City of Las Cruces®

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Council Action and Executive Summary

Item # 10 **Ordinance/Resolution#** 2781

For Meeting of April 18, 2016 (Ordinance First Reading Date)

For Meeting of May 2, 2016 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☒ LEGISLATIVE ☐ ADMINISTRATIVE

TITLE: AN ORDINANCE REPEALING AND REPLACING CHAPTER 39, OUTDOOR LIGHTING OF THE LAS CRUCES MUNICIPAL CODE IN ITS ENTIRETY TO CORRECT TYPOGRAPHICAL ERRORS, AMEND DEFINITIONS, REVISE SUBMITTAL REQUIREMENTS AND SPECIAL LIGHTING PERMIT REQUIREMENTS, CLARIFY NON-CONFORMING/GRANDFATHERING PROVISIONS AND AMEND PROVISIONS FOR BILLBOARD LIGHTING OPTIONS.

PURPOSE(S) OF ACTION:

Amend the outdoor lighting provisions of the Municipal Code.

COUNCIL DISTRICT: ALL		
Drafter/Staff Contact: Robert Kyle	**Department/Section:** Community Development/Administration	**Phone:** 528-3106
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In September 2012, the City Council revised and adopted a major rewrite of the Outdoor Lighting Ordinance (ODLO) (Chapter 39, Las Cruces Municipal Code, 1997 (LCMC)). Following adoption and working with the ODLO for three and a half-years, there have been minor issues that have been identified needing to be revised or clarified within the Ordinance. Specifically, the following changes are being proposed:

1) Revising the definition of landscape lighting to insure that it is for use of illuminating exterior natural features only and not misinterpreted to be used for building lighting, etc.;
2) Correcting typographical errors;
3) Adjusting the nit (measure of luminance/brightness) requirements of outdoor electronic message displays and billboards to meet nationally recommended standards;
4) Adding outdoor projected images and movies to the special lighting permit category;
5) Requiring the Brightness, Uplight and Glare (BUG) rating on submitted plans on the plan's fixture schedule; and

6) Defining a "legally installed luminaire" for the purposes of the grandfathering section of the Ordinance.

In addition to these items, staff has been approached by a member of the outdoor advertising community with a request to amend provisions related to the placement of external lighting fixtures on billboards to help lower the costs associated with retrofitting the signs with newer Light-emitting diode (LED) technology. Currently, the ODLO requires that externally illuminated billboards and signs have fixtures that are mounted at the top of a billboard and aimed to shine downward. It requires that any replacement of existing bottom mounted fixtures must meet that requirement. The proposed language would allow for bottom mounted fixtures to remain if being switched out for LED lighting which can be more precisely aimed to ensure that light escape can be minimized to comply with the overall code intent and purpose. Staff considered the request and felt it reasonable provided the installer provide the City photometric evidence that the new lights do comply with the ODLO.

The City Council has the authority to amend the LCMC; therefore, this proposed ordinance is being brought forward for City Council's consideration and action.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Chapter 39 of LCMC.
3. Attachment "A", Chapter 39 of LCMC shown in legislative format.

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
N/A	Yes	☐	Funds will be deposited into this fund: _____ in the amount of $_____for FY__.
	No	☐	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will amend Chapter 39, of the LCMC to correct several typographical errors, clarify provisions and allow for newer technology trends to be utilized in a cost effective manner.
2. Vote "No"; this will not amend Chapter 39, of the LCMC.
3. Vote to "Amend"; this could allow the City Council to direct staff to consider other changes as the City Council deemed appropriate.
4. Vote to "Table"; this would allow the City Council to table/postpone action on the ordinance and direct staff accordingly.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. N/A

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(8)

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of April 18, 2016 (Ordinance First Reading Date)

For Meeting of May 2, 2016 (Adoption Date)

TITLE: AN ORDINANCE REPEALING AND REPLACING CHAPTER 39, OUTDOOR LIGHTING OF THE LAS CRUCES MUNICIPAL CODE IN ITS ENTIRETY TO CORRECT TYPOGRAPHICAL ERRORS, AMEND DEFINITIONS, REVISE SUBMITTAL REQUIREMENTS AND SPECIAL LIGHTING PERMIT REQUIREMENTS, CLARIFY NON-CONFORMING/GRANDFATHERING PROVISIONS AND AMEND PROVISIONS FOR BILLBOARD LIGHTING OPTIONS.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes ☐ No ☒

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	[signature]	528-3106	3.10.16
Department Director	[signature]	528-3067	3-10-16
Other			
Assistant City Manager /CAO Management & Budget Manager	[signature]	x-2078 541-2107	3/16/2016 3-14-2016
Assistant City Manager/COO	Daniel Avila		3/15/16
City Attorney	[signature] for Rusty Davington	2128	3-17-16
City Clerk	[signature]	x2115	4-6-16

Rev. 8/2011

COUNCIL BILL NO. 16-022
ORDINANCE NO. 2781

AN ORDINANCE REPEALING AND REPLACING CHAPTER 39, OUTDOOR LIGHTING OF THE LAS CRUCES MUNICIPAL CODE IN ITS ENTIRETY TO CORRECT TYPOGRAPHICAL ERRORS, AMEND DEFINITIONS, REVISE SUBMITTAL REQUIREMENTS AND SPECIAL LIGHTING PERMIT REQUIREMENTS, CLARIFY NON-CONFORMING/GRANDFATHERING PROVISIONS AND AMEND PROVISIONS FOR BILLBOARD LIGHTING OPTIONS.

The City Council is informed that:

WHEREAS, the City of Las Cruces adopted an Outdoor Lighting Ordinance in August 2000; and

WHEREAS, the Ordinance was replaced in its entirety in September 2012; and

WHEREAS, City staff has worked with the current version since the last revisions and have noted several provisions need to be clarified or minor amendments made to make the Ordinance more clear to staff and the public; and

WHEREAS, additionally or simultaneous to developing the revisions, the City was approached by a member of the outdoor advertising industry seeking relief in provisions related to upgrading lighting fixtures within off-premise signage (billboards); and

WHEREAS, staff supports providing said relief within the Ordinance.

NOW, THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT Chapter 39, Outdoor Lighting of the Las Cruces Municipal Code is hereby repealed and replaced as shown in Exhibit "A", attached hereto and made part of this Ordinance.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the

accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____20__.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:
Mayor Miyagishima: ____
Councillor Gandara: ____
Councillor Smith: ____
Councillor Pedroza: ____
Councillor Eakman: ____
Councillor Sorg: ____
Councillor Levatino: ____

APPROVED AS TO FORM:

_____
Sr. Asst City Attorney

EXHIBIT A

Chapter 39 - OUTDOOR LIGHTING[1]

Footnotes:

--- (1) ---

Editor's note—Ord. No. 2662, § I(exh. A), adopted Sept. 4, 2012, repealed the former ch. 39, §§ 39-1—39-24, and enacted a new ch. 39 as set out herein and became effective Mar. 1, 2013. A grace period from the date of adoption was in place allowing the use of either ch. 39, as amended, adopted Aug. 7, 2000, or ch. 39, amended, approved Sept. 4, 2012, until Mar. 1, 2013. The former ch. 39 pertained to similar subject matter and derived from: Ord. No. 1813, § I, adopted Aug. 7, 2000; Ord. No. 1836, § II, adopted Nov. 6, 2000; Ord. No. 1929, §§ I, II, adopted Aug. 5, 2002; and Ord. No. 2583, § I(exh. A), adopted Aug. 2, 2010.

ARTICLE I. - GENERAL

Sec. 39-1. - Title.

This chapter shall be entitled the "Outdoor Lighting Ordinance" of the City of Las Cruces, New Mexico.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-2. - Purpose.

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

(1) Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce.

(2) Minimize adverse offsite impacts including light trespass, and obtrusive light.

(3) Curtail light pollution and improve the nighttime environment.

(4) Help protect the natural environment from the adverse effects of night lighting.

(5) Conserve energy and resources to the greatest extent possible.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-3. - Applicability.

(a) Except as described below, all outdoor lighting installed after the date of effect of this chapter shall comply with these requirements. This applies to any lighting device located exterior to a structure or that illuminates areas exterior to a structure, whether

permanently or temporarily installed, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party. This includes, but is not limited to:

- New lighting
- Replacement lighting
- Search light(s)
- Spotlight(s)
- Flood light(s)
- Security lighting
- Sign and architectural lighting
- Lighting for parks, parking lots, roadways
- Athletic facility lighting
- Building overhang and open canopy lighting
- Product display area lighting
- Landscape lighting
- Signs or billboards whether on-premises or off-premises, including LED, plasma and similar light sources

(b) The following are not regulated by this chapter:

(1) Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-of-way or easement when the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement.

(2) Repairs to existing luminaires.

(3) Temporary lighting for theatrical, television, performance areas and construction sites.

(4) Underwater lighting in swimming pools and water features.

(5) Temporary lighting and seasonal lighting provided that individual lamps are less than ten watts and 70 lumens.

(6) Open gas flames.

(7) Emergency outdoor lighting.

(8) Residential low voltage landscape lighting.

(9) Commercial low-voltage landscape lighting that is controlled by an automatic device that set to turn the lights off at 11:00 p.m. or 30 minutes after the close of business, whichever is later.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-4. - Severability.

If any article, section, paragraph, sentence, phrase or part of this chapter is declared unconstitutional or otherwise invalid, the remaining portions shall not be affected.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-5. - Minimum requirements.

The provisions of this chapter shall be considered to be the minimum requirements to meet the purpose expressed in section 39-2 of this chapter; however, nothing herein shall prohibit the building official or his designee from imposing greater requirements to ensure the promotion of health, safety and welfare of the citizens of the city.

All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical, building, and energy codes, applicable sections of the Las Cruces Municipal Code and manufacturer's instructions.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-6. - Conflict.

(a) Local conflict. Where the provisions of any local ordinance or regulation impose a greater duty, standard or requirement than those contained herein, the provisions of such ordinance or regulation shall supersede the provisions of this chapter.

(b) Federal and state conflict. Where the provisions of any federal law or state statute impose a greater duty, standard or requirement than those contained herein, the provisions of such federal law or state statute shall supersede the provisions of this chapter.

(c) Conflict within this chapter. When two or more provisions of this chapter are in conflict, the most restrictive provision shall apply.

(d) When the requirements herein conflict with specific lighting provisions of any of the following, only those specific provisions shall take precedence and all other requirements herein shall remain in force:

    (1) Lighting specified or identified in a special lighting permit.

    (2) Lighting required by federal or state laws or regulations.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-7. - Interpretation of meaning.

The building official or designee shall interpret the meaning of the provisions of this chapter. Disagreement with an interpretation of the building official may be appealed to the community development director. Disagreement with an interpretation by the community development director may be appealed to the planning and zoning

commission. The appeal to the planning and zoning commission must be made in writing within 30 calendar days of the aggrieved action. The decision of the planning and zoning commission may be appealed to the city council.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-8. - Definitions.

This chapter contains only those definitions essential to the proper application of this chapter. It is not intended to include commonly defined general terms or commonly defined technical terms from related codes and standards.

[Commonly defined general terms include those terms defined in general English language dictionaries and terms that are not used in a unique or restricted manner in this chapter.]

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

Absolute photometry means a photometric measurement (usually of a solid-state luminaire) that directly measures the output of the luminaire. Reference Standard IES LM-79.

Addition means an extension or increase in floor area, number of stories, height of a building or structure, or parking spaces.

Alteration—Level 1 means an alteration which includes the removal and replacement or the covering of existing materials, elements, equipment, or fixtures using new materials, elements, equipment, or fixtures that serve the same purpose.

Alteration—Level 2 means an alteration which includes the reconfiguration of space, the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment.

Alteration—Level 3 means an alteration in which the work area exceeds 50 percent of the aggregate area of the building.

Approved means acceptable to the building official or designee.

Architectural lighting means lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

Astronomic time switch means an automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.

Backlight means, for an exterior luminaire, flux radiated in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.

BUG means a luminaire classification system that evaluates backlight (B), uplight (U) and glare (G).

Candela means the basic SI (Systeme International d'Unities) unit of luminous intensity. One candela is one lumen per steradian.

Canopy means a covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.)

Change of occupancy means where the use in a space changes from one group of occupancies to another group of occupancies or changes from one division to another division in the same occupancy group (as defined in the International Building Code).

Commercial property means all properties not defined in residential.

Curfew means a time defined by this chapter, when outdoor lighting is reduced or extinguished.

Electronic variable message display means any sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Such signs may include the following modes of operations:

(1) Static. Signs which include no animation or effects simulating animation.

(2) Travel. Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

(3) Scrolling. Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

Emergency outdoor lighting means generally, lighting that is only energized by an emergency power source; or to illuminate the path of egress solely during a fire or other emergency situation; or, lighting for security purposes used solely during an alarm.

Flood lamp means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Fluorescent lamp means a lamp which use fluorescence of a phosphor to produce visible light.

Footcandle means a unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot. The footcandle is equal to one lumen per square foot.

Forward light means, for an exterior luminaire, flux radiated in the quarter sphere below horizontal and in the direction of the intended orientation of the luminaire.

Full cutoff luminaire (FCO) means a luminaire where zero candela occur at or above an angle of 90 degrees and a maximum of ten percent candelas at 80 degrees above the nadir of the installed luminaire. This applies to all lateral angles around the luminaire. Such candela information shall be determined by a photometric test report from a nationally recognized independent testing agency and as certified by the manufacturer.

Fully shielded means:

(1) A luminaire that is certified by the manufacturer as "full cut off" [as defined by IESNA (Illuminating Engineering Society of North America)] and supported by a photometric test report from a third party testing agency and installed according to the manufacturer's instructions.

(2) A luminaire approved by the International Dark-Sky Association (IDA) as dark sky friendly and bearing the IDA fixture seal of approval and installed according to the manufacturer's instructions.

(3) A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part. This can be determined by a photometric test by a design professional. Any structural part of the luminaire providing this shielding must be permanently affixed.

(4) A luminaire that is shielded by building canopies, overhangs, roof eaves, and similar types of construction which prevents direct or reflected emission of light above the horizontal. This can be determined by a photometric test by a design professional.

Fully shielded residential means a luminaire with opaque top and sides, capable of only emitting light only in the lower photometric hemisphere as installed.

Glare means lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Hardscape means permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is ten feet or less in width.

Hardscape area means hardscape area measured in square feet that is used to calculate the total site lumen limit. Refer to hardscape definition.

High intensity discharge (HID) lamp means a lamp that produces visible light directly by the electrical heating or excitation of a gas. Examples of such lighting include, but are not limited to: Metal halide, high pressure sodium, and low pressure sodium. For purposes of this chapter, fluorescent lights are not considered HID lighting.

Historic building means any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

Illuminance means the density of luminous flux incident upon a surface. Illuminance is measured in footcandles (lumens/square foot) or lux (lumens/square meter).

Incandescent lamp means a lamp which produces light via an electrically heated metallic filament.

Initial lumens means a lamps light output, in lumens, at initial installation. The manufacturer usually lists initial lumens. For example, a 100-watt incandescent lamp emits approximately 1,800 lumens.

Lamp means 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, as well as light-emitting diode (LED) modules and arrays.

Landscape lighting means lighting designed specifically for illuminating exterior natural features.

Light emitting diode (LED) means a semi-conductor device that emits light when an electrical current is passed through it.

Light pollution means any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, energy waste, compromised safety or security, and impacts on the nocturnal environment.

Light trespass means light that falls beyond the property it is intended to illuminate.

Lighting means "electric" or "manmade" or "artificial" lighting. See "Lighting equipment".

Lighting equipment means equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.

Lighting system means, on a site, all exterior electric lighting and controls.

Lighting zone means an overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community.

Lot means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, for development. It also is a tract of land described by metes and bounds and as shown on the records in the county assessor's office. Used interchangeably with "property".

Low voltage landscape lighting means landscape lighting powered at less than 15 volts and limited to luminaires having a rated initial luminaire lumen output of 750 lumens or less.

Lumen means the unit of measure used to quantify the amount of light produces by a lamp or emitted from a luminaire (as distinct from "watt", a measure of power consumption).

Luminaire means the complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

Luminaire lumens means the cumulative total of initial lumens emitted by all lamps contained within a single luminaire. For luminaires with relative photometry per

Illuminating Engineering Society (IES), it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70 percent. For luminaires with absolute photometry per Illuminating Engineering Society (IES) LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

Luminance means a measure of the brightness of a surface which is emitting light. The unit of measurement most commonly used is candelas per square meter, often referred to as nits in the U.S. (one nit = one cd/m^2).

Mounting height means the height of the photometric center of a luminaire above grade level.

New lighting means lighting for areas not previously illuminated or newly installed lighting of any type except for replacement lighting or lighting repairs.

Outdoor lighting means lighting located exterior to a structure or that illuminates areas exterior to a structure.

Outdoor luminaire means any lighting device located exterior to a structure or that illuminates areas exterior to a structure, whether permanently or temporarily installed. This includes, but is not limited to:

- Search light
- Spotlight
- Flood light
- Security lighting
- Sign and architectural lighting
- Lighting for parks, parking lots, roadways
- Athletic facility lighting
- Building overhang and open canopy lighting
- Product display area lighting
- Landscape lighting
- Signs or billboards whether on-premises or off-premises, including LED, plasma and similar light sources

Partially shielded luminaire means a luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.

Photoelectric switch means a control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.

Property line means the edge of the legally-defined property or lot.

Relative photometry means photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire.

Repair(s) means the reconstruction or renewal of any part of an existing luminaire for the purpose of its ongoing operation, other than relamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp technology or ballast technology is not considered a repair and for the purposes of this chapter the luminaire shall be treated as if new.

Replacement lighting means lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.

Residential means detached one- and two-family dwellings and townhouses not more than three stories above grade plane with a separate means of egress as defined in the International Residential Code as adopted by the City of Las Cruces.

Seasonal lighting means temporary lighting installed and operated in connection with holidays or traditions.

Shielded directional luminaire means a luminaire 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 means advertising, directional or other outdoor promotional display of art, words and/or pictures.

Spot lamp means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a clear or nearly clear glass envelope. Such lamps are so designated by the manufacturers, and typically used in residential outdoor area lighting.

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

Third party means a party contracted to provide lighting, such as a utility company.

Total initial lumens means the sum of the individual initial lumens output for all the luminaires of an installation. For example, six luminaires with 10,000 initial lumens output per luminaire would equal 60,000 total initial lumens.

Translucent means a material allowing light to pass through, but obscures or diffuses the image (not transparent or clear).

Unshielded luminaire means a luminaire that does not meet the definition of "fully shielded" or "partially shielded".

Uplight means, for or an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-9. - Residential lighting.

(a) General requirements. For residential properties, all outdoor luminaires shall meet the requirements of fully shielded or fully shielded residential.

(b) Exceptions.

(1) One partially shielded or unshielded luminaire at the main entry, not exceeding 1,800 luminaire lumens.

(2) Any other partially shielded luminaire not exceeding 900 luminaire lumens.

(3) Any other unshielded luminaire not exceeding 450 luminaire lumens.

(4) Shielded directional luminaires not exceeding 1,800 luminaire lumens; provided such luminaires shall be shielded to prevent glare and light trespass beyond the property boundary, aimed away from adjacent properties, and the center beam of each lamp shall be aimed at least 65 degrees below horizontal.

(5) Security lights shall not be required to be fully shielded if they comply with all of the following:

a. One or two flood lamps or spot lamps of less than 1,800 lumens each per luminaire.

b. The center of the beam of each lamp aimed at least 65 degrees below horizontal and away from adjacent properties when the source is visible from any adjacent property.

c. Are controlled by a motion-sensor switch.

d. Do not remain on longer than 15 minutes after activation.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-10. - Lighting zones.

The building official shall establish lighting zones within the boundaries of the jurisdiction of the City of Las Cruces. The lighting zone shall determine the limitations for commercial lighting as specified in this chapter. The lighting zones shall be as follows:

(1) Lighting zone 0. Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the total darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

(2) Lighting zone 1. Developed areas of national parks, state parks and city parks.

(3) Lighting zone 2. Areas predominately consisting of residential zoning, neighborhood business districts, light industrial with limited nighttime use and residential mixed-use areas.

(4) Lighting zone 3. All areas not included in zones 0, 1, 2, or 4.

(5) Lighting zone 4. High-activity commercial districts in major metropolitan areas as designated by the building official.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-11. - Commercial lighting.

(a) Total initial lumens per property.

(1) The total installed initial lamp lumens of all outdoor lighting systems on the property shall not exceed the total site lumen limit. The total property lumen limit shall be determined using either the parking space method (Table A) or the hardscape area method (Table B). Only one method shall be used per permit application, and for properties with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

(2) The total installed initial lamp lumens is calculated as the sum of the initial lamp lumens for all luminaires tested with relative photometry and 140 percent of initial lamp lumens for all luminaires tested with absolute photometry.

Table A - Allowed Total Initial Lumens per Property for Commercial Outdoor Lighting, Per Parking Space Method.

May only be applied to properties up to ten parking spaces (including handicapped accessible spaces).

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
500 lms/space	700 lms/space	900 lms/space	1,200 lms/space	1,500 lms/space

Table B - Allowed Total Initial Lumens per Property for Commercial Outdoor Lighting, Hardscape Area Method.

May be used for any project. When lighting intersections of property drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual property hardscape area to provide for intersection lighting.

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
1.5 lumens	2.5 lumens	4.0 lumens	8.0 lumens	12.0 lumens

per s.f. of hardscape	per s.f. of hardscape	per s.f. of hardscape	per s.f. of hardscape	per s.f. of hardscape

(b) Limits to off-site impacts. All luminaires, unless noted otherwise, shall be rated and installed according to Table C.

Table C - Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings.

A luminaire may be used if it is rated for the lighting zone of the property or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted. A luminaire certified as a full cutoff luminaire shall be deemed as meeting the uplight requirement.

Allowed Backlight Rating	Zones				
	LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
Greater than 2 mounting heights from property line	B1	B3	B4	B5	B5
1 to 2 mounting heights from property line and properly oriented*	B1	B2	B3	B4	B4
0.5 to 1 mounting heights from property line and properly oriented*	B0	B1	B2	B3	B3
Less than 0.5 mounting height to property line adjacent to a street and properly oriented* **	B0	B0	B1	B2	B3
Less than 0.5 mounting height to property line and properly oriented*	B0	B0	B0	B1	B2
Allowed Uplight Rating	U0	U0	U1	U2	U3
Allowed Glare Rating**	G0	G1	G2	G3	G4
Building Mounted Luminaires only*** Greater than 2 mounting heights to any property line	G0	G1	G2	G3	G4

Building Mounted Luminaires only*** 1 to 2 mounting heights to any property line	G0	G0	G1	G1	G2
Building Mounted Luminaires only*** 0.5 to 1 mounting heights of any property line	G0	G0	G0	G1	G1
Building Mounted Luminaires only*** Less than 0.5 mounting heights of any property line	G0	G0	G0	G0	G1

* The luminaire must be mounted with backlight towards the property line.

** For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be five feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to Table C only and shall not be used to increase the lighting area of the site.

*** Building-mounted luminaires that cannot be mounted with their backlight to the property line shall meet the allowed glare rating for all luminaires. Light from a building-mounted luminaire must not exceed the B rating in the direction to the property line.

(c) Automatic daylight switching requirements.

(1) Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system. All time switches, programmable lighting controller, building automation system or lighting energy management system shall be capable of retaining programming and the time setting during loss of power for a period of at least ten hours.

(2) Automatic lighting controls are not required for the following:

a. Lighting under canopies.

b. Lighting for tunnels, parking garages, garage entrances, and similar conditions.

c. Approved emergency outdoor lighting.

(d) Automatic lighting reduction requirements.

(1) Total outdoor lighting lumens shall be reduced (by at least 30 percent) or extinguished at 11:00 p.m. or 30 minutes after the close of business, whichever is later.

(2) Lighting reductions are not required for any of the following:

- Approved emergency outdoor lighting
- When there is only one luminaire on the property
- Code required lighting for steps, stairs, walkways, and building entrances
- When in the opinion of the building official, lighting levels must be maintained
- Motion activated lighting
- Lighting governed by special use permit in which times of operation are specifically identified
- Businesses that operate on a 24-hour basis
- Approved architectural illumination
- Approved flag lighting
- Approved signs and billboards
- Lighting for single-family dwelling units on commercial properties

(e) Emergency outdoor lighting.

(1) The lumens allowed for approved emergency outdoor lighting shall be allowed in addition to the total property lumen limit for that property.

(2) Approved emergency outdoor lighting shall not be subject to the limits to off-site impacts for that property.

(3) Approved emergency outdoor lighting shall not be subject to the automatic lighting reduction requirements. Approved emergency outdoor lighting shall not be subject to the automatic switching requirements.

(f) Architectural illumination.

(1) A separate allowance of lumens for architectural lighting will be allowed in the amount of ten percent of the calculated total property lumens.

(2) This allowance is in addition to the total property lumen limit.

(3) The luminaires used for architectural lighting shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the building and shall not be subject to the limits to off-site impacts for that property.

(g) Single-family dwelling units on commercial properties. Lighting for a single-family dwelling unit(s) on a commercial property, as allowed by the Las Cruces Zoning Code, shall conform to the requirements for residential lighting and shall be in addition to the total property lumen limit.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-12. - Flag lighting.

(a) Only the United States and the New Mexico State flag shall be permitted to be illuminated.

(1) Flag lighting sources shall not exceed 7,000 lumens per flagpole.

(2) The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be shielded so the light source (lamp and reflector) is not visible at normal viewing angles.

(b) For a commercial property.

(1) The lumens allowed for approved flag lighting shall be allowed in addition to the total property lumen limit for that property.

(2) Approved flag lighting shall not be subject to the limits to off-site impacts for that property.

(3) Approved flag lighting shall not be subject to the automatic lighting reduction requirements.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-13. - Signs and billboards.

(a) Signs and billboards.

(1) Internally illuminated signs and billboards must be constructed so that the top of the sign is constructed of metal or of suitable material that does not allow light penetration vertically, so as to ensure that light is not emitted directly towards the sky. The light output from the face of the sign shall not exceed 150 nits.

(2) Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward unless the off-premise sign utilizes LED lighting technology, then those signs may be top or bottom mounted. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the sign or billboard. The luminance on the face of the sign or billboard shall not exceed 150 nits. Photometric evidence of the installed luminaires showing compliance with this section shall be provided to the city within 10 business days of installation.

(3) Electronic variable message display signs and billboards shall be equipped with automatic dimming capability, and light produced by such signs shall not exceed 350 nits during nighttime hours and shall not exceed 7,500 nits during daylight hours.

(b) For a commercial property.

(1) The lumens allowed for approved signs and billboards shall be allowed in addition to the total property lumen limit for that property.

(2) Approved signs and billboards shall not be subject to the limits to off-site impacts for that property.

(3) Approved signs and billboards shall not be subject to the automatic lighting reduction requirements.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-14. - Alternate materials and methods of construction, installation and operation.

The provisions of this code are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed by this chapter, provided any such alternate has been approved. The building official may approve any such proposed alternate provided he finds that it:

(1) Provides at least approximate equivalence to the applicable specific requirements of this code; and

(2) Is otherwise satisfactory or complies with the intent of this code; and

(3) Has been designed or approved by a registered design professional and is supported by calculations showing that the design submitted meets the intent of the code. This section shall not have the effect of waiving any requirements of this code.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-15. - Special lighting permit.

(a) High intensity and special purpose lighting. The following lighting systems are prohibited from being installed or used except by special lighting permit:

(1) Temporary lighting in which any single luminaire exceeds 20,000 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 lumens or an intensity in any direction of more than 2,000,000 candelas.

(b) Complex and nonconforming uses. Upon special lighting permit issued by the building official, lighting not complying with the technical requirements of this chapter 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, such as petrochemical manufacturing or storage, shipping piers, etc.;

(4) Parking structures;

(5) Urban parks;

(6) Decorative and architectural lighting of bridges, public monuments, and public buildings;

(7) Theme and amusement parks;

(8) Historic buildings;

(9) Projected images and movies, including Drive-In Theaters.

(c) To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:

(1) Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the information required for a commercial plan submittal.

(2) Employs lighting controls to reduce lighting at a project specific curfew ("curfew") time to be established in the permit.

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

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-16. - Plan submittals.

(a) Plan submittals for projects involving outdoor lighting shall contain all the information required by the City of Las Cruces Building Code (chapter 30, Las Cruces Municipal Code).

(b) In addition, evidence of compliance with the requirements of this chapter shall be provided by including an outdoor lighting site plan consisting of the following:

(1) A note indicating which method for determining total site lumens is being used and show the calculations.

(2) Locations of all proposed outdoor luminaires (including site, parking lot, parking canopies, walkways/sidewalks, building-mounted, under-canopies, architectural, landscape, flagpole, external signage lighting, etc.). This includes all normal and emergency outdoor lighting.

(3) A fixture schedule that includes all luminaires shown on the plan(s). The schedule shall include, at a minimum: Fixture type/mark; manufacturer; catalog/part number; lamp quantity per luminaire; lamp type; lamp initial lumens and BUG

rating; mounting height of the luminaire above finished grade, description/comments.

(4) City ordinance requires most sites to reduce the outdoor illumination by a minimum of at least 30 percent or extinguished at 11:00 p.m. or 30 minutes after the close of business. The lighting plans shall therefore be prepared in a fashion that clearly identifies which fixtures are to remain on all night for security lighting purposes. This identification can be accomplished via fixture shading, keynotes, or the creation of a separate after-hours lighting/photometric plan. This separate plan shall be titled accordingly.

(5) A note shall be placed on the lighting plan which identifies the time(s) at which the site will enter security-lighting-only mode, and a general description of the device(s) that will automatically be controlling the lighting.

(6) A pole detail for each type of pole light shall be included in the submittal. This detail shall include, at a minimum: Mounting height of the luminaire(s) as measured from the fixture lens to the finished grade of the parking lot, the fixture type of the luminaires mounted on the pole.

(7) A complete date for the current plan, and complete dates for all prior versions of the plans that were submitted to the city.

(8) A contact name and phone number for the preparer of the lighting submittal.

(9) NOTE: These submittal requirements are intended to serve as the minimum information necessary to begin the plan review process. City staff may request additional information to be provided and/or be placed on the plans before the city will be able to approve the site plan.

(c) Additional information may be required by the community development department in order to determine compliance with this chapter.

(d) A description of luminaires, sufficient to demonstrate compliance with this chapter, including lamps, poles or other supports and shielding devices, provided as catalogue illustrations from the manufacturer, and photometric data, such as that furnished by the manufacturer, showing the downward angle of light emission shall be available on the jobsite with the approved set of plans.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-17. - Grandfathering.

(a) Lighting installed prior to the effective date of this chapter shall comply with the following:

(1) Any new luminaire or new outdoor lighting shall meet the requirements of this chapter for new outdoor lighting.

(2) A legally installed luminaire existing as of the date of this chapter is exempt from the provisions of this chapter except that any replacement lighting must comply with the provisions of this chapter for new outdoor lighting. For the purposes of

this section, a legally installed luminaire means a fixture that was permitted and installed in accordance with the adopted codes and regulations applicable at the time of installation.

(b) Resumption of use after abandonment. If a property with nonconforming lighting is abandoned or remains vacant for a period of 12 months or more, then all outdoor lighting on the property shall be brought into compliance with the provisions of this chapter for new outdoor lighting before any further use of the property occurs or before a certificate of completion, certificate of occupancy, or business registration is issued.

(c) Residential properties and single-tenant commercial properties—Repairs, alterations, change of occupancy, additions, historic buildings, and relocated buildings:

(1) Repairs. Relamping or replacement of components of a legally installed luminaire existing as of the date of this chapter (including capacitor, ballast or photocell) shall be exempt from the provisions of this chapter. Any other reconstruction or renewal of any part of a legally installed luminaire existing as of the date of this chapter for the purpose of its ongoing operation is not considered a repair and for the purposes of this chapter the luminaire shall be treated as if new outdoor lighting. Note that retrofitting a luminaire with new lamp technology or ballast technology is not considered a repair and for the purposes of this chapter the luminaire shall be treated as if new outdoor lighting.

(2) Alterations.

a. Legally installed luminaires existing as of the date of this chapter affected by Level 1 or Level 2 alterations are exempt from the provisions of this chapter except that replacement luminaires must comply with the provisions of this chapter for new outdoor lighting.

b. Where Level 3 alterations take place all outdoor lighting on the property shall be brought into compliance with the provisions of this chapter for new outdoor lighting before a certificate of completion, certificate of occupancy, or business registration is issued.

(3) Change of occupancy. Where the use in a space changes from one group of occupancies to another group of occupancies or changes from one division to another division in the same occupancy group (as defined in the International Building Code as adopted by the City of Las Cruces), all outdoor lighting on the property shall be brought into compliance with the provisions of this chapter for new outdoor lighting before the change in use commences or before a certificate of completion, certificate of occupancy, or business registration is issued.

(4) Additions. Where there is an extension or increase in floor area, number of stories, height of a building or structure, or parking spaces all outdoor lighting on the property shall be brought into compliance with the provisions of this chapter for new outdoor lighting before a certificate of completion, certificate of occupancy, or business registration is issued.

(5) Historic buildings. Where a historic building (as defined in this chapter) is unable to comply with the provisions of this chapter a special permit shall be obtained before a certificate of completion, certificate of occupancy, or business registration is issued.

(6) Relocated buildings. Where a building is relocated all outdoor lighting on the property where the building is relocated to shall be brought into compliance with the provisions of this chapter for new outdoor lighting before a certificate of completion, certificate of occupancy, or business registration is issued.

(d) Multiple-tenant commercial properties.

(1) Outdoor lighting associated directly with a specific tenant shall be treated as single-tenant commercial property.

(2) All outdoor lighting not specifically and directly associated with a single-tenant shall be brought into compliance with the provisions of this chapter for new outdoor lighting within seven years of the effective date of this chapter.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-18. - Variance procedure.

Variances defined as other exemptions from the requirement of this chapter, shall not be permitted unless specifically authorized by the planning and zoning commission, subject to appeal to the city council in accordance with section 38-10 of the Las Cruces Municipal Code.

Procedural requirements for variance requests shall be in compliance with subsection 38-10 I., variances of the Las Cruces Municipal Code.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-19. - Enforcement.

(a) Any person who violates any section of this chapter shall be guilty of a petty misdemeanor and, upon conviction, be punished by a fine of not less than $50.00 and not more than $300.00 for each violation. Each 24-hour period during any portion of which any violation of this chapter is committed or continued to exist shall constitute a separate offense.

(b) Violations of this chapter are considered to be nuisances subject to the enforcement provision of LCMC 1997 § 18-1 through § 18-9.

(Ord. No. 2662, § I(exh. A), 9-4-12)

ATTACHMENT A

Chapter 39 - OUTDOOR LIGHTING[1]

Footnotes:

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Editor's note—Ord. No. 2662, § I(exh. A), adopted Sept. 4, 2012, repealed the former ch. 39, §§ 39-1—39-24, and enacted a new ch. 39 as set out herein and became effective Mar. 1, 2013. A grace period from the date of adoption was in place allowing the use of either ch. 39, as amended, adopted Aug. 7, 2000, or ch. 39, amended, approved Sept. 4, 2012, until Mar. 1, 2013. The former ch. 39 pertained to similar subject matter and derived from: Ord. No. 1813, § I, adopted Aug. 7, 2000; Ord. No. 1836, § II, adopted Nov. 6, 2000; Ord. No. 1929, §§ I, II, adopted Aug. 5, 2002; and Ord. No. 2583, § I(exh. A), adopted Aug. 2, 2010.

ARTICLE I. - GENERAL

Sec. 39-1. - Title.

This chapter shall be entitled the "Outdoor Lighting Ordinance" of the City of Las Cruces, New Mexico.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-2. - Purpose.

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

(1) Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce.

(2) Minimize adverse offsite impacts including light trespass, and obtrusive light.

(3) Curtail light pollution and improve the nighttime environment.

(4) Help protect the natural environment from the adverse effects of night lighting.

(5) Conserve energy and resources to the greatest extent possible.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-3. - Applicability.

(a) Except as described below, all outdoor lighting installed after the date of effect of this chapter shall comply with these requirements. This applies to any lighting device located exterior to a structure or that illuminates areas exterior to a structure, whether

permanently or temporarily installed, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party. This includes, but is not limited to:

- New lighting
- Replacement lighting
- Search light(s)
- Spotlight(s)
- Flood light(s)
- Security lighting
- Sign and architectural lighting
- Lighting for parks, parking lots, roadways
- Athletic facility lighting
- Building overhang and open canopy lighting
- Product display area lighting
- Landscape lighting
- Signs or billboards whether on-premises or off-premises, including LED, plasma and similar light sources

(b) The following are not regulated by this chapter:

(1) Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-of-way or easement when the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement.

(2) Repairs to existing luminaires.

(3) Temporary lighting for theatrical, television, performance areas and construction sites.

(4) Underwater lighting in swimming pools and water features.

(5) Temporary lighting and seasonal lighting provided that individual lamps are less than ten watts and 70 lumens.

(6) Open gas flames.

(7) Emergency outdoor lighting.

(8) Residential low voltage landscape lighting.

(9) Commercial low-voltage landscape lighting that is controlled by an automatic device that set to turn the lights off at 11:00 p.m. or 30 minutes after the close of business, whichever is later.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-4. - Severability.

If any article, section, paragraph, sentence, phrase or part of this chapter is declared unconstitutional or otherwise invalid, the remaining portions shall not be affected.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-5. - Minimum requirements.

The provisions of this chapter shall be considered to be the minimum requirements to meet the purpose expressed in section 39-2 of this chapter; however, nothing herein shall prohibit the building official or his designee from imposing greater requirements to ensure the promotion of health, safety and welfare of the citizens of the city.

All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical, building, and energy codes, applicable sections of the Las Cruces Municipal Code and manufacturer's instructions.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-6. - Conflict.

(a) Local conflict. Where the provisions of any local ordinance or regulation impose a greater duty, standard or requirement than those contained herein, the provisions of such ordinance or regulation shall supersede the provisions of this chapter.

(b) Federal and state conflict. Where the provisions of any federal law or state statute impose a greater duty, standard or requirement than those contained herein, the provisions of such federal law or state statute shall supersede the provisions of this chapter.

(c) Conflict within this chapter. When two or more provisions of this chapter are in conflict, the most restrictive provision shall apply.

(d) When the requirements herein conflict with specific lighting provisions of any of the following, only those specific provisions shall take precedence and all other requirements herein shall remain in force:

    (1) Lighting specified or identified in a special lighting permit.

    (2) Lighting required by federal or state laws or regulations.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-7. - Interpretation of meaning.

The building official or designee shall interpret the meaning of the provisions of this chapter. Disagreement with an interpretation of the building official may be appealed to the community development director. Disagreement with an interpretation by the community development director may be appealed to the planning and zoning

commission. The appeal to the planning and zoning commission must be made in writing within 30 calendar days of the aggrieved action. The decision of the planning and zoning commission may be appealed to the city council.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-8. - Definitions.

This chapter contains only those definitions essential to the proper application of this chapter. It is not intended to include commonly defined general terms or commonly defined technical terms from related codes and standards.

[Commonly defined general terms include those terms defined in general English language dictionaries and terms that are not used in a unique or restricted manner in this chapter.]

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

Absolute photometry means a photometric measurement (usually of a solid-state luminaire) that directly measures the output of the luminaire. Reference Standard IES LM-79.

Addition means an extension or increase in floor area, number of stories, height of a building or structure, or parking spaces.

Alteration—Level 1 means an alteration which includes the removal and replacement or the covering of existing materials, elements, equipment, or fixtures using new materials, elements, equipment, or fixtures that serve the same purpose.

Alteration—Level 2 means an alteration which includes the reconfiguration of space, the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment.

Alteration—Level 3 means an alteration in which the work area exceeds 50 percent of the aggregate area of the building.

Approved means acceptable to the building official or designee.

Architectural lighting means lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

Astronomic time switch means an automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.

Backlight means, for an exterior luminaire, flux radiated in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.

BUG means a luminaire classification system that evaluates backlight (B), uplight (U) and glare (G).

Candela means the basic SI (Systeme International d'Unities) unit of luminous intensity. One candela is one lumen per steradian.

Canopy means a covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.)

Change of occupancy means where the use in a space changes from one group of occupancies to another group of occupancies or changes from one division to another division in the same occupancy group (as defined in the International Building Code).

Commercial property means all properties not defined in residential.

Curfew means a time defined by this chapter, when outdoor lighting is reduced or extinguished.

Electronic variable message display means any sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Such signs may include the following modes of operations:

(1) Static. Signs which include no animation or effects simulating animation.

(2) Travel. Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

(3) Scrolling. Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

Emergency outdoor lighting means generally, lighting that is only energized by an emergency power source; or to illuminate the path of egress solely during a fire or other emergency situation; or, lighting for security purposes used solely during an alarm.

Flood lamp means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Fluorescent lamp means a lamp which use fluorescence of a phosphor to produce visible light.

Footcandle means a unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot. The footcandle is equal to one lumen per square foot.

Forward light means, for an exterior luminaire, flux radiated in the quarter sphere below horizontal and in the direction of the intended orientation of the luminaire.

Full cutoff luminaire (FCO) means a luminaire where zero candela occur at or above an angle of 90 degrees and a maximum of ten percent candelas at 80 degrees above the nadir of the installed luminaire. This applies to all lateral angles around the luminaire. Such candela information shall be determined by a photometric test report from a nationally recognized independent testing agency and as certified by the manufacturer.

Fully shielded means:

(1) A luminaire that is certified by the manufacturer as "full cut off" [as defined by IESNA (Illuminating Engineering Society of North America)] and supported by a photometric test report from a third party testing agency and installed according to the ~~manufacturers~~manufacturer's instructions.

(2) A luminaire approved by the International Dark-Sky Association (IDA) as dark sky friendly and bearing the IDA fixture seal of approval and installed according to the ~~manufacturers~~manufacturer's instructions.

(3) A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part. This can be determined by a photometric test by a design professional. Any structural part of the luminaire providing this shielding must be permanently affixed.

(4) A luminaire that is shielded by building canopies, overhangs, roof eaves, and similar types of construction which prevents direct or reflected emission of light above the horizontal. This can be determined by a photometric test by a design professional.

Fully shielded residential means a luminaire with opaque top and sides, capable of only emitting light only in the lower photometric hemisphere as installed.

Glare means lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Hardscape means permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is ten feet or less in width.

Hardscape area means hardscape area measured in square feet that is used to calculate the total site lumen limit. Refer to hardscape definition.

High intensity discharge (HID) lamp means a lamp that produces visible light directly by the electrical heating or excitation of a gas. Examples of such lighting include, but are not limited to: Metal halide, high pressure sodium, and low pressure sodium. For purposes of this chapter, fluorescent lights are not considered HID lighting.

Historic building means any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

Illuminance means the density of luminous flux incident upon a surface. Illuminance is measured in footcandles (lumens/square foot) or lux (lumens/square meter).

Incandescent lamp means a lamp which produces light via an electrically heated metallic filament.

Initial lumens means a lamps light output, in lumens, at initial installation. The manufacturer usually lists initial lumens. For example, a 100-watt incandescent lamp emits approximately 1,800 lumens.

Lamp means 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, as well as light-emitting diode (LED) modules and arrays.

Landscape lighting means lighting designed specifically for illuminating exterior natural features. ~~and for which lighting for any other purpose is incidental.~~

Light emitting diode (LED) means a semi-conductor device that emits light when an electrical current is passed through it.

Light pollution means any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, energy waste, compromised safety or security, and impacts on the nocturnal environment.

Light trespass means light that falls beyond the property it is intended to illuminate.

Lighting means "electric" or "manmade" or "artificial" lighting. See "Lighting equipment".

Lighting equipment means equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.

Lighting system means, on a site, all exterior electric lighting and controls.

Lighting zone means an overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community.

Lot means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, for development. It also is a tract of land described by metes and bounds and as shown on the records in the county assessor's office. Used interchangeably with "property".

Low voltage landscape lighting means landscape lighting powered at less than 15 volts and limited to luminaires having a rated initial luminaire lumen output of 750 lumens or less.

Lumen means the unit of measure used to quantify the amount of light produces by a lamp or emitted from a luminaire (as distinct from "watt", a measure of power consumption).

Luminaire means the complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

Luminaire lumens means the cumulative total of initial lumens emitted by all lamps contained within a single luminaire. For luminaires with relative photometry per

Illuminating Engineering Society (IES), it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70 percent. For luminaires with absolute photometry per Illuminating Engineering Society (IES) LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

Luminance means a measure of the brightness of a surface which is emitting light. The unit of measurement most commonly used is candelas per square meter, often referred to as nits in the U.S. (one nit = one cd/m^2).

Mounting height means the height of the photometric center of a luminaire above grade level.

New lighting means lighting for areas not previously illuminated or newly installed lighting of any type except for replacement lighting or lighting repairs.

Outdoor lighting means lighting located exterior to a structure or that illuminates areas exterior to a structure.

Outdoor luminaire means any lighting device located exterior to a structure or that illuminates areas exterior to a structure, whether permanently or temporarily installed. This includes, but is not limited to:

- Search light
- Spotlight
- Flood light
- Security lighting
- Sign and architectural lighting
- Lighting for parks, parking lots, roadways
- Athletic facility lighting
- Building overhang and open canopy lighting
- Product display area lighting
- Landscape lighting
- Signs or billboards whether on-premises or off-premises, including LED, plasma and similar light sources

Partially shielded luminaire means a luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.

Photoelectric switch means a control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.

Property line means the edge of the legally-defined property or lot.

Relative photometry means photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire.

Repair(s) means the reconstruction or renewal of any part of an existing luminaire for the purpose of its ongoing operation, other than relamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp technology or ballast technology is not considered a repair and for the purposes of this chapter the luminaire shall be treated as if new.

Replacement lighting means lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.

Residential means detached one- and two-family dwellings and townhouses not more than three stories above grade plane with a separate means of egress as defined in the International Residential Code as adopted by the City of Las Cruces.

Seasonal lighting means temporary lighting installed and operated in connection with holidays or traditions.

Shielded directional luminaire means a luminaire 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 means advertising, directional or other outdoor promotional display of art, words and/or pictures.

Spot lamp means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a clear or nearly clear glass envelope. Such lamps are so designated by the manufacturers, and typically used in residential outdoor area lighting.

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

Third party means a party contracted to provide lighting, such as a utility company.

Total initial lumens means the sum of the individual initial lumens output for all the luminaires of an installation. For example, six luminaires with 10,000 initial lumens output per luminaire would equal 60,000 total initial lumens.

Translucent means a material allowing light to pass through, but obscures or diffuses the image (not transparent or clear).

Unshielded luminaire means a luminaire that does not meet the definition of "fully shielded" or "partially shielded".

Uplight means, for or an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-9. - Residential lighting.

(a) General requirements. For residential properties, all outdoor luminaires shall meet the requirements of fully shielded or fully shielded residential.

(b) Exceptions.

(1) One partially shielded or unshielded luminaire at the main entry, not exceeding 1,800 luminaire lumens.

(2) Any other partially shielded luminaire not exceeding 900 luminaire lumens.

(3) Any other unshielded luminaire not exceeding 450 luminaire lumens.

(4) Shielded directional luminaires not exceeding 1,800 luminaire lumens; provided such luminaires shall be shielded to prevent glare and light trespass beyond the property boundary, aimed away from adjacent properties, and the center beam of each lamp shall be aimed at least 65 degrees below horizontal.

(5) Security lights shall not be required to be fully shielded if they comply with all of the following:

a. One or two flood lamps or spot lamps of less than 1,800 lumens each per luminaire.

b. The center of the beam of each lamp aimed at least 65 degrees below horizontal and away from adjacent properties when the source is visible from any adjacent property.

c. Are controlled by a motion-sensor switch.

d. Do not remain on longer than 15 minutes after activation.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-10. - Lighting zones.

The building official shall establish lighting zones within the boundaries of the jurisdiction of the City of Las Cruces. The lighting zone shall determine the limitations for commercial lighting as specified in this chapter. The lighting zones shall be as follows:

(1) Lighting zone 0. Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the total darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

(2) Lighting zone 1. Developed areas of national parks, state parks and city parks.

(3) Lighting zone 2. Areas predominately consisting of residential zoning, neighborhood business districts, light industrial with limited nighttime use and residential mixed-use areas.

(4) Lighting zone 3. All areas not included in zones 0, 1, 2, or 4.

(5) Lighting zone 4. High-activity commercial districts in major metropolitan areas as designated by the building official.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-11. - Commercial lighting.

(a) Total initial lumens per property.

(1) The total installed initial lamp lumens of all outdoor lighting systems on the property shall not exceed the total site lumen limit. The total property lumen limit shall be determined using either the parking space method (Table A) or the hardscape area method (Table B). Only one method shall be used per permit application, and for properties with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

(2) The total installed initial lamp lumens is calculated as the sum of the initial lamp lumens for all luminaires tested with relative photometry and 140 percent of initial lamp lumens for all luminaires tested with absolute photometry.

Table A - Allowed Total Initial Lumens per Property for Commercial Outdoor Lighting, Per Parking Space Method.

May only be applied to properties up to ten parking spaces (including handicapped accessible spaces).

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
500 lms/space	700 lms/space	900 lms/space	1,200 lms/space	1,500 lms/space

Table B - Allowed Total Initial Lumens per Property for Commercial Outdoor Lighting, Hardscape Area Method.

May be used for any project. When lighting intersections of property drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual property hardscape area to provide for intersection lighting.

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
1.5 lumens	2.5 lumens	4.0 lumens	8.0 lumens	12.0 lumens

per s.f. of hardscape	per s.f. of hardscape	per s.f. of hardscape	per s.f. of hardscape	per s.f. of hardscape

(b) Limits to off-site impacts. All luminaires, unless noted otherwise, shall be rated and installed according to Table C.

Table C - Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings.

A luminaire may be used if it is rated for the lighting zone of the property or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted. A luminaire certified as a full cutoff luminaire shall be deemed as meeting the uplight requirement.

Allowed Backlight Rating	Zones				
	LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
Greater than 2 mounting heights from property line	B1	B3	B4	B5	B5
1 to 2 mounting heights from property line and properly oriented*	B1	B2	B3	B4	B4
0.5 to 1 mounting heights from property line and properly oriented*	B0	B1	B2	B3	B3
Less than 0.5 mounting height to property line adjacent to a street and properly oriented* **	B0	B0	B1	B2	B3
Less than 0.5 mounting height to property line and properly oriented*	B0	B0	B0	B1	B2
Allowed Uplight Rating	U0	U0	U1	U2	U3
Allowed Glare Rating**	G0	G1	G2	G3	G4
Building Mounted Luminaires only*** Greater than 2 mounting heights to any property line	G0	G1	G2	G3	G4

Building Mounted Luminaires only*** 1 to 2 mounting heights to any property line	G0	G0	G1	G1	G2
Building Mounted Luminaires only*** 0.5 to 1 mounting heights of any property line	G0	G0	G0	G1	G1
Building Mounted Luminaires only*** Less than 0.5 mounting heights of any property line	G0	G0	G0	G0	G1

* The luminaire must be mounted with backlight towards the property line.

** For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be five feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to Table C only and shall not be used to increase the lighting area of the site.

*** Building-mounted luminaires that cannot be mounted with their backlight to the property line shall meet the allowed glare rating for all luminaires. Light from a building-mounted luminaire must not exceed the B rating in the direction to the property line.

(c) Automatic daylight switching requirements.

(1) Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system. All time switches, programmable lighting controller, building automation system or lighting energy management system shall be capable of retaining programming and the time setting during loss of power for a period of at least ten hours.

(2) Automatic lighting controls are not required for the following:

a. Lighting under canopies.

b. Lighting for tunnels, parking garages, garage entrances, and similar conditions.

c. Approved emergency outdoor lighting.

(d) Automatic lighting reduction requirements.

(1) Total outdoor lighting lumens shall be reduced (by at least 30 percent) or extinguished at 11:00 p.m. or 30 minutes after the close of business, whichever is later.

(2) Lighting reductions are not required for any of the following:

- Approved emergency outdoor lighting
- When there is only one luminaire on the property
- Code required lighting for steps, stairs, walkways, and building entrances
- When in the opinion of the building official, lighting levels must be maintained
- Motion activated lighting
- Lighting governed by special use permit in which times of operation are specifically identified
- Businesses that operate on a 24-hour basis
- Approved architectural illumination
- Approved flag lighting
- Approved signs and billboards
- Lighting for single-family dwelling units on commercial properties

(e) Emergency outdoor lighting.

(1) The lumens allowed for approved emergency outdoor lighting shall be allowed in addition to the total property lumen limit for that property.

(2) Approved emergency outdoor lighting shall not be subject to the limits to off-site impacts for that property.

(3) Approved emergency outdoor lighting shall not be subject to the automatic lighting reduction requirements. Approved emergency outdoor lighting shall not be subject to the automatic switching requirements.

(f) Architectural illumination.

(1) A separate allowance of lumens for architectural lighting will be allowed in the amount of ten percent of the calculated total property lumens.

(2) This allowance is in addition to the total property lumen limit.

(3) The luminaires used for architectural lighting shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the building and shall not be subject to the limits to off-site impacts for that property.

(g) Single-family dwelling units on commercial properties. Lighting for a single-family dwelling unit(s) on a commercial property, as allowed by the Las Cruces Zoning Code, shall conform to the requirements for residential lighting and shall be in addition to the total property lumen limit.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-12. - Flag lighting.

(a) Only the United States and the New Mexico State flag shall be permitted to be illuminated.

(1) Flag lighting sources shall not exceed 7,000 lumens per flagpole.

(2) The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be shielded so the light source (lamp and reflector) is not visible at normal viewing angles.

(b) For a commercial property.

(1) The lumens allowed for approved flag lighting shall be allowed in addition to the total property lumen limit for that property.

(2) Approved flag lighting shall not be subject to the limits to off-site impacts for that property.

(3) Approved flag lighting shall not be subject to the automatic lighting reduction requirements.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-13. - Signs and billboards.

(a) Signs and billboards.

(1) Internally illuminated signs and billboards must be constructed so that the top of the sign is constructed of metal or of suitable material that does not allow light penetration vertically, so as to ensure that light is not emitted directly towards the sky. The light output from the face of the sign shall not exceed 150 nits.

(2) Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward unless the off-premise sign utilizes LED lighting technology, then those signs may be top or bottom mounted. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the sign or billboard. The luminance on the face of the sign or billboard shall not exceed 150 nits. Photometric evidence of the installed luminaires showing compliance with this section shall be provided to the city within 10 business days of installation.

(3) Electronic variable message display signs and billboards shall be equipped with automatic dimming capability, and light produced by such signs shall not exceed ~~150~~ 350 nits during nighttime hours and shall not exceed ~~5,000~~ 7,500 nits during daylight hours.

(b) For a commercial property.

(1) The lumens allowed for approved signs and billboards shall be allowed in addition to the total property lumen limit for that property.

(2) Approved signs and billboards shall not be subject to the limits to off-site impacts for that property.

(3) Approved signs and billboards shall not be subject to the automatic lighting reduction requirements.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-14. - Alternate materials and methods of construction, installation and operation.

The provisions of this code are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed by this chapter, provided any such alternate has been approved. The building official may approve any such proposed alternate provided he finds that it:

(1) Provides at least approximate equivalence to the applicable specific requirements of this code; and

(2) Is otherwise satisfactory or complies with the intent of this code; and

(3) Has been designed or approved by a registered design professional and is supported by calculations showing that the design submitted meets the intent of the code. This section shall not have the effect of waiving any requirements of this code.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-15. - Special lighting permit.

(a) High intensity and special purpose lighting. The following lighting systems are prohibited from being installed or used except by special lighting permit:

(1) Temporary lighting in which any single luminaire exceeds 20,000 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 lumens or an intensity in any direction of more than 2,000,000 candelas.

(b) Complex and nonconforming uses. Upon special lighting permit issued by the building official, lighting not complying with the technical requirements of this chapter 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, such as petrochemical manufacturing or storage, shipping piers, etc.;

(4) Parking structures;

(5) Urban parks;

(6) Decorative and architectural lighting of bridges, public monuments, and public buildings;

(7) Theme and amusement parks;

(8) Historic buildings;

(9) Projected images and movies, including drive-in theaters.

(c) To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:

(1) Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the information required for a commercial plan submittal.

(2) Employs lighting controls to reduce lighting at a project specific curfew ("curfew") time to be established in the permit.

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

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-16. - Plan submittals.

(a) Plan submittals for projects involving outdoor lighting shall contain all the information required by the City of Las Cruces Building Code (chapter 30, Las Cruces Municipal Code).

(b) In addition, evidence of compliance with the requirements of this chapter shall be provided by including an outdoor lighting site plan consisting of the following:

(1) A note indicating which method for determining total site lumens is being used and show the calculations.

(2) Locations of all proposed outdoor luminaires (including site, parking lot, parking canopies, walkways/sidewalks, building-mounted, under-canopies, architectural, landscape, flagpole, external signage lighting, etc.). This includes all normal and emergency outdoor lighting.

(3) A fixture schedule that includes all luminaires shown on the plan(s). The schedule shall include, at a minimum: Fixture type/mark; manufacturer; catalog/part number; lamp quantity per luminaire; lamp type; lamp initial lumens and BUG

rating; mounting height of the luminaire above finished grade, description/comments.

(4) City ordinance requires most sites to reduce the outdoor illumination by a minimum of at least 30 percent or extinguished at 11:00 p.m. or 30 minutes after the close of business. The lighting plans shall therefore be prepared in a fashion that clearly identifies which fixtures are to remain on all night for security lighting purposes. This identification can be accomplished via fixture shading, keynotes, or the creation of a separate after-hours lighting/photometric plan. This separate plan shall be titled accordingly.

(5) A note shall be placed on the lighting plan which identifies the time(s) at which the site will enter security-lighting-only mode, and a general description of the device(s) that will automatically be controlling the lighting.

(6) A pole detail for each type of pole light shall be included in the submittal. This detail shall include, at a minimum: Mounting height of the luminaire(s) as measured from the fixture lens to the finished grade of the parking lot, the fixture type of the luminaires mounted on the pole.

(7) A complete date for the current plan, and complete dates for all prior versions of the plans that were submitted to the city.

(8) A contact name and phone number for the preparer of the lighting submittal.

(9) NOTE: These submittal requirements are intended to serve as the minimum information necessary to begin the plan review process. City staff may request additional information to be provided and/or be placed on the plans before the city will be able to approve the site plan.

(c) Additional information may be required by the community development department in order to determine compliance with this chapter.

(d) A description of luminaires, sufficient to demonstrate compliance with this chapter, including lamps, poles or other supports and shielding devices, provided as catalogue illustrations from the manufacturer, and photometric data, such as that furnished by the manufacturer, showing the downward angle of light emission shall be available on the jobsite with the approved set of plans.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-17. - Grandfathering.

(a) Lighting installed prior to the effective date of this chapter shall comply with the following:

(1) Any new luminaire or new outdoor lighting shall meet the requirements of this chapter for new outdoor lighting.

(2) A legally installed luminaire existing as of the date of this chapter is exempt from the provisions of this chapter except that any replacement lighting must comply with the provisions of this chapter for new outdoor lighting. For the purposes of

this section, a legally installed luminaire means a fixture that was permitted and installed in accordance with the adopted codes and regulations applicable at the time of installation.

(b) Resumption of use after abandonment. If a property with nonconforming lighting is abandoned or remains vacant for a period of 12 months or more, then all outdoor lighting on the property shall be brought into compliance with the provisions of this chapter for new outdoor lighting before any further use of the property occurs or before a certificate of completion, certificate of occupancy, or business registration is issued.

(c) Residential properties and single-tenant commercial properties—Repairs, alterations, change of occupancy, additions, historic buildings, and relocated buildings:

(1) Repairs. Relamping or replacement of components of a legally installed luminaire existing as of the date of this chapter (including capacitor, ballast or photocell) shall be exempt from the provisions of this chapter. Any other reconstruction or renewal of any part of a legally installed luminaire existing as of the date of this chapter for the purpose of its ongoing operation is not considered a repair and for the purposes of this chapter the luminaire shall be treated as if new outdoor lighting. Note that retrofitting a luminaire with new lamp technology or ballast technology is not considered a repair and for the purposes of this chapter the luminaire shall be treated as if new outdoor lighting.

(2) Alterations.

a. Legally installed luminaires existing as of the date of this chapter affected by Level 1 or Level 2 alterations are exempt from the provisions of this chapter except that replacement luminaires must comply with the provisions of this chapter for new outdoor lighting.

b. Where Level 3 alterations take place all outdoor lighting on the property shall be brought into compliance with the provisions of this chapter for new outdoor lighting before a certificate of completion, certificate of occupancy, or business registration is issued.

(3) Change of occupancy. Where the use in a space changes from one group of occupancies to another group of occupancies or changes from one division to another division in the same occupancy group (as defined in the International Building Code as adopted by the City of Las Cruces), all outdoor lighting on the property shall be brought into compliance with the provisions of this chapter for new outdoor lighting before the change in use commences or before a certificate of completion, certificate of occupancy, or business registration is issued.

(4) Additions. Where there is an extension or increase in floor area, number of stories, height of a building or structure, or parking spaces all outdoor lighting on the property shall be brought into compliance with the provisions of this chapter for new outdoor lighting before a certificate of completion, certificate of occupancy, or business registration is issued.

(5) Historic buildings. Where a historic building (as defined in this chapter) is unable to comply with the provisions of this chapter a special permit shall be obtained before a certificate of completion, certificate of occupancy, or business registration is issued.

(6) Relocated buildings. Where a building is relocated all outdoor lighting on the property where the building is relocated to shall be brought into compliance with the provisions of this chapter for new outdoor lighting before a certificate of completion, certificate of occupancy, or business registration is issued.

(d) Multiple-tenant commercial properties.

(1) Outdoor lighting associated directly with a specific tenant shall be treated as single-tenant commercial property.

(2) All outdoor lighting not specifically and directly associated with a single-tenant shall be brought into compliance with the provisions of this chapter for new outdoor lighting within seven years of the effective date of this chapter.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-18. - Variance procedure.

Variances defined as other exemptions from the requirement of this chapter, shall not be permitted unless specifically authorized by the planning and zoning commission, subject to appeal to the city council in accordance with section 38-10 of the Las Cruces Municipal Code.

Procedural requirements for variance requests shall be in compliance with subsection 38-10 I., variances of the Las Cruces Municipal Code.

(Ord. No. 2662, § I(exh. A), 9-4-12)

Sec. 39-19. - Enforcement.

(a) Any person who violates any section of this chapter shall be guilty of a petty misdemeanor and, upon conviction, be punished by a fine of not less than $50.00 and not more than $300.00 for each violation. Each 24-hour period during any portion of which any violation of this chapter is committed or continued to exist shall constitute a separate offense.

(b) Violations of this chapter are considered to be nuisances subject to the enforcement provision of LCMC 1997 § 18-1 through § 18-9.

(Ord. No. 2662, § I(exh. A), 9-4-12)