

Kanelis JAHUONTA
Only

EXHIBIT A. TO ORDINANCE NO. _____

TUCSON/PIMA COUNTY OUTDOOR LIGHTING CODE, 1993 EDITION

Sec. 1. Purpose and Intent.

The purpose of this Code is to provide standards for outdoor lighting so that its use does not unreasonably interfere with astronomical observations. It is the intent of this Code to encourage, through the regulation of the types, kinds, construction, installation and uses of outdoor electrically powered illuminating devices, lighting practices and systems to conserve energy without decreasing safety, utility, security and productivity while enhancing nighttime enjoyment of property within the jurisdiction.

Sec. 2. Conformance with Applicable Codes.

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Code, the Building Code, the Electrical Code and the Sign Code of the jurisdiction as applicable and under appropriate permit and inspection.

Sec. 3. Approved Materials and Methods of Construction or Installation/Operation.

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

- (a) provides at least approximate equivalence to the applicable specific requirements of this Code; and
- (b) is otherwise satisfactory and complies with the intent of this Code; or
- (c) has been designed or approved by a registered professional engineer and content and function promotes the intent of this Code.

Sec. 4. Definitions.

As used in this Code, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

- Sec. 4.1. Person means any individual, tenant, lessee, owner, or any commercial entity including but not limited to firm, business, partnership, joint venture, or corporation.
- Sec. 4.2. Installed means the attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.
- Sec. 4.3. Outdoor light fixtures means outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for:
- (a) buildings and structures
 - (b) recreational areas
 - (c) parking lot lighting
 - (d) landscape lighting
 - (e) billboards and other signs (advertising or other)
 - (f) street lighting
 - (g) product display area lighting
 - (h) building overhangs and open canopies
- Sec. 4.4. Area A means the circular area, 35 miles in radius, the center of which is the center of the Kitt Peak Observatory and the circular area, 25 miles in radius, the center of which is the center of Mount Hopkins Observatory.

The boundary lines for Area A around Mt. Lemmon is defined as: The Pinal County line on the north, along the center line of the Santa Cruz River, to the center line of Rillito Creek, to the center line of Tanque Verde Creek with the junction to the northern border of the Saguaro National Monument, then along that border until it ends on the east side and bends east to the County line.

Sec. 4.5. Area B means all areas outside Area A and outside the territorial limits of every Indian Reservation lying wholly or partly within Pima County.

Sec. 5. Shielding:

All non-exempt outdoor lighting fixtures shall have shielding as required by the table set forth in this Section. "Fully shielded" shall mean outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane; as certified by photometric test report. "Partially shielded" shall mean outdoor light fixtures shielded or constructed so that no more than ten percent (10%) of the light rays are emitted by the installed fixture at angles above the horizontal plane as certified by photometric test report.

TABLE 5
SHIELDING REQUIREMENTS

FIXTURE LAMP TYPE	AREA A	AREA B
	SHIELDED	SHIELDED
Low Pressure Sodium ¹	Partially	Partially
High Pressure Sodium	Prohibited except fully shielded on arterial streets and collector streets of 100' or more in right-of-way width	Fully
Metal Halide	Prohibited ⁷	Fully ^{2,6}
Fluorescent	Fully ^{3,5}	Fully ^{3,5}
Quartz ⁴	Prohibited	Fully
Incandescent Greater than 160W	Fully	Fully
160W or Less	None	None
Any light source of 50W or Less	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None
Other Sources	AS APPROVED BY BUILDING OFFICIAL	

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

²Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaires.

³Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred; to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 Watts in Area A.

⁴For the purposes of this Code, quartz lamps shall not be considered an incandescent light source.

⁵Warm white and natural lamps are preferred to minimize detrimental effects.

⁶For filtering requirements for metal halide fixture lamp types, see Section 6.

⁷Fully shielded and installed metal halide fixtures shall be allowed for applications where the designing engineer deems that color rendering is critical.

Sec. 6. Filtration.

Metal halide fixture lamp types shall be filtered. "Filtered" means any outdoor light fixture which has a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement).

Sec. 7. Outdoor Advertising Signs.

Sec. 7.1. Top Mounted Fixtures Required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 5 and the time controls of minor Section 9.5.

Exception: Lighting for existing and new outdoor advertising structures need not be shielded in accordance with Section 5 of this Code if the following conditions apply:

- (a) The structure exceeds 301 square feet per sign face; and
- (b) The structure consists of panels which are designed to be removed from the top of the sign board; and
- (c) The outdoor advertising structure is equipped with an automatic device which shuts off the fixtures between 11:00 p.m. and sunrise.

For such signs, the lighting may consist of no more than four (4) bottom mounted individual fixtures (or lamps) which produce a maximum of forty thousand (40,000) lumens per fixture; and where no more than one thousand seventeen (1,017) lumens per fixture spills or is cast beyond the sign face.

Sec. 7.2. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this Code within three (3) years from the date of adoption of this provision.

Sec. 7.3. Prohibitions. See minor Section 9.5 for prohibitions.

Sec. 8. Submission of Plans and Evidence of Compliance with Code: Subdivision Plans.

Sec. 8.1. Submission Contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor light fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this Code. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:

- (a) plans indicating the location on the premises, and the type, of illuminating devices, fixtures, lamps, supports, reflectors and other devices;
- (b) description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);
- (c) photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut off of light emissions.

Sec. 8.2. Additional Submission. The above-required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Code will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

Sec. 8.3. Subdivision Plat Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the Tucson/Pima County Outdoor Lighting Code will be adhered to.

Sec. 8.4. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for his approval, together with adequate information to assure compliance with this Code, which must be received prior to substitution.

Sec. 9. Prohibitions.

Sec. 9.1. Mercury Vapor Fixtures and Lamps. The installation, sale, offering for sale, lease or purchase of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.

Sec. 9.2. Certain other Fixtures and Lamps. The installation, sale, offering for sale, lease or purchase of any low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz or incandescent outdoor lighting fixture or lamp, the use of which is not allowed by Table 5 is prohibited.

Sec. 9.3. Laser Source Light. Except as provided in minor Section 9.4, the use of laser source light or any similar high-intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.

Sec. 9.4. Searchlights. The operation of searchlights for advertising purposes is prohibited in unincorporated Pima County. In the territorial limits of the City of Tucson, the operation of searchlights for advertising purposes is prohibited in Area A and is prohibited in Area B between 10:00 p.m. and sunrise the following morning.

Sec. 9.5. Outdoor Advertising Off-Site Signs. Electrical illumination of outdoor advertising off-site signs is prohibited in Area A. Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 p.m. and sunrise is prohibited in Area B.

Sec. 10. Special Uses.

Sec. 10.1. Recreational Facilities. Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to football fields, soccer fields, baseball fields, softball fields, tennis courts, auto race-tracks, horse race-tracks or show arenas, provided all of the following conditions are met:

(a) Lighting for parking lots and other areas surrounding the playing field, court or track shall comply with this Code for lighting in the specific area as defined in Section 4.4 and 4.5 of this Code.

(b) All fixtures used for event lighting shall be fully shielded as defined in Section 5 of this Code, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.

- (c). All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court or track be permitted after 11:00 p.m.; Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

Sec. 10.2. Outdoor Display Lots. Any light source permitted by this Code may be used for lighting of outdoor display lots such as, but not limited to automobile sales or rental, recreational vehicle sales or building material sales, provided all of the following conditions are met:

- (a) Lighting for parking lots and other areas surrounding the display lot shall comply with this Code for lighting in the specific area as defined in Section 4.4 and 4.5 of this Code.
- (b) All fixtures used for display lighting shall be fully shielded as defined in Section 5 of this Code, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.
- (c) Display lot lighting shall be turned off within thirty (30) minutes after the closing of the business. Under no circumstances shall the full illumination of the lot be permitted after 11:00 p.m. Any lighting used after 11:00 p.m. shall be used as security lighting.

Sec. 11. Temporary Exemption.

Sec. 11.1. Request; Renewal; Information Required. Any person may submit a written request, on a form prepared by the jurisdiction, to the building official for a temporary exemption from the requirements of this Code. The Request for Temporary Exemption shall contain the following information:

- (a) specific exemption or exemptions requested
- (b) type and use of outdoor light fixture involved
- (c) duration of time for requested exemption
- (d) type of lamp and calculated lumens
- (e) total wattage of lamp or lamps
- (f) proposed location on premises of the outdoor light fixture(s)
- (g) previous temporary exemptions if any and addresses of premises thereunder
- (h) physical size of outdoor light fixture(s) and type of shielding provided
- (i) such other data and information as may be required by the building official

Sec. 11.2. Approval; Duration. The building official shall have five (5) business days from the date of submission of the Request for Temporary Exemption to act in writing on the request. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable at the discretion of the building official upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty (30) days.

Sec. 11.3. Disapproval; Appeal. If the Request for Temporary Exemption is disapproved, the person making the request will have the appeal rights provided in Section 13.

Sec. 12. Other Exemptions.

Sec. 12.1. Non-Conformance:

- (a) Mercury vapor lamps in use for outdoor lighting on the effective date of this Code shall not be so used.

(b) Bottom-mounted outdoor advertising sign lighting shall not be used, except as provided in Section 7.

(c) All other outdoor light fixtures lawfully installed prior to and operable on the effective date of this Code are exempt from all requirements of this Code except those regulated in Section 7 and in minor sections 9.3 and 9.4 and Section 10. There shall be no change in use or lamp type, or any replacement or structural alteration made, without conforming to all applicable requirements of this Code.

Sec. 12.2. Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this Code.

Sec. 12.3. State and Federal Facilities. Outdoor light fixtures installed on, in and in connection with those facilities and land owned or operated by the Federal Government or the State of Arizona, or any department, division, agency or instrumentality thereof, are exempt from all requirements of this Code. Voluntary compliance with the intent of this Code at those facilities is encouraged.

Sec. 13. Appeals:

Any person substantially aggrieved by any decision of the building official made in administration of this Code has the rights and responsibilities of appeal to the Advisory/Appeals Board of this jurisdiction.

Sec. 14. Law Governing Conflicts.

Where any provision of federal, state or city statutes, codes or laws conflicts with any provision of this Code, the most restrictive shall govern unless otherwise required by law.

Sec. 15. Violation:

It shall be a civil infraction for any person to violate any of the provisions of this Code. Each and every day during which the violation continues shall constitute a separate offense.

Sec. 16. Enforcement and Penalty.

Sec. 16.1. (CITY ONLY) Pursuant to Sec. 28-12 of the Tucson Code, a violation of this Code is considered a civil infraction.

(a) When a violation of this Code is determined, the following penalty shall be imposed:

(1) A fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) per violation. The imposition of a fine under this Code shall not be suspended.

(2) Any other order deemed necessary in the discretion of the hearing officer, including correction or abatement of the violation.

(b) Failure of a defendant to comply with any order contained in a judgment under this Code shall result in an additional fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each day the defendant fails to comply.

Sec. 16.2. (COUNTY ONLY) A violation of this Code is considered a civil infraction. Civil infractions shall be enforced through the hearing officer procedure provided by A.R.S. Sec. 11-808 and Sections 18.95.030, 18.95.040 and 18.101.60 of the Pima County Code. A fine shall be imposed of not less than Fifty Dollars (\$50.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for any individual or Ten Thousand Dollars (\$10,000.00) for any corporation, association or other legal entity for each offense. The imposition of a fine under this Code shall not be suspended.