

**TOWN OF TAOS ORDINANCE 07-02
CHAPTER 15.28 (AMENDED)
NIGHT SKY PROTECTION ORDINANCE**

AN ORDINANCE OF THE GOVERNING COUNCIL OF THE TOWN OF TAOS REVISING CURRENT ORDINANCE 99-2 CHAPTER 15.28 REGARDING OUTDOOR LIGHTING ON PUBLIC AND PRIVATE PROPERTY – A NIGHT SKY PROTECTION ORDINANCE.

WHEREAS, This Ordinance will promote energy efficiency and reduce or prevent light pollution in the sky, light trespass on to others' property and will control harmful or unsafe light glare to the eyes;

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

WHEREAS, This Ordinance follows and complements the New Mexico Night Sky Protection Act approved April 16, 1999 and can be more restrictive than the State Act but not less restrictive;

WHEREAS, The Town Council desires to provide an updated and expanded Ordinance for the preservation and enhancement of the night sky of the Town of Taos while promoting safety, conservation of energy and environmental preservation concerns.

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

Chapter 15.28 OUTDOOR LIGHTING

CHAPTER 15.28, ENTITLED "Outdoor Lighting on Public and Private Property – A NIGHT SKIES PROTECTION ORDINANCE" is hereby created as part of the Town of Taos Municipal Code.

Sections:

- 15.28.010 Purpose**
- 15.28.020 Definitions**
- 15.28.030 Applicability**
- 15.28.040 Exemptions**
- 15.28.050 Submittals**
- 15.28.060 General Standards**
- 15.28.070 Further Restrictions**
- 15.28.080 Enforcement and Penalties for Violation**
- 15.28.090 Severability**
- 15.28.100 Effective Date**

TABLES 1-5 ATTACHED

15.28.010 Purpose

The purpose of this Ordinance Chapter 15.28 is to regulate outdoor lighting in order to reduce or prevent light pollution. This means, to the extent reasonably possible, the reduction or prevention of glare and light trespass, the conservation of energy, and the promotion of safety and security. This Ordinance will ensure aesthetically appropriate outdoor lighting in keeping with the historic character and night-sky beauty of the Town of Taos.

15.28.20 Definitions - As used in this section:

1. **Watt** means a unit of electric power flowing into a lamp or bulb.
2. **Lumen** means a unit of light or illumination from a lamp or bulb.
3. **Luminaire or Fixture** means a complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. "Wall packs" and "porch lights" are two terms used to describe outdoor fixtures mounted on building structures.

Terms used by the industry to identify fixtures that comply with this Ordinance are

- a. "Full Cut-Off"
 - b. "Night Sky or Dark Sky Friendly (or Compliant)"
 - c. "International Dark Skies Association Approved (IDA Approved)"
 - d. "Ordinance Compliant"
4. **Lamp or Bulb** means the light-producing source installed in the socket portion of a luminaire. Types of bulbs that comply with this Ordinance and their relative efficiencies are listed on Table 5, attached.
 5. **Light pollution** means general night sky glow caused by the scattering of artificial light in the atmosphere resulting in decreased ability to see the natural night sky.
 6. **Glare** means the brightness of a light source that causes eye discomfort.
 7. **Disabling glare** means lighting that impairs visibility and creates a potentially hazardous situation for either pedestrians or motorists.
 8. **Nuisance glare** means light that creates an annoyance or aggravation but does not create a potentially hazardous situation.
 9. **Light trespass** means light emitted by a luminaire that shines beyond the property on which the luminaire is installed.
 10. **Shielding** means that no light rays emitted by a fixture above the horizontal plane running through the lowest point of the fixture where light is emitted.
 11. **Accent lighting** means any directional lighting which emphasizes a particular object or draws attention to a particular area.
 12. **Spotlight or Floodlight** means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

15.28.030 Applicability

- A. All non-conforming outdoor fixtures installed prior to and operable on the effective date of this Ordinance shall be removed or converted to a conforming use within seven years. The Town of Taos may require a non-conforming use to be corrected within the seven year grace period if the Town determines that the non-conforming use is a continuing violation of any provision of this Ordinance.

All existing outdoor lighting fixtures owned and maintained by Kit Carson Electric Cooperative before the effective date of this Ordinance are exempt from the requirements of item A of this section. When the existing Kit Carson Electric Cooperative fixtures become inoperable or unrepairable, their replacements are subject to all the provisions of this Ordinance and the State Night Sky Protection Act, as may be amended.

- B. This Ordinance does not apply to interior lighting. However, overly bright interior light emitted outdoors from any structure will be subject to control by this Ordinance if it is determined by the Code Administrator that it creates a nuisance glare or disabling glare as defined by this Ordinance.
- C. New installations and modifications to exiting nonconforming fixtures in the designated Town Historic District shall comply with this ordinance.
- D. Compliance with this Ordinance shall be administered and enforced by the Town of Taos Planning Department.
- E. All governmental agencies, federal, state or county – including their security facilities which operate within the Town limits of Taos must follow the provisions of this Ordinance. The State Construction Industries Division of the Regulation and Licensing Department shall review the State’s outdoor lighting provisions in the building codes used in New Mexico and the Town of Taos and make recommendations for appropriate changes to comply with the provisions of the State Night Sky Protection Act and the Town of Taos Night Skies Protection Ordinance and shall permit and inspect (to the standards set forth in these Night Sky Protection Acts) all construction of and on state-owned buildings that is subject to permit and inspection under the State Construction Industries Licensing Act (Chapter 60, Article 13 NMSA 1978). The Construction Industries Division (CID) of the State of New Mexico is responsible for the enforcement of the State Night Sky Protection Act. For guidance they can be contacted at 505-476-4700.
- F. In the event of a conflict with any other section of this article, the more stringent requirement shall apply.

15.28.040 Exemptions

The following are exempt from the provisions of this Ordinance:

- A. Traffic control signals and devices.
- B. Street lights installed prior to the effective date of the original Ordinance.
- C. Temporary emergency lighting (i.e. fire, police, repair workers).
- D. Moving vehicle lights.
- E. Navigation lights (i.e. airports, heliports, radio/television towers).
- F. Seasonal decorations with light displays in place no longer than November 15 to April 1.
- G. Sports-field outdoor lighting sites existing at the date of passage of the original Ordinance (i.e. ball fields, ice rinks, etc.). Any new Town sports lighting installations (or any over-all, complete replacement) shall be compliant without diminishing adequate lumination and safety.
- H. Other special situations approved by the Town for temporary or periodic events (i.e. rodeos, revivals, fairs, fiestas, carnivals, emergency or Town-sanctioned night-time construction).
- I. Covered porch lighting on single-family or multi-family homes provided that each outdoor light fixture does not exceed 2200± lumens output (150 watts incandescent). Table 5, attached, shows conversion of watts (power input) to lumens (light output) for the other allowed types of light sources.
- J. Security lights of any power that are controlled by a motion-sensor switch and which do not remain on longer than 12 minutes after activation.
- K. Any person or business may submit an application for an administrative exemption from the requirements of the Ordinance to the Town Planning Department, Planning Director. The request shall state fully:
 - 1. The circumstances and conditions relied upon as grounds for administrative exemptions; and
 - 2. The circumstances and conditions by which strict application of the provisions of this Ordinance would result in a financial hardship or deprive the applicant of reasonable use of the land, building or outdoor light fixtures; and
 - 3. The grounds by which the granting of the administrative exemption will not be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare.

15.28.50 Submittals

- A. Applications for building permits shall be submitted to the Town Planning Department and, if applicable, the Historic Preservation Commission. If they include installation of outdoor lighting fixtures they shall provide evidence of compliance with the requirements of this Ordinance. The application shall contain the following information and be submitted as part of the site plan to the Planning Department for approval:
 - (1) Plans indicating the location, type, and height of luminaries including both building and ground-mounted fixtures,
 - (2) A description of luminaires, including lamps, poles or other supports and shielding devices, provided as catalogue illustrations from the manufacturer,
 - (3) Ganging of individual luminaires to achieve more than allowed lumens in a specific area is prohibited. They may be ganged on a single standard only if focused downward on different areas,
 - (4) Photometric data, such as that furnished by the manufacturer, showing the downward angle of light emission,
 - (5) The governmental authority responsible for the oversight of the proposed building activity must be established in writing, be it the Town of Taos, County of Taos, State of New Mexico or Federal Government.
 - (6) Additional information may be required by the Planning Department in order to determine compliance with this Ordinance.

To help assure compliance with this Ordinance the following Certification shall be executed on submittals to the Town Planning Department for all commercial and multi-family projects:

Engineer's, Architect's or Licensed Contractor's Certification, Date _____

I, _____, a Registered Professional Engineer, Architect or Licensed Contractor, number _____ under the Laws of The State of New Mexico, hereby certify that the Outdoor Lighting Plan on this drawing was prepared under my direction and conforms to the Town of Taos Lighting Ordinance 07-02 Chapter 15.28 and is true and correct to the best of my knowledge and belief.

Signed by Registered Professional Engineer, Architect, or Individual Home Builder.

- B. Requests for any lighting deviation from the requirements of this Ordinance are to be submitted in writing to the Town of Taos Planning Department. It shall be approved only when it is determined that a deviation is warranted in order to provide even more security for personal property, business inventory, agricultural activities.
 - (1) The lighting deviation application shall contain a detailed site plan showing the location and type of lighting fixtures and the lumens/wattage deviations for each fixture sought by the applicant. In addition, the site plan shall show the locations of all buildings, public streets and roadways and other structures located within two hundred (200) feet of the property.

- (2) The requested deviation shall be reviewed by the Planning Director. The Planning Director may grant the application, with or without conditions, if the Director determines that the General Standards of this Ordinance are met. Determinations of the Planning Director may be appealed by the applicant to the Planning Commission by written notice of appeal filed with the Planning Director within ten (10) calendar days following written notification to the applicant of the Director's determination. Appeals from determinations of the Planning Commission shall follow the appeal procedure of the Town's Zoning Ordinance as amended from time to time.
 - (3) No Certificate of Occupancy will be granted until all provisions of Paragraphs A & B above are satisfied.
- C. Unlicensed individuals building or remodeling their personal property must also comply with Paragraphs A and B above.

15.28.060 General Standards

The following general standards shall apply to all outdoor lighting installed after the effective date of the original Ordinance which are not covered under Exemptions:

- A. Outdoor lighting must be hooded, shielded and aimed downward. Examples of acceptable and unacceptable light shielding and hooding are shown in Tables 1-4, attached.
- B. The hood or shield must mask the direct horizontal surface of the light source. The light must be aimed to insure the illumination is only pointing downward onto the ground surface, with no upward escaping light permitted to contribute to sky glow.
- C. Any bright light shining onto adjacent property or streets which results in nuisance glare or disabling glare shall not be permitted. Light trespass beyond property boundaries or above the horizontal plane shall be considered non-compliant.
- D. Existing fixtures may be adapted to comply with this Ordinance by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward toward the ground surface.
- E. All outdoor lighting fixtures shall be designed, installed, located and maintained such that glare onto adjacent properties or streets shall be minimized and all direct illumination kept within the boundaries of the fixture owner's property.
- F. Accent lighting, when so approved, shall be directed downward onto the building or object and not toward the sky or onto adjacent properties. Direct light emissions shall not be visible above the roof line or beyond the building edge.
- G. Spotlighting on landscaping and foliage shall be limited to 2200± lumens output (150 watts incandescent). The lamp shall be shielded and not create disabling or nuisance glare.
- H. This section shall be enforced on the basis of a formal complaint filed in writing with the Planning Department.

15.28.070 Further Restrictions

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

15.28.080 Enforcement and Penalties for Violation

This Ordinance shall be enforced when a Town Code Enforcement Officer determines a violation has occurred or when any citizen complains in writing to the Town Manager or Planning Director and the complaint is determined to be legitimate within the spirit of this Ordinance. The Town Code Enforcement Officer will contact the owner, tenant, agent, or person in charge of any premises or any other person who violates any of the provisions of this Ordinance.

- A. For the first offense, the offender may be issued a warning with 30 days to correct the offense.
- B. Penalties for Commercial and Non-Residential Lighting Violations
Any further violations of the provisions of this Ordinance shall constitute a petty misdemeanor, and upon conviction thereof, shall be punishable by a fine not to exceed one hundred dollars (\$100.00) for the first violation; three hundred dollars (\$300.00) for the second violation; and five hundred dollars (\$500.00) for the third violation.
- C. Penalties for Residential Violations
Any further violations of the provisions of this Ordinance shall constitute a petty misdemeanor, and upon conviction thereof, shall be punishable by a fine not to exceed twenty-five dollars (\$25.00) for the first violation; seventy-five dollars (\$75.00) for the second violation; and one hundred twenty-five dollars (\$125.00) for the third violation.
- D. Unless otherwise specified, each day that a prohibited condition exists shall constitute a separate offense.

15.28.090 Severability

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

15.28.010 Effective date

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

TABLES 1 – 5, ATTACHED

TABLES 1 - 5
ACCEPTABLE SHIELDING, HOODING AND AIMING OF OUTDOOR LIGHT
FIXTURES

The following 5 tables of schematics show what is acceptable and what is unacceptable in the Town of Taos.

TABLE 1: WALL-MOUNTED LIGHTS

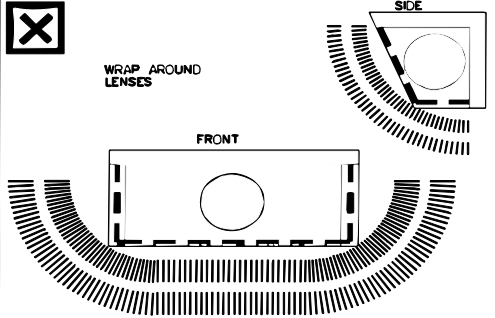
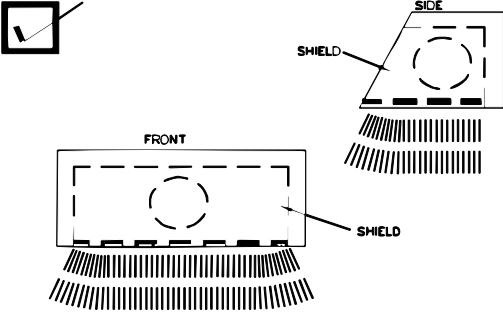
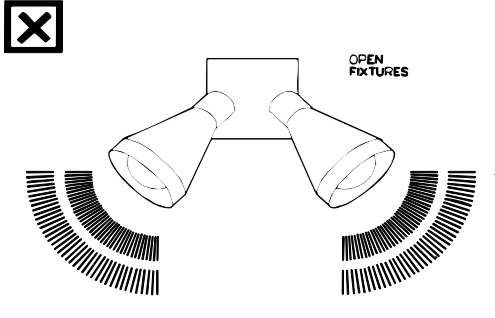
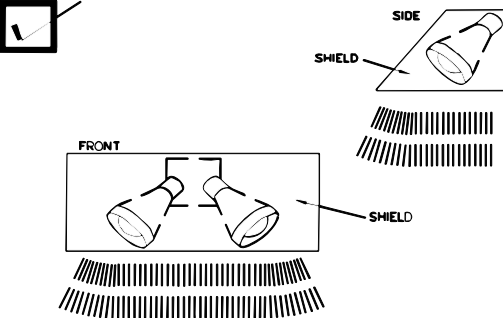
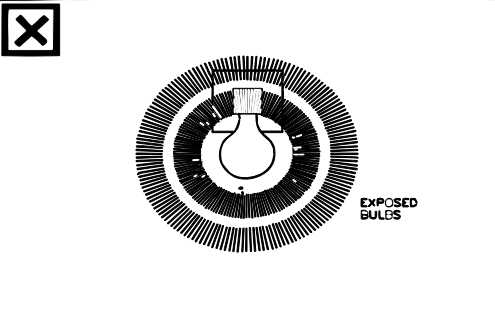
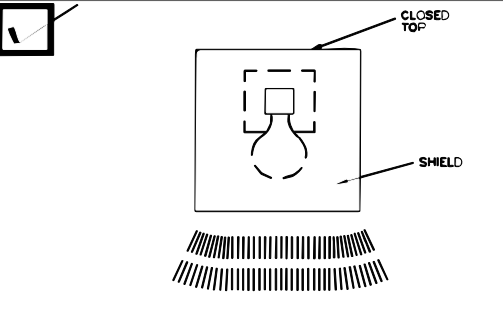
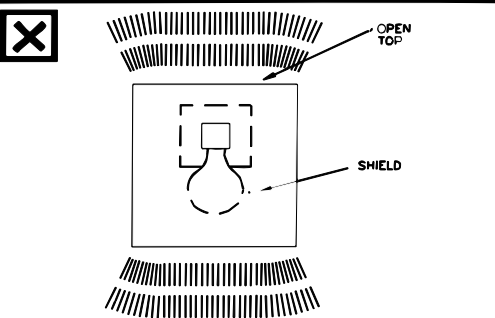
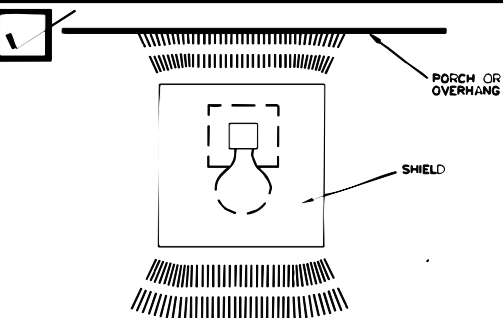
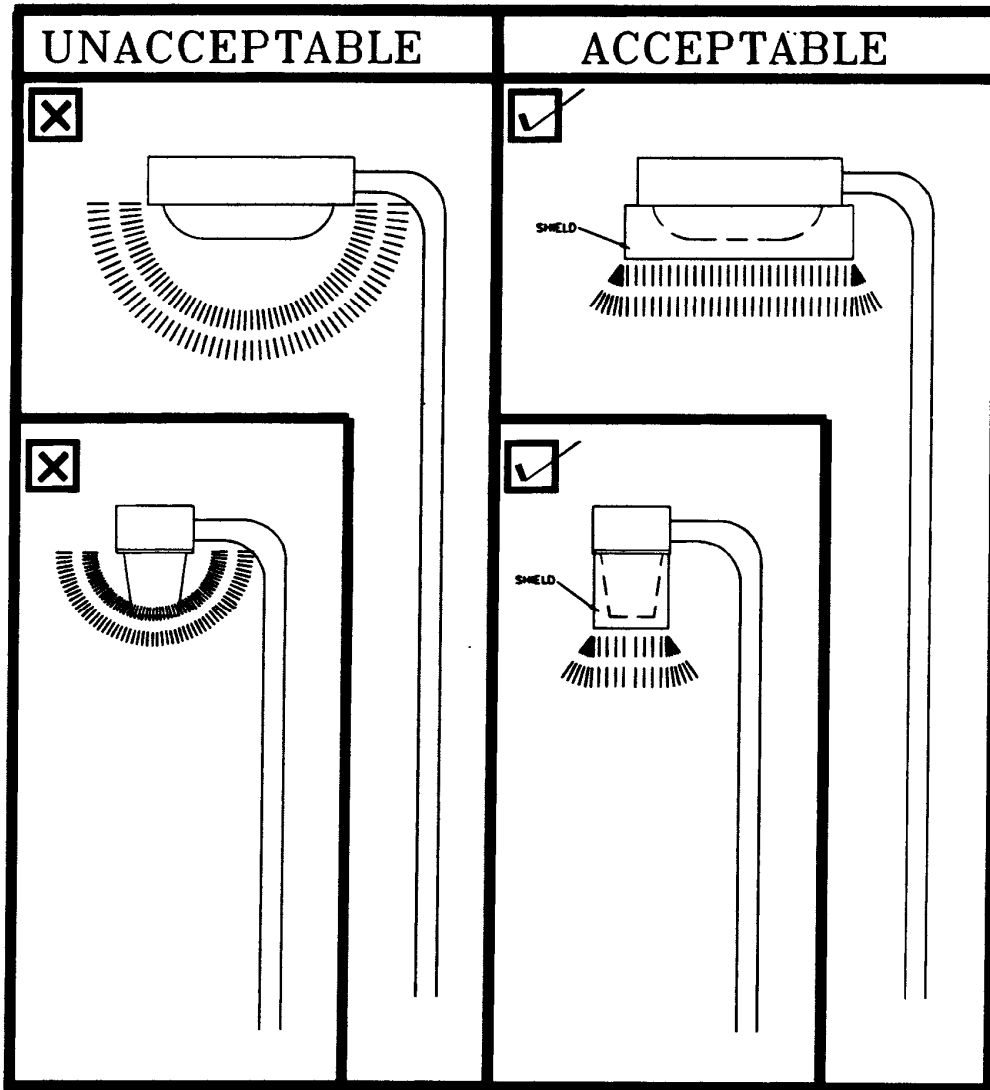
UNACCEPTABLE	ACCEPTABLE
<p><input checked="" type="checkbox"/> WRAP AROUND LENSES</p> 	<p><input checked="" type="checkbox"/></p> 
<p><input checked="" type="checkbox"/> OPEN FIXTURES</p> 	<p><input checked="" type="checkbox"/></p> 
<p><input checked="" type="checkbox"/> EXPOSED BULBS</p> 	<p><input checked="" type="checkbox"/></p> 
<p><input checked="" type="checkbox"/> OPEN TOP</p> 	<p><input checked="" type="checkbox"/></p> 

TABLE 2: FREE STANDING LIGHTS



Street and Parking Lot Pole Lights

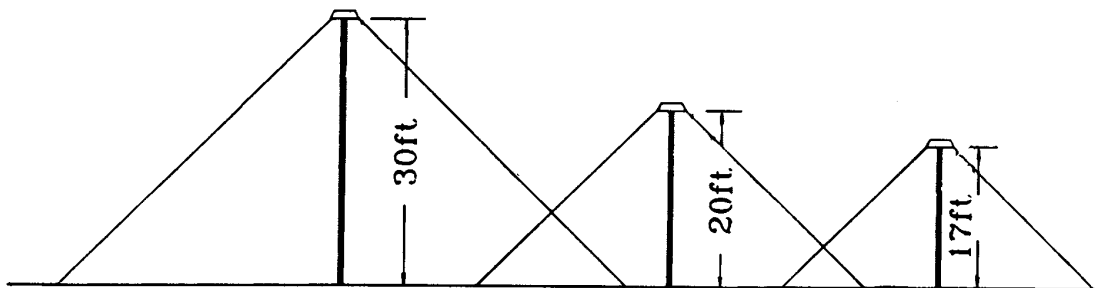


TABLE 3: OFF-WALL, BUILDING, FOLIAGE, SIGN AND ESCARPMENT LIGHTS




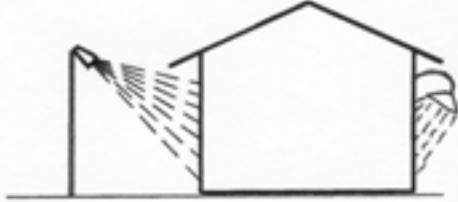






UNACCEPTABLE	ACCEPTABLE
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<input checked="" type="checkbox"/>  <p style="text-align: center;">FOLIAGE</p>	<input checked="" type="checkbox"/>  <p style="text-align: center;">FOLIAGE</p>
<input checked="" type="checkbox"/>  <p style="text-align: center;">ESCARPMENT</p>	<input checked="" type="checkbox"/>  <p style="text-align: center;">ESCARPMENT</p>

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

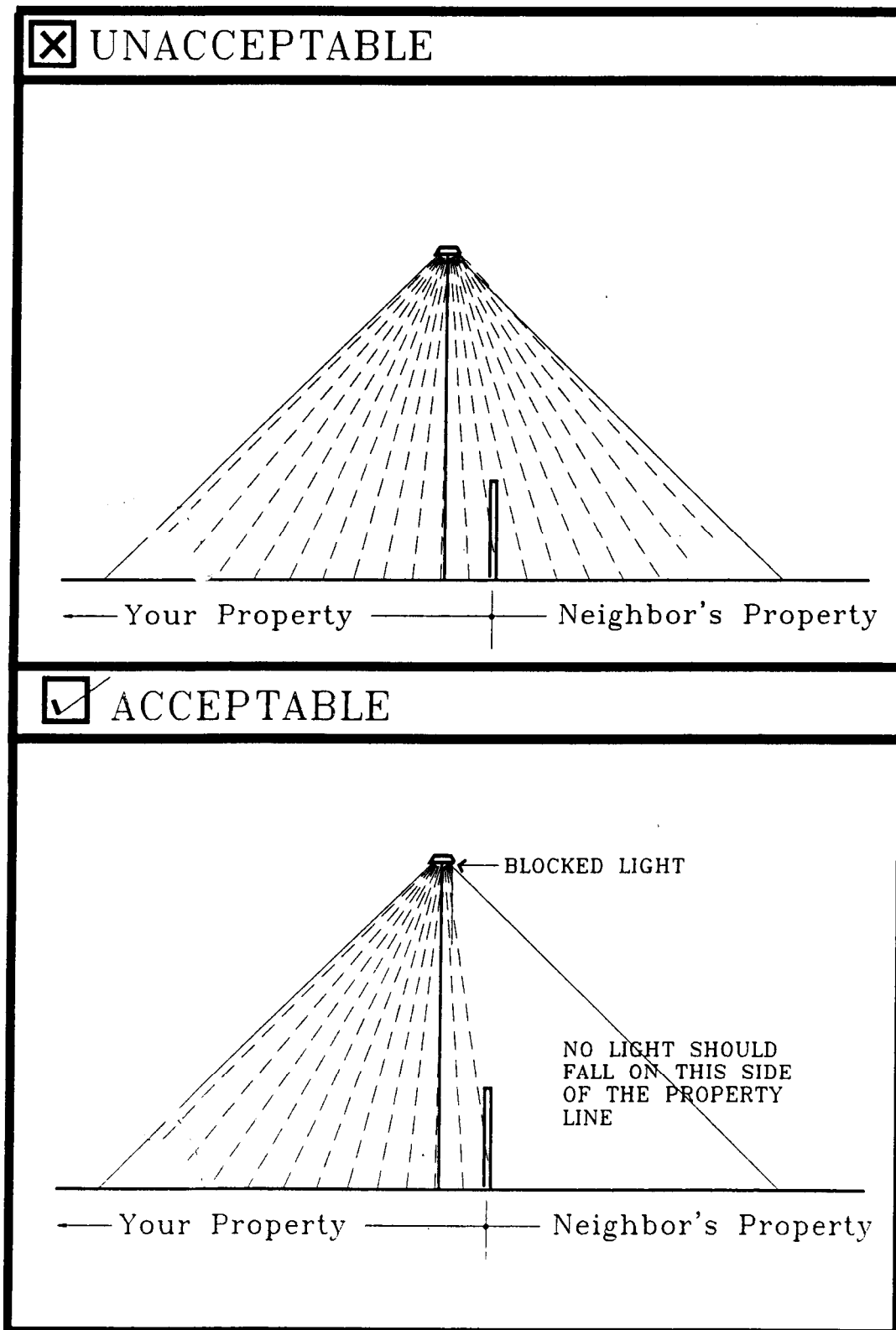


TABLE 5: LIGHT-TYPE WATTAGE COMPARISONS

For use in Building Wall-Pack and Porch Light Fixtures

Bulbs Lawful Outdoors In the Town of Taos	Wattage of Bulb Allowed with 2,200± Lumens Limit for Residential and Commercial Lights)*
Incandescent	150 watts
High Pressure Sodium	35 watts
Low Pressure Sodium	18 watts
Metal Halide (MID)	39 watts
Halogen	100 watts
Quartz	100 watts
Florescent	30 watts

	Bulbs Unlawful In State of New Mexico
Mercury Vapor**	75 watts

* Agricultural and Government lights are limited to 50,000 lumens.

** Grandfathered in New Mexico until the bulb/luminare must be replaced. See State of New Mexico, 44th Legislature, 1st Session, Laws 1999, Chapter 197, House Bill 39, as amended, Signed April 6, 1999.

ADOPTED AND APPROVED THIS _____ DAY OF _____ 2007.

Councilman Rudy Abeyta _____

Councilman Darren Cordova _____

Councilwoman Erlinda Gonzales _____

Councilman Meliton Struck _____

Bobby F. Duran, MAYOR

ATTEST:

**Renee Lucero
TOWN CLERK**

APPROVED:

**Renee Barela-Gutierrez
TOWN ATTORNEY**