
- x) **Sign, Neon.** A sign including luminous gas-filled tubes formed into text, symbols or decorative elements and directly visible from outside the sign cabinet.
- y) **Sky Glow.** The brightening of the night sky that results from the scattering of artificial visible radiation from the constituents of the atmosphere.
- z) **Spot Lamp.** A specific form of lamp designed to direct its output in a specific direction (a beam) and with a clear or nearly clear glass envelope; such lamps are so designated by the manufacturers, and typically used in residential outdoor area lighting.
- aa) **Temporary Lighting.** Lighting which does not conform to the provisions of this Ordinance and which will not be used for more than one thirty (30) day period within a calendar year. Temporary lighting is intended for uses, which by their nature are of limited duration, for example, holiday decorations, civic events or construction projects.
- bb) **Translucent.** Permitting light to pass through but diffusing it so that persons, objects, etc. on the opposite side are not clearly visible.
- cc) **Use, Abandonment of.** The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of three 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 principle use of the property.

(3) CONFORMANCE WITH APPLICABLE ORDINANCES.

All outdoor illuminating devices shall be installed in conformance with the provisions of this Ordinance, the Building Code, the Electrical Code, and the Sign Ordinance of the Village of Wales as applicable and under appropriate permit and inspection.

(4) APPLICABILITY.

- a) **New Uses, Buildings and Major Additions or Modifications.** For all proposed new land uses, developments, buildings and structures that require a permit, that are submitted to the Village for approval after the effective date of this Ordinance, all outdoor lighting fixtures shall meet the requirements of this Ordinance. All building additions or modifications of twenty-five (25) percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions made subsequent to the effective date of this provision, shall invoke the requirements of this Ordinance for the entire property, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting twenty-five (25) percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.
- b) **Minor Additions.** All building additions or modifications of less than twenty-five (25) percent in terms of additional dwelling units, gross floor area, or parking spaces, either

with a single addition or with cumulative additions made subsequent to the effective date of this provision.

- c) **Resumption of Use After Abandonment.** If a property or use with non-conforming lighting is abandoned as defined above, then all outdoor lighting shall be reviewed and brought into compliance with this Ordinance before the use is resumed.
- d) **Existing Uses and Buildings.** After a period of ten years from the date of enactment of this Ordinance, any lighting in place prior to the enactment date shall come under the provisions of the Ordinance.
- e) **Roadways.** Lighting for public roadways installed by or on behalf of a unit of government and that is repaired and maintained by a unit of government is exempt from the provisions of this Ordinance.

(5) SHIELDING AND OUTDOOR LIGHTING STANDARDS.

a) **Non-residential**

- 1) All non-exempt outdoor lighting fixtures shall be fully shielded.
- 2) All non-exempt outdoor lighting fixtures shall be placed so as to not cause light trespass or light glare.
- 3) All non-exempt outdoor lighting fixtures shall be of a type and placed so as to not allow any light above the horizontal, as measured at the luminaire.
- 4) Flood or spot lamps must be aimed no higher than 45 degrees above straight down (halfway between straight down and straight to the side) when the source is visible from off-site a commercial property or from a public roadway.
- 5) All lighting for commercial, industrial and any other non-residential use, shall be extinguished between 11:00 p.m. (or when the business closes, whichever is later) and sunrise except for designated security lighting. Security lighting will need to be reviewed by the Plan Commission for recommendation to the Village Board.
- 6) All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding functions effectively as described herein for fully shielded fixtures.
- 7) Beyond the shielding requirements of this Ordinance, all light fixtures shall be located, aimed or shielded so as to minimize stray light trespassing across property boundaries. Commercial/industrial or business uses shall not exceed 70,000 lumens per acre.
- 8) Multi-use lighting must conform to the shielding and timing restrictions, if any, which apply to the most restrictive included use.

b) **Residential**

- 1) All non-exempt outdoor lighting fixtures shall be placed so as to not cause light trespass or light glare.
- 2) Flood or spot lamps must be aimed no higher than 45 degrees above straight down (halfway between straight down and straight to the side) when the source is visible from off-site a residential property or from a public roadway.
- 3) Any lamp installed on a residential property that is visible from another residential property shall be located, aimed or shielded so as to minimize stray light trespassing across property boundaries. The maximum foot candles at the property line shall not exceed ½ foot candle. The maximum foot-candles at the sidewalk or driveway surface shall not exceed 5 foot-candles.

- 4) Each residential single-family home or duplex is allowed up to 5,500 total lumens of non-exempt lighting per acre.
- 5) Beyond the shielding requirements of this Ordinance, all light fixtures shall be located, aimed or shielded so as to minimize stray light trespassing across property boundaries.

(6) OUTDOOR ADVERTISING SIGNS.

- a) External illumination for signs shall conform to all provisions of this Ordinance. All upward-directed sign lighting is prohibited.
- b) Internal illuminated and neon signs.
 - 1) Outdoor, internally illuminated advertising signs must either be constructed with an opaque background and translucent text and symbols, or with a colored background and generally LIGHTER text and symbols. Consideration may be entertained for corporate signage. Lamps used for internal illumination of such signs shall not be counted toward the lumen cap.
 - 2) Neon signs shall be treated as internally illuminated signs for the purposes of this Ordinance and shall not have their luminous outputs counted toward the lumen cap. Neon lighting extending beyond the area considered to be the sign area (as defined in the appropriate Sign Ordinance) shall conform to all provisions of this Ordinance. In particular, such lighting shall be treated as decorative lighting and shall conform to the lumen cap.
 - 3) Other internally-illuminated panels or decorations not considered to be signage according to the appropriate sign Ordinance (such as illuminated canopy margins), shall be considered decorative lighting, and shall be subject to the standards applicable for such lighting, including but not limited to the lamp source, shielding standards and lumens per acre property cap.
- c) Illumination for all advertising signs, both externally and internally illuminated, shall be turned off between 11:00 p.m. (or when the business closes, whichever is later) and sunrise. Signs subject to curfews are required to have functioning and properly adjusted automatic shut-off timers. Light background internally illuminated signs, installed legally before enactment of this Ordinance, may continue to be used and illuminated but must conform to the curfew.

(7) **SPECIAL USES.**

a) **Recreational Facilities.**

- 1) Lighting for outdoor athletic fields, courts or running tracks operated as part of a public park or part of a publicly owned facility such as a public school or Village Hall shall be exempt from the lumens limits of this Ordinance.
- 2) **Shielding:** Fully shielded lighting is required for fields designed for Class III or IV levels of play (typically amateur or municipal league, elementary to high school, training, recreational or social levels). Facilities designed for Class I and II levels of play (typically college, semi-professional, professional or national levels) shall utilize luminaries with minimal up-light, consistent with the illumination constraints of the design. Where fully shielded fixtures are not utilized, acceptable luminaries shall include those which:
 - a. Are provided with internal and/or external glare control louvers and installed so as to minimize up-light and offsite light trespass and;
 - b. Are installed and maintained with aiming angles that permit no greater than five (5) percent of the light emitted by each fixture to project above the horizontal.
- 3) **Illuminance:** All lighting installations shall 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) or a similar or successor association or organization.
- 4) **Certification:** Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of the Ordinance.
 - a. **Off-site spill:** The installation shall also limit off-site spill (off the parcel containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design. For Class III and IV levels, a design goal of 5 lux (0.5 fc) at any location on any non-residential property, and 1 lux (0.1 fc) at any location on any residential property, as measurable from any orientation of the measuring device, shall be sought. For Class I and II levels, a design goal of 7.5 lux (0.75 fc) at any location on any non-residential property, and 1.5 lux (.15 fc) at any location on any residential property, as measurable from any orientation of the measuring device, shall be sought.
- 5) **Curfew:** All events shall be scheduled so as to complete all activity no later than 11:00 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. Field lighting for these facilities shall be turned off within 30 minutes after conclusion of the last event of the night.

b) **Outdoor Display Lots.**

- 1) Lighting for display lots shall be exempt from the lumens per acre limits of this Ordinance.

- 2) **Shielding:** All display lot lighting shall utilize fully shielded luminaries that are installed in a fashion that maintains the fully shielded characteristics.
 - 3) **Illuminance:** The display lot shall be designed to achieve not greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA) or a similar or successor association or organization.
 - 4) **Certification:** Every display lot lighting system design and installation shall be certified by a registered qualified engineer as conforming to all applicable restrictions of this Ordinance.
 - a. The lighting of a display lot shall be limited to a maximum of 0.5 fc at all property lines as measurable from any orientation of the measuring device.
- c) **Building Overhangs and Canopies.**
- 1) **Shielding:** All luminaries mounted on or recessed into the underside of canopies and building overhangs shall be fully shielded and utilize flat lenses.
 - 2) **Total Under-Canopy Output:** The total light output used for illuminating canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 215 lumens per square meter (twenty lumens per square foot) as measured at ground level. Luminaries mounted on the underside or recessed into the underside of the canopy and any lighting within signage or illuminated panels over fuel pumps, is to be included at full initial lumen output of 70,000 lumens per acre.
 - 3) The lumen output of lamps mounted on or within the underside of a canopy is included toward the lumen caps above according to the method defined above. Other lighting located under a canopy but not mounted on or within the underside is included toward the lumen caps at full initial output.
- d) **Generally.** All lighting not directly associated with the special use areas above shall conform to the lighting standards described in this Ordinance, including but not limited to the lamp type and shielding requirements and the lumen limits.

(8) SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH ORDINANCE, SUBDIVISION PLATS.

- a) **Submission Contents.** The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this Ordinance. Even should no other such permit be required, the installation or modification (except for routine servicing and same-type lamp replacement) of any exterior lighting shall require submission of the information described below. The submission shall contain but shall not be limited to, the following documents for Plan Commission and Village Board review:
- 1) Site plans drawn to scale showing the property lines and all new or existing structures on the property. The site plan shall indicate the location of all new and existing illuminating devices; free standing or building mounted.
 - 2) Fixture product data of all illuminating devices, proposed and existing, indicating fixtures, lamps and wattages, supports, reflector types, and manufacturers photometric data showing the angle of cut off of light emissions.

- 3) Site plan drawn to scale indicating the actual foot-candle (fc) illumination at the ground surface plotted for each freestanding and building mounted, new and existing, outdoor illumination device. Foot-candles shall be plotted down to 0.1 fc and/or out to the property lines.
 - 4) A summary of the total number of “lumens” of all proposed new and existing outdoor illuminating devices for the entire property.
- b) **Subdivision Plats.** If any subdivision proposes or is required to have installed street or other common or public area outdoor lighting, submission of the information as described herein shall be required for all such lighting.
 - c) **Lamp or Fixture Substitution.** Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Plan Commission for its recommendation to the Village Board for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.
 - d) **Plan Review.** If after the Plan Commission recommendation, the Village Board determines that the proposed lighting does not comply with this Ordinance, the permit shall not be issued or the plan approved.

(9) APPROVED MATERIAL AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION.

The provisions of this Ordinance are not intended to prevent the use of any design material, or method of installation or operation not specifically prescribed by this Ordinance, provided any such alternate has been recommended by the Plan Commission and approved by the Village Board. The Plan Commission may recommend and the Village Board may approve any such proposed alternate providing said Commission or Board finds that it:

- 1) Provides at least approximate equivalence to the applicable specific requirements of this Ordinance.
- 2) Is otherwise satisfactory and complies with the purpose and intent of this Ordinance.

(10) PROHIBITIONS.

- a) **Laser Source Light.** The use of a laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
- b) **Searchlights.** The operation of searchlights is prohibited.
- c) **Outdoor Advertising Off-Site Signs.** Illumination of outdoor advertising off-site signs is prohibited.

(11) TEMPORARY EXEMPTION.

- a) **Request; Renewal; Information Required.** Any person may submit, on a form prepared by the Village of Wales, a temporary exemption request to the Plan Commission for recommendation to the Village Board. The request shall contain the following information:
 - 1) Specific Ordinance exemption(s) requested;

- 2) Duration of requested exemption(s);
 - 3) Proposed location on premises of the proposed light fixture(s);
 - 4) Purpose of the proposed lighting;
 - 5) Information for each luminaire and lamp combination as required herein;
 - 6) Previous temporary exemptions, if any, and addresses of premises there under;
 - 7) Such other data and information as may be required by the Plan Commission and the Village Board.
- b) **Approval; Duration.** A temporary exemption request shall be made to the Plan Commission in writing for recommendation to the Village Board. If approved by the Village Board, the exemption shall be valid for a designated period but shall not exceed thirty (30) days. One (1) temporary permit shall be allowed for a designated period not to exceed thirty (30) days for the same property within one (1) calendar year.
- c) **Disapproval; Appeal.** If the request for temporary exemption or its extension is disapproved, the person making the request will have the appeal rights provided by requesting a review by the Village Board of Zoning Appeals. If approved, the exemption shall be valid for a designated period but shall not exceed thirty (30) days. One (1) temporary permit shall be allowed for a designated period not to exceed thirty (30) days for the same property within one (1) calendar year.

(12) OTHER EXEMPTIONS.

- a) **Nonconformance.**
- 1) Existing ground-mounted or unshielded outdoor advertising sign lighting shall not be used beginning ten (10) years after enactment of this Ordinance.
 - 2) All other outdoor light fixtures lawfully installed prior to and operable on the effective date of this Ordinance are exempt from all requirements of this Ordinance. 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 Ordinance. Further, if the property is abandoned, or if there is a change in use of the property, the provisions of this Ordinance will apply when the abandonment ceases or the new use commences.
- b) **Emergency Lighting.** Emergency lighting, used by police, firefighting, or medical personnel or at their direction, is exempt from all requirements of this Ordinance for as long as the emergency exists.
- c) **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 provided herein, though it must conform to all other provisions of this Ordinance.
- d) **Residential Fixtures.** Outdoor light fixtures attached to residential buildings and located below the eave and less than 2000 lumens each are exempt from the provisions of this Ordinance. Light fixtures 2000 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 floodlights shall be fully shielded and directed to no more than 45 degrees above straight down.

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 2000 lumens and less are:

- 100-Watt Standard Incandescent
- 15-Watt Cool White Fluorescent
- 15-Watt Compact Fluorescent
- 18-Watt Low Pressure Sodium

- e) **Flags, Lighted.** United States and State of Wisconsin flags are exempt from the provisions of this Ordinance. All other outdoor lighted flags, such as, but not limited to, decorative and commercial flags shall conform to the provisions of this Ordinance.
- f) **Towers.** Legally required safety lighting for towers shall be exempt from this Ordinance.
- g) **Special Consideration.** When an existing light would be in violation of this Ordinance, but is exempted, the exemption may be withdrawn if the Village of Wales finds the lighting to be:
 - 1) Substantially aggravating or constitutes a nuisance to affected properties; or
 - 2) The lighting serves no useful purpose, upon finding of the Village Board.

(13) ENFORCEMENT, PENALTIES AND REMEDIES.

- a) **Violations.** It shall be unlawful for any person to violate any provision of this Ordinance or the Wisconsin Statutes. Each and every day or night during which the violation continues shall constitute a separate offense. The Village of Wales may institute appropriate action or proceedings to enjoin violations of this Ordinance or applicable Wisconsin Statutes.
- b) **Penalties.** Any person who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit no less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) per day or night that such violation(s) exist, and also pay the costs of prosecution for each violation, including the Village of Wales' reasonable attorney's fees and costs incurred in the prosecution of such violations.

SECTION 2. Any provisions of the Code of Ordinances for the Village of Wales that are inconsistent with the provisions of this amendment are hereby repealed.

SECTION 3. Except as specifically amended herein, the provisions of Chapter 17 remain in full force and effect.

SECTION 4. In the event of a conflict between the amendments contained herein and any other provisions of Chapter 17 or the Code of Ordinances for the Village of Wales, the more restrictive provisions shall apply.

SECTION 5. All of the provisions set forth herein are severable. If a court of competent jurisdiction determines any provision herein is unenforceable, the remaining provisions shall be unaffected thereby and shall remain in and be given their full force and effect.

ADOPTED THIS DAY OF , 2005.

VILLAGE OF WALES

By:

Jeffery A. Flaws, President

ATTEST/COUNTERSIGNED:

Gail E. Colon-Powell, Village Clerk

