

## § 92.22 LIGHTING NUISANCE.

(A) Any outdoor light used for the illumination of parking areas, loading areas, recreation areas, or for any other private or public purpose shall be arranged in such manner as to meet the following conditions:

(1) Lights shall be fully shielded or arranged in a manner so that concentrated rays of light will not shine directly onto other properties;

(2) Neither the direct nor the reflected light from any light source may create a traffic hazard to operators of motor vehicles on public roads, and no colored lights may be used in such a way as to be confused or construed as traffic control devices; and

(3) Lights shall be either on or off in their normal mode of operation, and shall not, in their normal mode of operation, be blinking, flashing, fluttering or otherwise characterized by a pattern of changing light intensity, brightness or color, unless such light is less than 8 feet above ground level.

(B) *Exceptions.* The following types of lighting shall be exempt from the provisions of this chapter:

(1) *Emergency lighting.* All necessary and reasonable lighting emitted for the purpose of alerting persons to the existence of an emergency or light emitted in the performance of emergency work;

(2) *Warning device light.* All necessary and reasonable light associated with the use of warning devices necessary for the protection of public safety, including but not limited to fire, law enforcement and ambulance warning lights and the testing of such devices;

(3) *Public works lighting.* All necessary and reasonable light arising from the authorized performance of building, repairing or maintaining highways, roads and irrigation canals and other such duly authorized public works activities;

(4) *Holiday displays.* Temporary holiday lights or lighting displays;

(5) *Required lighting.* Lights required by local, state or federal regulations, including the New Mexico Night Sky Protection Act, NMSA §§ 74-12-1 *et seq.*; and

(G) *Recreation lighting.* Lights required for the operation of public recreational activities authorized by the county.

(Ord. 2005-7, passed 12-16-2005) Penalty, see § 92.99