

# CITY OF LAS VEGAS, NEW MEXICO

## Ordinance No. 22-09

**AN ORDINANCE TO AMEND** the Code of the City of Las Vegas by repealing and replacing Chapter 285 Outdoor lighting, creating two new subsections to Chapter 12 Traffic Regulation, specifically 12-6-6.1 “Stopping, standing or parking prohibited in specified places” subsections D and E, and repealing and replacing Chapter 148 Vacant Buildings, sections 148-5(I)(1) entitled “Fees” and (2) and 148-6(B) entitled “Civil penalties”. This Ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City of Las Vegas home rule powers.

**BE IT ENACTED** by the Governing Body of the City of Las Vegas as follows:

Section 1. The Code of the City of Las Vegas is hereby amended by repealing and replacing Chapter 285 entitled “Outdoor lighting” and replacing it to read as follows:

### **Chapter 285 Outdoor Lighting**

- 285-1 Purpose
- 285-2 Definitions
- 285-3 Applicability and general provisions
- 285-4 Submittals
- 285-5 General standards
- 285-6 Maximum illumination standards
- 285-7 Violations

#### **285-1 Purpose**

The purpose of this Chapter 285 is to regulate outdoor lighting in order to: (1) permit the use of outdoor lighting that does not exceed the levels specified in the New Mexico Night Sky Protection Act and recommended practices for nighttime safety, utility, productivity, enjoyment and commerce; (2) minimize adverse off-site impacts of lighting such as light trespass and light pollution; (3) reduce or prevent glare and conserve energy to the greatest practical extent; (4) reduce sky glow and improve the nighttime environment; (5) help protect the natural environment from the adverse effects of night lighting from gas or electric sources; and (6) promote a sense of safety and security and ensure aesthetically appropriate outdoor lighting in keeping with the character of the City of Las Vegas (“City”). The provisions in this Chapter 285 shall not apply to State-owned roadways within the City limits or lighting used by the City Fire Department, the City Police Department or other emergency services.

#### **285-2 Definitions**

Holiday Lighting shall mean lights limited to small individual lamps connected by a wire, where the spacing of bulbs is not closer than three inches.

Lamp shall mean the light-producing source installed in a luminaire.

Light pollution shall mean the general sky glow caused by the scattering of artificial light in the atmosphere that results in decreased ability to see the natural night sky.

Light trespass shall mean the light emitted by a luminaire that shines beyond the property on which the luminaire is installed.

Luminaire shall mean a complete lighting unit, including the lamps, together with the parts required to distribute the light, to position and/or protect the lamps, and to connect the lamps to the power supply.

Nuisance glare shall mean the brightness of a light source that causes eye discomfort, (i) including light that creates an annoyance or aggravation, but does not create a potentially hazardous situation, and (ii) light that impairs visibility and creates a potentially hazardous situation for either pedestrians or motorists.

### **285-3 Applicability and general provisions**

A. All outdoor luminaries installed after January 1, 2023 on property within the City limits shall comply with this Chapter 285.

B. Unless an outdoor luminaire violates the light trespass provisions of this Chapter 285, all outdoor luminaires existing and legally installed and operative before the effective date of this Chapter 285 are exempt from the requirements of Chapter 285 until the time of the lamp's replacement or August 1, 2023, whichever comes first.

C. If a nonconforming luminaire is replaced prior to January 1, 2023, the replacement luminaire shall conform to the requirements of this Chapter 285. Modifications to the nonconforming luminaires in any historic district shall also comply with this Chapter 285.

D. This Chapter 285 applies to the lighting of streets as well as other types of lighting.

### **285-4 Submittals**

A. Applications for review by the district review board that include the installation or replacement of outdoor lighting fixtures for new construction, additions or remodeling shall contain the following information:

- (1) Plans indicating the location, type and height of both building and ground mounted luminaires;
- (2) A description of the luminaires, including lamps, poles or other supports, and shielding devices, that may be provided as catalogue cuts from the manufacturer; and
- (3) Photometric data, such as that furnished by the manufacturer, showing the angle of light emission.

B. Applications for single-family residences or other situations where the sum total of the outdoor luminaires does not exceed one thousand (1000) lumens are not required to comply with subsection 285-4.

**285-5 General standards**

A. All lamps, with the exception of City-owned and operated street lights, shall be shielded to prohibit light trespass.

B. All outdoor luminaires shall be designed, installed, located, operated and maintained such that glare onto adjacent properties or streets shall be minimized to the greatest practical extent. Glare onto any adjacent property, roadway or alley by any non-City owned or non-City operated lamp is prohibited. Such lamp shall be removed, or in the alternative mounted at such a height, and shielded in such a manner, so as to minimize, to the greatest practical extent, the light trespass onto the adjacent property, roadway or alley.

C. Except for certain structures in historic districts, accent lighting shall be directed onto the building or object and not toward the sky or onto adjacent properties. Direct light emissions must not be visible above the roof line or beyond the building edge. Non-governmental flagpole lighting is prohibited. Neon lights are only permitted for commercial property, and must be turned off during non-business hours.

D. Holiday Lighting is exempt from the requirements of this Chapter 285 for the time period between December 1 of each year and January 15 of the following year. Flashing Holiday Lighting is prohibited on commercial property, and Holiday Lighting on commercial property shall be turned off no later than 10:00pm each night. For non-commercial property, Holiday Lighting shall be turned off no later than 10:00pm each night.

**285-6 Maximum illumination standards**

A. Illumination levels shall not exceed the following standards for average maintained horizontal footcandles at grade:

Area:	Commercial:	Residential:
Sidewalks	1.0	0.2
Pedestrian area	2.0	0.5
Parking lots	1.0	none
Building entrances	5.0	none
Building grounds	1.0	none
Public spaces	3.0	none

The maximum illumination at any point shall not exceed the allowed average by more than 1 footcandle.

B. In all cases, the average maintained footcandles upon reaching any residential property line shall be zero. Shielding shall be required on all outdoor luminaires and lamps to ensure that light emitting from non-City sources shall not trespass onto any of the adjacent or nearby property.

C. Higher levels of illumination may be appropriate for specific or unusual applications. Requests for higher allowed levels may be considered by the City Council on an individual basis. Standards of the Illuminating Engineering Society of North America shall be the justification for consideration of any request for higher levels of illumination.

C. The property owner or tenant is responsible for properly maintaining illumination levels and required shielding.

D. The City reserves the right to further restrict outdoor lighting, including restrictions on pole height and level of illumination, when it is deemed to be in the best public interest in keeping with the stated purpose of this Chapter 285.

### **285-7 Violations**

A. If, after investigation, the City determines that any provision of this Chapter 285 is being violated, the City shall give written notice of such violation(s) to the owner and/or occupant of such property, demanding that the violation be abated within thirty (30) days of the date the notice is sent to the owner and/or occupant. If the violation is not abated within the thirty day period, the City may file a court action, either legal or equitable, to enjoin, restrain or abate any violation(s) of this Chapter 285.

B. A violation of this Chapter 285 shall be punishable by a non-discretionary civil penalty of \$100.00, and each day of violation after the expiration of the thirty day period provided above shall constitute a separate offense for the purpose of calculating the civil penalty.

Section 2. The Code of the City of Las Vegas is hereby amended by creating two new subsections to Chapter 12 Traffic Regulation, specifically 12-6-6.1 “Stopping, standing or parking prohibited in specified places” subsections D and E to read as follows:

### **Chapter 12 Traffic Regulations**

#### **12-6-6.1(D) Recreational vehicles, trailers or towed vehicle.**

No person or entity shall park, stand or stop a recreational vehicle, trailer or towed vehicle for more than ninety (90) minutes on any roadway, sidewalk, alley or other City-owned or City-operated property, with the definition of recreational vehicle to include a motor home or recreational vehicle as defined in NMSA Chapter 66, a vehicle classified as class A, class B, class C, truck classes four (4) through eight (8) or larger than eight (8), or a travel trailer, fifth wheel, pop-up or other such movable enclosed space. No recreational vehicle, trailer or towed vehicle shall be parked anywhere in the City limits such that the parking blocks or obstructs a roadway, sidewalk, alley or any other public right-of-way. A violation of this 12-6-6.1(D) shall be punishable by a non-discretionary civil penalty of \$100.00, and each day of violation shall constitute a separate offense for the purpose of calculating the civil penalty. The City, in its sole discretion, may tow any recreational vehicle, trailer or towed vehicle, at the expense of the owner, and not at any expense to the City, for any violation of this 12-6-6.1(D).

### **12-6-6.1(E) Parking penalties.**

Unless a specific penalty is expressly provided for in this Chapter 12, any violation of this Chapter 12 shall be punishable by a non-discretionary civil penalty of \$50.00, and each occurrence shall constitute a separate offense for the purpose of calculating the civil penalty.

### **Chapter 148 Vacant Buildings**

Section 3. The Code of the City of Las Vegas is hereby amended by repealing and replacing Chapter 148 Vacant Buildings, sections 148-5(I)(1) entitled “Fees” and (2) and 148-6(B) entitled “Civil penalties” to read as follows:

#### **148-5(I). Fees.**

(1) Property zoned as commercial, business, or industrial. A nonrefundable fee of \$100 shall be charged for processing each application for a vacant building maintenance license and for each application for any renewal of a vacant building maintenance license. A separate application shall be completed for each noncontiguous structure, excluding accessory and appurtenant structures to the main structure. Upon the City's first approval of a property's vacant building maintenance license, a license fee of \$1,000 shall be paid by the property's owners to, and received by, the City as a pre-condition to the license being issued to the property's owner(s). Upon the City's second approval of a property's vacant building maintenance license, a license fee of \$1,200 shall be paid by the property's owners to, and received by, the City as a pre-condition to the license being issued to the property's owner(s). Upon the City's third or subsequent approval of a property's vacant building maintenance license, a license fee of \$1,500 shall be paid by the property's owners to, and received by, the City as a pre-condition to the license being issued to the property's owner(s).

(2) Property zoned as anything other than commercial, business or industrial. A nonrefundable fee of \$100 shall be charged for processing each application for a vacant building maintenance license and for each application for any renewal of a vacant building maintenance license. A separate application shall be completed for each noncontiguous structure, excluding accessory and appurtenant structures to the main structure. Upon the City's first approval of a property's vacant building maintenance license, a license fee of \$500 shall be paid by the property's owners to, and received by, the City as a pre-condition to the license being issued to the property's owners. Upon the City's second approval of a property's vacant building maintenance license, a license fee of \$700 shall be paid by the property's owners to, and received by, the City as a pre-condition to the license being issued to the property's owners. Upon the City's third or subsequent approval of a property's vacant building maintenance license, a license fee of \$1,000 shall be paid by the property's owners to, and received by, the City as a pre-condition to the license being issued to the property's owners.

### **148-6(B). Civil penalties.**

(1) Thirty days after a building becomes a vacant building with no vacant building maintenance license application, or renewal application, having been submitted, the owner shall be liable for a civil penalty of \$1,000 for all property zoned as commercial, business, or industrial, and \$500 for all properties zoned as anything other than commercial, business or industrial. The City Manager's designee shall notify the owner as provided in § 148-5F of the statutory penalty.

(2) The owner shall have 30 days after notification of the initial civil penalty in section 148-6(B)(1) to acquire a vacant building maintenance license or to renew a vacant building maintenance license, whichever applies. The City Manager may abate all or a portion of the aforementioned civil penalty if the owner acquires or renews that vacant building maintenance license within the thirty-day period after notification of the initial civil penalty.

(3) If no vacant building maintenance license is acquired or renewed within 30 days after the notification of the aforementioned civil penalty, the owner shall be liable for a second civil penalty in the same amount as the first civil penalty.

(4) If the owner of the building is continuing to maintain a vacant building without a vacant building maintenance license after being notified, pursuant to § 148-5F, of the second civil penalty, the City Manager may impose daily civil penalties of up to \$100 per day for every day an owner maintains a building without a vacant building license after receiving notification of the second civil penalty. Each day after receiving notification of the second civil penalty is a separate occurrence and a separate violation of this chapter.

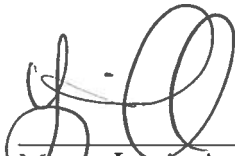
(5) The City Manager may abate the second civil penalty or any subsequent daily penalties only upon the owner affirmatively establishing that the owner was not negligent in failing to comply with this chapter, and the owner becoming fully current for all City licenses required of the owner.

(6) The City Manager may extend the time periods for acquiring or renewing a vacant building maintenance license, if a request for extension is made prior to the expiration of any time period and if the owner or other interested party is engaged in good faith negotiations with the City Manager or City Manager's designee regarding the conditions or requirements of any vacant building maintenance license, and that documented progress is being made regarding the obtaining of all licenses required by the City.

Section 4. Severability. The provisions of this ordinance are severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 5. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.


PASSED, ADOPTED and ENACTED this 14<sup>th</sup> day of September, 2022.



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Mayor Louie A. Trujillo

ATTEST:



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Casandra Fresquez, City Clerk

Reviewed and approved as to legal sufficiency only:



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Scott Aaron, City Attorney