

ORDINANCE NO.

AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING THE WEST HAVEN ZONING CODE, BY AMENDING AND READOPTING CHAPTER 42, ADDING SECTION 42.39 - OUTDOOR LIGHTING; MAKING NECESSARY LANGUAGE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1 - Recitals:

WHEREAS, West Haven City ("City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted Chapter 42 Supplementary And Qualifying Regulations for the City and has caused them to be promulgated via the city's website as the West Haven City Zoning Code, Chapter 42 thereof; and,

WHEREAS, the City Council finds that it is in the public interest to amend Chapter 42 Supplementary And Qualifying Regulations by adding Section 42.39 - Outdoor Lighting requirements and limitations for the City; and,

WHEREAS, the City Council finds that it is in the public interest to promulgate these revised Chapter 42 Supplementary And Qualifying Regulations via Section 42.39 and that the adoption of this Ordinance, and the subsequent amendment to the online version of the West Haven Zoning Code, will serve those ends; and,

WHEREAS, the City Council finds that the requirements herein should be effective upon passage of this Ordinance; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH that

CHAPTER 42 Of the West Haven City Zoning Code, Shall Henceforth Read As Set Out Below, As Amended By The Adoption Of Section 42.39 - Outdoor Lighting, Re-Adopted As Shown And Re-Enacted As The Chapter 42 Supplementary And Qualifying Regulations Code Of West Haven City; And The Same Shall Amend The City's Online Zoning Code.

Chapter 42, with Section 42.39 of the city zoning code added, for the designated sections, is amended to read as follows:

42.39 Outdoor Lighting

Section 42.39.010 Purpose and Intent

Section 42.39.020 Definition

Section 42.39.030 General Requirements

Section 42.39.040 Commercial and Multi-Residential Lighting

Section 42.39.050 Residential Lighting (new construction)

Section 42.39.060 Existing Lighting (Commercial and Residential)

Section 42.39.070 Special Standards

Section 42.39.080 Enforcement and Penalties

Section 42.39.090 Examples of Light Shielding

Section 42.39.100 Examples of Light Trespassing

Section 42.39.110 Lumen Conversion Chart

Section 42.39.010 Purpose and Intent

The purpose of this Ordinance is to provide regulations for outdoor lighting that will:

1. Permit the use of outdoor lighting for night-time safety, utility, security, productivity, enjoyment, and commerce.
2. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
3. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
4. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
5. Conserve energy and resources to the greatest extent possible.

Section 42.39.020 Definition

Commercial: Any property zoned commercial or manufacturing by the City.

Emergency conditions: Generally, lighting only energized during an emergency; lighting fed from a backup power source; or lighting for illuminating the path of egress solely during a fire or other emergency; or, lighting for security purposes used solely during an alarm.

Fully Shielded: A fixture constructed and installed in such a manner that all light emitted by the fixture, either directly or indirectly by reflection or refraction from any part of the lighting, is projected below the horizontal plane through the fixture's lowest light-emitting part.

Glare: Lighting entering the eye directly from fixtures or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Greenbelt: an area of open land around a city, on which building is restricted.

Holiday or festive lighting: Temporary or Permanent lighting installed and operated in connection with holidays or traditions. (ie; LED lighting systems, LED, miniature, C7 or C-9 bulbs). Flood lights for the purpose of illuminating a display that do not trespass on adjoining properties.

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, and light-emitting diode (LED) modules and arrays.

Landscape Lighting: Lighting of trees, shrubs, or other plant material and ponds and other landscape features.

Light Pollution: Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky glow, compromised safety and security, and impacts on the nocturnal environment.

Light Trespass: Light that falls upon any adjacent property(s).

Lighting: “Electric” or “man-made” or “artificial” lighting.

Lumen: The unit of measure used to quantify light produced by a lamp (bulb) or emitted from a lighting (as distinct from “watt,” a measure of power consumption).

Mounting Height: The height of the photometric center of a lighting above grade level.

Non-Conforming Lighting: Lighting legally installed before the date of enactment of this ordinance but not conforming to the provisions of this ordinance.

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.

Partly Shielded: A fixture with opaque top and translucent or perforated sides, designed to emit most light downward.

Shielded Directional Fixture: A fixture that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.

Sign: Advertising, directional or other outdoor promotional display of art, words and/or pictures.

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

Temporary Lighting: Lighting installed and operated for periods not to exceed 60 days, completely removed, and not operated again for at least 30 days.

Translucent: Allowing light to pass through, diffusing it so objects beyond cannot be seen clearly (not transparent or clear).

Unshielded: A fixture capable of emitting light in any direction including downwards or does not include a shield, louver, or baffle to reduce direct view of the lamp.

Section 42.39.030 General Requirements

A. Applicability:

Except as described below, all new outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. The following are not regulated by this ordinance:

1. Lighting within the public right-of-way or easement for the principal purpose of illuminating state or federally controlled highways.
2. Lighting for public monuments, statuary, and flagpoles.
3. Lighting solely for signs.
4. Temporary lighting for theatrical, television, performance areas and construction sites.
5. Low output, light source that is equal to or less than 800 Lumens or 60 watts.
See Lumen conversion chart in section 42.39.110
6. Underwater lighting in swimming pools and other water features.
7. Lighting only used under emergency conditions, ie. Mobile lighting.
8. Lighting specified or identified in a specific use permit.
9. Lighting required by federal, state, county or city ordinances and regulations.
10. Temporary lighting for civic events at any time ~~and seasonal lighting installations.~~
11. Lighting required for the safe takeoff and landing of aircraft.
12. Agricultural Lighting. Lighting for "Greenbelt" agricultural use.
13. Holiday or festive lighting. Holiday or festive outdoor lighting for residential uses, provided it is in compliance with the following:
 - a. That the lighting shall not create a hazard or glare nuisance.
13. Motion sensor controlled light source with or without an integrated camera system. A motion controlled artificial light source, provided it is in compliance with the following:
 - a. The motion sensor is set to turn the artificial light source off five minutes after the last detection of motion;
 - b. Lighting shall not be triggered by any activity outside the property boundary; and
 - c. The artificial light source is sufficiently shielded in a manner that prevents light trespass.

B. Prohibited installations.

1. Outdoor neon lighting.
2. Permanent Searchlights and Aerial Lasers
3. Mercury vapor fixtures or lamps.
4. Outdoor wall pack style fixtures, unless fully shielded.
5. Translucent lens, barn-light style fixtures.
6. Flashing, blinking, intermittent lights that move or give the impression of movement other than seasonal lighting installations.

Section 42.39.040 Commercial and Multi-Residential Lighting

Outdoor lighting for all new construction of non-residential properties, and multiple residential properties of eight (8) dwellings or more with common outdoor areas, including Recreation/Mobile Home Parks, and multi-area camp sites shall comply with this section.

A. Fixture Shielding:

All fixtures shall be fully shielded and installed so that no light is emitted above a horizontal plane passing through the lowest portion of the lamp. Examples which are graphically depicted in section 42.39.090

B. Mounting Height Limit:

The height of pole-mounted fixtures shall be held to a minimum practical height not exceeding twenty (20) feet above grade.

C. Light Trespass Standard:

All light fixtures, including motion sensing fixtures and security lighting, shall be aimed and shielded so the direct illumination shall be confined to the property boundaries of the source, including any public or private street or road. Motion sensing light fixtures shall be adjusted according to the manufacturer's instructions to turn off no more than ~~10~~ 5 minutes after detected motion ceases. Light trespassing standard may be attained by light fixture design, building design, or other site design features such as fencing, walls, landscaping, or other screening. Examples of which are graphically depicted in section 42.39.100

D. Lighting Controls:

1. Outdoor lighting reduction shall be at 11:00 pm or one hour after the close of business, whichever is later. After such time, total outdoor brightness (measured in lumens) shall be reduced by at least 50% or turned off.
2. Lighting reductions are NOT required for the following:
 - a. Outdoor lighting where only one single fixture exists on the entire property.
 - b. Lighting required by Code for steps, stairs, walkways and building entrances.
 - c. Lighting for outdoor recreational facilities is allowed one hour prior to sunset and until 11 PM, unless needed to complete a specific organized activity authorized by the City, or an event already in progress.
 - d. Lighting governed by special use permit in which times of operation are specifically identified.
 - e. Where lighting levels must be maintained for safety reasons or special events authorized by the City.

Section 42.39.050 Residential Lighting (new construction)

Outdoor lighting for all new construction residential properties, and multiple residential properties of seven (7) dwellings or less not having common outdoor areas shall comply with this section.

A. Fixture Shielding:

All fixtures shall be shielded and installed so that no light is emitted as to cause light trespassing onto adjoining properties. Examples which are graphically depicted in section 42.39.090

B. Mounting Height Limit:

The height of pole mounted fixtures shall be held to a minimum practical height not exceeding twenty (20) feet above grade.

C. Light Trespass Standard:

All light emitted or directed by reflecting or refracting optics in a fixture, shall not be directly visible from equal grade on any other property when measured on a horizontal line passing through the lowest point in the fixture. Motion sensing light fixtures shall be adjusted according to the manufacturer's instructions to turn off no more than ~~10~~ 5 minutes after detected motion ceases. Light trespassing standard may be attained by light fixture design, building design, or other site design features such as fencing, walls, landscaping, or other screening. Examples of which are graphically depicted in section 42.39.100

D. Landscape Lighting shall not shine onto adjacent properties and shall be shielded.

E. Lighting Controls:

1. Recreational lighting shall be off by 10:00 pm

Section 42.39.060 Existing Lighting (Commercial and Residential)

Lighting installed prior to the effective date of this ordinance shall comply with:

A. Ten Year Waiver of Compliance for Commercial Outdoor Lighting:

Ten years from the enactment date of this ordinance, all commercial lighting shall comply with this ordinance.

B. Non-Conforming Residential Outdoor Lighting.

1. Outdoor lighting existing on the effective date of this Ordinance that do not meet the requirements as set forth herein shall be brought into compliance or removed as follows:

- a. Within two (2) weeks of a complaint, where redirection of the light fixture is feasible and will bring the light fixture into compliance; or
- b. Within thirty (30) days of a complaint, in all other cases.

2. COMPLIANCE METHODS. Outdoor lighting not meeting the standards shall be brought into compliance in any of the following ways:

- a. Redirection of the light fixture;
- b. shielding of the light fixture;
- c. redesign or relocation of the light fixture;
- d. replacement of the light fixture with a conforming light fixture; or
- e. removal of the light fixture.

3. When a lighting fixture is expanded or replaced it shall be brought into conformance with this ordinance.

C. New Uses or Structures:

Whenever there is a new use of a property (zoning or variance change) or the use on the property has changed, all outdoor lighting on the property shall be brought into compliance with this ordinance.

Section 42.39.070 Special Standards

A. Recreational Lighting:

1. The Planning Commission shall review new recreational lighting plans for fields, courts, pools, tracks, or ranges. Lighting for recreational play in residential zones shall conform to those standards referred to in the International Residential Code.

F. High Intensity and Special Purpose Lighting:

The following lighting systems are prohibited from being installed or used except by a temporary special permit authorized by the City:

1. Temporary lighting in which any single light fixture exceeds 20,000 initial lumens or the total lighting load exceeds 160,000 lumens.
2. Aerial Lasers.
3. Searchlights.
4. Other very intense lighting defined as having a light source exceeding 200,000 initial lumens or an intensity in any direction of more than 2,000,000 candelas.

G. Non-Conforming or Complex Uses

Upon special permit issued by the City, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:

1. Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.
2. Construction lighting.
3. Lighting for industrial sites having special requirements.
4. Parking structures.

5. Urban parks
6. Ornamental and architectural lighting of bridges, public monuments, statuary, and public buildings.
7. Theme and amusement parks.

H. Special Permit Process

To obtain a special permit, applicants shall demonstrate that the proposed lighting installation:

1. Mitigates the effects of light on the environment and surrounding properties to comply with the purpose of this ordinance and supported by a signed statement describing the mitigation measures.
2. Uses controls to reduce lighting at a project specific time as defined in the Permit.

The City shall review each application. A special permit may be granted if, upon review, the City believes the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

Section 42.39.080 Enforcement and Penalties

A. Public Nuisance

Any violation of this ordinance that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is declared to be a public nuisance and is prohibited by this ordinance. The provisions of this lighting ordinance shall be regulated and enforced under Section 8.06 of the West Haven City Code, Nuisance Ordinance.

Section 2 – Repealer of Conflicting Enactments:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 3 - Prior Ordinances and Resolutions:

The body and substance of all prior Ordinances and Resolutions, with their provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

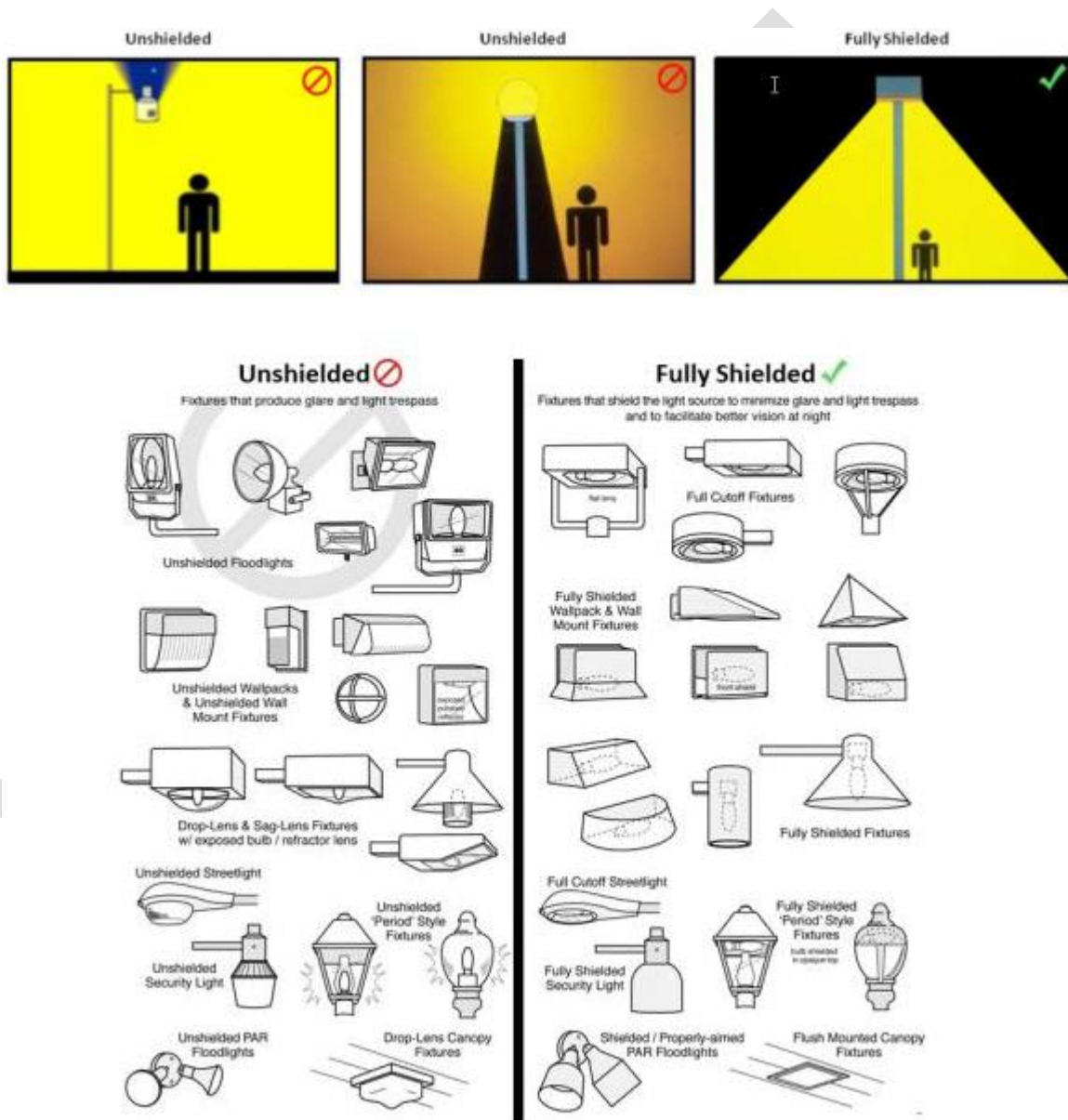
Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall be invalid, inoperative or unenforceable for any reason, such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed to be the separate independent and severable act of the City Council of West Haven City.

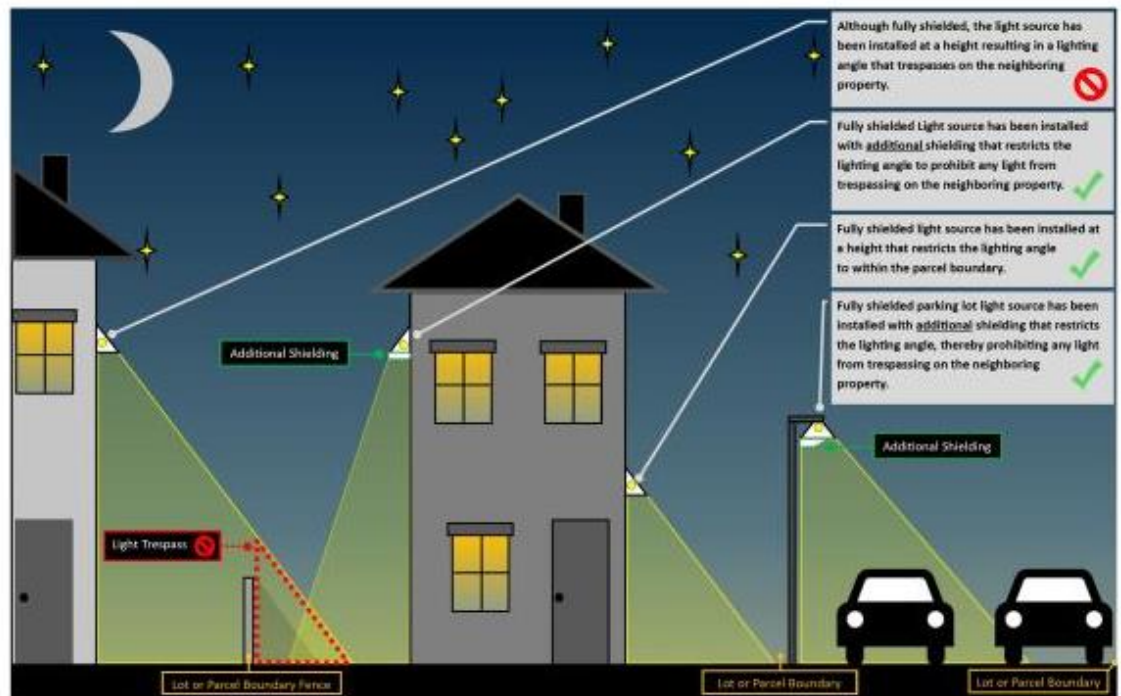
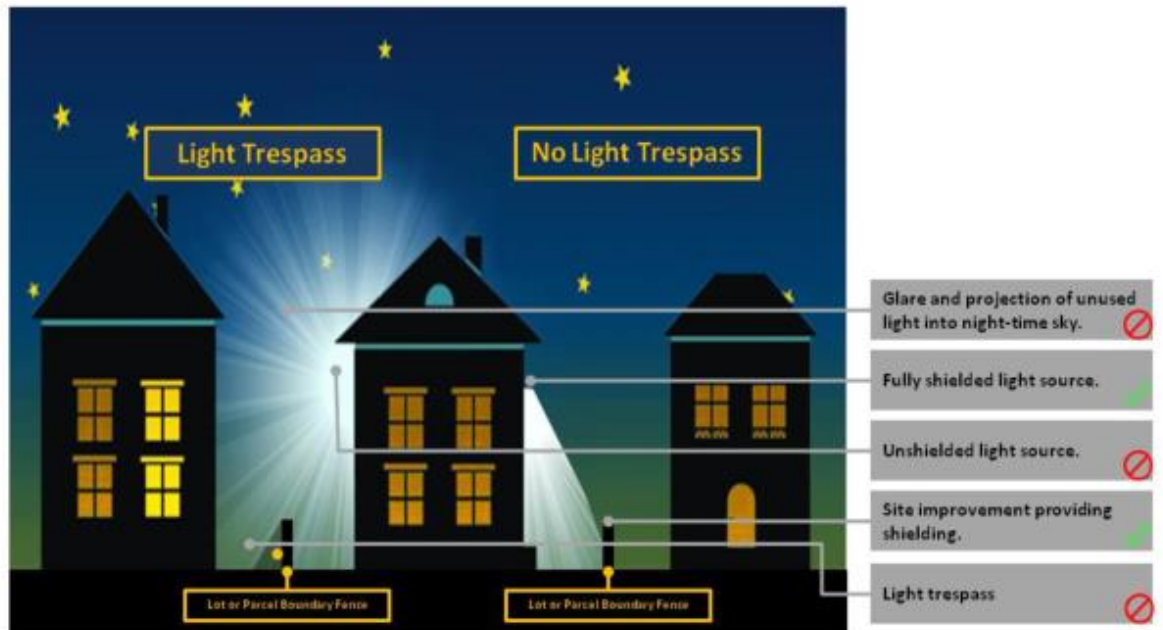
Section 5 - Date of Effect

BE IT FURTHER ORDAINED this Ordinance, and the requirements listed, shall become effective on the ____ day of _____, 2021, and after publication or posting as required by law.

Sec 42.39.090 Examples of Unshielded And Shielded Light Sources



Section 42.39.100 Examples of Light Trespassing



Section 42.39.110 Lumen Conversion Chart

GENERAL PURPOSE BULBS LUMEN COMPARISON				
Lumens	Incandescent	HID	CFL	LED
250 lm	25W	18W	6W	2W-3W
560 lm	40W	29W	10W	3W-6W
800 lm	60W	43W	13W	7W-10W
1100 lm	75W	53W	18W	10W-15W
1600 lm	100W	72W	23W	15W-20W
2600 lm	150W	100W	42W	20W-30W