

ORDINANCE NO. 05-2

AN ORDINANCE OF VALLEY COUNTY, IDAHO, CREATING AN ORDINANCE TO BE ADMINISTERED BY THE VALLEY COUNTY BUILDING DEPARTMENT AND TO BE KNOWN AS THE “OUTDOOR LIGHTING ORDINANCE” ESTABLISHING STANDARDS AND RECOMMENDATIONS FOR EXTERIOR LIGHTING, PROVIDING FOR GENERAL PROVISIONS, APPLICABILITY, DEFINITIONS, STANDARDS, PROCEDURES, VIOLATIONS AND LEGAL REQUIREMENTS THAT ARE IN UNISON WITH THE LAND USE ORDINANCE; PROVIDING A REPEALER CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Valley County Board of Commissioners has found that the following Ordinance will conform to the Valley County Comprehensive Plan; and,

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services; and,

WHEREAS, the amendments will promote the safety and welfare of Valley County residents and the general public; and,

WHEREAS, unnecessarily bright and improperly designed or installed lights cause glare, which can result in hazardous circulation conditions for all modes of transportation, cause light pollution which diminishes the ability to view the night sky and create an unattractive landscape, and results in light trespass and wasted resources; and,

WHEREAS, Valley County desires to help residents, builders and developers comply with Valley County’s ordinances by providing clearly articulated standards; and,

WHEREAS, the people who live in Valley County value the natural environment, including the beauty, high quality, and visibility of the night sky, and desire to protect it as it adds to the rural character, quality of life and economic well being of the County; and,

WHEREAS, these standards for exterior lighting will result in a safer and more pleasant environment.

NOW, THEREFORE, BE IT ORDAINED BY THE VALLEY COUNTY BOARD OF COMMISSIONERS THAT THE OUTDOOR LIGHTING ORDINANCE TO BE ENFORCED BY THE BUILDING DEPARTMENT IS CREATED:

1.0 General Provisions

- a. Title – This ordinance shall be known and may be cited as the Valley County Lighting Ordinance.
- b. Purposes -- The general purpose is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky, by

establishing regulations and a process for review of exterior lighting. This Article establishes standards for exterior lighting in order to accomplish the following:

1. To provide safe roadways for motorists, cyclists and pedestrians;
2. To protect against direct glare and excessive lighting;
3. To ensure that sufficient lighting can be provided where needed to promote safety and security;
4. To prevent light trespass in all areas of the County;
5. To protect and reclaim the ability to view the night sky;
6. To allow for flexibility in the style of lighting fixtures;
7. To provide lighting guidelines;
8. To provide assistance to property owners and occupants in bringing nonconforming lighting into conformance with this Article; and,
9. To work with other jurisdictions within Valley County to meet the purposes of this Ordinance.

## 2.0 Applicability

### 2.1 New Lighting.

All exterior lighting installed after the effective date of this Ordinance shall conform to the standards established by this Ordinance.

### 2.2 Existing Lighting.

All existing exterior lighting installed before the effective date of this Article shall be brought into conformance with this Ordinance within the following time periods:

1. All existing exterior lighting located on a subject property that is part of an application for design review approval, a conditional use permit, subdivision approval, or a building permit is required to be brought into conformance before issuance of a Certificate of Occupancy, final inspection or final plat recordation.
2. All other existing exterior lighting on property used for commercial purposes that is not in conformance shall be brought into conformance with this Ordinance within thirty-six (36) months from the date of adoption of this Ordinance. Grandfathered signs are exempt from this requirement.
3. All existing exterior lighting on property used for residential, institutional, public and semi-public uses are required to be brought into conformance within thirty-six (36) months from the date of adoption of this Ordinance.

## 3.0 Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this

Section its most reasonable application.

Building Official: The Valley County Building Official

Exterior Lighting: Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Lights that are indoors that are intended to light something outside are considered exterior lighting for the purpose of this Ordinance. Exterior lighting does not include emergency or warning lights on vehicles.

Glare: Stray, unshielded light striking the eye that may result in (a) nuisance or annoyance glare such as light shining into a window; (b) discomfort glare such as bright light causing squinting of the eyes; (c) disabling glare such as bright light reducing the ability of the eyes to see into shadows or (d) reduction of visual performance.

Light Pollution: Any adverse effect of manmade light including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky.

Light trespass: Light falling on the property of another or the public right-of-way when it is not required to do so.

Skyglow: The overhead glow from light emitted sideways and upwards. Skyglow is caused by the reflection and scattering of light by dust, water vapor and other particles suspended in the atmosphere. Skyglow reduces one's ability to view the night sky.

#### 4.0 Performance Standards - General

4.1 **Purpose** - These regulations are intended to establish standards that insure minimal light pollution, reduce glare, increase energy conservation, and maintain the quality of Valley County's physical and aesthetic character.

4.2 **Applicability** - These standards shall apply to all outdoor lighting including, but not limited to, search, spot, or floodlights for:

1. buildings and structures
2. recreational areas
3. parking lot lighting
4. landscape lighting
5. signage

#### 4.3 Standards:

- 4.3.1 All exterior lighting shall be designed, located and lamped in order to prevent:
- a) Overlighting or excessive lighting;
  - b) Energy waste;

- c) Glare;
  - d) Light trespass;
  - e) Skyglow.
- 4.3.2 All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.
- 4.3.3 Recreational facilities such as baseball, softball, soccer, volleyball or football fields; driving ranges; outdoor arenas and amphitheaters; ski trails; or, other outdoor field recreation facilities are exempt from height restrictions provided the lights are used only while the field is in use.
- 4.3.4 All other outdoor lighting shall meet the following standards:
- a. The height of any light fixture or illumination source shall not exceed thirty (30) feet.
  - b. All lighting or illumination units or sources shall be hooded or shielded in a downward direction so they do not produce glare or cause light trespass on any adjacent lot or real property as depicted in Figure 1 and Figure 2 (attached).
  - c. Lights or illumination units shall not direct light, either directly or through a reflecting device, upon any adjacent lot or real property. Lighting should not illuminate the sky or reflect off adjacent water bodies or produce glare or cause light trespass on any adjacent lot or real property.
  - d. External lighting of the face of signs shall be placed above the sign and shielded or below the sign and directed in a manner that the illumination source shall not be visible from any adjacent lot or real property. Sign lighting shall not reflect or glare beyond the face of the sign and immediately below the sign. See Chapter 5 for further regulation of signs.
  - e. All outdoor lights used for parking areas, walkways, and similar uses mounted on poles eight feet or greater in height shall be directed downward. The light source shall be shielded so that it will not produce glare or cause light trespass on any adjacent lot or real property.
  - f. Searchlights shall only be operated for special events or grand openings for a maximum of one week. Searchlights shall not be operated on residential or agricultural property.
  - g. The installation of mercury vapor lamps are hereby prohibited.
  - h. Flashing or intermittent lights, lights of changing degree of intensity, or moving

lights shall not be permitted. This section shall not be construed so as to prohibit the flashing porch light signal used only while emergency services are responding to a call for assistance at the property or holiday lights.

- i. Industrial and exterior lighting shall not be used in such a manner that produces glare on public highways and neighboring property. Arc welding, Acetylene Torch-Cutting, or similar processes shall be performed so as not to be seen from any point beyond the property line. Exceptions will be made for necessary repairs to equipment.
- j. Sensor activated lights, provided:
  - 1) It is located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way;
  - 2) It is set to only go on when activated and to go off within five minutes after activation has ceased;
  - 3) It shall not be triggered by activity off the property.
- k. Lighting of radio, communication, and navigation towers along with power lines and power poles; provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting.
- l. All applications for a conditional use permit and/or a building permit shall include an outdoor lighting plan for the entire site, which indicates how the above standards are to be met. The approved permit shall be a part of the conditional use permit and/or the building permit.
- m. Waterway navigational lights as required by Coast Guard Regulations and/or State Regulations.

#### 4.4 Procedure.

- 4.4.1 All applications for conditional use permits, planned unit developments, subdivision approvals, applicable sign permits, or building permits shall include lighting plans showing location, type, and height in order to verify that lighting conforms to the provisions of this Ordinance.
- 4.4.2 The Planning and Zoning Administrator shall review any new exterior lighting plans on subject property that is part of an application for a conditional use permits, planned unit developments, subdivision approvals, or applicable sign permits to determine whether the exterior lighting complies with the standards of this Ordinance.
- 4.4.3 The Building Official shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for a

building permit to determine whether the exterior lighting complies with the standards of this Ordinance.

4.4.4 For all exterior lighting, which must conform to the requirements of this Ordinance, the Building Official or Planning and Zoning Administrator shall issue a decision whether the exterior lighting complies with the standards of this Ordinance. An administrative variance may be granted for exterior lighting used for bona fide agricultural use operations. All such decisions may be appealed to the Valley County Planning and Zoning Commission in accordance with the Land Use Ordinance.

4.5 Violations and Legal Action

4.5.1 If the Building Official or Planning and Zoning Administrator finds that any provision of this Ordinance is being violated, they shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within thirty days, the Building Official may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this Ordinance. The person in violation of this ordinance shall be liable for a civil penalty not to exceed \$300.00 plus court costs.

*As Adopted:* November 8, 2004

*As Published:* December 16, 2004

The Board of County Commissioners of Valley County hereby approves this ordinance to become effective upon its publication in the Central Idaho Star News.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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Terry F. Gestrin, Chairman

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F. Phillip Davis

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Thomas W. Kerr

ATTEST:

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Leland G. Heinrich, Clerk