

Topic: Lighting
Resource Type: Regulations
State: New Mexico
Jurisdiction Type: Municipal
Municipality: Town of Taos
Year (adopted, written, etc.): 1999
Community Type - applicable to: Suburban; Rural
Title: Town of Taos Outdoor Lighting on Public & Private Property Ordinance
Document Last Updated in Database: January 25, 2017

Abstract

This ordinance creates guidelines for outdoor lighting on private property to prevent light pollution, as well as to conserve energy while still providing for public safety and security.

Resource

TOWN OF TAOS ORDINANCE 99-2 ADDING A NEW

CHAPTER 15.28

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TAOS CREATING A NEW CHAPTER 15.28 REGARDING OUTDOOR LIGHTING ON PUBLIC AND PRIVATE PROPERTY.

WHEREAS, This new Ordinance will promote energy efficiency and reduce or prevent light pollution;

WHEREAS, This Ordinance will protect a historical legacy and provide enjoyment of the night sky of the Town of Taos for future generations;

WHEREAS, This Ordinance follows and complements the New Mexico Night Sky Protection Act and can be more restrictive but not less restrictive in its implementation;

WHEREAS, The Town Council desires to provide an Ordinance that tracts New Mexico State Statute for the preservation and enhancement of the dark sky of the Town of Taos while promoting safety, conservation of energy and environmental preservation concerns.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING 13ODY OF THE TOWN OF TAOS, meeting in Regular Session, and after having held a public hearing on the matter, that the following Ordinance is hereby adopted:

Chapter 15.28

OUTDOOR LIGHTING

CHAPTER 15.28, entitled "Outdoor Lighting on Public and Private Property" is hereby created as part of the Town of Taos Municipal Code.

Sections:

15.28.010 Purpose

15.28.020 Definitions

15.28.030 Applicability

15.28.040 Exemptions

15.28.050 Submittals

15.28.060 General Standards

15.28.070 Further Restrictions

15.28.080 Penalties for Violations

15.28.090 Severability

15.28.100 Effective Date

15.28.010 Purpose.

The purpose of the Outdoor Lighting on Public and Private Property ordinance is to regulate outdoor lighting in order to reduce or prevent light pollution. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security. This Ordinance will ensure the aesthetically appropriate outdoor lighting in keeping with the historic character of the Town of Taos.

15.28.020 Definitions. As used in this section:

1. Lamp or Bulb means the light-producing source installed in the socket portion of a luminaire.
2. Luminaire or Fixture means a complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

3. Light pollution means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
4. Glare means the brightness of a light source that causes eye discomfort.
5. Disabling glare means lighting that impairs visibility and creates a potentially hazardous situation for either pedestrians or motorists.
6. Nuisance glare means light that creates an annoyance or aggravation but does not create a potentially hazardous situation.
7. Light trespass means light emitted by a luminaire that shines beyond the property on which the luminaire is installed.
8. Shielding means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture where light is emitted.
9. Accent lighting means any directional lighting which emphasizes a particular object or draws attention to a particular area.
10. Spotlight or Floodlight means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

15.28.030 Applicability.

A. All outdoor lighting fixtures installed on private and public property after the effective date of this ordinance shall comply. This ordinance does not apply to interior lighting. However, overly bright inside light emitted outdoors from any structure will be subject to control by this ordinance if it is determined by the code administrator that it creates a nuisance glare or a disabling glare as defined by this ordinance.

B. All outdoor lighting fixtures existing and legally installed and operative before the effective date of this ordinance are exempt from these requirements unless they are determined to create a nuisance glare or a disabling glare as defined by this ordinance. When existing lighting fixtures become inoperable, their replacements are subject to all the provisions of the Night Sky Protection Act.

C. When an existing fixture is replaced, the replacement fixture shall meet the requirements of this article. Modifications to nonconforming fixtures in historic districts shall also comply with this article.

D. Compliance with this ordinance shall be administered by the Town of Taos Planning

Department.

E. In the event of a conflict with any other section of this article, the more stringent requirement shall apply.

F. All governmental agencies, federal, state or county - including their security facilities, which operate within the town limits of Taos - should experience no difficulty meeting the requirements of this ordinance and are encouraged by the Town to comply with its provisions.

15.28.040 Exemptions.

The following are exempt from the provisions of this ordinance:

A. Traffic control signals and devices.

B. Street lights installed prior to the effective date of this ordinance.

C. Temporary emergency lighting (i.e. fire, police, repair workers).

D. Moving vehicle lights.

E. Navigation lights (i.e. airports, heliports, radio/television towers).

F. Lighted signs that conform with the Town's sign ordinance.

G. Seasonal decorations with individual lights in place no longer than 60 days.

H. Sports field outdoor lighting (i.e. ball fields, football, soccer, ice rink, etc.).

I. Other special situations approved by the Town for temporary or periodic events (i.e. rodeos, revivals, fairs, fiestas, carnivals, night-time construction).

J. Covered porch lighting on single-family or multi-family homes provided that each outdoor light fixture does not exceed 150 watts (2220 lumens output).

K. Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than 10 to 12 minutes after activation.

15.28.050 Submittals.

A. Applications for building permits or applications for review by the Planning and Zoning Commission, or the Historic Preservation Commission, which includes the installation of outdoor lighting fixtures for new construction, shall provide evidence of compliance with the Requirements of this Ordinance. The submittal shall contain the following information and submitted as part of the site plan to the Planning and Zoning Department for approval.

B.

(1) Plans indicating the location, type, and height of luminaries including both building and ground-mounted fixtures;

(2) A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;

(3) Photometric data, such as that furnished by the manufacturer, showing the angle of light emission; and

(4) Additional information as may be required by the Planning and Zoning Department in order to determine compliance with this Ordinance.

C. Applications for single/multi-family residential or other projects where any single outdoor light fixture not used for landscaping or foliage illumination exceeds 150 watts (2220 lumens output) shall be required to comply with paragraph A above. (See section below for landscaping and foliage illumination, item H)

15.28.060 General Standards.

The following general standards shall apply to all outdoor lighting installed after the effective date of this ordinance, which is not exempted above:

A. Outdoor lighting must be hooded, shielded, and/or aimed downward. Examples of acceptable and unacceptable light pollution control shielding and hooding is shown in Table 1-4, attached herein.

B. The hood or shield must mask the direct horizontal surface of the light source. The light must be aimed to insure that the illumination is only pointing downward onto the ground surface, with no escaping light permitted to contribute to sky glow by shining upward into the sky.

C. Any bright light shining onto adjacent property or streets which would result in a nuisance glare or a disabling glare shall not be permitted. Light trespass beyond property boundaries or above the horizontal plane shall be considered non-compliant.

D. Existing fixtures may be adapted to comply with this ordinance by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward not the ground surface.

E. All outdoor lighting fixtures shall be designed, installed, located and maintained such that nuisance glare onto adjacent properties or streets shall be minimized and all direct illumination kept within the boundaries of the fixture owner's property.

F. This section may be enforced on the basis of a formal complaint filed in writing with the Planning and Zoning Department.

G. Accent lighting, when so approved, shall be directed downward onto the building or object and not toward the sky or onto adjacent properties. Direct light emissions shall not be visible above the roof line or beyond the building edge.

H. Spotlighting on landscaping and foliage shall be limited to 150 watts (2220 lumens output). The lamp shall be shielded and not create disabling or nuisance glare.

15.28.070 Further Restrictions.

The Town reserves the right to further restrict outdoor lighting, including but not limited to searchlights for special events, quartz lighting, laser lights, pole height, and level of illumination, when it is deemed to be in the best public interest in keeping with the stated purpose of this ordinance.

15.28.080 Penalties for violation.

A. Any violation of the provisions of this ordinance shall constitute a petty misdemeanor, and upon conviction thereof, shall be punishable by a fine not to exceed three hundred dollars (\$300.00) or imprisonment not to exceed ninety (90) days, or both.

B. Each 24 hour period during any portion of which any violation of this ordinance is committed or continued to exist shall constitute a separate offense.

15.28.090 Severability.

The provisions of this ordinance are severable and if any paragraph, section, subsection, or part of this ordinance is held to be invalid, unenforceable, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair the remainder of this ordinance.

15.28.100 Effective date.

The provisions of this ordinance shall become effective five (5) days after published unless otherwise provided by law.

ADOPTED this 18th day of May 1999 by the following vote:

Councilwoman Erlinda Gonzales - yes

Councilman Bobby Duran - yes

Councilman Meliton Struck - yes

Councilman Frank Cruz - yes

S/S

FREDERICK A. PERALTA

MAYOR

ATTEST:

S/S LORRAINE GALLEGOS

TOWN CLERK

APPROVED:

S/S TOMAS BENAVIDEZ

TOWN ATTORNEY

SECTION 15.28.060 TABLES

ACCEPTABLE SHIELDING , HOODING AND AIMING OF OUTDOOR LIGHT FIXTURES

The following 4 tables of schematics show what is acceptable and what is unacceptable in the Town of Taos and its Extra-Territorial Zone:

TABLE 1: WALL MOUNTED LIGHTS

TABLE 2: FREE STANDING LIGHTS

TABLE 3: OFF-WALL, BUILDING, FOLIAGE, SIGN AND ESCARPMENT LIGHTS

TABLE 4: STREET AND LOT LIGHT CUT-OFF AT PROPERTY LINE

Town of Taos

Notice of Adoption

Ordinance 99-2

TAKE NOTICE THAT, on Tuesday, May 18, 1999, the Town Council of the Town of Taos, New Mexico, in the regular Town Council public meeting at the Town Council Chambers in Coronado Hall, 120 Civic Plaza Drive, adopted the above referenced ordinance. A description of the Ordinance is as follows: An Ordinance of the Town Council of the Town of Taos creating a new CHAPTER 15.28 regarding "Outdoor Lighting on Public and Private Property,"

Sections:

15.28.010 PURPOSE

15.28.020 DEFINITIONS

15.28.030 APPLICABILITY

15.28.040 EXEMPTIONS

15.28.050 SUBMITTALS

15.28.060 GENERAL STANDARDS

15.28.070 FURTHER RESTRICTIONS

15.28.080 PENALTIES

15.28.090 SEVERABILITY

15.28.100 EFFECTIVE DATE

A copy of the full text of the ordinance is available for inspection and/or copying at the Office of the Town Clerk, Town Hall, 400 Camino de la Placita, Taos, New Mexico during normal business hours.

S/S Lorraine Gallegos, Town Clerk

S/S Allen Vigil, Planning Director

Legal publication one time 5/27/99