

ORDINANCE No. 03-07

LEEDS OUTDOOR LIGHT ORDINANCE

WHEREAS, The Town of Leeds desires to protect the night sky while providing good outdoor lighting,

BE IT THEREFORE ordained by the Town Council and Planning Commission of Leeds, Utah:

STATEMENT OF NEED AND PURPOSE: Good outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass, and higher energy use, which in turn may cause safety problems and increased costs for everyone. There is a need for a lighting ordinance that recognizes the benefits of outdoor 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.

This ordinance is intended to reduce the problems created by improperly designed and installed outdoor lighting by eliminating glare, minimizing light trespass, and helping reduce the energy and financial costs of outdoor lighting by establishing certain regulations.

ARTICLE I  
DEFINITIONS

1.1 For the purposes of this Ordinance, terms used shall be defined as Follows:

Direct Light: Light emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

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

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

Flood or Spotlight: Any light 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.

Grandfathered Luminaires: Luminaires not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an ordinance “grandfathers” a luminaire, 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 Luminaire: 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 of other surfaces.

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

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

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

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

Outdoor Electrically Powered Illuminating Devices: Illuminaires utilizing AC and/or DC power.

Outdoor Lighting: The nighttime illumination of an outside area or object by any hand-made device located outdoors that produces light by any means.

Temporary Outdoor Lighting: The Specific illumination of an outside area or object by any hand-made 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.

## ARTICLE 2 SCOPE AND APPLICABILITY

2.1 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.

2.2 Law Governing Conflicts. Should this Ordinance be found to be in conflict with any provision 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.

ARTICLE 3  
CONFORMANCE WITH APPLICABLE CODES

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

ARTICLE 4  
REGULATIONS

4.1 All public and private outdoor lighting installed in the Town of Leeds shall be in conformance with the requirements established by this Ordinance. All previous language in Leeds Town Codes regarding outdoor lighting is replaced with this Ordinance.

4.2 CONTROL OF GLARE-LUMINAIRE DESIGN FACTORS.

A. Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.

B. Any luminaire with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaires 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.

4.3 EXCEPTIONS TO CONTROL OF GLARE.

A. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or LESS, may be used without restriction to light distribution or mounting height, except that if any spot of flood luminaire rated 900 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.

B. Luminaires 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.

4.4 OUTDOOR ADVERTISING SIGNS.

- A. Top Mounted Fixtures Required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 4.2. Bottom-mounted outdoor advertising sign lighting shall not be used.
- B. On-premise and/or off-premise outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.
- C. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this Ordinance within two years from date of adoption of this Ordinance.

#### 4.5 RECREATIONAL FACILITIES.

- A. Light sources 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:
  - 1). All fixtures used for event lighting shall be fully shielded as defined in Section 4.2 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare.
  - 2). 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 circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m.

#### 4.6 PROHIBITIONS.

- A. 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.
- B. Outdoor Advertising Off-Site Signs. Electrical illumination of outdoor advertising off-site signs is prohibited.
- C. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.

#### 4.7 EXEMPTIONS. The following shall be exempt from the requirements of this Ordinance:

- A. Holiday lighting.

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

#### 4.8 TEMPORARY OUTDOOR LIGHTING.

- A. Temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Planning Commission after considering: (1) the public and/or private benefits that will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (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 a 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 failure by the Planning Commission to act on a request within the time allowed shall constitute a denial of the request

### ARTICLE 5 EFFECTIVE DATE AND GRANDFATHERING OF NONCONFORMING LUMINAIRES

- 5.1 This Ordinance shall take effect immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
- 5.2 All luminaires lawfully in place prior to the date of the Ordinance shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this Ordinance. Advertising signs are grandfathered for a period of two years, as specified in Section 4.4.C.
- 5.3 This Ordinance does not recognize permanent grandfathering. All luminaires lawfully in place prior to the date of the Ordinance will have 2 years in which to comply with this ordinance. Advertising signs are grandfathered only for a period of two years, as specified in Section 4.4.C.

- 5.4 Grandfathered luminaires that direct light toward streets or parking lots that cause disability glare to motorists or cyclists shall be either shielded or re-directed within 90 days of notification so that the luminaires do not cause a potential hazard to motorists or cyclists.

ARTICLE 6  
NEW SUBDIVISION CONSTRUCTION

- 6.1 **Submission Contents.** The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this Ordinance. 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 laws of this jurisdiction upon application for the required permit:
- A. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
  - B. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submissions may include catalog cuts by manufacturers and drawings.
  - C. Photometric data, such as that furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
- 6.2 **Additional Submission.** The above required plans, descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this Ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
- 6.3 **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 Leeds Outdoor Lighting Ordinance.
- 6.4 **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.

ARTICLE 7  
NOTIFICATION REQUIREMENTS

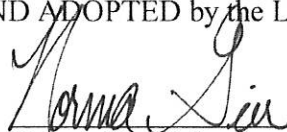
- 7.1 The Town of Leeds building permit shall include a statement asking whether the project will include any outdoor lighting. If so, a copy of this ordinance will be provided.

ARTICLE 8  
VIOLATIONS AND LEGAL ACTIONS

- 8.1 Violation. It shall be a Class-C misdemeanor for any person to violate any of the provisions of this Ordinance. Each and every day during which the violation continues shall constitute a separate offense.
- 8.2 Violations and Legal Actions. If, after investigation, the Code Enforcement Officer finds that any provision of the Ordinance is being violated, the officer may elect to 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 the violation be abated within thirty (30) days from the date of hand delivery or date of mailing of the notice. If the violation is not abated within the thirty-day period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.
- 8.3 Violation of this Ordinance shall be a Class C Misdemeanor.
- 8.4 Severability: If any portion of this ordinance is held to be unconstitutional, Invalid, or unenforceable, the remainder of this ordinance shall be deemed severable and shall not be affected, and this ordinance shall remain valid.

This ordinance shall become effective immediately upon passage and posting

PASSED AND ADOPTED by the Leeds Town Council on this 8 day of Oct. 2003

  
\_\_\_\_\_  
Norma Gier, Mayor

ATTEST:

  
\_\_\_\_\_  
Joy Stevens, Town Clerk/Recorder

Roll Call Vote for LEEDS OUTDOOR LIGHT ORDINANCE No. 03-07

5 Aye votes 0 Nay votes 0

Abstentions. Ordinance # 03-07 is  passed  rejected

Joy Stevens 10-8-2003  
Joy Stevens, Clerk/Recorder Date