

ENVIRONMENT AND ENERGY COMMISSION

Meeting Minutes
November 7, 2023, 7:00 p.m.

Village Hall, Room 201

Commission Members Present: Liz Lukehart (Chair), Carly Provost-Rizor, Lisa Boone, Tejas Shah, Darryl Baker, Cassandra West

Commission Members Absent: Madisyn Burke, Ramona Blaber

Staff Present: Marcella Bondie Keenan, Chief Sustainability Officer; Abby Zielinski, Sustainability Coordinator

Call to Order: The meeting was called to order by Chairperson Lukehart at 7:00 p.m.

1. **Approval of Agenda:** A Motion was made to approve the agenda, and it was unanimously approved with no revisions.
2. **Approval of Minutes:** A Motion was made to approve the previous meeting minutes, they were unanimously approved with no revisions.
3. **Public Comment:** There was one non-agenda public comment. Laura Derks expressed thanks to Staff Liaison Bondie Keenan for her work with the Village and community.
4. **Parkway Planting Ordinance Update:** Neighborhood Services Manager, Jeff Prior, presented updates made to the draft parkway planting ordinance. Presentation slides are attached with these meeting minutes. The slides include staff responses to previous EEC comments.
5. **Racial Equity Assessment:** The EEC completed a survey as part of the Village's racial equity needs assessment.
6. **Public Comment:** There was one public comment on the 2024 EEC work planning item. Resident Chris Donovan sought endorsement of the EEC for adoption of a residential exterior lighting ordinance. Chris Donovan provided a handout with residential lighting ordinance examples from other communities. This handout is attached with these meeting minutes.
7. **2024 EEC Work Planning:** Commissioners discussed their goals and priorities for 2024 work planning. The 2024 work plan is included with these meeting minutes. Discussion included the following:
 - Workplan topics discussed include reviewing the single-use bag fee for a potential update to increase sustainability funding, recommending an

update waste rate ordinance to include universal composting, advising on an updated building ordinance for electrification of existing buildings, providing a recommendation to the Board on a parkway planting ordinance, providing a recommendation to the Board on an exterior lighting ordinance, and providing recommendations to the Board on sustainable and accessible modes of transportation such as an electric shuttle.

- Chair Lukehart recommended that the workplan focuses on projects that would have a significant impact on greenhouse gas emissions.
- Commissioner Baker recommended that the workplan includes projects that would be driven by the EEC.
- Chair Lukehart and Commissioner Baker recommended that the workplan have less emphasis on outreach and education than in 2023.
- The EEC agreed to use future EEC meetings as group working sessions for workplan projects. They will assign a “point person” for each project as the projects develop.

8. **Adjourn:** At 8:26 p.m. a motion was made, seconded and unanimously approved to adjourn the meeting.



Parkway Planting Ordinance Presentation

DRAFT Ordinance

11-07-2023

Introduction

- Jeff Prior
 - Neighborhood Services Manager
- Building/Energy Code Task Force
 - Representatives from all departments

Purpose

- The Purpose of the presentation is share the work on Chapter 25 (Trees, Shrubs, and Other Plants”), Article 1 (“Planting, Maintenance and Removal of Trees and Shrubs and Creation of the Forestry Commission) of the Village Code that would allow for plantings in the Village Parkways by the Building/Energy Code Task Force and to seek feedback from the ECC.

Village Code Changes – Chapter 25

1. ARTICLE 1: PLANTING, MAINTENANCE AND REMOVAL OF TREES, ~~AND SHRUBS, AND~~ PLANTINGS ~~AND CREATION OF FORESTRY~~ ~~COMMISSION~~

Village Code Changes – Chapter 25

25-1-1: PURPOSE AND INTENT:

- A. Purpose: It is the purpose of this article to ~~promote and by providing~~ provide for the regulation of the planting, maintenance and removal of trees, ~~and shrubs,~~ and plantings within the Village.
- B. Intent: It is the intent of the Village Board that the terms of this article shall be construed so as to promote:
1. The planting, maintenance, restoration and survival of desirable trees, ~~and shrubs~~ and plantings within the Village.
 2. The protection of community residents from personal injury and property damage, and the protection of the Village from property damage, caused or threatened by the improper planting, maintenance or removal of trees, ~~and shrubs,~~ and plantings located within the community; and

Village Code Changes – Chapter 25

25-1-1: PURPOSE AND INTENT:

3. The planting of native and pollinator plants in Village parkways, where it is recommended that native plants cover a minimum of seventy percent (70%) of the area of plantings. Native and pollinator plants are necessary to a healthy ecosystem and perform functions including, but not limited to, supporting local pollinators, stormwater attenuation and purification, air purification, and community aesthetics. Landscaping with native plants encourages environmentally-sound maintenance practices by requiring minimal use of water, pesticides, and fertilizers. Furthermore, the planting of native plants in Village parkways supports the Village's commitment to establish thirty percent (30%) of the Village's land as green infrastructure or enhanced park management.

Village Code Changes – Chapter 25

25-1-1: PURPOSE AND INTENT:

4. The use of Integrated Pest Management (IPM) principles for parkway maintenance. Managing pest damage to plants with IPM minimizes hazards to humans and the environment by limiting the use of pesticides.

Village Code Changes – Chapter 25

25-1-2: DEFINITIONS:

INTEGRATED PEST MANAGEMENT: A method for pest control which uses a decision-making process for determining if pest suppression treatments are needed, when they are needed, where they are needed, and what strategy should be used to minimize economic, health, and environmental risks. Integrated Pest Management combines biological, cultural, physical, and chemical tools.

NATIVE PLANTS: Plants that occur naturally in a particular region, ecosystem, and/or habitat, and were present prior to European settlement.

Village Code Changes – Chapter 25

25-1-2: DEFINITIONS:

PARKWAY: The portion of Village owned property generally described as the public property between a public sidewalk and a street curb.

PLANTINGS: All vegetation other than trees and shrubs and that are not “designated exotic weeds” as defined in the Illinois Exotic Weed Act, 525 Illinois Compiled Statutes 10/1 et seq., as amended or that are not “designated noxious weeds” as defined in the Illinois Noxious Weed Law, 505 Illinois Compiled Statutes 100/1 et seq., as amended. The Forester shall maintain a list of native and pollinator plants that are recommended for planting in Village parkways.

Village Code Changes – Chapter 25

25-1-2: DEFINITIONS:

POLLINATOR PLANTS: Flowering perennials or annuals that provide the nourishment and habitat essential for a flourishing pollinator population. Pollinators include hummingbirds, butterflies, bees, and other beneficial insects.

TREES AND SHRUBS: All woody vegetation, ~~woody or otherwise, except lawn grass and herbaceous flowers~~ with a height in excess of thirty (30”) inches at maturity.

Village Code Changes – Chapter 25

25-1-5: TREE AND SHRUB MAINTENANCE AND PLANTING APPROVAL:

A. Scope Of Requirement: No person except the Forester...may perform any of the following acts without first obtaining approval from the Forester:

3. Place on Village owned property, either above or below ground level, a container over thirty (30) gallons fence, or structure for trees, or shrubs or plantings; without first obtaining a permit, right of way encroachment agreement and required insurance naming the Village as an additional insured in the amount of five hundred thousand dollars (\$500,000.00) subject to the review and approval of the Village Attorney;

Village Code Changes – Chapter 25

25-1-5: TREE AND SHRUB MAINTENANCE AND PLANTING APPROVAL:

A. Scope Of Requirement: No person except the Forester...may perform any of the following acts without first obtaining approval from the Forester:

4. Place on Village owned property, either above or below ground level, a container, fence, or structure for trees, shrubs, or plantings between November 1 and February 28.

Village Code Changes – Chapter 25

25-1-5: TREE AND SHRUB MAINTENANCE AND PLANTING APPROVAL:

A. Scope Of Requirement: No person except the Forester...may perform any of the following acts without first obtaining approval from the Forester:

6. Make or cause to be made any tree well or sidewalk cut on Village owned property and

7. Place on Village owned property, either above or below ground level, a container, fence, or structure for trees, shrubs, or plantings between November 1 and February 28.

Village Code Changes – Chapter 25

25-1-5: TREE AND SHRUB MAINTENANCE AND PLANTING APPROVAL:

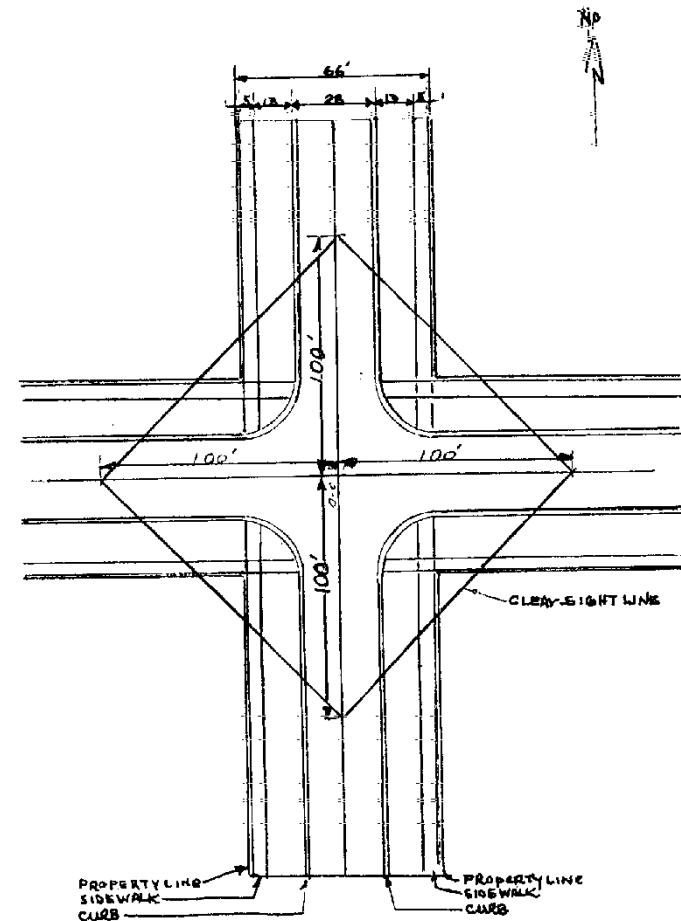
B. Approval: ...the Forester shall grant approval when...

6. Further in regard to the felling of any tree or part thereof located on private property, which as a result of such felling may reasonably be expected to fall upon or across Village owned property, if such felling is done by a contractor or some person other than the owner of the property upon which the tree is located, the contractor shall deposit with the ~~Village Clerk or the~~ Forester a liability insurance policy in the amount of ~~three~~ **five** hundred thousand dollars (~~\$300,000.00~~ **\$500,000.00**) per accident for bodily injury liability and fifty thousand dollars (\$50,000.00) aggregate for property damage liability. A blanket certificate may be filed with the ~~Village Clerk~~ **Forester** covering all tree work by the contractor during the policy period.

Village Code Changes – Chapter 25

25-1-8: CLEAR SIGHT AREAS AT STREET INTERSECTIONS:

B. Definition Of Clear Sight Area: A clear sight area is that area between the roadways of intersecting streets containing no traffic control signs or signals, which is included within lines connecting the centerlines of such intersecting streets at points one hundred feet (100') from the center of the intersection. In a usual four-way intersection, the clear sight area is the area included in a diamond the corners of which are in the centerlines of the intersecting streets and one hundred feet (100') from the center of the intersection as illustrated by the diagram below:



Village Code Changes – Chapter 25

25-1-8: CLEAR SIGHT AREAS AT STREET INTERSECTIONS:

E. Maximum Height Of Shrubs And Plantings: ~~When warranted as set forth in Section 15-11-3 of this Code,~~ sShrubs, bushes and plantings within the clear sight area shall be trimmed or limited to a maximum height of thirty inches (30"). Measurements shall be from the ground to the top of the object. ~~When warranted as set forth in Section 15-11-3 of this Code,~~ a A lesser height must be maintained if necessary to comply with the minimum horizontal sight distance across such clear sight area specified in subsection 25-1-8F of this Section.

Village Code Changes – Chapter 25

25-1-8: CLEAR SIGHT AREAS AT STREET INTERSECTIONS:

F. Minimum Horizontal Sight Distance: ~~When warranted as set forth in Section 15-11-3 of this Code,~~ No overhanging branches, shrubs, bushes or plantings in clear sight areas may be of a height which obstructs horizontal sight lines across such clear sight areas measured from points forty five inches (45") above the centerlines of the intersecting streets along such centerlines for a distance of one hundred feet (100') from the center of the intersection.

Village Code Changes – Chapter 25

25-1-10: PLANTINGS IN PARKWAYS FRONTING OR ABUTTING PARCELS OR LOTS:

A. The owner, occupant, lessee or person otherwise legally in possession and/or control of any lot or parcel in the Village may install plantings without a permit in in the parkway fronting, abutting, or adjacent to any such lot or parcel and shall maintain any and all such plantings, which shall include cultivating or cutting the area.

Village Code Changes – Chapter 25

25-1-10: PLANTINGS IN PARKWAYS FRONTING OR ABUTTING PARCELS OR LOTS:

B. All plantings shall be maintained in a manner consistent with their habit, but in no case shall plantings exceed 36” in height outside of clear sight areas at street intersections, as set forth in section 25-1-8 above, or otherwise by reason of location or which would endanger the public health, safety or welfare. Plantings shall be maintained to prevent overhanging onto the adjacent sidewalk and street, as set forth in section 7-13-1 of this Code.

Village Code Changes – Chapter 25

25-1-10: PLANTINGS IN PARKWAYS FRONTING OR ABUTTING PARCELS OR LOTS:

C. The Village shall not be responsible for compensating, financial or otherwise, persons for plantings, containers, fences, or structures in the parkway if their disturbance is necessary to facilitate work on village owned property.

D. The Village shall endeavor to notify adjacent homeowners two (2) weeks prior to any planned work on the parkway that may cause disturbance to plantings, except in cases of emergency.

Village Code Changes – Chapter 15

Article 11 CLEAR SIGHT AT STREET INTERSECTIONS

15-11-1: FINDING:

In order to promote greater safety at street intersections, it is in the public interest that vegetation, fences which do not comply with the open space and height requirements of subsection ~~17 1 3.1A2~~ of the Village Code [the Village of Oak Park Zoning Ordinance](#) and other interferences with the sight of pedestrians or of operators of vehicles at such intersections be regulated in accordance with the daylighting standards hereinafter set forth.

Village Code Changes – Chapter 15

Article 11 CLEAR SIGHT AT STREET INTERSECTIONS

15-11-2: MAINTENANCE OF CLEAR SIGHT AREA:

The maximum height of shrubs, bushes and plantings and the maximum overhang of tree branches at intersections is governed by chapter 25 of the Village Code. The maximum height and open space requirements for fences erected, constructed, substantially repaired or replaced on or after December 1, 1997, on corner lots within thirty five feet (35') of intersections are governed by ~~subsection 17-1-3.1A2 of the Village Code~~ [the Village of Oak Park Zoning Ordinance.](#)

Village Code Changes – Chapter 15

Article 11 CLEAR SIGHT AT STREET INTERSECTIONS

15-11-2: MAINTENANCE OF CLEAR SIGHT AREA:

A. ~~When warranted, as set forth in section 15-11-3 of this article, f~~Fences erected, constructed, substantially repaired or replaced on corner lots within thirty five feet (35') of an intersection prior to December 1, 1997, which do not presently comply with the height and open space requirements set forth in subsection ~~17-1-3.1A2~~ of the Village Code of the Village of Oak Park Zoning Ordinance shall be required to comply therewith.

Village Code Changes – Chapter 15

15-11-2: MAINTENANCE OF CLEAR SIGHT AREA:

B. ~~When warranted as set forth in section 15-11-3 of this article,~~
Solid structures, excluding buildings and other solid structures constructed prior to January 19, 1981, within the "clear sight area" as defined in section 25-1-8 of this code, shall be limited to:

1. A maximum height of thirty inches (30") or
2. A height which does not obstruct horizontal sight lines across such clear sight areas measured from points forty five inches (45") above the centerlines of the intersecting streets along such centerlines for a distance of one hundred feet (100') from the center of the intersection, whichever is less.

Village Code Changes – Chapter 15

- ~~15-11-3: WARRANT:~~

- ~~The requirements of section 15-11-2 of this article and subsections 25-1-8C, E and F of this code shall not apply unless both of the following warrants are met:~~

- ~~A. The obstruction is in a clear sight area at an intersection where one or more right angle accidents is either reported in the Public Works Department's most recent annual high hazard review or is reported to the Director of Public Works; and~~

- ~~B. The Transportation Commission finds and determines after hearing pursuant to notice that the obstruction substantially interferes with the sight of pedestrians or of operators of vehicles at the intersection and creates a hazard to the public safety. Notice of the time, place and date of the Commission's hearing shall be mailed to persons who are listed for water service at the property with the obstruction, as well as to persons so listed within one hundred feet (100') of said property. In making its findings and determination, the Transportation Commission shall consider traffic studies, accident experience and testimony from all interested parties, including the Director of Public Works or his designee. The Transportation Commission shall announce its decision at the completion of the hearing. The decision of the Transportation Commission is final.~~

- ~~If the affected owner voluntarily removes the obstruction in the clear sight area prior to a hearing, any scheduled hearing shall be canceled.~~

- ~~If the Transportation Commission determines that a traffic control device is necessary or desirable at an intersection which contains one or more obstructions in clear sight areas, the owner of the property containing the obstruction may pay the full cost of the installation of the traffic control device and street markings in lieu of removing the obstruction.~~

Comments & Responses

- 1. Comment:** Commissioners asked how existing structures/fences/containers in the parkway would be dealt with once a Parkway Planting Ordinance is adopted. There was a suggestion that the ordinance “grandfather in”, or give permission to leave existing structures/fences/containers in place.

Staff Response: The ordinance will not grandfather in existing structures/fences/containers. Village staff will determine if a permit and insurance are necessary for any existing structures/fences/containers in the parkway. Review of existing structures / fences / containers will be complaint-based. The parkway must be clear of all structures/fences/containers between November 1 and February 28.

Comments & Responses

- 2. Comment:** Commissioners asked that the \$500,000 insurance requirement be reconsidered because it may be a burden to parkway landscaping for residents. Similar comments from the community survey were also referenced. Commissioners asked for further explanation of how the value of \$500,000 was determined.

Comments & Responses

Staff Response: The most recent median price of a home in Oak Park is approximately \$500,000.00. The insurance requirement corresponds to this number and homeowners will generally have in place homeowners insurance that covers the value of their home. Although the \$500,000 amount is not necessarily sufficient to cover all of the liability contingencies that could occur for injuries that are caused by structures located in Village parkways, this amount is a compromise figure and is lower than what would otherwise be required of private contractors performing work in Village parkways. The amount is also consistent with other provisions in the Village Code which require insurance for encroachments in Village parkways. For example, the Village requires \$500,000 for signs that project into the public right-of-way pursuant to Section 7-7-20 of the Village Code. The Village also requires \$500,000 for insurance for permitted projects by private homeowners in the Village that are located within Village parkways/rights-of-way per Village policy, such as the installation of sprinkler systems.

Finally, the Village could face a potential claim under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and under the similar clause contained in the Illinois Constitution if it treated persons wishing to install structures in the Village's parkways differently based upon what persons wished to install in the parkway. Under the Equal Protection Clause, the Village is obligated to treat users of its parkways on an equal basis

Comments & Responses

3. Comment: Commissioners asked that structures and containers of a certain size are allowed in the parkway without a permit and insurance. One suggested solution was that the ordinance includes a weight threshold for containers that are allowed without a permit.

Staff Response: Section 25-1-5 A. 3. has been revised to specify that containers over 30 gallons will require a permit and insurance. This will allow containers less than 30 gallons to be placed in the parkway without a permit or insurance. The parkway must be clear of all structures /fences/containers between November 1 and February 28.

Comments & Responses

4. Comment: Commissioners asked that the Intent section of the ordinance is revised to promote a minimum of the planted area as 70% native or all native.

Staff Response: Section 25-1-1 B. 3. has been revised such that the recommended minimum percent native is 70%.

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Questions

- What is your feedback on the proposed ordinance?

Article 1

GENERAL PROVISIONS

16-1-1: NUISANCE DEFINED:

It shall constitute a nuisance to commit any offense which is in fact a nuisance or which is a nuisance according to the common law, or which is made such by any ordinance of the Village or the Statutes of this State, and shall include any act, occupation or use of property or premises or equipment, or structure of any kind which:

A. Shall annoy, injure or endanger the safety or health of the public.

B. Shall offend public decency.

C. Shall unlawfully interfere with, obstruct or tend to obstruct or render dangerous for passage, a public park, sidewalk, street, alley or highway.

16-1-2: ABATEMENT:

It shall be the duty of the Village Manager or his agent to serve notice, in writing, upon the owner, occupant, agent, or person in possession, or control of any lot, building, or premises in or upon which any nuisance may be found, or who may be the owner or cause of any nuisance requiring such person to abate the same in such manner as the Manager shall prescribe, within a reasonable time. It shall not be necessary in any case for the Village Manager to specify in his notice the manner in which any nuisance shall be abated, unless he shall deem it advisable so to do. Such notice may be given or served by any officer who is so directed or deputed.

It shall be the duty of the Village Manager to proceed at once upon the expiration of the time specified in said notice to cause such nuisance to be abated, except where no emergency exists the matter shall be referred to the Village Attorney for court action. Whenever the owner, occupant, agent or person in possession or control of any premises, in or upon which any nuisance may be found, is unknown or cannot be found, the Village Manager may proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be collected from the person who may have created, continued, or suffered

- Staff will estimate *on the Board's copy of the agenda only* and anticipated length of discussion for each item
- Proclamations may be read in their entirety. Generally, staff will place proclamations on the Consent Agenda, unless a guest is scheduled to be in attendance to receive the proclamation.

B. Consent Agenda

- Between Tuesday and Friday, any Board member can request that items on the Consent be moved to the Regular or vice versa. This request can be submitted electronically to the Village Board email. This is generally done because a Trustee is going to vote against the item and therefore a separate roll-call vote is needed or the Trustee desires to have a conversation about the item specifically during the meeting.
- While any Board member may pull an item off of Consent at any time prior to the approval of the agenda at the beginning of a meeting, the Board agrees to an informal deadline for pulling an item off of Consent is noon Thursday prior to a Monday meeting to allow for the agenda posted to the public to reflect the meeting agenda.
- It will be the default practice to waive reading of consent agenda items by the approval of a motion to waive the reading of the Consent Agenda. It is noted that alternatively, the President will read each Consent Agenda item. Pursuant to Roberts Rules of Order, items on the Consent Agenda are non-debatable and therefore, are assumed to have no discussion. Only the titles of each item will be read.
- Items on the Consent Agenda will not have any staff present at the meeting.
- One roll call vote will be taken for all items on the Consent Agenda.
- Liquor Licenses related actions will be placed by staff on the Regular Agenda for items Pursuant to Village Code Chapter 3 Alcoholic Liquor Dealers or Related and the Village President will recuse himself from the items and ask the President Pro Tem to preside over the recused item(s).

* C. Public Comment

- In keeping with existing Board policy, any individual may provide public comment for up to three minutes during the non-agenda public comment period or during the consideration of a specific agenda item
- The overall time limit for Non-Agenda Public Comment at its usual spot near the beginning of the meeting will continue to be 30 minutes with the balance to be taken at the end of Regular Agenda

** • The Village Board will not respond to public comments as a part of the meeting or enter into discussion with the commenter as a part of the meeting. Excluding announcements, the Village will respond and at the conclusion of the public comment period via the Village President noting that staff will follow-up on the matter.

- In keeping with existing Board policy, public comment on any agenda item for which a Public

Barrington Hills

5-3-13: EXTERIOR LIGHTING REGULATIONS:

(A) Purpose: The purpose of this section is to provide lighting standards and practices which will minimize light pollution and will conserve energy and resources while maintaining nighttime health, safety, utility and security. It is also intended for this section to provide regulations which will protect the health and welfare of the general public and protect the ecological and natural resources of the village, while preserving the ability to view the celestial features of the night sky for present and future generations.

Village authorities recognize:

1. The need to safeguard the rural character, aesthetic value and the unique quality of life that village residents enjoy by preserving and enhancing the ability to view the night sky.
2. The night sky as a natural resource.
3. The need to define limits and protect residents from the trespass of excessive and misdirected light from adjacent properties.
4. That proper direction and use of light minimizes the use of energy.
5. That excessive illumination may have a detrimental effect on wildlife that depends on the natural cycle of the day and night for survival.
6. The importance to all of astronomical observations and the enjoyment of the night sky.

(B) Definitions: Terms used in this section shall be defined as follows:

BACK SIDE SHIELD: A device which is added or attached to a light fixture made from an opaque material which prevents light from being emitted in certain directions. Commonly applied to prevent light from entering an adjacent property.

DOORWAY: Any means of ingress or egress to any structure, limited to doors and garage doors.

DOORWAY LIGHTING: Light fixtures located within ten feet (10') of a doorway.

ESSENTIAL LIGHTING: Light that is used for a specified period of time which is necessary for a specific task or purpose while said task or purpose is actively being performed.

EXCESSIVE LIGHTING: Illuminance which exceeds the amount of light which is needed to perform a visual task or purpose at night.

EXTERIOR LIGHTING: Temporary or permanent lighting that is installed, located or used

- i. Illuminated indoor signs visible from outdoors.
- j. Lighting used to illuminate property other than that on which the fixture is located and which constitutes light trespass.

(D) Residential Lighting Standards: The following residential lighting standards are established for residential zoning districts R1 through R4, pursuant to this code, provided, however, that such zoning districts for which a special use has been issued or is required shall be regulated pursuant to subsection (E) of this section:

1. Protection From Light Trespass And Excessive Lighting: All exterior lighting shall not cause glare and shall protect adjacent properties, roadways and waterways from light trespass and excessive lighting.

2. Maximum Light Output: For all nonexempt exterior lighting, the maximum light output shall not exceed a total on any given property under single ownership and control equal to ten thousand (10,000) lumens multiplied by the total number of acres of such property.

3. Installation Restrictions:

a. Fully Shielded; Exceptions: All exterior lighting fixtures shall be fully shielded or aimed at such an angle so as to eliminate glare from such lighting fixture, except as follows:

(1) Landscape Lighting: Unshielded landscape lighting is permitted and is not required to be angled downward provided that the light source is not visible from adjoining properties (defined as seeing the heated element across property lines) and that each UL rated fixture has a light output not in excess of one thousand six hundred (1,600) lumens.

(2) Driveway/Walkway/Identity Sign/Decorative Lighting: Unshielded lighting at entryways, including driveways and walkways and lighting for property identity signs, gates, fences, and post top entrances is permitted and the fixture is not required to be angled downward provided that each UL rated fixture has a light output not in excess of one thousand six hundred (1,600) lumens.

(3) House Wash Lighting: Unshielded house wash lighting shall be permitted in an upward angle so that each UL fixture has a light output not to exceed one thousand six hundred (1,600) lumens. House wash lighting shall be extinguished by eleven o'clock (11:00) P.M.

b. Height:

(1) The maximum mounting height of a fixture on a structure shall not exceed the height of the eave of such structure.

- 1 The tradition of lowering flags at sunset or the use of a top-mounted fully shielded fixture is encouraged.
- 2 Ground-mounted, non-internally illuminated signs only.
- 3 Typical 75W incandescent bulb or 50W low-voltage halogen landscape bulb.
- 4 Typical 60W incandescent bulb or 35W low-voltage halogen landscape bulb.

(1) Residential district lighting zones.

- (a) Any luminaire with a light output exceeding 1,100 lumens which is used for outdoor lighting on any zoning lot in a residential district lighting zone shall have the necessary shielding and/or beam-angle control and/or shall be aimed so that the direction of all directly emitted light is at or below horizontal. Any luminaire output less than what is listed above does not require shielding. If a motion-activated sensor that illuminates the luminaire for no more than five minutes upon activation is used, however, said luminaire shall have a light output of up to 2,200 lumens (or incandescent bulb of 150 watts).
- (b) Any luminaire with a light output exceeding 2,200 lumens (or incandescent bulb of 150 watts) which is used for outdoor lighting on any zoning lot in a residential district lighting zone shall have the necessary shielding and/or beam-angle control and/or shall be aimed so that the light source is not visible along any property line, as viewed at a height of 36 inches above grade.

- (2) Commercial district, public district or industrial district lighting zones. Except as otherwise stated herein, any luminaire on any zoning lot in a commercial district, public district or industrial district lighting zone which emits light directed at a building, sign, billboard, or other outdoor feature shall be located at or above the top of said object and be aimed and controlled so that the direction of all emitted light is at or below horizontal and the directed light is substantially confined to the object intended to be illuminated.

D. Light trespass.

- (1) Except for street lighting, light emitted from outdoor lighting on any zoning lot shall not cause the light level along any property line, as measured at a height of 36 inches above grade in a plane at any angle of inclination, to exceed the following limits:

Emitting Zoning Lot	Impacted Zoning Lot	Maximum Light Level (footcandles)
<u>Residential district lighting zone</u>	<u>Residential district lighting zone</u>	0.1
Residential district lighting zone	Commercial district/public district/industrial district lighting zone	0.5
Commercial district/public district/industrial district lighting zone	Residential district lighting zone	0.1
Commercial district/public district/industrial lighting zone	Commercial district/public district/industrial district lighting zone	0.5

- (2) The light level at any property used for governmental, recreational and public purposes in all zoning districts shall not exceed 0.1 footcandle at all property lines.

Sec. 150.605. - Lighting. **HIGHLAND PARK, IL**

(A) No use in any zoning district shall be operated so as to produce direct sky-reflected glare or direct illumination across the adjacent property line from a visible source of illumination in violation of the following:

	Maximum Foot-Candle Level at Property Line	Average Foot Candles	Foot-Candle Average / Minimum Uniformity Ratio	Minimum Foot Candles for Parking	Minimum Foot Candles for Walkways	Light Source Shielding Requirements	Maximum Light Pole Height from Grade	Maximum Exterior Fixture Height on Principal Structures	Maximum Exterior Fixture Height on Accessory Structures	Maximum Fixture Height in Trees
<u>Low Density (Single Family Residential Districts</u>	All Lighting within front yard setback. 0.25 foot candles behind front yard setback.	Not Applicable	Not Applicable	Not Applicable	Not Applicable	>890 lumens per fixture fully shielded when viewed from property line (1)(7)	7'6"	20'	18'	Maximum building height allowed (2)
<u>High Density (Multi-Family Residential Districts</u>	Parking Lots	Not to Exceed 1.5	4:1	0.2 foot candles	Not Applicable	Full cutoff (5)	16'	Not Applicable	15'	Not Allowed
		0.5 foot candles within front yard setback. 0.25 foot candles behind								

**VILLAGE OF DEERFIELD
LAKE AND COOK COUNTIES, ILLINOIS**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 15 (“MORALS AND CONDUCT”) OF
THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD TO ESTABLISH THE
OFFENSE OF LIGHT NUISANCE OR LIGHT TRESPASS TO RESIDENTIAL
PROPERTY**

WHEREAS, the Village of Deerfield is a home rule unit of local government under the provisions of Article 7, Section 6 of the Illinois Constitution; and

WHEREAS, except as limited by Article 7, Section 6 of the Illinois Constitution, the Village as a home rule unit of local government has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to regulating for the protection of public health, safety and welfare; and

WHEREAS, Chapter 15, Section 29.5 of the Municipal Code of the Village of Deerfield, as amended, establishes the offense of light nuisance or trespass to residential property within the Village of Deerfield and makes it unlawful for persons to cause or emit artificial lighting which is a public nuisance or which causes an unwanted and noxious trespass onto neighboring residential property; and

WHEREAS, the Board of Trustees of the Village of Deerfield and Village Staff have received complaints from residents of light nuisance or trespass to residential property;

WHEREAS, the Board of Trustees of the Village of Deerfield, Village Staff, the Village Attorney, and the Village Prosecutor are of the opinion that existing regulations and offenses may not sufficiently address the problem of light nuisance or trespass to residential property; and

WHEREAS, the Board of Trustees of the Village of Deerfield recognizes that residents may wish to maintain various forms of illumination within their property for reasons not injurious to the public health, safety and welfare which counsel against uniform residential lighting standards; and

WHEREAS, the Village Staff has recommended that the Municipal Code of the Village of Deerfield should be amended to establish regulations proscribing noxious residential lighting, glare and trespass; and,

WHEREAS, the Board of Trustees of the Village of Deerfield have determined that it is in the interests of public health, safety and welfare to amend Chapter 15 of the Municipal Code of the Village of Deerfield to establish the offense of light nuisance or trespass to residential property within the Village of Deerfield;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION 1: That the above and foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth herein.

SECTION 2: That Chapter 15 (“Morals and Conduct”), Article 3 (“Offenses Against Property”), is hereby amended to read as follows:

Sec. 15-29.5 Light nuisance or trespass to residential property.

(a) Except for natural light, street light and as otherwise provided in this Section 15-29.5, a person commits the offense of light nuisance or trespass to residential property when:

(1) A person who, after receiving notice from the village or the owner or occupant of another person’s residential property, causes or emits unwanted light or glare to cross, enter or fall onto another person’s residential property, which is in excess of 0.25 footcandles along the property line as measured at a height of 36