

ORDINANCE NO. 23-01

Ordinance to amend section 16.21.16 (Outdoor Lighting Regulations) and 16.26 (Sign Regulations) of the Wasatch County Code. The proposed amendment adds a number of new and updated language as well as provides clarification for building lighting.

RECITALS

WHEREAS, Chapter 16.21.16 of the Wasatch County Code outlines the requirements for Outdoor lighting in the County; and

WHEREAS, 16.26 of the Wasatch County Code regulates signs and how they are illuminated; and

WHEREAS, the outdoor lighting code, in its substantial form, has been used since 2003; and

WHEREAS the existing code allows any amount of light on a site or building without limits as long as it is directed down; and

WHEREAS, the existing ordinance is somewhat limited on regulations for lighting of buildings; and

WHEREAS, outdoor lighting technology has changed substantially in the two decades since adoption of the original code and the current code does not use any of the latest technology to control lighting; and

WHEREAS, the proposed code brings the County closer to compliance with the best management practices (BMP's) as required of municipalities by the International Dark Sky Association requirements for accreditation as International Dark Sky Communities; and

WHEREAS, the proposed amendment balances the health, safety, welfare interests of adequate lighting required under the IBC, FAA, and recommendations of the IES with the welfare interests in reducing light pollution; and

WHEREAS, the findings of the legislative body made in adopting this ordinance are hereby incorporated into the whereas section of this ordinance;

WHEREAS, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

WHEREAS, Wasatch County gave notice of all public meetings and public hearings related to this ordinance as required, and the planning commission and the legislative body held a public hearings as required; and

WHEREAS, the legislative body has considered public comment, has considered staff recommendations, and has deliberated on the proposal; and

WHEREAS, the legislative body hereby determines that the amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County general plan;

NOW THEREFORE, the County Legislative Body of Wasatch County ordains that the Wasatch County Land Use and Development Code be amended as follows:

46

47 SECTION I: **Enactment.** The following amendments, additions, and deletions to Title 16, the Land Use
48 and Development Code, are hereby enacted: See attached exhibit.

49
50 SECTION II: **Repealer.** If any provisions of the County Code heretofore adopted are wholly
51 inconsistent with this ordinance, they are hereby repealed.

52
53 SECTION III: **Amendment of Conflicting Ordinances.** To the extent that any ordinances,
54 resolutions, or policies of Wasatch County partially conflict with this ordinance, they are hereby amended
55 to comply with the provisions hereof.

56
57 SECTION IV: **Effective Date.** This Ordinance shall become effective immediately upon execution by
58 the Chair of the County Council and the completion of public notice requirements imposed by state
59 statute.

60
61 SECTION V: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is
62 declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and
63 such declaration shall not affect the validity of the remainder of this ordinance.

64
65 SECTION VI: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County
66 Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code
67 Annotated, 1953, as amended, to do as follows:

- 68 a. Enter at length this ordinance in the ordinance book;
- 69 b. Deposit a copy of this ordinance in the office of the County Clerk;
- 70 c. Publish a short summary of this ordinance, together with a statement that a complete
71 copy of the ordinance is available at the County Clerk's office and with the name of the
72 members voting for and against the ordinance, for at least one publication in a newspaper
73 published in and having general circulation in the county; or post a complete copy of this
74 ordinance in nine (9) public places within the County.

75
76 **APPROVED** and **PASSED** this 19 day of April, 2023.

77
78 Attest:

79 WASATCH COUNTY COUNCIL:

80
81 
82 Joey Granger
83 Wasatch County Clerk / Auditor

84
85 
86 Spencer Park, Chairman
87 Wasatch County Council

88 **VOTE**

- 87 Spencer Park, Chairman
- 88 Mark Nelson, Vice Chair
- 89 Erik Rowland
- 90 Karl McMillan
- 91 Kendall Crittenden

92 Steve Farrell
93 Luke Searle
94
95

✓

✓

96 **ADOPTION OF ORDINANCE AFFIDAVIT**

97
98 STATE OF UTAH)
99) : ss.
100 COUNTY OF WASATCH)
101

102 I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex
103 officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said
104 Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the
105 requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- 106 [✓] (a) Causing this ordinance to be entered at length in the ordinance book;
- 107 [✓] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- 108 [✓] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of
109 the ordinance is available at the County Clerk's office and with the name of the members voting for and
110 against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of
111 general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of
112 this ordinance in nine (9) public places within the County.

113
114
115
116
117 IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed
118 hereon the official seal of the County Council of Wasatch County, Utah, this 19 day of
119 April, 2023.

120
121
122 Joey Granger
123 Joey Granger
124 Wasatch County Clerk / Auditor
125



126 SUBSCRIBED AND SWORN to me, a Notary Public, this 19 day of
127 April, 2023.

128
129
130 Wendy McKnight
131 Wendy McKnight
132 Notary Public

133 Residing in: Wasatch
My commission expires 09/10/2026

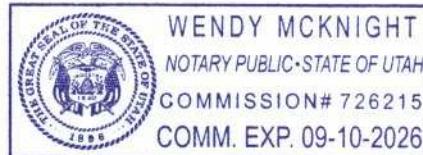


TABLE OF CONTENTS

16.21.16: EXTERIOR LIGHTING REGULATIONS	1
A. Definitions	1
B. Applicability	6
C. Amortization of non-conforming installations	6
D. Approved Materials And Methods Of Construction Or Installation/Operation	8
E. Heights Of Pole-Mounted Luminaires Standards	10
F. Prohibited Lighting	10
G. Plan Required	10
H. Exemptions	12
I. Lighting Standards	14
1. Compliance with building codes	14
2. Full shielding required	14
3. Lighting application illuminance limits	14
4. Spectrum management	15
5. Light trespass prohibited	15
6. General curfew	15
7. Flagpoles	15
8. Service station canopies	16
J. Public Lighting	17
1. Warranting	17
2. Curfew	17
3. Adaptive controlling	17
4. Additional street lighting requirements	18
K. Temporary Lighting	18
1. Permit term and renewal	18
2. Conversion to permanent status	18
L. Architectural and Landscape Lighting	19
16.15.25: SIGN STANDARDS	21
A. Statement Of Purpose	21
B. Use Authorized	21
C. Short Title	21
D. Definitions	21
E. Permits Required	22
F. Construction Specifications	22
G. Prohibited Signs	23
H. Master Sign Plans	24
I. Setback Requirements	25
J. Maintenance And Repair	26
K. Abandoned Signs	25

L. Notices	25
M. Disposal Of Signs	26
N. Dangerous Signs	26
O. Conflict	26

16.21.16: ~~OUTDOOR~~ EXTERIOR LIGHTING REGULATIONS

The purpose of the ~~outdoor~~ exterior lighting regulations is to establish standards for all ~~outdoor~~ exterior lighting so that its use does not unreasonably interfere with the reasonable use and enjoyment of property and astronomical observations within the county. It is the intent of this section to encourage, through regulation of types, kinds, constructions, installation and uses of outdoor electricity, lighting practices and systems which will reduce light pollution, conserve energy, provide consistent lighting standards, reduce maintenance and replacement costs while increasing nighttime safety, utility, security and productivity.

In the event that any provisions contained within this title conflict with the provisions contained in this section, the provisions of the more restrictive regulations shall apply.

- A. Definitions: When used in this section, the following words, terms, and phrases, and their derivations shall have the meanings provided in this section, except where the context clearly indicates a different meaning. Other words not defined shall have their respective and commonly understood meanings.

~~CUTOFF: The point at which all light rays emitted by a lamp, light source or luminary are completely eliminated (cut off) at a specific angle above the ground.~~

~~CUTOFF ANGLE: The angle formed by a line drawn from the direction of light rays at the light source and a line below a horizontal plane running through the lowest point on the fixture where light is emitted (see figure A of this section).~~

~~CUTOFF TYPE LUMINARY: A unit of illumination with elements such as shield, reflectors or refractor panels that direct and cut off the light at a cutoff angle less than ninety degrees (90°).~~

~~CORRELATED COLOR TEMPERATURE (CCT): The absolute temperature of a blackbody whose chromaticity most nearly resembles that of the~~

light source. CCT values, measured in units of Kelvins (K), are typically provided in lighting manufacturer data sheets.

EXTERIOR LIGHTING: All lighting, including, without limitation, street lighting; parking lot lighting; commercial, industrial, and institutional lighting, where the light source originates outside the exterior walls of a structure, and lighted exterior signs whether illuminated internally or externally.

~~FOOT CANDLE: A unit of illumination produced on a surface, all points of which are one foot (1') from a uniform point source of one candle.~~

FOSSIL FUEL LIGHTING: Lighting whose emissions are directly produced by the combustion of fossil fuels such as natural gas and propane are permitted so long as the light source is completely enclosed in a suitable housing such as a lantern.

FULLY SHIELDED: The condition of an outdoor luminaire constructed such that in its installed position all of the light emitted by the luminaire is projected below the horizontal plane passing through the lowest light-emitting part of the luminaire. In the IES Luminaire Classification System for Outdoor Luminaires, these luminaires have an uplight rating of U0.

~~FIGURE A
ACCEPTABLE SHIELDING, HOODING AND AIMING OF OUTDOOR LIGHT
FIXTURES~~

[Figure A removed at this location]

GLARE: Light emitting from a ~~luminary~~ luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases, causing momentary blindness.

HOLIDAY LIGHTING: Low-intensity string lights, whose luminous output does not exceed fifty (50) lumens per linear foot, and fully-shielded floodlights, whose luminous output does not exceed one thousand (1,000) lumens and which are aimed and oriented in such a way as to not directly emit any light into the night sky, and operated only during prescribed periods of time during the calendar year.

HORIZONTAL PLANE: A plane that is locally tangent to the Earth's surface and perpendicular to the nadir.

ILLUMINANCE: The areal density of the luminous flux incident at a point on a surface. Illuminance is a measure of the light received by or on a surface.

ILLUMINATING ENGINEERING SOCIETY (IES): An industry-supported, nonprofit learned society headquartered at 120 Wall Street, New York City, New York, recognized as an authoritative body on the science and application of lighting that publishes and promotes recommended practices for a variety of specific lighting applications.

IMPROVED ACRE: The gross acreage of a parcel less any acres that are not covered by structures, impervious surfaces and manicured or irrigated landscape areas. Landscape areas not accessible to pedestrians, stormwater facilities and areas of native vegetation are considered unimproved for the purposes of this definition.

INTERNATIONAL DARK-SKY ASSOCIATION (IDA): A nonprofit advocacy organization headquartered at 5049 E. Broadway Boulevard #105, Tucson, Arizona, which is a recognized global authority on light pollution.

LIGHT TRESPASS: A condition in which artificial light emitted from a luminaire on one property, not inclusive of light incidentally scattered or reflected from adjacent surfaces, is directed in such a manner that the lamp or light source is visible from any other property.

LUMEN: The SI unit of luminous flux equal to the luminous flux emitted within a unit solid angle (one steradian) by a point source having a uniform luminous intensity of one candela.

~~LUMINARY~~LUMINAIRE: ~~A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts~~ A complete lighting unit consisting of a light source(s) and ballast(s) or driver(s) (when applicable), together with the parts designed to distribute the light, to position and protect the light source(s), and to connect the light source(s) to the power supply. Also known as a light fixture.

LUMINANCE: The amount of light that passes through, is emitted, or reflected, from a particular area, and that falls within a given solid angle. Luminance is a measure of light emitted by or from a surface. The SI unit of luminance is candela per square meter (cd/m^2).

NADIR: The local vertical direction pointing toward the center of the Earth.

~~OUTDOOR LIGHTING: For purposes of this section, "outdoor lighting" shall refer to all street lighting, commercial lighting, and all lighting in a residential neighborhood, excepting small porch lights using not over one hundred (100) watt bulbs, and garden lights under one hundred (100) watts and under the height of seven feet (7').~~

OUTDOOR SPORTS LIGHTING: Lighting equipment designed and installed specifically to illuminate outdoor venues used for the practice and play of any outdoor sport or similar recreation activity. This term refers only to lighting directed toward, or intended to facilitate, play or recreation on outdoor surfaces, or to illuminate spectator viewing stands, but not for illumination of any other part of a connected or adjacent property.

POLE HEIGHT: The distance in the vertical direction above finished grade to the lamp or light source of a pole-mounted luminaire.

~~STANDARDS: As used in this section, reference to a standard shall be the pole portion of the structure not including the fixture or the concrete base.~~

SINGLE-FAMILY RESIDENTIAL LOT: a lot for a detached single-family residence, half of a twinhome, or a townhome, and ancillary uses. IADUs, accessory residential units, and caretaker accessory dwelling units do not alone exclude the lot as a single-family residential lot.

UPLIGHTING: Lighting designed and installed in such a manner as to directly cast its light at any angle or toward any direction above the horizontal plane.

B. Applicability.

1. All exterior lighting installed after the effective date of this section in the County, except where specifically stated in subsection I, shall be in conformance with the requirements established by this section and any other applicable ordinances. Single-family residential lots and agricultural uses shall be exempt from these requirements, except for light trespass requirements. The provisions of this section shall apply to all new development of real property that involves:
 - a. New construction for which a land use application is required;
 - b. Remodeling of an existing building or structure for which a land use application is required; provided, however, that compliance with the requirements of this section is required for a remodel of an existing building or structure only with respect to the remodeled portion of the existing building or structure unless the amortization provisions of this section require all lighting to comply; or
 - c. Installation of new outdoor luminaires for any purpose.
2. The land use authority may require, as part of a conditional use, for exterior lighting to comply with standards that are more strict than those in this section when the specific land use requires a conditional use permit and the conditional use standards support greater restriction for the use.
3. In case of conflict between any of the provisions of this section, or any other applicable law, the most restrictive shall apply.

C. Amortization of non-conforming installations.

1. All exterior lighting luminaires that were lawfully installed prior to the effective date of this section, but that do not comply with the requirements of this section, are declared to be legal non-conforming luminaires.
2. All legal non-conforming luminaires may continue to be used and maintained after the adoption of this section, but legal non-conforming luminaires shall be brought into compliance

with its requirements upon the first to occur of any of the following:

- a. Approval of any land use permit or a building permit that includes structures or real property where the luminaire is placed;
 - b. A change of use of the property from a single-family residential use or agricultural use to any other use;
 - c. Any renovation to a structure or other improvement where the luminaire is placed equal to or exceeding twenty (20) percent of its assessed value;
 - d. Reconstruction of a structure where the luminaire is placed if more than fifty (50) percent of the total appraised value of a structure, as determined from the county's assessment records, is destroyed;
 - e. A determination by the Planning Director that the legal non-conforming luminaire constitutes a public hazard or nuisance; or
 - f. The replacement of any legal non-conforming luminaire with new lighting equipment, not inclusive of lamps or similar consumable parts.
3. Conformity shall occur prior to issuance of a certificate of occupancy, final inspection, return of any bonds or improvement assurances associated with the project, or approval by the County of the improvement(s). For other permits, the applicant shall have a maximum of sixty (60) days from date of permit issuance to bring the lighting into conformance.
- D. Approved Materials And Methods Of Construction Or Installation/Operation: The provisions of this section are intended to prevent the use of any design, material or method of installation or operation of an outdoor luminaire not specifically prescribed by this section. See Figure A for examples of acceptable, i.e., fully shielded, and unacceptable luminaires.

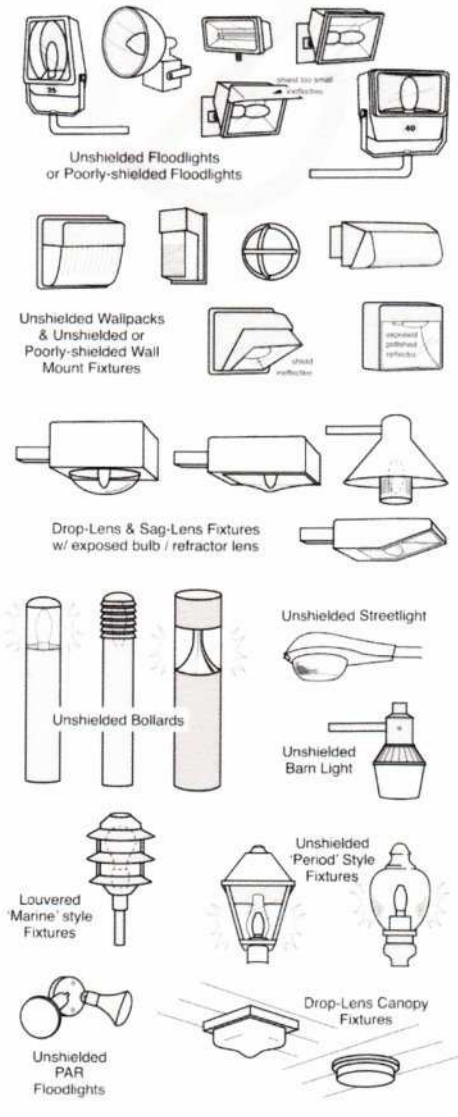
FIGURE A

ACCEPTABLE SHIELDING, HOODING AND AIMING OF OUTDOOR LIGHT FIXTURES

Examples of Acceptable & Unacceptable Lighting Fixtures

Unacceptable/Not Compliant

Fixtures that produce glare and light trespass



Acceptable/Compliant

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



~~E. Cutoff Angle: All light shall require a luminary or shield with less than a ninety (90) degree full cutoff. All light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted (see figure A of this section).~~

~~FIGURE A~~~~ACCEPTABLE SHIELDING, HOODING AND AIMING OF OUTDOOR LIGHT FIXTURES~~

- E. ~~Heights Of Pole-Mounted Luminaires Standards:~~ The pole heights of ~~standards~~ pole-mounted luminaires shall not exceed twenty feet (20') in commercial or industrial ~~areas~~ zones and fifteen feet (15') in residential or any other ~~areas~~ zones.
- F. Prohibited Lighting: ~~Flashing lights, searchlights and neon lighting~~ Without limitation to other prohibited luminaires, the use of the following types of exterior lighting is prohibited, except as specifically exempted here or elsewhere in this section.
1. Outdoor flood lighting by projection of light above the horizontal plane running through the lowest light-emitting portion of a luminaire, except as permitted in subsection L of this section.
 2. Searchlights, skybeams, and similar lighting, except as required by first responders in the performance of their duties.
 3. Lasers, except Class 2 or lower laser light sources as used only for holiday lighting.
 4. Any luminaire that dynamically varies its output by intermittently fading, flashing, blinking, or rotating. This type of lighting includes strobe lighting.
 5. Any luminaire that uses mercury vapor lamps or sealed, low-pressure tubes containing inert gasses such as neon.
- G. Plan Required:
1. ~~During the approval process of a development, a~~ A lighting plan shall be submitted as part of ~~the application~~ any development application. Single-family residential lots and agricultural uses shall be exempt from this lighting plan requirement. The lighting plan, ~~which~~ shall address the following:
 - a. Type of illumination;
 - b. ~~Mounting~~ height above finished grade;

- 10 -

- c. Location at intersections of streets and at fire hydrants;
- d. Source(s) of light;
- e. Whether the luminaires are fully shielded;
- f. Correlated color temperature of light sources;
- g. Inclusion of any equipment intended to actively control the light output of luminaires;
- h. The number of lumens of light per improved acre, broken down in a manner that indicates:
 - i. Lighting required by the IBC;
 - ii. Lighting required by the Federal Aviation Administration (FAA);
 - iii. Lighting of walkways or parking lots required to comply with IES recommendations;
 - iv. Lighting on a structure not required by IBC or FAA, or in compliance with IES recommendations for walkways or parking lots;
 - v. Landscape lighting, along the height of the landscaping element being lit;
 - vi. Uplighting on a structure; and
 - vii. Lighting on flags and sign lighting;
- i. Lighted area for each source light which is proposed; and
- j. A rendering of any pole-mounted street and roadway luminaires;
- k. Demonstration that all lighting meets the requirements in Section I(3); and
- l. Calculations or photometric models indicating the maximum luminance value for any illuminated surface of any building or vertical structure.

~~1. Type of illumination;~~

~~2. Height above grade;~~

~~3. Location at intersections of streets and at fire hydrants;~~

~~4. Source of light;~~

~~5. Lighted area for each source light which is proposed; and~~

~~6. A different standard may be allowed with the understanding that if the standard needs to be replaced it will be replaced with the typical standard provided by the service provider.~~

~~Standard other than the typical standard provided by the service provider will be paid for by the homeowners' association or property owners. The requirements in subsection I of this section must still be complied with.~~

~~7. Rendering of the standard approved by Heber Light And Power or other applicable service provider in accordance with the requirements of this title.~~

2. Sufficiency of plans. The above required plans and descriptions shall be sufficiently complete to enable the Planning Director to readily determine whether compliance with the requirements of this section can be determined. If such plans and descriptions cannot enable this determination, by reason of the nature or configuration of the devices, luminaires or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized lab. The Planning Director may use third-party plan reviewers, the cost of whose services shall be charged to the applicant. The Planning Director shall further have the authority to request additional information consistent with the purposes of this section.

3. Amendment to approved plans. Any change to approved exterior luminaires or lamps must be approved prior to installation.

H. ~~Exceptions~~ Exemptions: The following are exempt from compliance with all provisions of this section, except as noted.

1. Public lighting, subject to the requirements of subsection J of this section.

2. All temporary emergency lighting needed by ~~the police, fire department or other emergency services~~ first responders only for as long as conditions which warrant the emergency lighting so identified by first responders continue to exist. This includes temporary lighting illuminating the activities of law enforcement, fire and other emergency services, as well as building egress lighting whose electric power is provided by either battery or generator. ~~, as well as all vehicular lighting, shall be exempt from the requirements of this section, and~~

3. Temporary lighting required to save life, limb or property from imminent peril, provided that use persists only during the hours of the peril.
4. Lighting employed during repairs of roads, utilities and similar infrastructure, including unshielded lighting.
5. All hazard warning lighting required by any county, state or federal agencies.
6. Holiday lighting, for a period not to exceed sixty (60) days, whether consecutive or non-consecutive, in one calendar year. The total quantity of light meeting this definition permitted is not limited, but excessive displays are liable to be declared public nuisances. All holiday lighting must be fully extinguished each night between the hours of 11 P.M. and 5 A.M. during the allowed period.
7. Outdoor sports lighting, provided that its design and installation adhere to the version of the International Dark-Sky Association's Criteria for Community-Friendly Outdoor Sports Lighting operative at the time when the land use application is submitted to the County for review.
8. Underwater lighting of swimming pools and similar water features provided that such lighting is not oriented in any direction above the horizontal.
9. Fossil fuel lighting.
10. Lighting required by law to be installed on motor vehicles.
11. String, festoon, and similar lighting, provided that the emission of no individual lamp exceeds fifty (50) lumens, and no installation of such lighting exceeds, in the aggregate, three thousand (3,000) lumens.
12. Temporary lighting allowed by obtaining a temporary use permit as described in Section 16.24 and subsection K of this section.

13. Any form of lighting whose use is mandated or otherwise governed by any legal jurisdiction higher than that of the County.
14. Exterior lighting installed on single-family residential lots and agricultural uses, except for light trespass requirements.

I. Lighting Standards+.

1. Compliance with building codes: All exterior lighting luminaires installed in conformance with this section shall comply with all applicable building codes in effect at the time of installation under appropriate permitting and inspection.
2. Full shielding required: Unless exempted in this section, all exterior lighting luminaires shall be fully shielded.
3. Lighting application illuminance limits:
 - a. Exterior lighting required by the International Building Code (IBC) version incorporated by reference in Section 7.04.01, including but not limited to points of egress and along the path of travel for the exit discharge from each exit to the public way, shall employ illuminances that adhere to, but not exceed, the IBC-required values.
 - b. For all other exterior lighting applications not governed by IBC requirements, excluding architectural lighting, the illuminance employed in each application shall adhere to, but not exceed, the IES-recommended minimum value for the application.
 - c. With the exception of lighting exempted from regulation in subsection H, item 13 of this section, and permanent lighting of drive aisles and parking areas that adhere to the current IES recommendation found in ANSI/IES RP-8, Table 17-2, in no case shall exterior lighting installed on any site exceed 25,000 lumens per improved acre.

4. Spectrum management: The correlated color temperature of light sources shall not exceed 3000 Kelvins.
5. Light trespass prohibited: No luminaire shall create conditions of light trespass, except as authorized by this section. Without limitation, single-family residential lots and agricultural uses are prohibited from light trespass.
6. General curfew: All exterior lighting shall be extinguished one hour after sunset; or within one (1) hour of the close of normal business hours; or at the conclusion of usual operations and remain extinguished until no earlier than one (1) hour before sunrise. Businesses whose normal operating hours are twenty-four (24) hours per day are exempt from these provisions. Conditional uses may require stricter standards as determined by the land use authority. The following lighting applications shall be exempt from the general curfew:
 - a. Walkway bollard, ramp, and in-step stair luminaires provided with individual motion-sensing switches for resumption of illumination at one hundred percent (100%) of their normal lumen levels for no more than a five (5) minute period per trigger.
 - b. Individual pole-mounted parking lot luminaires provided with individual motion-sensing switches for resumption of illumination at seventy-five percent (75%) of their normal lumen levels for no more than a five (5) minute period per trigger.
7. Flagpoles: Property owners are encouraged to not illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset. If flags are illuminated at night, lighting of up to a total of two (2) flags per property is permitted with the following conditions:
 - a. If nighttime illumination is used, flagpoles with a height greater than 20 feet above ground level shall be illuminated only from above. This may be achieved by utilizing a luminaire attached to the top of the flagpole or a luminaire mounted above the top of the flagpole on a structure within fifteen (15) feet of the

flagpole and must comply with all sections of this section. The total light output from any luminaire mounted on top of or above a flag pole shall not exceed 800 lumens.

- b. Flag poles with a height equal to or less than twenty (20) feet above ground level may be illuminated from below. If ground-level illumination is used, flagpoles may be illuminated with up to two (2) spot type luminaires, utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is 75 lumens per linear foot of pole height, measured from the level of the luminaire above finished grade to the top of the flagpole. Luminaires are to be mounted so that their lenses are perpendicular to the flag pole and the light output points directly toward the flag(s).
8. Service station canopies: All luminaires mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize only flat lenses or windows. Shielding must be provided by the luminaire itself, and not by surrounding structures such as canopy edges. Illuminance values shall not exceed the IES-recommended minimum values.

~~The following shall be required on all streetlights for consistency of maintenance:~~

- ~~1. Bulb: LED, fifty (50) to seventy (70) watt max.~~
- ~~2. One hundred twenty (120) volt.~~
- ~~3. Toolless replacement and interchangeable ballast.~~
- ~~4. Twistlock photocell.~~
- ~~5. Head: Glass or acrylic, asymmetric.~~
- ~~6. Temperature: 4000 K.~~
- ~~7. Photocell: Twistlock.~~
- ~~8. Mounting condition: Concrete base with J bolts.~~

~~9. Pole: As required in this section.~~

~~10. Fixture head type: Cutoff with full top aluminum reflector.~~

~~11. Fixture style: Washington Acorn HCSS 16530 or similar style approved by the service provider in compliance with this title.~~

~~12. The fixture shall comply with the cutoff standards listed in subsection D of this section.~~

J. Public Lighting: All exterior lighting owned or operated by the County, a special service district, an interlocal governmental entity, or a municipality, installed after the effective date of this section shall meet all of the following requirements:

1. Warranting. Except for street lights, new installations of exterior lighting will only be installed on public properties and rights-of-way upon determination by the County Manager, or that person's designee, that a public health, safety or welfare benefit due to the use of lighting exists. Criteria warranting the use of street lighting are stated in Section 14.02.08.
2. Curfew. All public lighting not adaptively controlled must be fully extinguished by 10 P.M., or within one hour of the end of occupancy of the structure or area to be lit, whichever is later, and remain extinguished until no earlier than one (1) hour before sunrise. Street lighting is exempt from this requirement.
3. Adaptive controlling. All new installations of exterior lighting on public properties and rights of way must be regulated with adaptive controls such that the lighting of areas is restricted to times, places and amounts required for safe occupancy. Street lighting is exempt from this requirement.
4. Additional street lighting requirements. In addition to the above, the following shall be required on all streetlights for consistency of maintenance:

1. Bulb: LED, fifty (50) to seventy (70) watt max.
 2. One hundred twenty (120) volt.
 3. Toolless replacement and interchangeable ballast.
 4. Twistlock photocell.
 5. Head: Glass or acrylic, asymmetric.
 6. Mounting condition: Concrete base with J bolts.
 7. Pole: As required in this section. A different pole may be allowed with the understanding that if the pole needs to be replaced it will be replaced with the typical pole provided by the service provider. Poles other than the typical poles provided by the service provider will be paid for by the homeowners' association or property owners.
 8. Fixture head type: Fully shielded with full top aluminum reflector.
 9. Fixture style: As agreed to by the County and the service provider in compliance with this title.
- K. Temporary Lighting: Temporary lighting that does not conform to the provisions of this section may be approved at the discretion of the Planning Director subject to submission of an acceptable temporary use permit for exterior lighting. In addition to the requirements in Section 16.24, temporary lighting is subject to the following requirements:
1. Permit term and renewal. Permits shall be valid for no more than thirty (30) calendar days and subject to no more than one renewal, at the discretion of the Planning Director, for an additional thirty (30) calendar days.
 2. Conversion to permanent status. Any lighting allowed that remains installed after sixty (60) calendar days from the issue date of the permit is declared permanent and is immediately subject to all of the provisions of this section and enforcement provisions of this title.

3. Exterior lighting permit contents. A request for temporary exemption to any provision of this section shall contain minimally the following listed information:

- a. Specific exemptions requested;
- b. Previous temporary exemptions, if any;
- c. Duration of time requested exemption;
- d. Type and use of exterior light involved;
- e. Type and lumens of proposed lamps;
- f. A plan with proposed luminaire locations; and
- g. Manufacturer data sheets for proposed luminaires.

4. In addition to the above data, the Planning Director may request any additional information which would enable a reasonable evaluation of the request for temporary exemption.

L. Architectural and Landscape Lighting: Exterior lighting used to illuminate the walls or architectural features of a building or structure, and landscape lighting used to illuminate trees or other landscape elements, is permitted subject to the following conditions:

1. All such lighting shall comply with the curfew requirement and light trespass prohibition specified in this section.
2. Luminaires used for uplighting of structures may be unshielded by design provided that their direct light is completely captured by architectural surfaces and not emitted directly into the night sky. In the event that an applicant wishes to illuminate surfaces in this manner, the applicant shall also provide with the lighting plan required in subsection G of this section information on the construction materials of illuminated surfaces, their colors and finishes.
3. The luminance of architectural surfaces shall not exceed 27 candelas per square meter. Luminance of a surface shall be measured in a line of sight direction to the observer at an angle perpendicular to the surface being measured. The final

measurement shall be the median value of three (3) measurements. A margin of error not to exceed twenty (20) degrees from perpendicular viewing angle is acceptable for purposes of measurement. The device used to measure the luminance shall have a margin of error of not more than ten (10) percent. Measurements associated with enforcement actions may only be taken by the planning director or his designee. Measurements shall be taken at a distance of not less than ten (10) feet from the surface, to avoid anomalies due to polished, reflective or irregular materials.

4. Luminaires used for uplighting of trees or other landscaping elements may be unshielded by design provided that their direct light is mostly captured by trees or landscaping and not emitted directly into the night sky. In the event that an applicant wishes to illuminate trees or landscaping in this manner, the applicant shall also provide with the lighting plan required in subsection G of this section, information on the height of the trees or landscaping. The luminaires used for the uplighting of trees or other landscaping elements shall not exceed 10 lumens per vertical foot of the trees or landscaping, and may not exceed 1,000 lumens per improved acre. This limit does not create an additional allowance beyond the site lumen threshold stated in subsection I, item 3c of this section.

HISTORY

Adopted by Ord. 13-15 on 10/16/2013

Amended by Ord. 14-05 on 11/5/2014

16.15.25: SIGN STANDARDS

- A. Statement Of Purpose: The purpose of this code is to establish standards for the erection and use of signs, symbols, markings and advertising devices within the JBOZ. These standards are designed to promote and protect the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating detriment to the general public.
- B. Use Authorized: This code authorizes the use of signs, provided they are:
1. Compatible with their surroundings, pursuant to the objectives of proper design and zoning amenities;
 2. Designed, installed and maintained to meet the sign user's needs, while at the same time promoting the amenable environment desired by the general public;
 3. Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety;
 4. Legible, readable and visible from the adjacent travelway or closest right of way in the circumstances in which they are used;
 5. Respectful of the reasonable rights of other advertisers whose messages are displayed;
 6. Comply with the other requirements of this code.
- C. Short Title: This section shall be known as the SIGN CODE OF THE JORDANELLE BASIN OVERLAY ZONE, or may be so cited and pleaded and shall be referred herein as the code.
- D. Definitions: The definitions used in section 16.26 of this title shall apply to the sign standards of this section.

E. Permits Required:

1. Except as otherwise provided in this code, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the county, or cause the same to be done, without first obtaining a sign permit for each such sign. This does not apply to changing the copy of any existing sign, nor for the repainting, cleaning or other normal maintenance of such sign, so long as the sign is not modified in any way, and so long as the existing sign complies with the terms of this code as to size, location, lighting and composition as outlined in this code.
2. Any permits issued shall become null and void if such sign is not erected within one hundred eighty (180) days from the issuance of said permit.

F. Construction Specifications:

1. No sign shall be constructed to block any road, driveway, exit, fire escape, door or window, or any means of ingress or egress for persons to and from the building, or for automobiles to and from the property or adjoining property;
2. No sign shall exceed thirty two (32) square feet in size, excluding any supports therefor;
3. No sign shall exceed seven feet (7') in height;
4. All signs shall be made of either wood or an approved material which has the same appearance as wood;
5. All lettering on the sign shall be approved as to size, color and style;
6. ~~All lighting of the sign shall be approved before issuance of a permit and shall comply with the lighting code.~~ Lighted signs, whether illuminated internally or externally, shall comply with all of the following:
 - a. Adhere to all provisions of Section 16.21.16. Internally illuminated signs are exempted from the full shielding requirement.

b. Not exceed, in any design or message element, a luminance of forty (40) candelas per square meter between one (1) hour after sunset and one hour before sunrise; and

c. Be fully extinguished after the end of regular business hours and remain in that state until no earlier than one (1) hour before sunrise.

7. All signs shall be readable from the adjacent travelway or closest right of way.

G. Prohibited Signs:

1. Animated and intensely lighted signs;
2. Moving signs;
3. Banners, flags, pennants, search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons or other gas filled figures (this does not include a temporary "for sale" sign placed by a realtor or owner of property which is for sale, or "open house" signs);
4. Roof signs;
5. Video signs;
6. Off premises signs;
7. Billboards;
8. Projections signs;
9. Electronic message signs;
10. Other signs:
 - a. Signs which bear or contain statements, words or pictures of an obscene or pornographic character;
 - b. Signs which are painted on or attached to any fence, wall or structure (unless a permit has been granted

therefor) other than a means of posting the name of the occupant or address of a residence;

- c. Signs which emit audible sound, odor or matter;
- d. Signs which are an imitation of an official traffic sign or signal, or may be confused with such;
- e. Any sign or combination of signs which cover more than ten percent (10%) of the building facade on any side of such building.

H. Master Sign Plans:

1. Buildings or clusters of buildings within a project or premises, having more than one tenant or use, shall provide a master sign plan for the entire structure or project prior to any sign permit approval by the planning department.
2. The master sign plan shall be designed to establish a common theme or design for the entire building, using similar construction methods, compatible colors, scale, and identical backgrounds.
3. Master sign plans for office buildings must focus primarily on the identification of the building. Individual tenants may be identified with lettering on exterior windows, doors or a building directory.
4. Total sign area within the master sign plan is subject to the size limitation identified in subsection F2 of this section, except the planning director may grant additional sign area, provided the total area requested does not exceed five percent (5%) of the building face to which the signs are attached. The planning director must make findings based on the following criteria:
 - a. Signs must be designed to fit within and not detract from or obscure architectural elements of the building facade;
 - b. Signs must establish a visual continuity with adjacent building facades and be oriented to emphasize pedestrian or vehicle visibility;

- c. The building must have more than one tenant in more than one space; and
 - d. The building must have more than seventy feet (70') of street frontage.
- I. Setback Requirements: Signs shall not be placed in the setback area as defined for the zone in which the sign is located, except in the commercial area. Signs in the commercial area may be set back ten feet (10') from the property line. The planning director may decrease the setback if it is determined that the public will benefit from a sign located otherwise, due to site specific conditions such as steep terrain, integration of sign on retaining walls, heavy vegetation, or existing structures on the site or adjoining properties.
- J. Maintenance And Repair: All signs shall be maintained in a safe, presentable and good structural condition at all times, including the repair or replacement of defective or worn parts, painting, repainting, cleaning and any other acts required for the maintenance of said sign. If a sign is not made to comply with the standards of this code within ten (10) days of written notice to comply, such sign may be removed and the owner may be charged for the cost of such disposal.
- K. Abandoned Signs: Any signs which remains on the premises which becomes vacant and remains unoccupied for a period of ninety (90) days or more, or any sign which pertains to an event, time or purpose which no longer applies, shall be deemed to have been abandoned. All such abandoned signs shall be removed by the owner of the premises on which the sign is located. If not so removed within ten (10) days of written notice to remove such sign, the sign may be removed and the owner may be charged for the cost of such disposal.
- L. Notices: The notice shall be mailed to the owner of the property on which the sign is located. An additional notice shall be posted on or very near the sign itself.

- M. Disposal Of Signs: Any sign removed under this code becomes the property of the county and may be disposed of in any manner deemed appropriate by the county. The cost of removal of the sign shall be considered a debt owed to the county and may be recovered in an appropriate court action, including any and all incidental expenses incurred in connection with the sign removal.

- N. Dangerous Signs: When it is determined by the county zoning administrator that any sign would cause an imminent danger to the public safety and contact with the owner cannot be made immediately, no written notice or posting shall be required. In this emergency situation, the sign may be removed by the county immediately.

- O. Conflict: If any portion of this section is found to be in conflict with any other provision of any zoning, building, fire safety or health ordinance, the provision which establishes the more restrictive standard shall prevail.

HISTORY

Adopted by Ord. 09-04 on 3/13/2009

Amended by Ord. 09-06 on 5/28/2009