

DRAFT (11-19-21)
TOWN OF CASTLE VALLEY
DARK SKY ORDINANCE 2021-?
AN ORDINANCE ESTABLISHING LIMITS ON OUTDOOR LIGHTING
IN THE TOWN OF CASTLE VALLEY
This Ordinance 2021-1 dated XXXXX supersedes any earlier Lighting Ordinance 1991-1

PREAMBLE:

WHEREAS, the governing body of the Town of Castle Valley is authorized by Utah Code 10-9a-102.2(g), (2019), to enact by Ordinance land use controls for the use and effect of lighting that the Town considers necessary or appropriate for the Town of Castle Valley;

WHEREAS, the governing body of the Town of Castle Valley wants to encourage outdoor lighting practices that will minimize light pollution, glare, light trespass, and skyglow in order to preserve the natural darkness of the night sky, prevent adverse effects on flora and fauna, and avoid lighting nuisances on properties;

WHEREAS, the 2020 General Plan of the Town of Castle Valley reflects strong support from property owners for achieving designation as an International Dark Sky Community from the International Dark Sky Association;

WHEREAS, Ordinance 1991-1 of the Town of Castle Valley, the Town's original ordinance establishing limits on outdoor lighting in the Town, previously ordained that all outdoor lighting including insect control devices shall be equipped with fully shielded fixtures that concentrate illumination upon the building and grounds of the owner and prevent bright or direct illumination from being directly visible from other properties in the Town or from any public rights of way therein and that indoor lighting shall not be constructed or used to circumvent the restrictions on outdoor lighting ;

WHEREAS, the governing body of the Town of Castle Valley is authorized by Utah Code 10-8-60, (1990) to declare what shall be a nuisance, abate the same, and impose fines upon persons who may create, continue or suffer nuisances to exist;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE VALLEY AS FOLLOWS:

SECTION I: GENERAL PROVISIONS

A. Interpretation: In interpreting and applying this land use ordinance, the provisions hereof shall be construed to be consistent with the reasonable minimum requirements needed to protect and promote the public health, safety, order, prosperity and general welfare of the present and future inhabitants of this town. It is not intended by the adoption of this land use ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing easement, covenant or other agreement between parties. Provided, however, that where this land use ordinance imposes a greater land use restriction than is required by any other regulation or other provision of law or by any public easement the provisions of this land use ordinance shall prevail.

B. Severability: This land use ordinance and the various parts, sections and clauses are hereby declared to be severable. If any part, section, paragraph, sentence, clause or phrase is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this land use ordinance shall not be affected thereby.

SECTION II: DEFINITIONS

ABANDONMENT: Failure to occupy, maintain, prevent dilapidation or suspension of construction for a period of one year or more,

AGRICULTURE: The work of producing crops and raising of livestock.

ARCHITECTURAL LIGHTING: Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

BULB: A generic term for a source of light often called a “lamp” or “tube”. Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays

CORRELATED COLOR TEMPERATURE (CCT): A measure in degrees Kelvin (°K) of light’s warmth or coolness. Lamps with a CCT of less than 3,200 °K are pinkish and considered warm. Lamps with a CCT greater than 4,000 °K are bluish–white and considered cool.

DIRECT ILLUMINATION: Direct line of sight of a bulb when viewed off property.

DROP LENS: Any glass or diffuser surrounding the bottom or any part of a fixture that allows light to be emitted from the top or sides of the fixture.

FIXTURE: The complete lighting unit consisting of a bulb, or bulbs and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

FLOODLIGHT: A fixture and/or bulb designed to “flood” a well defined area with light.

FULLY SHIELDED FIXTURE: A fixture constructed and installed so that no direct illumination occurs below the horizontal plane of the light fixture.

KELVIN: A scale of temperature used to measure the color temperature of light. Each kelvin represents the equivalent of one degree Celsius.

LANDSCAPE LIGHTING: Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

LED: Light emitting diode.

LIGHT TRESPASS: Light that falls beyond the property boundary it is intended to illuminate.

LIVESTOCK: Animals such as cattle, sheep, swine, horses, mules, buffalo, llamas, goats, geese, emus, ostriches, swans, peafowl, turkeys, chickens, ducks and other fowl. This definition does not include domestic pets such as dogs or cats.

LOT: A legally platted parcel of land of five (5) acres or more including easements.

LOW VOLTAGE: Landscape lighting powered at less than 15 volts and limited to fixtures having a rated initial fixture lumen output of 525 lumens or less.

LUMEN: The unit of measure used to quantify the brightness of light produced by a bulb or emitted from a fixture (as distinct from “watt,” a measure of power consumption).

NONCONFORMING USE: A use of land that legally existed before its current land use designation, but because of one or more subsequent changes to Town Land Use Regulations, does not conform to the regulations that now govern the use of the land. A nonconforming use must have been maintained continuously since the time Town Land Use Regulations were enacted or changed to make the land use nonconforming and not abandoned for a period of one year or more.

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.

PATHWAY (WALKWAY) LIGHT: low voltage or solar lights provided the lights are installed along a pathway or walkway, no more than eighteen inches (18") above the adjacent ground level, and have caps that direct the light downward.

PUBLIC BUILDING: Any structure built on a lot owned by a government entity or a Town-approved structure on a lot that serves a public need or service.

SETBACK: The shortest distance between the outside surface of the foundation, wall or main frame of a building, septic system or well, to the legally platted street easement line, side property line or back property line.

SKYGLOW: The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

SPOTLIGHT: A fixture and/or bulb designed to light only a small, well-defined area.

TOWN BUILDING: Any structure built on a Town lot.

WATER FEATURE LIGHTING: Lighting used to emphasize or draw attention to any pool, waterfall, or water-linked installation.

WATTAGE: A measure of the amount of power used by a device.

SECTION III. SCOPE AND APPLICABILITY:

A. Description: The Town of Castle Valley's Rural Agricultural Residential Zone (RAR-1) with single-family low-density housing and lack of commercial or business zone can be described as a low ambient lighting zone where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Low to medium levels of lighting are appropriate. Lighting may be used for safety and convenience but should not be necessarily uniform or continuous.

B. Compliance: All exterior outdoor lighting installed after the effective date hereof in the Town shall conform to the requirements established by this Ordinance. These requirements do not apply to indoor lighting. However, light trespass from interior lighting that negatively impacts adjacent properties or the overhead skyglow of the night sky is also prohibited.

C. Nonconforming Uses: All existing outdoor lighting that does not meet the requirements of this Ordinance shall be considered a nonconforming use. Where appropriate, the town may also provide assistance and expertise to homeowners in bringing their exterior lighting fixtures into compliance.

The continuation of the right to a nonconforming use will be terminated:

1. Upon replacement of outdoor light fixtures or bulbs.
2. Abandonment of the residence or building for one year.
3. Repair to correct damage that would cost more than 50% of new light fixture.
4. Replacement of more than 50% of the nonconforming lights.
5. Upon determination of a nuisance violation per the Town Complaint Resolution Process (See Ordinance 2021-2).
6. Upon change of ownership.

D. Modifications: Compliance through the Building Permit/Zoning Process: The Town shall require exterior lighting fixtures to be brought into compliance, through the building permit process, if substantial modifications are made to the exterior of the building or if the footprint of the structure is enlarged or changed.

E. Any commercial entity currently operating within the Town or any future commercial entity approved by the Town shall comply with the conditions in this Ordinance.

F. Any Town building or Town construction shall comply with the conditions in this Ordinance except where specifically stated or exempted (See Section IX.B.1).

G. Any public building or public construction shall comply with the conditions in this Ordinance except where specifically stated or exempted (See Section IX.B.1).

H. New installations of outdoor lighting on public properties and in public rights of way shall be permitted only when, in the opinion of the Town Council, a specific public safety hazard exists that can only be mitigated by the use of outdoor lighting.

SECTION IV: STANDARDS AND CONDITIONS

A. Unless specifically exempted by this Ordinance, all outdoor lighting shall use fully shielded fixtures that are designed and constructed so that no light is emitted from the top or sides of the fixture. Lighting must be placed at a location, angle or height to prevent direct illumination outside the property boundaries where the light fixtures are located. Bulbs shall not be directly visible off property.

1. In order to qualify as a fully shielded fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded. No drop lenses are allowed. Merely placing a light fixture under an eave, canopy, patio cover or other similar cover does not qualify as fully shielded if it does not prevent direct illumination off the property or skyglow above.

2. In certain cases (such as, but not limited to, properties on or near ridgelines or hillsides or second story lighting), additional shielding may be required to mitigate glare or light trespass on downslope properties. The need for additional shielding will be considered as part of the review process performed by the Building Permit Agent prior to approval of any business or residence.

B. Minimum Necessary: Outdoor lighting shall be the minimum necessary to provide for safety and functionality. The lowest lumen light source necessary for a lighting application shall be used.

C. All outdoor lighting shall be turned off when not in use and shall not be left on overnight.

D. All town or public outdoor lighting shall be turned off by 10:00 P.M. or thirty (30) minutes after end of an approved activity, whichever is later.

E. Maximum Lighting Allowed: The total amount of outdoor lighting shall not exceed 5000 lumens per lot. Lots joined for tax purposes shall be counted as one lot.

F. Maximum lumens are limited to

1. Max lumens per fully shielded bulb -1000 lumens.

2. Max lumens per fully shielded directional floodlight or spotlight bulb -1260.

G. Maximum Color Temperature of All Lighting Fixtures: The correlated color temperature (CCT) of any outdoor lighting fixture shall not exceed three thousand kelvin (2700 K).

H. Allowable Applications: Outdoor lighting shall only be allowed in the following applications:

1. To illuminate the entrances to buildings (including garage and barn entrances).

2. To illuminate pathways and walkways.

3. To illuminate residential parking areas.

a. The overall height of any light post plus fixture used for illumination in residential parking areas shall not exceed six feet (6').

b. The location of any light post must conform to standard zoning setbacks as defined in Ordinance 85-3:5.2.A and B.

4. To illuminate outdoor areas, such as patios, pool and hot tub areas, outdoor dining areas, barn yards and recreation areas provided they are turned off when not in use and not left on overnight. The output from low-lumen, low-voltage string lights shall not exceed two (2) percent of the total outdoor light output allowed for the property and shall be included in the maximum lumens calculation provided they are turned off when not in use and not left on overnight.

5. For motion sensor lighting, provided all the following conditions shall be met:

a. The lighting is activated by motion sensors and shuts off within ten (10) minutes after each disturbance.

b. The motion sensor shall be set to an appropriate sensitivity to prevent unnecessary triggering.

- c. The motion sensor light has a manual shut off switch and is turned off within ten (10) minutes of when activity is completed.
- d. The lighting is placed and directed at a forty-five degree (45°) angle or less (where the zero angle is pointing straight down) such that no bulb can be seen by direct line of sight outside the property boundaries, and no direct illumination falls outside the property boundaries where the security lighting is placed.

6. Insect control devices that use visible light shall also comply with the outdoor lighting restrictions set forth herein.

I. Outdoor and indoor lights, including lights controlled by motion sensor detectors, shall be turned off when occupant is not currently or actively residing in Castle Valley.

J. Indoor lighting shall not be constructed or used in such a fashion that creates direct illumination that falls outside the property boundaries.

SECTION V. SPECIALIZED OUTDOOR LIGHTING:

- A. Public Parking Lots: The overall height of any light post plus fixture used to illuminate parking lots shall not exceed fifteen feet (15'). All post mounted parking lot lights must conform to standard zoning setbacks for structures as defined in Ordinance 85-3:5.2.A and B. Public parking lot lighting shall adhere to all other Standards and Conditions in Section IV.
- B. Recreational areas on Town Lot: The overall height of any light post plus fixture used to illuminate recreation areas shall not exceed fifteen feet (15'). All post mounted lights must conform to standard zoning setbacks as defined in Ordinance 85-3:5.2.A and B. Recreational area lighting shall adhere to all other Standards and Conditions in Section IV.
- C. Lighting for flags: Flag lights shall be fully shielded and low voltage. They shall be pole mounted and pointed downward lighting the flag from above.
- D. When lighting is required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (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.

SECTION VI. EXEMPTIONS:

- A. Holiday lighting from November 15 to January 15 when residence is currently or actively occupied as long as it does not create a hazard or nuisance to surrounding residences.
- B. Temporary use authorized by law enforcement or government agency of traffic control signals and devices.
- C. Temporary emergency lighting in use by law enforcement or government agencies, or at their direction.
- D. Lighting that is only used under emergency conditions.
- E. Light bulbs under 100 lumens used to illuminate pathways in residential areas are exempted from the maximum lumen cap per lot, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level and are fully shielded.
- F. Temporary use of lighting for agricultural buildings currently housing livestock shall be exempt from the maximum limit of 5000 lumens per lot (See Section IV.D) provided that the lights shall:
 - 1. Be fully shielded.
 - 2. Not be motion activated.
 - 3. Conform to maximum lumen limits for outdoor bulbs as described in Section IV.E and IV.F.
 - 4. Be used only when actively caring for livestock.
 - 5. Have a manual turn off switch and not be left on overnight.

SECTION VII. PROHIBITED LIGHTING:

- A. Architectural, landscape, and water feature lighting.

- B. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.
- C. Searchlights, laser source lights or any similar high intensity light.
- D. Light trespass from interior lighting that negatively impacts adjacent properties or the overhead skyglow of the night sky is prohibited.
- E. Illuminated signs. (See 85-3:4.8.3(10)).
- F. Underwater lighting in swimming pools that do not have full turn-off features.
- G. Lighting within public right-of-way or easement for the principal purpose of illuminating streets, roads, or intersections, except as allowed by temporary exemptions in other provisions of this Ordinance (See Sections VI.B.C.D).
- H. All monopole, antenna, tower or support facility lighting not required by the FAA or the FCC.
- I. Lighting that violates the vision and purpose of this ordinance.

SECTION VIII: VIOLATIONS:

- A. The installation, maintenance or operation of any lighting fixture not in compliance with the provisions of this Ordinance if such fixture is installed subsequent to the date when this Ordinance is formally adopted. Owners of existing outdoor lighting shall bring their lighting fixtures into compliance with this Ordinance within two (2) years after its effective date. Exception: See Section III.C.5.
- B. The alteration of outdoor lighting fixtures after a Certificate of Occupancy has been issued without the review and approval of the Building Permit Agent when such alteration does not conform to the provisions of this Ordinance.
- C. Failure to shield, correct or remove lighting that is installed, operated, maintained or altered in violation of this ordinance, brought to the attention of the Town Council by citizen complaint, which is not corrected within 60 days after demand by the Town of Castle Valley is made to the owner, shall be a Class B misdemeanor. Property owners may request a hearing before the governing body of the Town of Castle Valley to show why their lighting does not constitute a nuisance.
- D. Persons violating this ordinance shall be prosecuted in the Grand County Justice Court, the Seventh Circuit Court, or any other court of competent jurisdiction until and unless a justice court for the Town of Castle Valley is established.

SECTION IX: APPLICATION AND REVIEW PROCEDURE:

- A. Conformance with All Applicable Codes: All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.
 - 1. The lighting plan for all new development shall be submitted for approval concurrent with the associated building permit application process.
 - 2. The Certificate of Occupancy review may include a nighttime inspection at the discretion of the Castle Valley Building Permit Agent. Outdoor lighting must be in compliance with this ordinance before a Certificate of Occupancy will be approved.
- B. Building Permit Application Requirements
 - 1. Town and public building permit applications shall include the following:
 - a. In addition to electrical plans required by applicable Electrical and Energy Codes and applicable sections of the Building Code, elevation plans indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of lamps, supports, and shielding.
 - b. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. The applicant must provide sufficient information regarding the light fixture location, lumens, and shielding mechanisms to be able to determine compliance with this ordinance.

- c. A table showing the amount of pre-existing and proposed exterior lights, by fixture type, lumens and lamp type, shielding, location, and total lumens.
- 2. Residential building permit applications for dwellings, accessory buildings or other structures shall include the following:
 - a. In addition to electrical plans required by applicable Electrical and Energy Codes and applicable sections of the Building Code, elevation plans indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of lamps, supports, and shielding. The applicant must provide sufficient information regarding the light fixture location, lumens, and shielding mechanisms to be able to determine compliance with this ordinance.
 - b. A table showing pre-existing and proposed exterior lights, by fixture type, lumens and lamp type, shielding, location, and total lumens.

EFFECTIVE DATE

This amended ordinance shall take effect on the XXXXXX, 2021, or upon its publication in the Times Independent, whichever occurs later.

PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Castle Valley in open session on the day of, 2021.

Those voting AYE:

Those voting NAY:

ABSENT:

TOWN OF CASTLE VALLEY:

Jazmine Duncan, Mayor

ATTEST:

Jocelyn Buck, Town Clerk

Official Seal of the Town of Castle Valley: