NAVAJO COUNTY LIGHTING ORDINANCE

NAVAJO COUNTY PUBLIC WORKS DEPARTMENT
PLANNING & BUILDING DIVISION

AS APPROVED AND ADOPTED NOVEMBER 14, 1988
AMENDED 05/06/92
AMENDED 09/02/97

NAVAJO COUNTY GOVERNMENTAL COMPLEX
HOLBROOK, ARIZONA 86025

$3.00

ORDINANCE NO. 02-88

An Ordinance of the County of Navajo, Arizona, setting standards of installation, retrofitting, and replacement of outdoor artificial illuminating devices to reduce the emission of light detrimental to astronomical observations; creating penalties for the violation of this Ordinance and severability of the Ordinance

Article 1. Administration

1.01 Purpose

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

1.02 Conformance with Applicable Codes

All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this Ordinance and any building ordinances or codes which may apply.

Where any provisions of any of the Arizona State statutes, or any of the Federal law, or any companion ordinance comparatively conflicts with the requirements of this outdoor light control ordinance; the most restrictive shall govern.

1.03 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 providing any such alternate has been approved. The Building Inspector may approve any such alternate provided that he finds that the proposal design, material or method:

a. Provides approximate equivalence to those specific requirements of this ordinance.

b. Is otherwise satisfactory and complies with the intent of the Ordinance.

1.04 Preferred Methods of Outdoor Illumination

Low Pressure Sodium lamps are the preferred lamp for minimizing adverse effects on astronomical observations.

Article 2. Definitions

2.01 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 (advertisement or other)
f. Street lighting

2.02 Individual

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

2.03 Installed

Shall mean the initial installation of outdoor light fixtures defined herein, the replacement of any fixture in use at the time of the enactment of this Ordinance, or the substantial repair of any fixture in use at the time of the enactment of this Ordinance if such repair can include the facile installation of a shield and/or a filter and/or a different type of illuminating device (lamp).

Article 3. General Requirements

3.01 Shielding

All exterior illuminating devices, except those exempt from this Ordinance and those regulated by Section 4.03 shall be fully or partially shielded as required in Section 3.03.

a. "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. "Partially Shielded" shall mean that those fixtures shall be shielded in such a manner that the bottom edge of the shield is below the plane center line of the light source (lamp), minimizing light above the horizontal.

Article 2. Definitions

3.02 Filtration

DELETED

3.03 Requirements for Shielding and Filtering

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

TABLE

REQUIREMENTS FOR SHIELDING AND FILTERING

FIXTURE LAMP TYPE	SHIELDED	FILTERED 4
Low Pressure Sodium 1	Partially	None
High Pressure Sodium	Fully	None
Metal Halide 6	Fully	Yes
Fluorescent	Fully 5	Yes 2
Quartz 3	Fully	None
Incandescent		
Greater than 150W	Fully	None
Mercury Vapor	Fully 7	Yes 7
Fossil Fuel	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None
Other Sources	AS APPROVED BY THE BUILDING INSPECTOR	

Footnotes:

1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.

2. Warm White and Natural Lamps are preferred to minimize detrimental effects.

3. For the purposes of this Ordinance, quartz lamps shall not be considered an incandescent light source.

4. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.

5. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.

6. Metal halide display lighting shall not be used for security lighting after 11:P.M. (or after closing hours if before 11:P.M.) unless fully shielded. Metal halide lamps shall be enclosed luminaries.

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

Article 4. Prohibitions

4.01 Searchlights

The operation of searchlights for advertising purposes is prohibited.

4.02 Recreational Facility

No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00 P.M. except to conclude a specific recreational 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.

4.03 Outdoor Building or Landscaping Illumination

The unshielded outdoor illumination of any building, landscaping, signing or other purpose, is prohibited except with incandescent fixtures of less than 150 watts.

4.04 Mercury Vapor

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

Article 5. Permanent Exemptions

5.01 Nonconforming Fixtures

All outdoor light fixtures existing and fully installed prior to the effective date of the Ordinance may remain "nonconforming" indefinitely; provided, however, that no change in use, replacement, structural alteration, or restoration, or substantial repair of such light fixtures shall be made unless it thereafter conforms to the provisions of these regulations.

5.02 Fossil Fuel Light

Illumination produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels are exempt from this Ordinance.

5.03 Special Exemption

The Building Inspector may grant a special exemption to the requirements of Section 3.03 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.

Article 6. Procedures for Ordinance Compliance

6.01 Applications

a. Any individual applying for a building or use permit under the Codes adopted by Navajo County intending to install outdoor lighting fixtures shall as a part of said application submit evidence that the proposed work will comply with this Ordinance.

b. All other individuals intending to install outdoor lighting fixtures shall submit an application to the Building Inspector providing evidence that the proposed work will comply with this Ordinance.

c. Utility companies entering into a duly approved contract with Navajo County 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.

6.02 Contents of Application of 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 Navajo County Building Codes and Zoning Ordinance upon application for the required permit:

a. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.

b. 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 Building Inspector 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 or 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.

6.03 Issuance of Permit

Upon compliance with the requirements of this Ordinance, the Building Inspector shall issue a permit for 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 building codes, 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 regulations.

Appeals of the decisions of the Building Inspector shall be made to the Board of Adjustment.

6.04 Amendment to Permit

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

Article 7. Temporary Exemptions

7.01 Request for Temporary Exemptions

Any individual as defined herein may submit a written request to the Building Inspector for a 'temporary exemption' to the requirements of this Ordinance, such exemption to be valid for 30 days, renewable for an additional 30 days at the discretion of the Building Inspector.

The Request for Temporary Exemption shall contain minimally 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 Building Inspector may request any additional information which would enable him to make a reasonable evaluation of the Request for Temporary Exemption.

7.02 Appeal for Temporary Exemption

The Building Inspector within five 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 Building Inspector.

Article 8. Penalties

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a Class II 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.

At the discretion of the Building Official, this Ordinance may be enforced pursuant to the civil Hearing Officer Procedure set forth in Article 27 of the Navajo County Zoning Ordinance.

Article 9.

If any section, sub-section, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, invalid, or illegal, such decision shall not affect the validity of the remaining portion of this Ordinance. The Navajo County Board of Supervisors hereby declares that it would have passed this Ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, clauses or phrases be abrogated by a court of competent jurisdiction.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NAVAJO, STATE OF ARIZONA, this 2nd **day of** September **, 1997.**

Jesse Thompson

Chairman, Board of Supervisors

ATTEST:

Kathy Jones

Clerk of the Board

APPROVED AS TO FORM:

Mark Brnovich

County Attorney

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Fluorescent	Fully[5]	Yes[2]
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Mercury Vapor	Fully[7]	Yes[7]
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Other Sources	AS APPROVED BY THE BUILDING INSPECTOR	

Footnotes:

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

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PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NAVAJO, STATE OF ARIZONA, this 14th day of November, 1988.

Chairman, Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Attorney

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If any section, sub-section, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, invalid, or illegal, such decision shall not affect the validity of the remaining portion of this Ordinance. The Navajo County Board of Supervisors hereby declares that it would have passed this Ordinance

and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, clauses or phrases be abrogated by a court of competent jurisdiction.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NAVAJO, STATE OF ARIZONA, this 14th day of November, 1988.

Chairman, Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Attorney

MICROFILMED
INDEXED

FEE # 88 17062
RECORDED AT THE REQUEST OF
BOARD OF SUPERVISORS
ON NOV 16 '88 -10 30 AM
IN DOCKET 935 PAGE(S) 16-24 incl.
OFFICIAL RECORDS OF NAVAJO COUNTY, ARIZONA
JAY H. TURLEY, RECORDER

NAVAJO COUNTY RECORDER