

# Chapter 24 Outdoor Lighting Ordinance

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## **Section 10:24:1 PURPOSE**

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town's character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

## **Section 10:24:2 Scope and Applicability**

- A.** All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
- B.** Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

### **Section 10:24:3 Conformance with Applicable Codes**

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

### **Section 10:24:4 Regulations**

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

#### **A. Control of Glare / Design Factors**

1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

#### **B. Exceptions to Control of Glare**

1. Any luminaries with a lamp or lamps rated at a total of 1800 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used with out restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated 900 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.

2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.

**C. Outdoor Advertising**

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 10:24:4.B.1. Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.

**D. Recreational Facilities**

1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
  - a. All fixtures used for the event lighting shall be fully shielded as defined in Section 28:4.B.1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
  - b. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00p.m. Except to

conclude a scheduled event that was in progress before 11:00p.m. and circumstances prevented concluding before 11:00p.m.

## **E. Parking Area Lighting**

Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.

- 1. Maximum Light Distribution.** For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
- 2. Pole Height / Wattage / Design.** Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on :
  - a. review of the Site plan,
  - b. proposed land uses,
  - c. surrounding land uses,
  - d. Parking area size,
  - e. Building mass,
  - f. Location of the site with respect to other lighting sources,
  - g. Impact on the adjacent properties,
  - h. Topography of the site, and
  - i. Other site features.

Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.

- 3. Parking Area Wattage / Design Standard.**
  - a. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
  - b. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.

- c. All attempts shall be made to place the base of light poles within landscaped areas.
- 4. Underground Parking Garage entryways.** Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
- 5. Submission Requirements.** An application for Development with off street parking must contain the following.
  - a. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
  - b. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include , but is not limited to, manufacture catalog cuts and drawings, including section where required.
  - c. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
- 6. Non-conformance.** All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

**F. Prohibitions**

- 1. Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
- 2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.**

**G. Exemptions**

The following shall be exempt form the requirements of this Ordinance.

- a. Holiday lighting SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE
- b. Traffic control signals and devices

- c. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
- d. All hazard warning luminaries required by federal regulatory agencies are exempt from the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.

**H. Temporary Outdoor Lighting**

Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering

1. The public and /or private benefits that will result from the temporary lighting.
2. Any annoyance or safety problems that result from the use of the temporary lighting
3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

**Section 10:24:5 Effective Dates of Nonconforming Luminaries**

- A. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
- B. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming

luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in Section 10:24:4.C.3

- C. This ordinance does not recognizes permanent nonconforming lights. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
- D. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or re-directed within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.

## **Section 10:24:6 New Subdivision Constructions**

### **A. Submission Content:**

The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving out door lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.

1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacture and drawing.
3. Photo data, such as the furnished by manufactures, or similar data showing the angle of cut off or light emissions.

### **B. Additional Submission:**

The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall

additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.

**C. Subdivision Plat Certification:**

If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.

**D. 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 building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

### **Section 10:24:7 Violations and Legal Action**

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

### **Section 10:24:8 Definitions**

For the purpose of this Ordinance, terms used shall be defined as follows:

**Direct Light:** Light emitted directly form the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

**Direct Glare:** The visual discomfort resulting from insufficiently shielded light source.

**Fixture:** The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

**Flood or spotlight:** Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Fully Shielded Lights:** Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

**Nonconforming Luminaire:** Luminaire not conforming to this ordinance that where in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting does not need to be changed unless a specified time period is provided for adherence to the ordinance.

**Height of Luminaries:** The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

**Indirect Light:** Direct light that has been reflected or has scattered off other surfaces.

**Lamp:** The component of the luminaire that produces the actual light.

**Light Trespass:** Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaires adjacent to the property lines).

**Lumen:** A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

**Luminaire:** a complete lighting system, including a lamp or lamps and fixture.

**Outdoors Electrically Powered Illuminating Devices:** Luminaires utilizing AC and / or DC power.

**Outdoor Lighting:** the nighttime illumination of an outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.