

**APPLE VALLEY  
ORDINANCE O-2020-05**

**AMENDMENT OF TOWN CODE 10.26 OUTDOOR LIGHTING**

**WHEREAS**, The Planning Commission of the Town of Apple Valley found it necessary to amend the Outdoor Lighting Code, and

**WHEREAS**, The Planning Commission held a public hearing on 25th day of September, 2019, and

**WHEREAS**, The Planning Commission recommended to the Town Council that changes should be made to the Outdoor Lighting Ordinance, and

**WHEREAS**, The Town Council of the Town of Apple Valley adopted these changes in a public meeting held on the 6th, day of May, 2020.

**NOW THEREFORE**, be it ordained by the Council of the Town of Apple Valley, in the State of Utah, as follows:

**SECTION 1:**            **REPEAL** “10.26.010 Purpose” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

~~10.26.010 Purpose~~ (*Repealed*)

~~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**SECTION 2:**            **REPEAL** “10.26.020 Scope And Applicability” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

~~10.26.020 Scope And Applicability~~ (*Repealed*)

- 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 3:**        **REPEAL** “10.26.030 Conformances With Applicable Codes” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

~~10.26.030 Conformances With Applicable Codes (Repealed)~~

~~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 4:**        **REPEAL** “10.26.040 Regulations” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

~~10.26.040 Regulations (Repealed)~~

~~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 without restriction on light distribution or mounting heights, except that if 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 subsection 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 subsection 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 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.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.

1. Holiday lighting SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1 - MARCH 1 YOUR CHOICE
2. Traffic control signals and devices
3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
4. All hazard warning luminaries required by federal regulatory agencies are exempt form 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 5:            REPEAL “10.26.050 Effective Date And Nonconforming Luminaries” of the Apple Valley Land Use is hereby *repealed* as follows:**

**REPEAL**

~~10.26.050 Effective Date And Nonconforming Luminaries~~ (*Repealed*)

- 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 159 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 AVLU 10.26.040 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 redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.

**SECTION 6:            REPEAL “10.26.060 New Subdivision Constructions” of the Apple Valley Land Use is hereby *repealed* as follows:**

**REPEAL**

~~10.26.060 New Subdivision Constructions~~ (*Repealed*)

- 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 outdoor 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 160 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 7:**        **REPEAL** “10.26.070 Violations And Legal Action” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

~~10.26.070 Violations And Legal Action (Repealed)~~

~~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 8:**        **REPEAL** “10.26.080 Definitions” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

~~10.26.080 Definitions (Repealed)~~

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

~~**Direct Light:** Light emitted directly from 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 were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaires, it means that such already-existing outdoor lighting doe no 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 luminaire 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:** Illuminaires utilizing AC and /or DC power.~~

~~**Outdoor Lighting:** the nighttime illumination of a 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.~~

**SECTION 9:            AMENDMENT “10.26 Outdoor Lighting” of the Apple Valley Land Use is hereby *amended* as follows:**

## A M E N D M E N T

### 10.26 Outdoor Lighting

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.

- 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.

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.

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 18200 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 6900 lumens shall not emit any direct light above a horizontal plane and shall be shielded and pointed downward. ~~through the lowest direct light-emitting part or the luminaries.~~
- 2. Any luminaries with a lamp or lamps rate at a total MORE than 18200 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 6900 lumens, shall be mounted at a height equal to or less than the value 3 feet (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. Flood or spot lights may be temporarily operated and should be equipped with a motion sensor or timer to automatically shut off; not to exceed 15 minutes of non-use.

B. Exceptions to Control of Glare

- 1. Any luminaries with a lamp or lamps rated at a total of 18200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 9600 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated 9600 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 subsection 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 subsection 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 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.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 plane 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.

1. Holiday lighting (October 1- February 1)~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1--MARCH 1 YOUR CHOICE~~
2. Traffic control signals and devices
3. Temporary emergency lighting in use by law enforcement, fire departments,

government agencies, or other emergency services, including all vehicular luminaries.

4. 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.

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 ~~159~~ 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 AVLU 10.26.040 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~~Light fixtures shall be brought into compliance with the code with any exterior building permit and/ or by 2025, whichever comes first. 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 redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.

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 outdoor 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 ~~eat~~ furnished by manufacturer~~s~~, 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 ~~+60~~ 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.

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.

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

**Direct Light:** Light emitted directly from 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 were 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 luminaire 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:** ~~lluminaires~~ Luminaries utilizing AC and / or DC power.

**Outdoor Lighting:** Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a 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.~~

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.

- 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.

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.

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 of 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~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 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 subsection 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 that 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 subsection ~~B~~A,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 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.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 plane 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 from the requirements of this Ordinance.

- 1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1-YOUR CHOICE~~ October 1st-February 1st
- 2. Traffic control signals and devices
- 3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
- 4. 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.

- 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 ~~+59~~ 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 AVLU 10.26.040 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 and/or fixture replacement. 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 redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
- 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 outdoor 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 manufacturer r and drawing.
    - 3. Photo data, such as thate 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 ~~+60~~ 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.

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.

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

**Direct Light:** Light emitted directly from 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 were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting doe no 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 luminaire 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:** Illuminaires utilizing AC and / or DC power.

**Outdoor Lighting:** Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a 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.~~

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.

- 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.

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.

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~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 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 subsection 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 that 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 subsection ~~B~~A,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 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.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 plane 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.

1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1-YOUR CHOICE~~ October 1st-February 1st
2. Traffic control signals and devices
3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
4. All hazard warning luminaries required by federal regulatory agencies are exempt form 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.

- 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 ~~159~~ 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 AVLU 10.26.040 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 and/or fixture replacement. 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 redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
- 
- 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 outdoor 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 manufacturer and drawing.
    - 3. Photo data, such as that 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 ~~160~~ 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.

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.

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

**Direct Light:** Light emitted directly from 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 were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting doe no 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 luminaire 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:** Illuminaires utilizing AC and / or DC power.

**Outdoor Lighting:** Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a 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.~~

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.

- 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.

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.

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~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that if any spot or flood luminaries rated ~~900~~600 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 subsection 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 subsection ~~B~~A,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 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.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 plane 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.

1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
2. Traffic control signals and devices
3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
4. All hazard warning luminaries required by federal regulatory agencies are exempt form 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.

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 ~~159~~ 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 AVLU 10.26.040 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 and/or fixture replacement. 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 redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
- 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 outdoor 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 manufacturer and drawing.
  3. Photo data, such as that 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 ~~160~~ 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.

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.

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

**Direct Light:** Light emitted directly from 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 were 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 luminaire 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:** Illuminaires utilizing AC and / or DC power.

**Outdoor Lighting:** Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a 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.~~

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.

- 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.

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.

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~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 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 subsection 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 subsection ~~B~~A,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 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.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 plane 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.

1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1-YOUR CHOICE~~ October 1st-February 1st
2. Traffic control signals and devices

3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
  4. 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.

- 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 ~~159~~ 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 AVLU 10.26.040 C,3
  - C. ~~This ordinance does not recognize 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 and/or fixture replacement. 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 redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
- 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 outdoor 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 manufacturer and drawing.
  3. Photo data, such as that furnished by manufacturers, 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 ~~160~~ 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.

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.

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

**Direct Light:** Light emitted directly from 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 were 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 luminaire 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:** Illuminaries utilizing AC and / or DC power.

**Outdoor Lighting:** Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a 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.~~

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.

- 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.

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.

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~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 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 subsection 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 subsection ~~B~~A,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 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.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 plane 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.

1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
2. Traffic control signals and devices
3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
4. All hazard warning luminaries required by federal regulatory agencies are exempt form 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.

- 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 ~~159~~ 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 AVLU 10.26.040 C,3
- C. ~~This ordinance does not recognize 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 and/or fixture replacement. 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 redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
- 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 outdoor 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 manufacturer r and drawing.
  3. Photo data, such as thate 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 ~~160~~ 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.

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.

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

**Direct Light:** Light emitted directly from 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 were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting doe no 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 luminaire 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:** Illuminaries utilizing AC and / or DC power.

**Outdoor Lighting:** Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a 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.~~

**SECTION 10:** ADOPTION “10.26.010 Title And Purpose” of the Apple Valley Land Use is hereby *added* as follows:

#### ADOPTION

10.26.010 Title And Purpose(*Added*)

This chapter shall be known as the TOWN OF APPLE VALLEY EXTERIOR LIGHTING ORDINANCE. The purpose of these regulations is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky, by establishing regulations and a process for review of exterior lighting. This chapter establishes standards for exterior lighting in order to accomplish the following:

- A. Provide safe roadways for motorists, cyclists and pedestrians, and ensure that sufficient lighting can be provided where needed to promote safety and security;
- B. Minimize the effects of direct glare and excessive lighting;
- C. Protect the nighttime use and enjoyment of property and curtail the degradation of the nighttime visual environment, and thereby help preserve the quality of life in the town;

- D. Prevent light trespass in all areas of the town;
- E. Promote energy efficient and cost effective lighting in all areas of the town;
- F. Allow for flexibility in the style of lighting fixtures;
- G. Define practical and effective measures by which the obtrusive aspects of outdoor light usage can be minimized, and provide lighting practices that direct appropriate amounts of light where and when it is needed;
- H. Provide nonfinancial assistance to property owners and occupants in bringing nonconforming lighting into conformance with this chapter.

**SECTION 11:**            **ADOPTION** “10.26.020 Applicability” of the Apple Valley Land Use is hereby *added* as follows:

ADOPTION

10.26.020 Applicability(*Added*)

- A. All exterior lighting, installed after the effective date hereof, shall conform to the standards established by this chapter.
- B. All existing exterior lighting, installed before the effective date hereof, shall be brought into conformance with this chapter, except subsection B.1 of this section, within the following time periods:
  - 1. All existing exterior lighting located on a subject property that is part of an application for design review approval, a conditional use permit, subdivision approval, building permit or any other kind of land use approval is required to be brought into conformance with this chapter before issuance of a certificate of occupancy, final inspection or final plat recordation, when applicable. For other permits, the applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.
  - 2. All other existing exterior lighting on property used for residential, commercial, institutional, or any other public and semipublic use that is not in conformance with this chapter shall be brought into conformance with this chapter within eighteen (18) months from the date of adoption of this chapter.
  - 3. 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.

**SECTION 12:**            **ADOPTION** “10.26.030 Definitions” of the Apple Valley Land Use is hereby *added* as follows:

## ADOPTION

### 10.26.030 Definitions(*Added*)

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application:

AREA LIGHT: A luminaire equipped with a lamp that produces over one thousand eight hundred (1800) lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights.

AVERAGE HORIZONTAL FOOT-CANDLE: The average level of luminance for a given situation (with snow cover if that is to be expected in the given situation) measured at ground level with the light meter placed parallel to the ground.

BUILDING OFFICIAL: The planning and zoning administrator for the Town of Apple Valley, or any other person appointed by the Town of Apple Valley mayor, with the concurrence of the Town of Apple Valley Town Council. DIRECTIONAL FLOODLIGHT: A fully shielded fixture that is angled no higher than thirty degrees (30°) from vertical and which targets a specific area to be lit.

EIGHTY FIVE DEGREE CUTOFF TYPE OF LUMINAIRES: Luminaires that do not allow light to escape above an eighty five degree (85°) angle measured from a vertical line from the center of the lamp extended to the ground.

EXTERIOR LIGHTING: Temporary or permanent outdoor lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Luminaires that are indoors that are intended to light something outside are considered exterior lighting for the purpose of this chapter.

FLOODLIGHT: A light fixture that produces up to one thousand twelve hundred (1200) lumens and is designed to flood a well defined area with light.

FOOT-CANDLE (fc): The American unit used to measure the total amount of light cast on a surface (luminance). One foot-candle is equivalent to the luminance produced by a source of one candle at a distance of one foot (1'). For example, the full moon produces 0.01 fc (fc is measured with a light meter). One foot-candle is approximately equal to ten (10) lux, the metric unit also used to measure luminance.

FULL CUTOFF LUMINAIRES: Luminaires designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaires.

FULLY SHIELDED: The luminaire incorporates a solid barrier (the shield), which permits no light to escape through the barrier on the top and sides of the fixture.

GLARE: Stray light striking the eye that may result in: a) nuisance or annoyance glare, such as light shining into a window; b) discomfort glare, such as bright light causing squinting of the eyes; c) disabling glare, such as bright light reducing the ability of the eyes to see into shadows; or d) reduction of visual performance.

HOLIDAY LIGHTING: Exterior lighting consisting of strings of individual lamps, where the output per lamp is not greater than fifteen (15) lumens.

IESNA: Illuminating Engineering Society Of North America (IES or IESNA). The professional society of lighting engineers.

IESNA RECOMMENDED PRACTICES: The current publications of the IESNA setting forth luminance levels.

ILLUMINANCE: The amount of light falling on any point of a surface measured in foot-candles or lux. Foot-candles are measured as lumens per square foot, and lux is measured as lumens per square meter.

LED: Light emitting diode solid state lighting source.

LAMP: The generic term for an artificial light source, to be distinguished from the whole assembly (see definition of Luminaire). Commonly referred to as "bulb".

LIGHT: The form of radiant energy acting on the retina of the eye to make sight possible.

LIGHT POLLUTION: Any adverse effect of artificial night light, including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, or any manmade light that diminishes the ability to view the night sky.

LIGHT TRESPASS: Light falling on the property of another or the public right of way when it is not required to do so.

LIGHTING: Any or all parts of a luminaire that function to produce light.

LIGHTING ADMINISTRATOR: A city official designated by the city council to administer, interpret and enforce this chapter, and make recommendations thereunder.

LUMEN: The unit used to quantify the amount of light energy produced by a lamp at the lamp. Lumen output of most lamps is listed on the packaging.

LUMINAIRE: A complete lighting unit, consisting of a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power. When used, includes ballasts and photocells. Commonly referred to as "fixture".

LUMINANCE: At a point and in a given direction, the luminous intensity in the given direction produced by and element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: Candelas per unit area. The luminance is the perceived brightness that we see the visual effect of the luminance, reflected,

emitted or transmitted from a surface.

MAINTAINED ILLUMINANCE: The condition that occurs after two hundred (200) hours of lamp use prior to a point where luminaire cleaning is necessary. Measurements are taken at ground level with sensor parallel to the ground for horizontal luminance and measured at five feet (5') above ground with sensor perpendicular to the ground for vertical luminance.

NONESSENTIAL LIGHTING: Lighting that is not necessary for an intended purpose after the purpose has been served. Does not include any lighting used for safety and/or public circulation purposes.

OPAQUE: The effect of a part or parts of a luminaire that provides a barrier above and in some cases around the lamp, that does not allow any light to pass through.

PARTIALLY SHIELDED: The luminaire incorporates a translucent barrier, the "partial shield" around the lamp that allows some light to pass through the barrier of the fixture's walls while concealing the lamp from the viewer.

PLANNING AND ZONING ADMINISTRATOR: The Town of Apple Valley planning and zoning administrator.

RECESSED: When a light is built into a structure or portion of a structure such that the light is fully cut off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

SHIELDED: When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cutoff fixture.

SKY GLOW: The overhead glow from light emitted sideways and upward. Sky glow is caused by the reflection and scattering of light by dust, water vapor and other particles suspended in the atmosphere.

TEMPORARY LIGHTING: Lighting that is intended to be used for a special event for seven (7) days or less, and temporary construction lighting.

TRANSLUCENT: The effect of a part or parts of a luminaire that provides a barrier around the lamp that allows some light to pass through the barrier in a diffused manner, such that the lamp cannot be clearly distinguished.

UNSHIELDED: The luminaires only incorporate clear glass, which permits all light to escape.

UPLIGHTING: Fully shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.

WALL WASH: The reflectivity of artificial lighting from the exterior surface of a building or

structure.

**SECTION 13:            ADOPTION** “10.26.040 Standards And Requirements” of the Apple Valley Land Use is hereby *added* as follows:

## ADOPTION

10.26.040 Standards And Requirements(*Added*)

### A. General Standards:

1. Exterior Lighting: All exterior lighting shall be designed, located and lamped in order to prevent or minimize:
    - a. Overlighting;
    - b. Energy waste;
    - c. Glare;
    - d. Light trespass;
    - e. Sky glow.
  2. Nonessential Lighting: All nonessential lighting on the exterior of all commercial, recreational and residential structures shall be turned off no later than eleven o'clock (11:00) P.M. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.
  3. Canopy Lights: Canopy lights, such as service station lighting or covered entries, shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.
  4. Area Lights: All area lights shall be a minimum eighty five degree (85°) full cutoff type luminaire.
  5. Luminaires: Rocky Mountain Power shall not install any luminaires after the effective date hereof that lights the public right of way without first receiving approval for any such application by the lighting administrator.
  6. Hillsides, Ridgelines, And Special Cases: In certain cases (such as, but not limited to, properties on or near ridgelines or hillsides), additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the building permit review process.
    - a. All monopole, antenna, tower or support facility lighting not required by the federal aviation administration (FAA) or the federal communications commission (FCC) is prohibited.
    - b. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.
    - c. All other lighting used on the property not regulated by the FAA or FCC shall conform to this chapter.
- B. Use Of Luminaires: No unshielded or clear glass luminaires shall be allowed; all exterior lighting shall use full cutoff luminaires with the light source downcast and fully shielded.

with the following exceptions:

1. Luminaires: Luminaires that have a maximum output of eight hundred (800) lumens per fixture (equal to one 60-watt incandescent lamp) regardless of number of lamps, may be partially shielded, provided the luminaire has an opaque top or is under a solid overhang.
2. Floodlights: Floodlights with external shielding shall be angled; provided, that no light is directed above a thirty degree (30°) angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaires do not cause glare or light to shine on adjacent property or public rights of way. Residential floodlights must be turned off by eleven o'clock (11:00) P.M.
3. Residential Holiday Lighting: Flashing holiday lights on residential properties are discouraged. Holiday lights shall be turned off by eleven o'clock (11:00) P.M.
4. Commercial Holiday Lighting: Flashing holiday lights are prohibited. Commercial holiday lights shall be turned off by eleven o'clock (11:00) P.M. or the close of business, whichever is later.
5. Sensor Activated Luminaires: Sensor activated luminaires, provided:
  - a. It is located in such a manner as to prevent glare and light trespass onto properties of others or into a public right of way;
  - b. The luminaire is set to only go on when activated and to go off within five (5) minutes after activation has ceased;
  - c. The luminaire shall not be triggered by activity off the subject property.
6. Emergency Lighting: All temporary emergency lighting needed by the fire and police departments, or other emergency services.
7. Lighting For Flags: Lighting for flags, provided the flag is a United States Of America or state of Utah official flag and the maximum lumen output is one thousand three hundred (1300) lumens. Flags may be taken down at sunset to avoid the need for lighting. The external beam shall minimize light trespass and/or glare.
8. Uplighting: Uplighting for landscaping and/or structures shall be fully captured for approval. All uplighting shall be turned off by eleven o'clock (11:00) P.M.
9. Lighting Of Towers: Lighting of radio, communication and navigation towers, provided the owner or occupant demonstrates that the federal aviation administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter.
10. Neon Lights: See subsection 10-22-5C3 of this title.
11. Playing Field Luminaires: Luminaires used for playing fields and courts shall be exempt from the height restriction, provided all other provisions of this chapter are met and the light is used only while the field or court is in use. In no case shall the lights be used later than eleven o'clock (11:00) P.M. without prior approval.
12. Nonresidential Luminaires: Nonresidential luminaires may deviate from the requirements of these exterior lighting regulations only upon submitting for planning commission approval a design review application, detailing the specific reasons for the proposed deviation. Such application may be granted only if the applicant demonstrates each of the following:
  - a. The proposed deviation is appropriate to the location of the lighting and

- the surrounding neighborhood;
- b. The proposed deviation will not unreasonably diminish either the health, safety or welfare of the surrounding neighborhood uses; and
  - c. The proposed deviation will not unreasonably conflict with the general intent of these exterior lighting regulations.
  - d. The planning commission may approve, deny or approve with conditions any such application submitted under this subsection.

C. Placement And Height Of Luminaires:

- 1. Parking Areas: Parking area luminaires shall be no taller than seventeen feet (17') as measured from the ground to their tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in lumens, as opposed to fewer in number, higher in height and higher in lumens.
- 2. Private Property In Residential Zones: Freestanding luminaires on private property in residential zones shall be mounted at a height no greater than twelve feet (12') from ground level to the top of the luminaires.
- 3. Arterial Roads: Streetlights used on arterial roads may exceed twenty feet (20') in height, with the recommendation by the city council, and only with a finding that exceeding twenty feet (20') is necessary to protect the safety of the residents of the Town.
- 4. Illumination Of Rights Of Way: Lighting of public and private rights of way shall be fully shielded. In addition, lighting shall comply with source color temperature of this section.

a. Exception: Traffic signal indications.

b. Definitions: Right of way types:

- (1) COLLECTOR ROADS: Roadways serving traffic between major and local streets. These are streets used mainly for traffic movement within residential, commercial and industrial areas.
- (2) EXPRESSWAY: A divided major roadway for through traffic, with partial control of access and generally with interchanges at major crossroads.
- (3) LOCAL ROADS: Local streets are used primarily for direct access to residential, commercial, industrial, or other abutting property.
- (4) MAJOR ROADS: The part of the roadway system that serves as the principal network for the through traffic flow. The routes connect areas of principal traffic generation and important rural roadways leaving the Town.

c. Illumination Levels Of Rights Of Way: The maximum average

illumination level along the entire right of way being illuminated and over the right of way area only, shall be:

- (1) Expressway: 1.4 foot-candles
- (2) Major roads: 1.5 foot-candles.
- (3) Collector roads: 1.0 foot-candle.
- (4) Local roads: 0.4 foot-candle.
- (5) Existing luminaires on local roads may be retrofitted with full

cutoff luminaires with the design not to exceed 0.4 foot-candle average. The maximum maintained average illumination in the intersection area shall be two (2) times the average of the maintained foot-candles of the two (2) types of roads at the intersections.

(6) Intersections of collector and local roads shall be 1.6 foot-candles maximum and at intersections of local and local roads shall be 1.4 foot-candles maximum.

5. Playing Fields: Luminaires used for playing fields shall be exempt from the height restriction, provided all other provisions of this chapter are met and the light is used only while the field is in use.

#### D. Luminance And Type Of Lamp:

1. Luminance levels for parking lots, sidewalks and other walkways affected by side mounted building lights, and freestanding sidewalk lights (not streetlights) shall not exceed luminance levels listed in the most current "IESNA Recommended Practices", as amended from time to time. The Town recognizes that not every such area will require lighting.

2. Above ground parking lot lighting shall not exceed an overall average illumination of 1.5 footcandles. Interior parking structure lighting shall not exceed the minimum security illumination levels listed in the most current "IESNA Recommended Practices", as amended from time to time.

3. The use of lighting for exterior wall washing is limited for residences, condominiums and apartments; the use of recessed eave lighting to achieve wall washing is preferred, and wall washing should strive for uniform illumination distribution. Eave lighting used in angled gables must be shielded to prevent spill lighting effecting traffic or other neighbors. The maximum average illumination limits for wall washing are:

a. Dark colored exterior surfaces: 1.0 foot-candle

b. Light colored exterior surfaces: 0.5 foot-candle.

4. Luminance measurements of indirect light creating wall wash shall be measured with a luminance meter four feet (4') from ground level with the meter held horizontally and touching the wall surface.

5. Streetlights shall be LED, unless otherwise determined that another type is more efficient and approved by the City Council. LED street lighting shall be fully shielded, and emit no light upward. Light housing shall be constructed to expel excess heat from the fixture. The correlated color temperature on all fixtures shall be three thousand Kelvin (3000 K) or warmer (lower number). LED lighting

fixtures shall be installed with an adaptive control system capable of dimming and/or motion sensor control that is compatible with the current Town control system. If a light type other than LED is permitted, then the replacement fixture shall have the equivalent output as the other light type.

6. LED streetlights shall be implemented in accordance with an engineering study, specifically a photometric plan, that shall have been conducted and approved prior

to installation of LED luminaires. Said photometric plan shall recommend appropriate perceived levels of illumination based upon the correlated color temperature of the proposed luminaires and the specific location and purpose of the luminaire, e.g., residential cul-de-sac, highway intersection, etc., as referenced in "IESNA Recommended Practices".

**SECTION 14:**            **ADOPTION** “10.26.050 Procedure For Approval” of the Apple Valley Land Use is hereby *added* as follows:

ADOPTION

10.26.050 Procedure For Approval(*Added*)

- A. All applications for design review, conditional use permits, planned unit developments, subdivision approvals, applicable sign permits or building permits shall include lighting plans showing location, type, height, lumen output and luminance levels in order to verify that lighting conforms to the provisions of this chapter. The Lighting Administrator may waive the requirement for luminance level information only, if the Lighting Administrator finds that the luminance levels conform to this chapter. For all other exterior lights which must conform to the requirements of this chapter, an application shall be made to the Lighting Administrator, showing location, type, height, lumen output and luminance levels.
- B. The Lighting Administrator shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for design review, conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permits, or any other land use approval, to determine whether the exterior lighting complies with the standards of this chapter.
- C. The Lighting Administrator shall convey in writing a recommendation whether the exterior lighting complies with the standards of this chapter to the building official, the Planning Commission, or to the appropriate approving body as the case may be, before any review or hearing on a building permit, design review, conditional use permit, planned unit development, subdivision application or applicable sign permit.
- D. For all other exterior lighting which must conform to the requirements of this chapter, the Lighting Administrator shall issue a decision whether the exterior lighting complies with the standards of this chapter. All such decisions may be appealed to the Appeal Authority within thirty (30) days of the decision. (Ord. 10.08, 2-19-09)

**SECTION 15:**            **ADOPTION** “10.26.060” of the Apple Valley Land Use is hereby *added* as follows:

ADOPTION

10.26.060 Violations And Enforcement(Added)

If the Lighting Administrator finds that any provision of this chapter is being violated, the Lighting Administrator shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. The Planning Department staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty (30) day period, the Lighting Administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this chapter. Such actions or proceedings shall be in addition to the enforcement and penalties provisions of chapter 2 of this title.

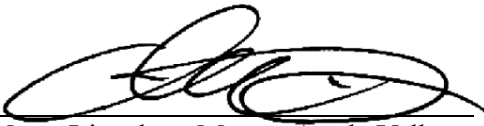
This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL APRIL 01, 2020.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Bass	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember McLaughlin	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Kopp	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Mayor Lisonbee	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Edwardsen	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Presiding Officer

Attest

  
Marty Lisonbee, Mayor, Apple Valley

  
Michelle Kinney, Clerk Apple Valley