

ORDINANCE 2002 – 100

AN ORDINANCE OF THE COUNTY OF GRAHAM, ARIZONA AMENDING ARTICLE 8 - OUTDOOR LIGHTING CODE OF ORDINANCE 29 THE PLANNING AND ZONING ORDINANCE RELATING TO OUTDOOR LIGHTING REGULATIONS.

WHEREAS, the Board of Supervisors of the County of Graham is authorized under A.R.S. 11 – 802 to pass an ordinance regarding planning and zoning in order to conserve and promote the public health, safety, convenience and general welfare and adopted the planning and zoning ordinance on August 4, 1969;

WHEREAS, the Board of Supervisors of the County of Graham is authorized under A.R.S. 11- 251 to adopt, amend and repeal all ordinances necessary or proper to carry out the duties, responsibilities and functions of the county and on December 10, 1981 adopted an Outdoor Lighting Code to regulate outdoor lighting;

WHEREAS, the Board of Supervisors of the County of Graham desires to adopt an amendment to Article 8 – Outdoor Lighting Code of Ordinance 29 the Planning and Zoning Ordinance to regulate outdoor lighting;

WHEREAS, the Board of Supervisors of the County of Graham desires to maintain uniform outdoor lighting codes among the other jurisdictions in the County.

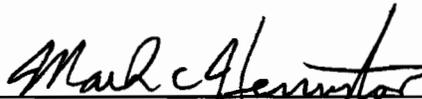
NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF GRAHAM:

SECTION 1. Exhibit “A” Article 8 – Outdoor Lighting Code of Ordinance 29 is hereby amended as shown in Exhibit A, attached hereto and incorporated herein by this reference

SECTION 2. The Graham County Outdoor Lighting Code, Article 8 is hereby amended to read as follows (see attached Article 8):

PASSED AND ADOPTED by the Graham County Board of Supervisors on this 19th day of February 2002.

GRAHAM COUNTY BOARD OF SUPERVISORS



Mark C. Herrington, Chairman
Graham County Board of Supervisors



James A. Palmer, Member
Graham County Board of Supervisors

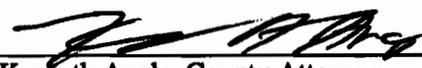


Drew John, Member
Graham County Board of Supervisors

ATTEST:



Terry Cooper, Clerk of the Board



Kenneth Angle, County Attorney

ARTICLE 8 OUTDOOR LIGHTING CODE

8.1 ADMINISTRATION

8.1.1 Purpose - The purpose of this code is to protect the unique environment of Graham County/Safford/Thatcher/Pima by protecting and maintaining the access to the dark night sky. Intended outcomes include continuing support of astronomical activity and minimizing wasted energy while not compromising the safety, security and well being of persons engaged in outdoor nighttime activities.

8.1.2 Intent - It is the intent of this Code to control the obtrusive aspects of excessive and careless outdoor lighting usage while preserving, protecting and enhancing the lawful nighttime use and enjoyment of any and all property. It is recognized that portions of properties may be required to be unlit or have reduced lighting levels in order to allow enough lumens in the lighted areas to achieve light levels in accordance with nationally recognized recommended practices.

8.2 GENERAL REQUIREMENTS

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

8.3 APPLICABILITY

8.3.1 New Uses, Buildings and Major Additions or Modifications. All proposed new land uses, developments, buildings, structures or building additions of 25% or more in terms of additional dwelling units, gross floor area, seating capacity or parking spaces or other units of measurements specified herein, either with a single addition or with cumulative additions subsequent to the effective date of this provision, shall meet the requirements of this Code for the entire property. Cumulative modification or replacement of outdoor lighting fixtures constituting 25% or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.

8.3.2 Minor Additions - Additions or modifications greater than 10% but less than 25% to existing uses shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this Code with regard to shielding and lamp type; the total amount of lighting after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this code, whichever is larger.

8.3.3 Change of Use - Whenever the use of any existing building, structure or premises is changed to a new use, all outdoor lighting shall be reviewed and brought into compliance with this Code before the new use commences.

8.4 DEFINITIONS

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

Agricultural Facility - An open field or enclosed building with transparent walls or roof whether publicly or privately owned, including, but not limited to greenhouses.

Class 1 Lighting - All outdoor lighting used for, but not limited to, outdoor sales or eating areas, entrance canopies on retail buildings, assembly (mechanical) or repair areas, advertising and other signs, recreational facilities, amphitheaters and other similar applications where color rendition is important to preserve the effectiveness of the activity. Designation of lighting as Class 1 requires a finding by Graham County of the essential function of color rendition for the application.

Class 2 Lighting - All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds are the primary concern.

Class 3 Lighting - Any outdoor lighting used for decorative effects including but not limited to architectural illumination, flag and monument lighting and illumination of landscaping.

Class 4 Lighting - Lighting used for horticultural activities called assimilation lighting.

Development Project - Any residential, commercial, industrial or mixed-use subdivision plan or development plan, which is submitted to the County for approval or for permit.

Direct Illumination - Illumination resulting from light emitted directly from a lamp or luminaire not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Display Lot or Area - Outdoor areas where active nighttime sales activity occurs and where accurate color perception by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, assembly lots, swap meets or airport and automobile fueling areas. Uses not on this list must be approved as a display lot by Graham County.

Full Cut-off Light Fixture - A luminaire light distribution where no candela occurs at or above an angle of 90 degrees above nadir. This applies to all lateral angles around the luminaires. Such candela information shall be as determined by photometric test report from a certified independent test laboratory and as certified by the manufacturer. Any structural part of the light fixture providing this cut-off angle shielding must be permanently affixed. Building canopies, overhangs, roof eaves and similar types of construction shall not be considered as the means of providing the cut-off. The requirements for the cut-off characteristics described herein shall be achieved by the light fixture itself.

Installed - The attachment or assembly fixed in place whether or not connected to a power source of any outdoor light fixture.

Lighting Areas - All lighting areas discussed below shall be as defined on the Graham County Lighting Area Map (attached).

1. **Lighting Area 3 (A3)** is an urban area (incorporated entities) with primary land uses for commercial, business, industrial activity, apartments and surrounded by suburban residential areas.
2. **Lighting Area 2 (A2)** consists of rural residential and agricultural areas.
3. **Lighting Area 1 (A1)** is a special area around astronomical observatories and includes all areas within the boundaries of the Graham County lighting area map. This includes Mt. Graham in the Pinaleno Mountains and those areas within any national park, monument or forest boundary. In these areas, the preservation of a naturally dark environment both in the sky and in the visible landscape is of paramount concern.
4. **Multiple Areas** is a property located in more than one of the Lighting Areas described above and shall be considered to be only in the more restrictive Lighting Area.

Lumen - Unit of luminous flux used to measure the amount of light emitted by lamps.

Luminaire - A luminaire consists of the complete lighting assembly less the support assembly. For purposes of determining total light output from a luminaire lighting assembly that includes multiple unshielded or full cut-off lamps on a single pole or standard, the multiple assembly shall be considered as a single unit. Two or more units with lamps less than 3 feet apart shall be considered a single luminaire.

Multi-class Lighting - Any outdoor lighting used for more than one purpose such as security and decoration such that its use falls under the definition of two or more classes as defined for Class 1, 2, 3 and 4 Lighting.

Net Acreage - The remaining ground area after deleting all portions for proposed and existing public streets within a development, parcel or subdivision.

Opaque - Opaque means that the material shall not transmit visible light.

Outdoor light fixture - An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device permanently installed or portable used for illumination or advertisement. Such devices shall include but are not limited to:

1. street lighting;
2. parking lot lighting;
3. building and structural lighting;
4. landscape lighting;
5. recreational lighting;
6. billboards and other signs (advertising or otherwise);
7. product display area lighting;
8. building overhangs and open canopies;
9. security lighting;
10. searchlight, spotlight, flood lights and laser lights; and
11. lighting of agricultural facilities and mines.

Outdoor Light Output, Total - The total amount of light measured in lumens from all lamps installed in outdoor lighting fixtures.

1. For lamp types that vary in light output as they age (such as fluorescent and high intensity discharge (HID) lamps), the mean lumen output as defined by the manufacturer shall be the lumen value used.
2. The total light output of each outdoor fixture shall be based on the largest lamp that the outdoor fixture is rated to accommodate. For the purpose of compliance with this Section, the largest lamp rating for fluorescent and HID fixtures shall be based on the installed ballast rating.
3. For determining compliance with Section 8.5.3 the total lumens shall be of the sum of the following:
 - A. 100 percent of the lumens from outdoor light fixtures installed on grade, on poles and installed on the tops or sides of buildings or other structures when not shielded from above by the structure itself.
 - B. 25 percent of the lumens from outdoor light fixtures installed under canopies, buildings, overhangs or roof eaves where all parts of the center of the lamp or luminaire are located at least five feet from the nearest edge of the canopy or overhang.
 - C. 50 percent of the lumens from underwater light fixtures unless the fixture is aimed at an angle of less than 45 degrees above the horizontal in which case the calculated lumens shall be calculated at 10% of the rated lamp lumens.

Outdoor Recreation Facility - An area designed for active recreation whether publicly or privately owned including but not limited to baseball, soccer, football, golf, tennis, swimming pools, and racetracks of any sort.

Person - Any individual, tenant, lessee, owner or any commercial entity including, but not limited to, a firm, business, partnership, joint venture or corporation.

Temporary Lighting - Lighting which does not conform to the provisions of this ordinance and which will not be used for more than one thirty (30) day period within a calendar year with one thirty (30) day extension. Temporary lighting is intended for uses, which by their nature are of limited duration, e.g., holiday decorations, civic events or construction projects.

8.5 TOTAL OUTDOOR LIGHT OUTPUT AND SHIELDING REQUIREMENTS

The tables in this section give requirements of the total light output permitted per acre for the different lighting areas and the fixture shielding requirements for class of lighting, lamp type, and lighting area. These requirements shall be met for all lighting installations subject to this code.

8.5.1 Total Outdoor Light Output - Total outdoor light output shall not exceed the lumen limits given in Table 8.5.3. "Total" means the sum of shielded and unshielded light.

8.5.2 Lamp Type and Shielding Standards - Outdoor light fixtures shall be installed in accordance with the lamp type and shielding requirements of Table 8.5.3.

TABLE 8.5.3			
MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT REQUIREMENTS LUMEN CAPS: INITIAL LUMENS PER NET ACRE (4)			
	LIGHTING AREAS		
	A3	A2	A1
Commercial and industrial zoning – Option 1 (1)(2):			
Total (full cut-off plus unshielded) (5)	100000	25000	12500
Unshielded (fraction of the Total)	5000	2000	1000
Commercial and industrial zoning – Option 2 (1)(2):			
Total (in Option 2 all outdoor lighting shall be full cut-off)	150000	32500	12500
Unshielded (fraction of the Total)	0	0	0
All residential zoning (3):			
Total (full cut-off plus unshielded)	25000	16500	11000
Unshielded (fraction of the Total)	5000	2000	1000

Notes to Table 8.5.3:

- (1) Use either Option 1 or Option 2 for entire property.
- (2) This refers to all land-use zoning classifications for multiple family uses, commercial and industrial uses.
- (3) This refers to all residential land-use zoning including all densities and types of housing such as single-family detached and duplexes.
- (4) These are upper limits and not design goals. Design goals should be lower and should be the lowest levels that meet the task, and hence save energy and minimize glare.
- (5) If shielded Low Pressure Sodium (LPS) lighting is used for commercial and industrial zoning, then the lumen caps are raised to 250,000 in A3, and 75,000 in A2, but non/LPS Actual Lumens shall not exceed limits of Table 8.5.3.

TABLE 8.5.4			
LAMP TYPE AND SHIELDING STANDARDS			
USE CLASS AND LAMP TYPE	A3	A2	A1
Class 1 lighting (Color Rendition):			
LPS greater than or equal to 2950 lumen/luminaire	F	F	F
Others greater than or equal to 2950 lumens/luminaire	F	F	F
All types below 2950 lumens/luminaire	A(1)	F	F
Class 2 lighting (General Illumination):			
LPS greater than or equal to 2950 lumen/luminaire	F	F	F
Others greater than or equal to 2950 lumens/luminaire	F	F	X
All types below 2950 lumens/luminaire	A(1)	F	F
Class 3 lighting (Decorative) (4):			
All lighting greater than or equal to 2950 lumens/luminaire	F	X	X
All types below 2950 lumens/luminaire	A(1)	A(1)	F(2,3)
Class 4 lighting (Assimilation) (4):			
All lighting greater than or equal to 2950 lumens/luminaire	F	X	X
All types below 2950 lumens/luminaire	A(1)	F	F

Notes to Table 8.5.4

- (1) Flood or spot lamps must, however, be aimed no closer than 45 degrees to the horizontal (halfway between straight down and straight to the side) when the source is visible from any adjacent residential property.
- (2) Exception: seasonal decorations using unshielded low-wattage incandescent lamps shall be permitted from Thanksgiving to 15 January.
- (3) NonLPS Actual Lumens shall not exceed limits of Table 8.5.3.
- (4) All Class 3 lighting shall be extinguished between 11:00 p.m. (or when the business closes whichever is later) and sunrise.

- (5) All Class 4 lighting shall be extinguished between two hours after sunset and two hours before sunrise.
- (6) Under canopy lighting must meet the requirements of Table 8.5.3.

Use Code:

- A = unshielded light allowed above those allowed by Table 8.5.3; shielding not required, but highly recommended.
- F = full cut-off lights required, except as allowed by Table 8.5.3.
- X = not allowed.

8.5.5 All light fixtures that are required to be shielded shall be installed in such a manner that the shielding is effective as described in the definitions in Section 8.4 for full cut-off fixtures.

8.5.6 Beyond the shielding requirements of Section 8.5.3, all light fixtures on the residential side of commercial property adjacent to residential property shall be full cut-off and shall be a maximum of 10 feet above grade at the property line and no higher than a line rising 20 feet above the 10 feet until 100 feet from the property line. All outdoor lighting adjacent to residential areas shall have internal house-side shields. In addition, all residential and commercial luminaires shall be full cut-off within 25 feet of adjacent residential property lines.

8.5.7 Multi-class lighting must conform to the shielding and timing restrictions, if any, that apply to the most restrictive included class.

8.6 OUTDOOR ADVERTISING SIGNS

8.6.1 External illumination for on-site signs shall conform to all provisions of this Code. In particular, such lighting shall be treated as Class 1 lighting and shall conform to the lamp source, shielding restrictions and lumen caps of Section 8.5.3.

8.6.2 Electrical illumination of outdoor advertising off-site signs is prohibited except that the use of lighting fixtures legally installed in Areas A2 and A3, prior to the effective date of this code, may continue, provided such fixtures are mounted on the top of the sign structure which shall not be illuminated between the hours 11:00 p.m. and sunrise, and to comply with all other provisions of the code.

8.6.3 Outdoor internally illuminated advertising signs may be constructed with an opaque or colored background and translucent text and symbols. Lamps used for internal illumination of such signs shall not be counted toward the lumen cap described in Section 8.5.3.

8.6.4 Illumination for all advertising signs both externally illuminated and internally illuminated shall be turned off at the curfew times listed in Table 8.7.5 or when the business closes, whichever is later.

TABLE 8.6.5 ILLUMINATED SIGN CURFEWS			
	LIGHTING AREA		
Sign Type and Land Use Area (1)	A3	A2	A1
Commercial and Industrial zoning			
Opaque Background	12 AM	11 PM	X
Colored Background	12 AM	12 AM	X
All residential zoning			
Opaque Background	11 PM	10 PM	X
Colored Background	11 PM	10 PM	X

Notes to Table 8.6.5:

- (1) Land Use Zoning refers to the predominant use of land surrounding the parcel on which the sign is located.
- (2) X = not allowed.

8.7 SPECIAL USES

8.7.1 Outdoor Recreational Facilities.

1. All site lighting not directly associated with outdoor athletic playing areas shall conform to the lighting standards described in this ordinance including, but not limited to, the lamp type and shielding requirements of Section 8.5.4 and the lumens per acre limits of Section 8.5.3.
2. Lighting for outdoor athletic fields, courts or tracks shall be considered Class 1 (Color Rendition), and shall be exempt from the lumens per acre limits of Section 8.5.3. All such lighting shall utilize full cut-off luminaires that are installed in a fashion that maintains the full cut-off characteristics unless certified by a registered engineer that such shielding is impractical. Every such lighting system design may be certified by a registered engineer as conforming to all applicable restrictions of this ordinance. Where full cut-off fixtures are not utilized, acceptable luminaires shall include those which:
 - A. Are provided with internal and/or external glare control louvers and installed so as to limit direct uplight to less than 5 percent of the total lumens exiting from the installed fixtures and minimize off-site light trespass as required in Section 8.8.1(B); and

- B. Are installed with minimum aiming angles of 25 degrees downward from the horizontal. Said aiming angle shall be measured from the axis of the luminaire maximum beam candlepower as certified by an independent testing agency.
- 3. All events shall be scheduled so as to complete all activity before the curfew listed in Table 8.8.2. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. No recreational lighting is permitted in A1.

TABLE 8.7.4		
SPORTS FACILITY AND DISPLAY LOT CURFEWS		
LIGHTING AREA		
A3	A2	A1
11 PM	11 PM	X

8.8 OUTDOOR DISPLAY LOTS

- 1. All site lighting not directly associated with the display areas shall conform to the lighting standards described in this ordinance including, but not limited to, the lamp type with shielding requirements of Section 8.5.4 and the lumens per acre limits of Section 8.5.3.
- 2. Lighting for display lots shall be considered Class 1 (Color Rendition), and shall be exempt from the lumens per acre limits of Section 8.5.3. However, the installation shall be designed to not exceed the illuminance recommendations for the activity as defined by the most current recommended practice of the Illuminating Engineering Society of North America (IESNA). All such lighting shall utilize full cut-off luminaires that are installed in a fashion that maintains the full cut-off characteristics. Every such lighting system design may need to be certified by a registered engineer as conforming to all applicable restrictions of this ordinance.
- 3. Class 1 display lot lighting exceeding the lumens per acre cap of Section 8.5.3 shall be turned off at the curfew times listed in Table 8.7.4 or within thirty minutes after closing of the business, whichever is later.
- 4. Class 2 display lot lighting shall be permitted for security and safety lighting and shall be exempted from the turn-off requirements of Section 8.7.4.

8.9 AGRICULTURAL FACILITIES

- 1. All site lighting not directly associated with the agricultural facilities shall conform to the lighting standards described in this ordinance, including but not limited to the lamp type and shielding requirements of Section 8.5.4 and the lumens per acre limits of Section 8.5.3.

2. Lighting for agricultural fields or greenhouses shall be considered Class 4 (Assimilation Lighting), and shall be exempt from the lumens per acre limits of Section 8.5.3. All such lighting shall utilize full cut-off luminaires that are installed in a fashion that maintains the full cut-off characteristics unless certified by a registered engineer that such shielding is impractical. Every such lighting system design shall be certified by a registered engineer as conforming to all applicable restrictions of this ordinance. Where full cut-off fixtures are not utilized, acceptable luminaires shall include those which:
 - A. Are provided with internal and/or external glare control louvers and installed so as to limit direct uplight to less than 5 percent of the total lumens exiting from the installed fixtures and minimize off-site light trespass as required in 8.11.2, and
 - B. Are installed with minimum aiming angles of 25 degrees downward from the horizontal. Said aiming angle shall be measured from the axis of the luminaire maximum beam candlepower as certified by independent testing agency.
3. All lighting shall be scheduled so as to complete all activity before the curfew listed in Table 8.9.4.

TABLE 8.9.4		
AGRICULTURAL FACILITY CURFEWS		
LIGHTING AREA		
A3	A2	A1
11 PM	2 HRS. AFTER SUNSET TO 2 HRS. BEFORE SUNRISE	2 HRS. AFTER SUNSET TO 2 HRS. BEFORE SUNRISE

8.10 SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE

8.10.1 Submission Contents - The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting 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 or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:

1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

2. 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); and
3. Photometric data, such as that furnished by manufacturers or similar showing the angle of cut-off or light emissions. Photometric data need not be submitted when the full cut-off performance of the fixture is obvious to the reviewing official.

8.10.2 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, certified reports of tests that have been performed and certified by a recognized testing laboratory.

8.10.3 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 this Code will be adhered to.

8.10.4 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, together with adequate information to assure compliance with this code must be submitted to the design professional and building official for his/her approval prior to substitution.

8.11 APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION

The provisions of this Article are not intended to prevent the use of any design, material or method of installation or operation prescribed by this Article. It is recommended that the standards in a current edition of the Uniform Building Code regulations be adhered to when considering the construction or placement of outdoor lighting in Graham County.

8.12 PROHIBITIONS

8.12.1 Mercury Vapor Lamps Fixtures and Lamps - The installation of any mercury vapor lamp for use as outdoor lighting is prohibited.

8.12.2 Certain Other Fixtures and Lamps - The installation 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 8.5.4 is prohibited.

8.12.3 Laser Source Light - The use of laser source light or any similar high intensity light for outdoor advertising or entertainment when projected above the horizontal is prohibited.

8.12.4 Searchlights - The operation of searchlights for advertising purposes is prohibited in Areas A1 and A2 and is prohibited in unincorporated areas of the County. In the territorial limits of the City of Safford and the towns of Thatcher and Pima, the operation of searchlights for advertising purposes is prohibited in Lighting Areas A1 and A2 and in all other areas between 10:00 p.m. and sunrise the following morning.

8.13 TEMPORARY EXEMPTION

8.13.1 Request, Renewal and Information Required - Any person may submit a written request on a form prepared by the County for a temporary exemption request. A temporary exemption shall contain the following information:

1. Specific exemption or exemptions requested;
2. Type and use of outdoor light fixture involved;
3. Duration of time of the requested exemption;
4. Type of lamp and lamp lumens;
5. Total wattage of lamp or lamps and number of lamps to be used;
6. Proposed location on premises of the outdoor light fixture(s);
7. Previous temporary exemptions, if any, and addresses of premises there under;
8. Physical size of outdoor light fixture(s) and type of shielding provided;
9. Such other data and information as may be required by a building official.

8.13.2 Approval and Duration - The County shall have five business days from the date of submission in writing of the request for temporary exemption to act on the request. If approved, the exemption shall be valid for not more than thirty 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 additional days.

8.13.3 Disapproval and Appeal - If the request for temporary exemption is disapproved, the person making the request will have the appeal rights provided in County regulations.

8.14 OTHER EXEMPTIONS

8.14.1 Nonconformance.

1. Bottom-mounted outdoor advertising sign lighting shall not be used.
2. All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this chapter are exempt from all requirements of this Code. 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. Further, if the property is abandoned or if there is a change in use of the property, the provisions of this code will apply when the abandonment ceases or the new use commences.

8.15 ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION, INSTALLATION/OPERATION AND APPEALS

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

1. Provides at least approximate equivalence to the applicable specific requirements of this Code;
2. Is otherwise satisfactory and complies with the intent of this Code; and
3. Has been designed or approved by a registered professional engineer and is supported by calculations showing that the design submitted meets that intent of the code and meets nationally recommended outdoor lighting levels.

8.15.2 Appeals. Any person substantially aggrieved by any decision of the building official/planning director, made in administration of this Code, has the right and responsibilities of appeal to the Board of Supervisors by providing necessary paperwork to the Clerk of the Board for their consideration.

8.16 LAW GOVERNING CONFLICTS

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

8.17 ENFORCEMENT AND PENALTY

Any violation of this Code or any portion of this Code shall be considered a civil violation and is subject to penalties not to exceed the amount of the maximum fine for a class 2 misdemeanor in accordance with A.R.S. 11- 808. Each day of continuance of the violation constitutes a separate violation. Maximum fines are \$750.00 for individuals and \$10,000.00 for corporations, associations, labor unions or other legal entities. Enforcement procedures shall be pursuant to those established by Graham County.

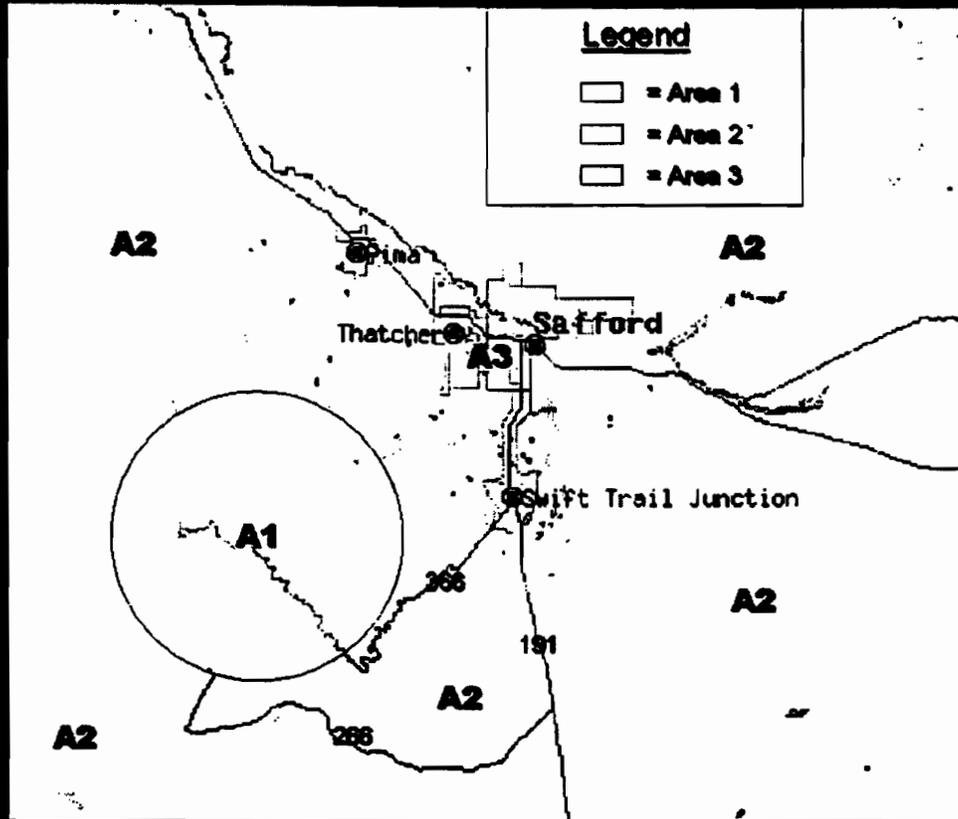
8.18 SPECIAL INSPECTION

In area A3, a special inspection for local governments in Graham County is required if the lumens per net acre are greater than 100,000.

8.19 SEVERABILITY

If any of the provisions of this Article or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the Article, which can be given effect, and to this end the provisions of this Article are declared to be severable.

Proposed Lighting Areas



PASSED AND ADOPTED THIS 22nd DAY OF JANUARY, 2002.

GRAHAM COUNTY BOARD OF SUPERVISORS



Mark C. Herrington, Chairman

ATTEST:



Terry Cooper, Clerk
Board of Supervisors

APPROVED AS TO FORM:



Kenneth A. Angle
Graham County Attorney