

Village of Jemez Springs, NM

2020 Dark Skies Ordinance

Chapter 51

LIGHTING, OUTDOOR

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GENERAL REFERENCES

Zoning — See Ch. 130.

§ 51-1. Title.

This chapter shall be known as the "2020 Dark Skies Ordinance" for the Village of Jemez Springs, New Mexico.

§ 51-2. Declaration of necessity.

A. Whereas, the regulation of the use of outdoor light luminaires can substantially reduce light pollution and conserve energy; and

B. Whereas, it is pleasing to the senses and intellect of humankind to be able to gaze at the night sky with a minimum of interference from light pollution; and

C. Whereas, the residents of Jemez Springs and the visitors to Jemez Springs enjoy gazing into the night sky; and

D. Whereas, Jemez Springs is designated as a rural area and the Village governing

body recognizes the importance of the preservation of the distinct character and value of this region and, further, that the unique rural attributes and environmental conditions warrant development standards that differ from those applied in urban areas.

E. Now, therefore, the Governing Body for the Village of Jemez Springs, hereby finds and declares that the Jemez Springs night sky is an important aspect of our environment and that it is necessary, essential and a public purpose for the Village of Jemez Springs to regulate the use of outdoor luminaires in the Village to minimize light pollution which has a detrimental effect on the environment, amateur astronomy, and enjoyment of the night sky and causes unnecessary illumination of adjacent properties; and in order to conserve electrical energy and promote safety.

§ 51-3. Area included.

Jemez Springs, for the purpose of this chapter, shall consist of the incorporated Jemez Springs Village limits.

§ 51-4. Purpose and intent.

The purpose and intent of this chapter is to create standards for outdoor lighting so that its use does not unreasonably interfere with the reasonable use, enjoyment and astronomical observations of adjacent property within the jurisdiction, by restricting nighttime emission of light rays which are the source of light trespass and/or unnecessary glare, and/or are detrimental to the safety and/or security of persons, property or vehicular traffic, and/or are detrimental to the traditional aesthetic values of the Village of Jemez Springs, and/or unnecessarily restrict persons from the peaceful enjoyment of their property, and/or are detrimental to astronomical observations. It is the intent of this chapter to encourage, through regulation of the types, kinds, construction, installation and uses of outdoor electrically powered illuminating devices, lighting practices and systems which will conserve energy while maintaining nighttime safety, utility, security, and productivity.

§ 51-5. Interpretation and conflict.

The regulations, restrictions and requirements of this chapter shall be held to be the minimum standards to carry out the purpose of this chapter. Compliance with other

applicable provisions of building, electrical and other codes must be observed. In the event of a conflict between the requirements of this chapter and other code requirements, the more stringent requirement shall apply.

§ 51-6. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FOOTCANDLE - The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

INSTALLED - The attachment or assembly fixed in place, whether or not connected to a power source, of any outdoor luminaire.

LAMP - A generic term for a source of optical radiation (i.e. "light"), often called a "bulb" 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.

LIGHT POLLUTION - Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or illumination of adjacent properties.

LIGHT TRESPASS - Light spill over to an adjacent property, or emitting light into the night sky.

LUMEN - The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt," a measure of power consumption).

LUMINAIRE - The complete lighting unit (fixture), consisting of a lamp, or lamps 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.

LUX - The SI unit of illuminance. One lux is one lumen per square meter. 1 Lux is a unit of incident illuminance approximately equal to 1/10 footcandle.

PROPERTY LINE - The edges of the legally-defined extent of privately owned property.

SIGN - Advertising, directional or other outdoor promotional display of art, words and/or pictures.

NONCONFORMING - Outdoor luminaires which do not conform to this chapter and

which lawfully existed on the effective date of those regulations with which it does not conform.

OUTDOOR LUMINAIRE - An outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting.

PERSON - Individual, tenant, lessee, owner, or any other commercial entity, including but not limited to firm, business, partnership, joint venture, corporation or public utility.

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

§ 51-7. Applicability.

The provisions of this chapter shall also apply to outdoor advertising signs illuminated from within. After the effective date of this chapter, newly installed or replaced outdoor advertising signs constructed of translucent material and illuminated wholly from within shall be of the type having dark background with light colored characters. Signs illuminated wholly from within will not require shielding, however, such signs having bright and/or light colored background with dark or colored characters shall not be installed after the effective date of this chapter. To minimize detrimental effects, the total Lumens per property for signage illuminated wholly from within shall be limited to less than 2000 Lumens.

The provisions of this chapter shall apply to all new and existing outdoor lighting in the Village of Jemez Springs. All new outdoor lighting installed after the effective date of this chapter shall comply with this chapter immediately. All existing outdoor lighting in the Village of Jemez Springs shall comply with this chapter as set forth in § 51-11.

Due to the obtrusive nature of indoor lighting of greenhouse and transparent/translucent agricultural-type structures on the outdoor environment, indoor lighting used for greenhouses and transparent/translucent agricultural buildings, existing before and built after the effective date of this chapter, shall comply with § 51-8B of this chapter.

§ 51-8. Shielding.

A. General requirements. Except as otherwise provided in § 51-7A above, all outdoor luminaires, whether for private or public use, shall be shielded in such a manner that light rays emitted by the luminaire whether directly or indirectly, are restricted to regions below an angle of 25° beneath the horizontal plane running through the lowest point of the luminaire where light is emitted. No significant intensity of light shall be emitted from the luminaire horizontally, nor above the horizon, nor above the region defined above.

B. Greenhouses and transparent/translucent type agricultural buildings. Lighting used for greenhouses and/or transparent/translucent agriculturally used buildings illuminated from within for the purposes of growing plants, animals or fish, whether for residential, agricultural or commercial use, shall be turned off between the hours of 11:00 p.m. (local time) and sunrise, or such structures shall be equipped with and provide shielding in the form of shades or covers that completely contain all lighting inside the structure after 11:00 p.m., so that no light emissions are visible from the outside of the building.

§ 51-9. Light pollution; general requirements.

A. After the effective date of this chapter, only shielded, outdoor luminaires producing a temperature of 3500Kelvin (K) and are "Dark Sky Amber" in color may be newly installed for any purpose except those that are specifically enumerated as general exceptions to this chapter. In addition to the requirements of § 51-8, additional shielding to eliminate light trespass onto adjoining properties shall be installed.

B. All outdoor luminaires maintained on public or private property, whether installed before or after the effective date of this chapter, shall be turned off between 11:00 p.m. (local time) and sunrise except when used for:

(1) Commercial uses (such as sales, assembly and repair areas) where business is conducted after 11:00 p.m., but only while the business is open to the public;

(2) Illuminated advertising signs on the premises of a business while it is open to the public; (3) Lighting necessary for security purposes or to illuminate walkways or

roadways; or

(4) Recreational use that continues after 11:00 p.m., but only for so long as such use continues.

§ 51-10. Other requirements.

A. No outdoor lighting may be aimed in an upward direction. All outdoor lighting must be top mounted and shall be aimed so that no light is illuminated above the horizontal plane, all light must be reflected down towards the ground. Special consideration shall be used on properties in the Steep Slope areas as deemed necessary by the Village Planning and Zoning Commission.

B. Light trespass and spillover. In addition to the general provisions of this chapter, off-street lighting shall be shielded and/or directed in such a manner that it illuminates only the user's premises and does not spill over onto neighboring properties. The Maximum Vertical Illuminance at any point in the plane of the property line shall be 3 Lux. (0.3 Foot Candles)

C. No luminaire may be operated in such a manner as to constitute a hazard or danger to persons, or to safe vehicular operation.

D. All parking lot lighting shall have no light emitted above 90 degrees. For residential properties there will be a limit of 1,260 Lumens for each Luminaire and the total Lumens for the property shall be no more than 2.5 lumens per square foot.

E. Signs. Luminaires for advertising or other signs shall be such that the illumination is confined to the area of the sign; no significant direct spillover is permitted. Under no conditions may signage be illuminated from below. Any such Luminaire shall be placed above its respective sign such that the secondary (specular) reflected light from the surface of the sign is directed down toward the ground.

F. Outdoor recreational facilities. Outdoor recreational facilities designed for specifically scheduled sporting events are exempt from the specific shielding requirements of § 51-8. In its place, lighting for outdoor recreational facilities shall be designed, installed and operated so as to confine at least 90% of the illumination to the recreational area. Recreation facility luminaires shall be elevated poles or structures so that illumination is directed downward. No significant illumination may extend above a horizontal plane from the luminaire. Illumination from recreational luminaires shall be

shielded to minimize glare extending toward roadways or other place where impairment of motorists' vision might cause hazard. All such recreational facilities shall have either:

(1) Automatic shutoff timer devices; or

(2) A designated official with the responsibility for extinguishing the illumination at the close of the recreational activity. The name and contact information for this designated official shall be provided to the Village P & Z Commission before the start of the event or activity.

§ 51-11. Nonconforming luminaires.

Outdoor luminaires preexisting and legally installed and operative before the effective date of this chapter are exempt from the requirements of this chapter, until such time as the preexisting nonconforming luminaire is replaced or relocated, or modified in any way (except for direct replacement of defective parts) at any time after the effective date of this chapter, in which case, at the time of the replacement or relocation of the luminaire, the luminaire shall thenceforth meet the requirements of this chapter. This also applies to luminaries that have been abandoned for more than 60 days and brought back into service as well as any change in ownership of the property on which the nonconforming luminaire is located. However, all nonconforming luminaires must be brought into compliance within two (2) years of the passage of this chapter.

§ 51-12. Special exemptions.

A. Decorator lamps smaller than 10 watt rating and 70 Lumens, or strings of such lamps, used for holiday decoration are exempt from the requirements of this chapter.

B. Request for temporary exemption, by application, from the provisions of this chapter may be submitted to the Village P & Z Commission with a description of the reasons for the request and the nature of the request.

C. Motion detector security lights, which are normally off and than four minutes occasionally when motion is detected, are exempt from § 51-9B.

D. Flags, statues, top-of-pole mounted objects. In the case of flags, statues or other top-of-pole mounted objects which cannot be illuminated with down lighting in accordance with § 51-10A, upward lighting may be used only in the form of one

narrow-cone spotlight with bronze or soft white lighting which confines the illumination to the object of interest.

E. Navigational lighting systems at airports and other lighting necessary for aircraft safety are exempt from this chapter.'

F. Outdoor temporary luminaires that are necessary for worker safety (i.e. construction sites, special events, utility repairs) are exempt from this chapter.

§ 51-13. Other prohibitions.

A. The installation, lease or purchase of any fixture for use in the Village of Jemez Springs not in conformance with this chapter is prohibited after the effective date of this chapter.

B. The installation, lease or purchase of any mercury vapor lamp or mercury vapor fixture for outdoor use in the Village of Jemez Springs is prohibited after the effective date of this chapter.

C. Use of laser source lights, or any similar high-intensity light for outdoor advertising or entertainment is prohibited after the effective date of this chapter.

D. Use of searchlights for advertising purposes is prohibited after the effective date of this chapter.

E. Electrical illumination of outdoor advertising signs not on the premises of the business is prohibited after the effective date of this chapter.

F. Neon signs larger than an area totaling four square feet are prohibited after the effective date of this chapter.

G. The use of flashing, rotating or pulsating lights in or on any outdoor sign or other lighting device is prohibited. This provision shall not apply to national, state or locally approved flashing, rotating or pulsating lights intended to warn of hazards or danger.

§ 51-14. Effective date.

The effective date of this chapter shall be five days after adoption of this chapter by the Jemez Springs Village governing body.

§ 51-15. Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall be deemed

guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$300 or imprisonment in the county jail for a period not exceeding 90 days, or both fine and imprisonment. Any violation continued for a period of 15 days after conviction shall be prosecuted and treated as a separate offense.