

Ordinance No. O 07-06

Town of Star Valley Dark Sky Ordinance

Chapter 4. Administration

9-4-1 Purpose

This Ordinance is intended to restrict the permitted use of outdoor artificial illuminating devices emitting undesirable light/rays into the night sky which have a detrimental effect on astronomical observations.

9-4-2 Conformance with Applicable Codes

All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this Ordinance, the Town Zoning Regulations, and any building code ordinance which may hereafter be enacted, as applicable.

Where any provisions of any Arizona State Statutes, or any Federal law, or any companion ordinance comparatively conflicts with the requirements of this Dark Sky Ordinance, the most restrictive shall govern.

9-4-3 Approved Material and Methods of Installation

The provisions of this Ordinance are not intended to prevent the use of any material or method of installation not specifically prescribed by this Ordinance provided any such alternative has been approved. The Community Development Director may approve any such alternative provided he finds that the proposed design, material or method:

- a. provides approximate equivalence to those specific requirements of this Ordinance, or;
- b. is otherwise satisfactory and complies with the intent of this Ordinance.

9-4-4 Definitions

Outdoor Light Fixtures

Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or

advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:

- a. buildings and structures
- b. recreational areas
- c. parking lot lighting
- d. landscape lighting
- e. billboards and other signage (advertising or other)
- f. street lighting

Individual

Shall mean any private individual, tenant, lessee, owner, or any commercial entity including but not limited to companies, partnerships, joint ventures or corporations.

Installed

Shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this Ordinance but shall not apply to those outdoor light fixtures installed prior to such date.

9-4-5 General Requirements

a. Shielding

All exterior illuminating devices, except those exempt from this Ordinance and those regulated by 9-4-6 (c) shall be fully shielded as required in Section 9-4-5 (c).

“Fully Shielded” shall mean that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

b. Filtration

Those outdoor light fixtures requiring a filter in 9-4-5(c) shall have glass, acrylic or translucent enclosures. (Quartz does not meet this requirement)

c. Requirements for Shielding and Filtering

The requirements for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:

TABLE
 REQUIREMENT FOR SHIELDING AND FILTERING

FIXTURE LAMP TYPE	SHIELDED	FILTERED (3)
Low Pressure Sodium	None	None
High Pressure Sodium	Fully	None
Metal Halide (5)	Fully	Yes
Fluorescent	Fully (4)	Yes (1)
Quartz (2)	Fully	None
Incandescent (Greater than 100W)	Fully	None
Incandescent (100W or less)	None	None
Mercury Vapor	Fully (6)	Yes (6)
Fossil Fuel	None	None
Glass Tubes Filled with Neon, Argon, Krypton	None	None
Other Sources (AS APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR)		

Footnotes:

1. Warm white and natural lamps are preferred to minimize detrimental effects.
2. For the purposes of this Ordinance, quartz lamps shall not be considered an incandescent light source.
3. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.

4. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.
5. Metal halide lamps shall be in enclosed luminaries.
6. Recommended for existing fixtures. The installation of Mercury vapor fixtures is prohibited effective 90 days after the date of adoption of this Ordinance.

9-4-6 Prohibitions

a. Searchlights

The operation of searchlights for advertising purposes is prohibited.

b. Recreational Facility

No outdoor recreational facility, public or private, shall be illuminated after 11:00 P.M. except to conclude a specific recreation or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 P.M.

c. Outdoor Building or Landscaping Illumination

The unshielded outdoor illumination of any building, landscaping, signing or other purpose, is prohibited except with incandescent fixtures of 100W or less.

d. Mercury Vapor

The installation of mercury vapor fixtures is prohibited effective 90 days after the date of adoption of this Ordinance.

9-4-7 Permanent Exemptions

a. Non-Conforming Fixtures

All outdoor light fixtures existing and fully installed prior to the effective date of this Ordinance may remain “non-conforming” indefinitely; provided, however, that no

change in use, replacement, structural alteration, or restoration after abandonment of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Ordinance.

b. Fossil Fuel Light

Produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

c. Federal and State Facilities

Those facilities and lands owned, operated or protected by the U.S. Federal Government or the State of Arizona are exempted by law from all requirements of this Ordinance. Voluntary compliance with the intent of this Ordinance at those facilities is encouraged.

d. Special Exemption

The Community Development Director may grant a special exemption to the requirements of 9-4-5 (c) only upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

9-4-8 Procedures for Ordinance Compliance

a. Applications

1. Any individual applying for a building or use permit under the Zoning Regulations intending to install outdoor lighting fixtures shall as a part of said application submit evidence that the proposed work will comply with this Ordinance.
2. All other individuals intending to install outdoor lighting fixtures shall submit an application to the Community Development Director providing evidence that the proposed work will comply with this Ordinance.
3. Utility companies entering into a duly approved contract with the Town in which they agree to comply with the provisions of these regulations, shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.

b. Contents of Application or Submission

The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the Town of Star Valley Zoning Regulations upon application for the required permit:

1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.
2. Description of the illuminating devices, fixtures, lamps, supports and other devices, etc. This description may include but is not limited to, manufacturers catalog cuts and drawings (including sections where required).

The above required plans and descriptions shall be sufficiently complete to enable the Town of Star Valley Community Development Director to readily determine whether compliance with the requirements of this Ordinance will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature of configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

c. Issuance of Permit

Upon compliance with the requirements of this Ordinance, the Community Development Director shall issue a permit for the installation of the outdoor lighting fixtures to be installed as in the approved application. In the event the application is part of the building permit application under the zoning regulations, the issuance of the building permit will be made if the applicant is in compliance with this Ordinance as well as the other requirements for issuance under the zoning regulations. Appeal procedures of the zoning regulations for decision of the Community Development Director shall apply.

d. Amendment to Permit

Should the applicant desire to substituted outdoor light fixtures or lamps after a permit has been issued, the applicant must submit all changes to the Community Development Director for approval, with adequate information to assure compliance with this Ordinance.

9-4-9 Temporary Exemptions

a. Request for Temporary Exemptions

Any individual as defined herein may submit a written request on a form prepared by the Community Development Department to the Community Development Director for a 'temporary exemption' to the requirements of this Ordinance. Such temporary exemption to be valid for thirty (30) days or more at the discretion of the Community Development Director. The request for a temporary exemption shall contain at a minimum the following listed information:

1. Specific exemptions requested
2. Type and use of exterior light involved
3. Duration of time for requested exemption
4. Type of lamp and calculated lumens
5. Total wattage of lamp or lamps
6. Proposed location of exterior light
7. Previous temporary exemptions, if any
8. Physical size of exterior light and type of shielding provided

In addition to the above data, the Community Development Director may request any additional information which would enable him to make a reasonable evaluation of the request for temporary exemption.

b. Appeal for Temporary Exemption

The Community Development Director within five (5) days from the date of the properly completed Request for Temporary Exemption, shall approve or reject in writing the request. If rejected, the individual making the request shall have the right of appeal to the Board of Adjustment for review pursuant to the procedures applicable to any other appeal of a decision of the Community Development Director.

9-4-10 Penalties

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a Class 1 misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which a violation of any of the provisions of this Ordinance is committed, continued or permitted and upon conviction of any such violation such person, firm, or corporation shall be punished as prescribed by the Arizona Revised Statutes.

Ayes 7 Nays 0 Absentees 0 Abstained 0

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF STAR VALLEY,
ARIZONA, THIS 19th OF JUNE, 2007.**

Approved this 19th day of June, 2007, by the affirmative vote of three-fourths of the members of Town Council of Star Valley, Arizona.

S/S

Charles J. Heron, Mayor

ATTEST:

S/S

Sarah Luckie, Town Clerk

APPROVED AS TO FORM:

S/S

Timothy Grier, Town Attorney