

## CHAPTER 94: OUTDOOR LIGHTING

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### **§ 94.01 TITLE.**

This chapter shall be known as the Outdoor Lighting Ordinance of the City of Elephant Butte.

(Ord. 65, passed 9-17-2003)

### **§ 94.02 PURPOSE AND INTENT.**

The purpose of this chapter is to provide standards for outdoor lighting to conserve energy without decreasing safety, utility, security, and productivity while enhancing nighttime enjoyment of public and private property within the jurisdiction.

(Ord. 65, passed 9-17-2003)

### **§ 94.03 STATUTORY AUTHORITY.**

This chapter is created and adopted as set forth in NMSA § 74-12-11.

(Ord. 65, passed 9-17-2003)

#### **§ 94.04 CONFORMANCE.**

All outdoor electrically powered illuminating devices shall be installed in conformance with the provision of this chapter.

(Ord. 65, passed 9-17-2003)

#### **§ 94.05 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

**FIXTURE.** As used in this chapter means a complete lighting unit including but not limited to light bulbs and all necessary mechanical, electrical and decorative parts.

**HOLIDAY LIGHTING.** Festoon type light, limited to small individual bulbs on a string, where the output bulb is no greater than 15 lumens or 1 watt.

**OUTDOOR LIGHT FIXTURE.** Outdoor artificial illuminating devices, whether permanently installed or portable, used for illumination or advertisement. The devices shall include, but are not limited to searchlights, spotlights, and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting.

**PERSON.** Any individual, tenant, lessee, owner, or any commercial entity including but not limited to firm, business, partnership, joint venture or corporation.

**RESIDENTIAL.** A single family dwelling unit up to and including a 4-plex on a legal lot, tract or parcel.

**SHIELDED.** A fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. See Appendix A.

(Ord. 65, passed 9-17-2003; Am. Ord. 68, passed 4-7-2004)

#### **§ 94.06 SHIELDING.**

All outdoor lighting fixtures of more than 100 watts installed after the effective date of this chapter shall be shielded. Exceptions:

(A) Lighting fixtures, attached to a structure, which are extinguished by an automatic shutoff device i.e. motion detector.

(B) Up-lighting of a United States of America flag or a flag of the State of New Mexico of less than 500 watts.

(C) Any outdoor lighting must be turned off after 10:00 p.m. unless shielded.

(Ord. 65, passed 9-17-2003; Am. Ord. 68, passed 4-7-2004)

#### **§ 94.07 OUTDOOR ADVERTISING LIGHTING.**

(A) *Top mounted fixtures required.* External lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. See Appendix B.

(B) *Compliance limit.* Existing outdoor advertising structures shall be brought into conformance with this chapter within 3 years from the date of adoption of this provision.

(C) *Prohibitions.* Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 p.m. and sunrise is prohibited.

(Ord. 65, passed 9-17-2003; Am. Ord. 68, passed 4-7-2004)

#### **§ 94.08 NON-PERMITTED LIGHTING.**

(A) *New fixtures.* Newly installed fixtures which are not full-cutoff fixtures/shielded.

(B) *Motor vehicles and pedestrians.* Lighting which presents a clear hazard to motorists, cyclists, or pedestrians.

(C) *Flags.* Up-lighting of a United States of America flag or a flag of the State of New Mexico which exceeds a 500 watt lamp.

(D) *Mercury vapor lamps fixtures and lamps.* In conformance with NMSA § 74-12-6, no mercury vapor outdoor lighting fixtures shall be sold or installed after January 1, 2000.

(E) *Searchlights.* The operation of searchlights for advertising purposes are prohibited between 10:00 p.m. and sunrise.

(F) *Light emission.* The emission of light which extends beyond property lines and results in an intrusion into the property or structure of any other resident. See Appendix A, page 31.

(Ord. 65, passed 9-17-2003; Am. Ord. 68, passed 4-7-2004)

#### **§ 94.09 EXEMPTIONS AND EXCEPTIONS.**

(A) Residential fixture consisting of:

- (1) One hundred watt Standard Incandescent and less;
- (2) One hundred watt Midbreak Tungsten-Halogen (quartz) and less;
- (3) Twenty-five watt T-12 Cool White Fluorescent and less; and
- (4) Eighteen watt Low Pressure Sodium and less.

(B) Federally funded and state funded roadway construction projects are exempted from the requirements of this division only to the extent it is necessary to comply with federal and state requirements.

(C) Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels is exempt from the provisions of this chapter.

(D) Full cutoff street lighting, which is part of a federal, state, or municipal installation.

(E) Holiday lighting.

(F) Lighting of sports facilities or stadiums prior to 11:00 p.m. Illumination after 11:00 p.m. is also permitted if it is necessary in order to conclude a recreational, sporting or other scheduled activity, which is in progress prior to that time.

(G) Specialized lighting necessary for safety, such as navigation or runway lighting of airports, or

temporary lighting associated with emergency operations, road hazard warnings, and the like.

(H) Traffic control signals and devices.

(I) For radio, communication, and navigation towers to be exempt that are required to have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

(Ord. 65, passed 9-17-2003; Am. Ord. 68, passed 4-7-2004)

#### **§ 94.10 GRANDFATHERING.**

(A) Existing lighting is exempt from the provision of this chapter except that replacement fixtures must be fully compliant.

(B) Adjustable lighting must be brought into compliance within 90 days.

(C) These grandfathering provisions do not apply to lighting on a property which ceases operations or is unoccupied for more than 12 months, or where \$25,000 or more is spent on renovations or remodeling. These must be brought into full compliance before reoccupation or reuse.

(D) All existing lighting installations must be brought into compliance with the provisions of this chapter within 10 years of its effective date.

(Ord. 65, passed 9-17-2003; Am. Ord. 68, passed 4-7-2004)

#### **§ 94.11 VARIANCE.**

(A) Variances defined as other exemptions from the requirement of this chapter, shall not be permitted unless specifically authorized by the Planning and Zoning Commission, subject to appeal to the City Council.

(B) Procedural requirements for variance requests shall be in compliance with § 155.006(I).

(Ord. 65, passed 9-17-2003; Am. Ord. 68, passed 4-7-2004)

#### **§ 94.12 EFFECTIVE DATE.**

This chapter shall become effective 5 days after being posted approved and adopted.

(Ord. 65, passed 9-17-2003; Am. Ord. 68, passed 4-7-2004)

#### **§ 94.99 PENALTY.**

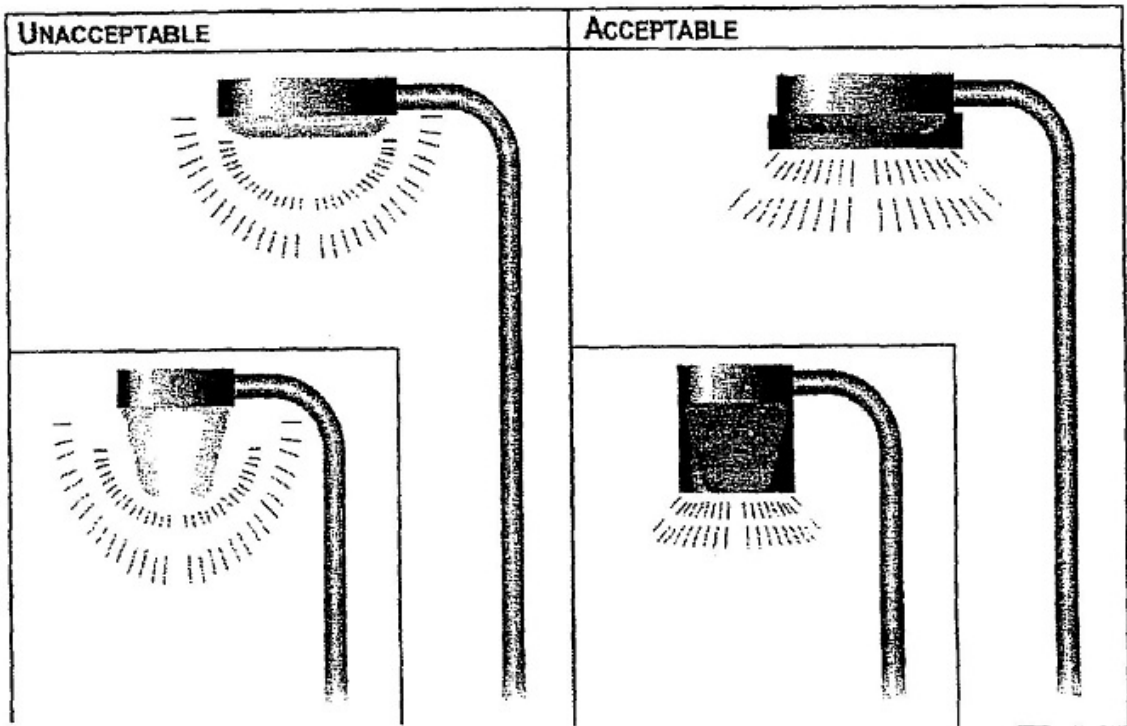
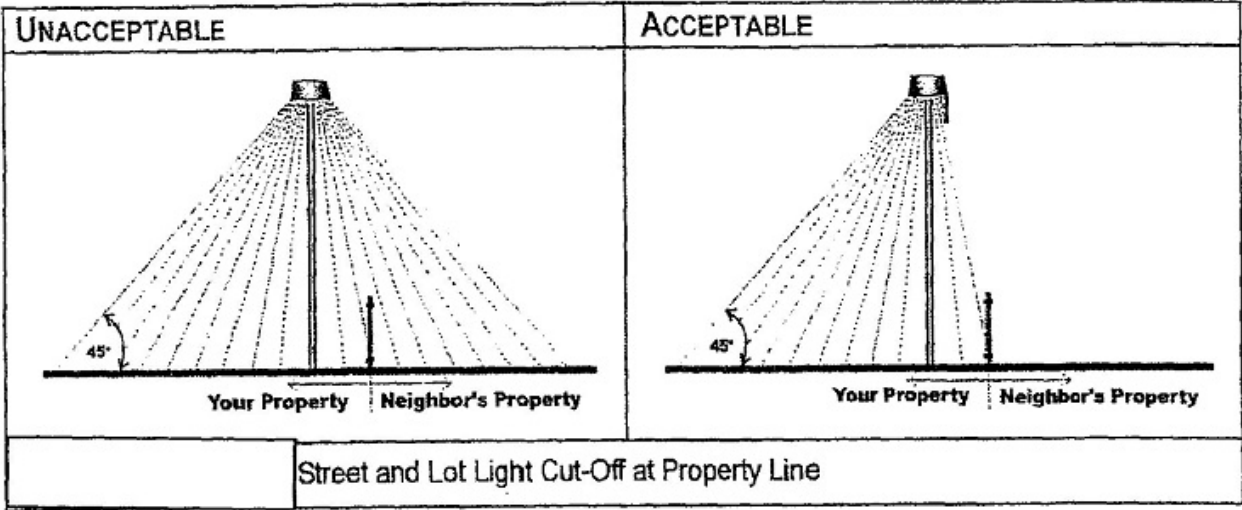
When a violation of this chapter is determined, the following penalty shall be imposed:

(A) For a first offense, the offender may be issued a warning; and

(B) For a second offense or an offense that continues for 30 days from the date of the warning, \$25 for each offending fixture.


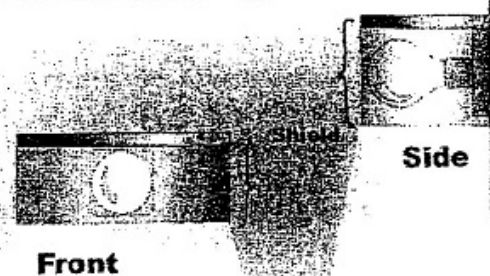


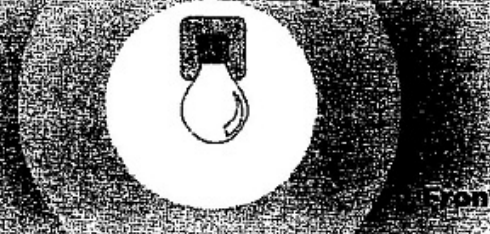
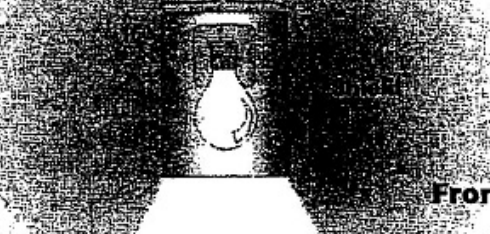
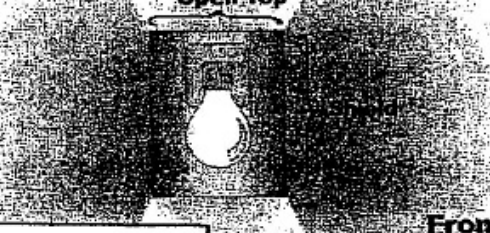
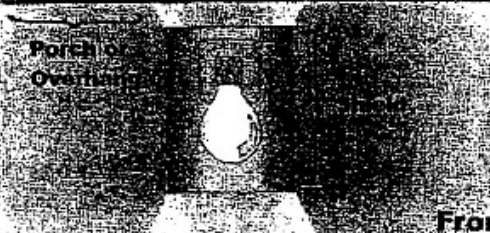
(Ord. 65, passed 9-17-2003; Am. Ord. 68, passed 4-7-2004)

### **APPENDIX A: SHIELDED OUTDOOR LIGHTING**



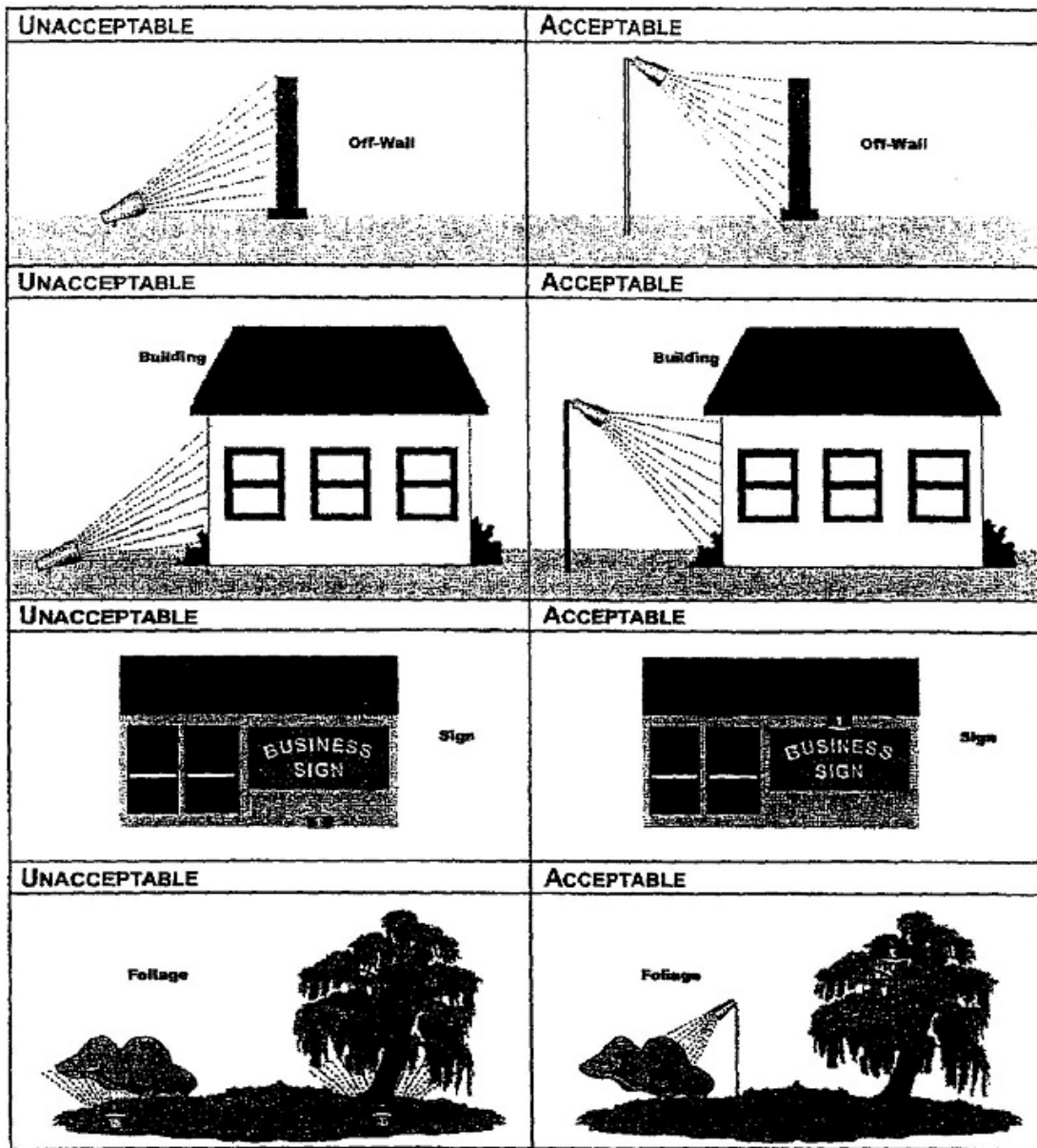
(Ord. 65, passed 9-17-2003)



<p><b>UNACCEPTABLE</b></p> <p><b>Wrap-Around Lenses</b></p>  <p><b>Front</b></p> <p><b>Side</b></p>	<p><b>ACCEPTABLE</b></p>  <p><b>Front</b></p> <p><b>Side</b></p>
<p><b>UNACCEPTABLE</b></p> <p><b>Open Fixtures</b></p>  <p><b>Front</b></p>	<p><b>ACCEPTABLE</b></p>  <p><b>Front</b></p> <p><b>Side</b></p>
<p><b>UNACCEPTABLE</b></p> <p><b>Exposed Bulb</b></p>  <p><b>Front</b></p>	<p><b>ACCEPTABLE</b></p> <p><b>Closed Top</b></p>  <p><b>Front</b></p>
<p><b>UNACCEPTABLE</b></p> <p><b>Open Top</b></p>  <p><b>Front</b></p>	<p><b>ACCEPTABLE</b></p> <p><b>Partial Overlap</b></p>  <p><b>Front</b></p>
<p><b>Acceptable Shielding, Hooding, and Aiming of Outdoor Wall-Mounted Light Fixtures</b></p>	

(Ord. 65, passed 9-17-2003)

**APPENDIX B: TOP MOUNTED OUTDOOR LIGHTING**



(Ord. 65, passed 9-17-2003)