

**NOTICE AND AGENDA
TOWN COUNCIL**

Town Council - Regular Meeting

Public notice is given that the Town Council of the Town of Apple Valley, Washington County, Utah will hold a **Regular Meeting** at the Apple Valley Offices at 1777 N Meadowlark Dr, Apple Valley, Utah **on Wednesday, March 4th, 2020**, commencing at **6:00 PM** or shortly thereafter. In accordance with state statute, one or more council members may be connected via speakerphone. This meeting will be available for live stream at www.youtube.com. Search: Town of Apple Valley Utah.

The Agenda for the meeting is as follows:

Call to Order / Pledge of Allegiance / Roll Call

Mayor's Town Update

Declaration of Conflicts of Interest

CONSENT AGENDA

The Consent Agenda is a means of expediting routine matters which come before the Council for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Council Member wishes to remove an item from the Consent Portion of the agenda, that item becomes the first order of business on the Regular Agenda.

- A. Approval of Minutes for 01.06.2020
- B. Approval of Minutes for 02.05.2020
- C. Approval of January 2020 Expenditure Report
- D. Approval of January Monthly Operational Budget Update

DISCUSSION AND ACTION

- 1. Consider approval of Zone Change AV-1376-L from Open Space to Agricultural – Richard Timpson. Planning Commission Recommended 4/0
- 2. Consider award of approval RFP for Apple Valley Way/Rome Way drainage project
- 3. Discussion and possible action on Town Lighting Ordinance O-2020-03

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Events Committee – Tish Lisonbee/Debbie Kopp
Planning Commission – Janet Prentice/Michael McLaughlin
Fire Department – Chief Dave Zolg, Jr
Big Plains Water and Sewer SSD – Denny Bass
Code Enforcement – Rich Ososki/Paul Edwardsen
Roads and Storm Drainage –
Mosquito Abatement- Margaret Ososki
Council

PUBLIC COMMENTS

REQUEST FOR A CLOSED SESSION

ADJOURNMENT

CERTIFICATE OF POSTING: I, Ben Billingsley, as duly appointed Deputy Clerk for the Town of Apple Valley, hereby certify that this notice was posted on the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov on the **2nd of March, 2020**.

Dated this 2nd day of March, 2020

Ben Billingsley
Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

OPENING

Mayor Lisonbee brought the meeting to order at 6:01 p.m. welcoming all in attendance and leading in the Pledge of Allegiance.

PRESENT

Mayor Marty Lisonbee
Councilmember Debbie Kopp
Councilmember Denny Bass
Councilmember Michael McLaughlin
Councilmember Edwardsen (via telephone)

Town Deputy Clerk Ben Billingsley

OATH OF OFFICE TO NEWLY ELECTED OFFICIALS

The Oath of Office for Mayor was first. He took the Oath.
The Oath of Office for Denny Bass was taken.

CONSENT AGENDA

A. Approval of Minutes for 12.4.2019

The Mayor proposed one modification regarding the date of the visit for health clinic from January to December.

B. Approval of November 2019 Expenditure Report

C. Approval of November Monthly Operational Budget Update.

MOTION:	Councilmember Bass moves to approve the consent calendar agenda with the changes as discussed.	
SECOND:	Councilmember Kopp	
VOTE:	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember McLaughlin	Aye
	Mayor Lisonbee	Aye

DISCUSSION AND ACTION

- 1. Consider approval of appointments of Planning Commission Members Resolution R-2020-01**

Mayor Lisonbee summarizes the resolution as written. They would like to carry over Janet Prentice and Lee Fralish as regular members for 2 years. Jarry Zaharias and Allen Angell as regular members of the planning commission for a 3 year term until 2023.

MOTION: Mayor Lisonbee moves to approve the Resolution R-2020-01.
SECOND: Councilmember McLaughlin
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

2. Consider approval of appointments of Big Plains Board Members Resolution R-2020-02

Shawn Guzman suggests the last line of the resolution be stricken as the Chairman was appointed in 2018 and the Chairman is selected by the Board.

MOTION: Mayor Lisonbee moves to approve R-2020-02 with the correction that we striking through the chairman appointment.
SECOND: Councilmember Kopp
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

3. Consider approval of Appeal Authority Appointment R-2020-03

Mayor Lisonbee clarified that we have an appeal authority in place, and this resolution extends his appoint through December 31, 2022.

MOTION: Councilmember Kopp moves to approve the resolution R-2020-03 to extend Thomas Dansie as the appeal authority though December 2022.
SECOND: Councilmember Bass
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

4. Consider approval of RV Parking Ordinance O-2020-01

Mayor Lisonbee that this went through Planning Commission, and with Mike’s suggestion we made some edits

- MOTION:** Lisonbee moves to approve O-2020-01 RV (Recreational Vehicle) Parking requirements for recreational vehicles.
- SECOND:** Councilmember McLaughlin
- VOTE:** Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

5. Consider approval of Home Occupation Definition O-2020-02

- MOTION:** Councilmember Kopp moves to approve the Ordinance O-2020-02 Amendment to the home occupation definition.
- SECOND:** Councilmember McLaughlin
- VOTE:** Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

MAYORS TOWN UPDATE

The Mayor reports that he met with Republic Waste who explained that they are collecting recyclables and shipping them to a state of the art recycling facility in Las Vegas.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Events Committee – Tish Lisonbee/Debbie Kopp- Pet Vaccination clinic will be January 25 from 1:30-2:30, and Tish encourages all residents with pets to come and register their animal in case they are lost.

Tish reports on the Cookie Exchange where cookies were shared and toys distributed to kids. Christmas was also provided for a family in need.

Mayor reports that Matt Jessop is running a nonprofit where you can donate canned goods to people in need, and the community should make an effort to support them.

Planning Commission –Michael McLaughlin – Mayor Lisonbee reports that Wednesday, January 8th will be training for the Planning Commission.

Fire Department – Chief Dave Zolg, Jr – Chief wasn't available in the meeting

Big Plains Water and Sewer SSD – Harold Merritt – Nothing to report

Code Enforcement –Rich Ososki/Paul Edwardsen – Rich reports that there have been some dogs at large and the owners have been written up.

Roads and Storm Drainage – Grooming will happen next week, and if there are any problems to report them to Councilmember Bass.
Cinders are being spread on Coyote

MAYOR LISONBEE OPENS PUBLIC COMMENTS

Councilmember Kopp requests that the Planning Commission and the SSD have a formal public comments section on the agenda for each meeting. She believes this will help prevent disruptions during the meeting.

SSD Chairman Merritt responds that technical questions are brought to the attention of the board prior to the meeting; this will allow them time to research the answers if necessary.

Lee Fralish requests that if we allow public comments to limit the time for the comment so that the meeting doesn't go longer than necessary.

Mayor Lisonbee mentions that each body will try to limit interruptions during meetings. He would like to have a little more order in the meetings.

Shawn Guzman suggests that comments on the agenda would not be appropriate during a public comment period, as the applicant may leave the meeting after their agenda item. This includes items that may be on a future agenda.

Rich Kopp thanks the volunteers, including the council, planning and water, and he appreciates that everyone is trying to do the right thing. The roads at Bubbling Wells are looking great. He also requests that Planning Commission decisions not be kicked down the road, and decisions be streamlined.

MAYOR CLOSSES PUBLIC COMMENTS

ADJOURNMENT

MOTION: Councilmember Kopp moves to adjourn tonight's meeting
SECOND: Councilmember Bass
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Mayor Lisonbee Aye
Councilmember McLaughlin Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 6:31 p.m.

Date approved: _____

Marty Lisonbee, Mayor

ATTEST BY: _____

OPENING

Mayor Lisonbee brought the meeting to order at 6:00 p.m. welcoming all in attendance and leading in the Pledge of Allegiance.

PRESENT

Mayor Marty Lisonbee
Councilmember Debbie Kopp
Councilmember Denny Bass
Councilmember Michael McLaughlin
Councilmember Paul Edwardsen

Town Deputy Clerk Ben Billingsley

Mayor's Town Update

The Main Street realignment will be staked on February 6. UDOT would like to contract part of the work out for bid no later than June.

Declaration of Conflicts of Interest

No conflicts of interest declared

CONSENT AGENDA

Councilmember Bass had a few questions about the expenditure report including cash paid to Sunrise Engineering and Fuel Costs for the road repairs. The mayor approved a budget of a thousand dollars to haul cinders to coyote road.

Mayor Lisonbee mentioned that there will be some expenses associated with the donated water tender truck, and to better understand how much it will cost to get it operational. The transportation cost on the truck was \$600, and there will some diagnostics costs that need to be added to the budget for next year.

- A. Approval of Minutes for 12.18.2019**
- B. Approval of December 2019 Expenditure Report**
- C. Approval of December Monthly Operational Budget Update**
- D. Approval of Quarterly Financial Presentation Oct-Dec 2019**

MOTION: Councilmember Bass moves to approve the minutes for 12.18.2019 as written.

SECOND: Councilmember Kopp
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardsen Abstain
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

MOTION: Councilmember Kopp moves to approve the remaining items on the consent agenda, items B, C, and D.

SECOND: Councilmember Bass
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardsen Aye
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

DISCUSSION AND ACTION

1. Consider approval of Appointment of Code Enforcement Officer Resolution R-2020-04

Mayor Lisonbee questions if a resume was included with the packet, which it was not. Discussed that many of the council members have not met him, and he was not present at tonight's meeting.

MOTION: Councilmember Bass moves to Table the Resolution R-2020-04 for further review.
SECOND: Councilmember Edwardsen
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardsen Aye
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

2. Consider approval of adoption of International Building Code and Building Valuation Resolution R-2020-05

Mayor Lisonbee summarizes the resolution as written and that by adopting this resolution the new building code valuations we will be using the most recent building valuations for home permitting.

With the FEMA application we receive credit for adopting the latest building code.

Frank Lindhardt states he believes the tables for Apple Valley are higher than other local

municipalities.

Tish Lisonbee asks if this is retroactive for permits already issued. Shawn Guzman clarified that all permits completed are vested under the prior valuation.

MOTION: Councilmember Kopp moves to adopt the international building code and building variation resolution R-2020-05.

SECOND: Councilmember Bass

VOTE:	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Councilmember McLaughlin	Aye
	Mayor Lisonbee	Aye

3. Public hearing and consideration of application for funding assistance from Community Impact Board for FEMA Pre-Disaster Mitigation Application

Mayor Lisonbee explains that the FEMA application for storm water flooding problems. Engineering has been doing the study of the storm water system, and we are not at the point that we can better understand what we are going to do about it. If the Town wants to move forward with the FEMA grant, they have to analyze the cost benefit of the costs of what we are asking for from FEMA. Sunrise has estimated the cost to do the study at \$30,000. We are applying for a \$40,000 CIB loan/grant to complete the FEMA grant application. The alternative is to not do anything, and wait until we have cash to do work as we can. There is a chance that we submit the application and we don't get anything out of it. If a \$2MM grant from FEMA is awarded, it is a 75/25 grant/match. Due to the recent RCAC study, it could end up that we would qualify for a 90/10 grant match. One of the biggest problems is the septic fields that end up under water during the flooding season.

Councilmember Bass asks if the Army Corps of Engineers are responsible for mitigating damage from the wash. Mayor Lisonbee clarifies that while they approve any work that is done in the wash, they are not responsible for what happens in the wash.

Councilmember Kopp asks what the prioritization is with CIB. Mayor Lisonbee explains that this project was second on the 5 County list last year, but this application specifically is a staff approved 50/50 application grant match.

Councilmember Edwardsen asks for clarification on the study and the application. Mayor Lisonbee clarifies that the study is the data collection and compilation process. The application process is for the FEMA grant preparation. He also explains that today's approval is only for the application to FEMA.

MAYOR LISONBEE OPENS THE PUBLIC COMMENT.

Janet Prentice states that the flooding on Mt Zion Drive did not happen until the retention ponds were removed from John Peay's property along his fence line. Mayor Lisonbee clarifies that there was only a ditch in place there. Janet states that the retention pond was there 20 years ago and worked very well.

Tish Lisonbee states she has lived on Mt Zion Drive for 27 years and has had septic underwater every year. She states that Janet is up on the hill and not impacted by the flooding on the lower area. Tish states that the moisture level increased after John filled in the ditch. Mayor Lisonbee states that the ground increases in elevation across John Peay's property, and while a ditch may hold some water, it will not flow.

Pam Quayle asks how much funding FEMA puts out for these kinds of projects, and asks if we are competing with the whole country. Mayor Lisonbee explains that FEMA had \$400MM set aside last year for pre-mitigation. He also explains that Sunrise Engineering has successfully completed a FEMA grant application, and that they are fairly confident (50-60%) that we will be awarded. He also points out that we are a smaller community and therefore don't have the budget to address these type of issues without help. He thinks this will work in our favor.

Sharon Zaharias asks if this is a one-time shot application. Mayor Lisonbee explains that we can apply in future years if we don't get it this year.

Margaret Ososki asks what areas of town this mitigation will affect. Mayor Lisonbee states that we haven't identified every area that could be impacted, but Apple Valley Drive is one example that could be used for these funds. She also asks if this area is in a flood area, Mayor Lisonbee explains that the FEMA map pretty much follows the highway and the wash. He states that we have requested that the Mt Zion Drive area be included in the flood plain, but that hasn't happened yet. She says when a house goes for sale and flooding problems have been disclosed the owner should be responsible for the damage. Mayor Lisonbee isn't sure that flooding has to be disclosed if it is yard flooding and not house flooding, which can encompass septic systems.

Councilmember McLaughlin also clarifies that this is taking care of issues that could be the legal responsibility of the Town. And by being proactive and fixing these lingering issues we could be preventing future liability.

Mayor Lisonbee states that the flooding is so bad that the Kingsley's had a car that was carried into the wash during a heavy rainstorm. Mayor Lisonbee states that we as a city need to take the funding of the city and prioritize funds. He says that flooding is a more important issue than the gateway project.

Councilmember Kopp asks if it could cost the Town more in legal fees if we don't fix the issues. Mayor Lisonbee states he isn't sure if we're that exposed. Shawn Guzman states that even if the Town doesn't believe we have liability, anyone who feels the Town is at fault, anybody can sue the Town, and defending ourselves still costs money.

Rich Ososki states that with vacant properties that could be built on increase the likelihood of flooding in that area.

Frank Lindhardt states that he drafted a proposal that anyone who built a new house to retain their own water on their property like they do in subdivisions and this would mitigate future flooding problems.

Margaret Ososki asks if John Peay would sell the property to build a retention basin like they do in Las Vegas. Mayor Lisonbee states that he had a short conversation with him about this, and it was a short conversation. He states that where you need a detention basin is actually behind John Peay's property. Mayor Lisonbee likes the idea of a detention basin where the sediments drop and you can clean out a couple times per year, then it continues down the drainage system.

MAYOR LISONBEE CLOSES PUBLIC COMMENT

Mayor Lisonbee asks the Council how they feel about applying for this FEMA pre-mitigation grant.

Councilman Bass and Edwardsen state that they are more comfortable with the application since it can be resubmitted in future years if not done this year.

MOTION: Councilmember Edwardsen moves to approve the application for funding assistance from the Community Impact Board for the FEMA pre-mitigation application

SECOND: Councilmember McLaughlin

VOTE:	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Councilmember McLaughlin	Aye
	Mayor Lisonbee	Aye

Motion carries

4. Consider approval of lot line adjustment on AV-1338-H-1 – Applicant Robert Campbell. Planning Commission Recommended 5/0

Mayor Lisonbee explains that the Campbell's are increasing the frontage of their

property and asks the applicant if it has closed yet. Robert Campbell responds that it has closed pending final approval.

MOTION: Councilmember Kopp moves to approve the lot line adjustment on AV-1338-H-1 for Fresh Curb Appeal.

SECOND: Councilmember Bass

VOTE:	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Councilmember McLaughlin	Aye
	Mayor Lisonbee	Aye

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Events Committee – Tish Lisonbee/Debbie Kopp- Tish reports that we had the pet clinic and a lot of dogs got shots, a lot of licenses were issues and no dogs peed on the carpet, so the event was a huge success. The next event will be Easter. Mayor Lisonbee asks Fire Chief if he has a Chili Cook-Off date yet, and he said not yet, usually mid-April.

Planning Commission –Michael McLaughlin/Janet Prentice – Nothing to report

Fire Department – Chief Dave Zolg, Jr – 7 firefighters attended winter fire school. Burn season starts March 1. Chief Zolg will be absent next week for certification training at UVU. They are also working with Hildale to do a red card training class, and he will be holding a CPR class for his firefighters.

Big Plains Water and Sewer SSD – Denny Bass – Well 59 work is completed but a fence needs to be installed. Jepson and Cooke Well is pending the Water Board meeting later this month to use the Well 59 funds for use on these Wells improvements. Engineer Mills is working on a summary of water rights reporting. The Gooseberry Preserve project is still active and they are responsible for the engineering on that project. He also reports on the Canaan Springs repair will be 100% grant for the repairs. The Wilderness Alliance is working with the district to allow equipment on the mountain for repairs.

Code Enforcement –Rich Ososki/Paul Edwardsen – Rich reports that dog licenses also confirm that the dogs have had shots so it protects the community as well. We take animal control very serious. He also states that people are only allowed 2 horses per acre with the code as its written; if you have horses you can't have a dog. He also reports that he has been following up with business licenses.

Roads and Storm Drainage – Marty expresses his appreciation to Denny for working on

the roads. Denny Bass states that Jerry is out grooming the roads.

Jarry Zaharias is concerned about the roundabout as you come into Cedar Point with water overflowing on the road with freezing temperatures it could cause the road to buckle. Denny Bass explains that Jerry Eves is supposed to control the pump on the water feature in the roundabout. Rich Kopp says that he will adjust the float on that.

Mosquito Abatement – Margaret Ososki – Nothing to report.

Council -

MAYOR LISONBEE OPENS PUBLIC COMMENTS

Tish Lisonbee, she has done some research on the animal ordinances and we are one of the few places in the county that allow horses. Three horses per acre have been allowed for decades. She requests that the Planning Commission address this. Planning Commission Chairperson Prentice mentions it is on the calendar.

Pam Quayle says that she has neighbors next to her with horses and they stink terrible because the owner doesn't take care of their area. Allowing three will only make the smell worst.

Rich Kopp states that domestic animals are not included in the point system.

Shawn Guzman states that not cleaning up after their animals are a nuisance and the Town can take action as a nuisance. Shawn recommends that Code Enforcement connects with Rachel on these issues.

Margaret Ososki states that if you don't clean up after horses in the summer every day, it does stink. She doesn't think our code is inadequate. She feels like 2 horses is enough since most people keep horses in a 12'x24' or 24'x24' area. She says the person next to Pam never clean their stalls with 6 horses on an acre.

Rich Ososki states the he tried to write up a violation notice on an individual for a vehicle parked in the street with a truck and trailer. He says that he wasn't able to find a code in the Town books that restrict street parking. He understands there are circumstances when this is necessary. He encourages the planning commission to look into adding code for this.

MAYOR CLOSSES PUBLIC COMMENTS

REQUEST FOR A CLOSED SESSION- did not have a closed session.

ADJOURNMENT

MOTION: Councilmember Kopp moves to adjourn tonight’s meeting
SECOND: Councilmember Bass
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardson Aye
Mayor Lisonbee Aye
Councilmember McLaughlin Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 7:29 p.m.

Date approved: _____

Marty Lisonbee, Mayor

ATTEST BY: _____

**Town of Apple Valley
Check Register
Checking - SBSU - 01/01/2020 to 01/31/2020**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
Big Plains Water and Sewer SSD	4412	123119	01/09/2020	01/09/2020	14,226.80	Dec19 Water Sales Receipts	102340 - Due To/Big Plains Water P
Sunrise Engineering	4414	0107452	01/09/2020	01/09/2020	9,886.00	Storm Water Master Plan/IFFP	104141.320 - Admin Engineering/Pr
Sunrise Engineering	4414	0107452	01/09/2020	01/09/2020	4,275.00	Roads Master Plan IFFP	104141.320 - Admin Engineering/Pr
Washington County Solid Waste	4418	87167	12/31/2019	01/17/2020	3,433.50	Solid Waste	104420.460 - Solid Waste Service
Washington County Treasurer HC	4419	123119	01/14/2020	01/17/2020	3,186.38	2019 Q4 HCP Fee Remittance	102140 - HCP payable
Big Plains Water and Sewer SSD	4412	123119	01/09/2020	01/09/2020	3,081.14	Dec19 Water Standby Receipts	102340 - Due To/Big Plains Water P
Izatt, Timothy & Kathy	4404	Refund: 1360	01/07/2020	01/08/2020	2,500.00	Refund: 1360 - Izatt, Timothy & Kathy	101311 - Accounts receivable
Little Creek Station	4425	123119	12/31/2019	01/30/2020	2,140.13	Dump Truck Fuel	104410.560 - Road Equipment Fuel
Sunrise Engineering	4414	0107452	01/09/2020	01/09/2020	1,710.40	Meetings/Funding Alternatives/Elevation Point	104141.320 - Admin Engineering/Pr
Gifford, Lance	4403	010620	01/06/2020	01/08/2020	1,405.09	2019-026 Inspector Fees	104141.350 - Building Inspector Fee
Gifford, Lance	4403	2019-027	01/06/2020	01/08/2020	1,405.09	2019-027 Inspector Fees	104141.350 - Building Inspector Fee
Kenstal LLC	4406	Refund: 1326	01/06/2020	01/08/2020	1,041.00	Refund: 1326 - Kenstal LLC	101311 - Accounts receivable
Ford Motor Credit Company	01062010	21 - 2017 F550 V	01/06/2020	01/06/2020	920.72	Principal - 2017 F550 Vehicle Lease	104220.620 - Fire Principal
Durham Jones & Pinegar	4416	701214	01/06/2020	01/17/2020	861.00	Legal Consultation - Disconnect	104141.330 - Admin Legal Wages a
Zions Bank	01272012	8 - 2008 Dump T	01/27/2020	01/27/2020	759.45	Principal - 2008 Dump Truck	104410.810 - Road Principal
Utah Municipal Clerks Association	CC	010720	01/07/2020	01/07/2020	469.00	UMCA Annual Conference	104141.230 - Admin Clerk training
Blackburn Propane	4400	123119	12/31/2019	01/08/2020	443.23	237.6 Gallons Propane	104141.270 - Admin Utilities
Enfusion Technologies	4427	200106	01/01/2020	01/30/2020	440.00	City Inspect Fees Q1	104141.350 - Building Inspector Fee
Big Plains Water and Sewer SSD	4412	123119	01/09/2020	01/09/2020	439.40	Dec19 Bulk Meters	102340 - Due To/Big Plains Water P
DotGov	CC	013120	01/30/2020	01/30/2020	400.00	Domain Registration	104141.240 - Admin Office supplies
South Central Communications	4410	010120	01/01/2020	01/08/2020	381.72	Phone and Internet	104141.280 - Admin Telephone and
RV & Auto Parts	CC	011120	01/11/2020	01/11/2020	341.96	Groomer Conversion	104410.450 - Road Department Sup
Gifford, Lance	4422	2017-122 v2	01/24/2020	01/30/2020	290.02	2017-122 Size Update - Stout	104141.350 - Building Inspector Fee
Gifford, Lance	4422	2020-001	01/24/2020	01/30/2020	235.34	2020-001 Inspector Fee	104141.350 - Building Inspector Fee
Revco Leasing	4409	554696	12/31/2019	01/08/2020	230.69	Printer Monthly Lease	104141.250 - Admin Equipment mai
Rocky Mountain Power	ACH	012720	01/27/2020	01/27/2020	224.58	Monthly Power	104141.270 - Admin Utilities
RDB Law, PC	4408	33	12/27/2019	01/08/2020	220.00	Prosecutor	104141.330 - Admin Legal Wages a
AT&T	4399	010420	12/26/2019	01/08/2020	208.17	Cell Phones	104141.280 - Admin Telephone and
Tink's Superior Auto Parts	CC	010220	01/02/2020	01/02/2020	204.19	Dumptruck Oil/Fuel Filters	104410.550 - Road Equipment Main
XPress Bill Pay	ACH	010620	01/06/2020	01/06/2020	203.33	Xpress Monthly Support	104141.250 - Admin Equipment mai
Ford Motor Credit Company	01062010	21 - 2017 F550 V	01/06/2020	01/06/2020	201.43	Interest - 2017 F550 Vehicle Lease	104220.610 - Fire Interest
Lambert Duval	4424	010820	01/08/2020	01/30/2020	150.00	Dump Truck troubleshooting	104410.550 - Road Equipment Main
Kopp, Debbie	4407	123119	12/31/2019	01/08/2020	148.48	Treasurer mileage reimbursement	104111.210 - Council Travel Reimbu
Little Creek Station	4425	123119	12/31/2019	01/30/2020	142.80	1912 Fuel	104220.560 - Fire Equipment Fuel
Zions Bank	01272012	8 - 2008 Dump T	01/27/2020	01/27/2020	120.92	Interest - 2008 Dump Truck	104410.820 - Road Interest
State of Utah-Dept of Commerce	4417	123119	01/14/2020	01/17/2020	118.95	2019Q4 Bldg Permit Surcharge	102141 - UT State Construction Sur
Lambert Duval	4424	011620	01/16/2020	01/30/2020	115.00	Dumptruck Oil Change/Grease fittings	104410.550 - Road Equipment Main
Farr, Tim	4402	RFD 254.123019	12/30/2019	01/08/2020	100.00	Deposit Refund: 254 - Farr, Tim	102330 - Customer security deposit
Republic Services	ACH	010720	01/06/2020	01/06/2020	95.81	Park Portable Toilet	104415.450 - Public Works Supplies
Arizona Strip Landfill Corporation	4398	122019	12/20/2019	01/08/2020	80.00	Town Dumpster	104420.460 - Solid Waste Service
Arizona Strip Landfill Corporation	4421	012020	01/20/2020	01/30/2020	80.00	Town Dumpster	104420.460 - Solid Waste Service
Big Plains Water and Sewer SSD	4412	123119	01/09/2020	01/09/2020	75.00	Dec19 Will Serve Letters	102340 - Due To/Big Plains Water P
Walmart	CC	010220	01/02/2020	01/02/2020	60.99	Dumptruck Oil	104410.550 - Road Equipment Main
Sunrise Engineering	4414	0107452	01/09/2020	01/09/2020	50.00	Parks IFFP	104141.320 - Admin Engineering/Pr
Little Creek Station	4425	123119	12/31/2019	01/30/2020	48.35	Grader coolant	104410.550 - Road Equipment Main
Steamroller Copies	CC	010720	01/07/2020	01/07/2020	44.22	Printing services	104141.240 - Admin Office supplies
Walmart	CC	011620	01/16/2020	01/16/2020	34.02	Dumptruck Oil	104410.550 - Road Equipment Main
Hooray! The Engraving Shoppe	4423	18947	01/08/2020	01/30/2020	30.00	Name Plates for Town Council/Planning Com	104141.240 - Admin Office supplies

**Town of Apple Valley
Check Register
Checking - SBSU - 01/01/2020 to 01/31/2020**

<u>Payee Name</u>	<u>Reference Number</u>	<u>Invoice Number</u>	<u>Invoice Ledger Date</u>	<u>Payment Date</u>	<u>Amount</u>	<u>Description</u>	<u>Ledger Account</u>
Tractor Supply	CC	012320	01/23/2020	01/23/2020	25.31	Groomer Conversion	104410.450 - Road Department Sup
Walmart	CC	012420	01/24/2020	01/24/2020	25.24	Backhoe DEF	104410.550 - Road Equipment Main
The Spectrum	4411	3062897	12/18/2019	01/08/2020	20.72	Public Notices	104141.220 - Admin Public notices
EasyDNS	CC	010820-2	01/08/2020	01/08/2020	19.95	Website domain reg	104141.280 - Admin Telephone and
Amazon.com	CC	011120	01/11/2020	01/11/2020	13.83	Groomer Conversion parts	104410.450 - Road Department Sup
Steamroller Copies	4426	011020	01/10/2020	01/30/2020	9.61	Pet clinic posters	104141.240 - Admin Office supplies
USPS	CC	012820	01/28/2020	01/28/2020	7.75	1095B Mailing	104141.290 - Admin Postage
Ooma	CC	013020	01/30/2020	01/30/2020	7.16	Ooma	104141.280 - Admin Telephone and
EasyDNS	ACH	010820	01/08/2020	01/08/2020	0.20	Domain reg processing fee	104141.280 - Admin Telephone and
State of Utah-Dept of Commerce	4417	123119	01/14/2020	01/17/2020	-17.84	2019Q4 Bldg Permit Surcharge Admin Fee	103221 - Building Permits-Fee
					\$57,371.23		

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2019 to 01/31/2020
58.33% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Taxes					
3110 General property taxes-current	102,325.11	26,585.79	108,647.87	107,216.00	101.34%
3120 Prior year's taxes-delinquent	4,418.22	176.74	2,970.00	6,500.00	45.69%
3130 General sales and use taxes	52,284.12	9,220.20	57,029.66	96,969.00	58.81%
3140 Energy and communication taxes	7,300.55	2,965.41	18,912.34	38,016.00	49.75%
3150 RAP Tax	5,282.36	912.86	5,738.72	9,846.00	58.28%
3160 Transient Taxes	852.09	78.04	998.64	1,360.00	73.43%
3170 Fee in lieu of personal property taxes	4,942.90	273.27	1,995.83	8,338.00	23.94%
3180 Fuel Tax Refund	119.28	0.00	0.00	0.00	0.00%
3190 Highway/Transit Tax	0.00	844.57	1,648.78	0.00	0.00%
Total Taxes	177,524.63	41,056.88	197,941.84	268,245.00	73.79%
Licenses and permits					
3210 Business licenses	1,875.00	300.00	1,225.00	3,464.00	35.36%
3221 Building Permits-Fee	25,539.28	2,511.64	20,477.92	38,513.00	53.17%
3222 Building Permits-Non Surcharge	3,121.77	372.95	2,843.44	6,286.00	45.23%
3223 Building permit - HCP Valuation	4,219.96	(3,186.38)	(1,732.42)	0.00	0.00%
3224 Building Permits Surcharge	213.21	(126.37)	0.00	0.00	0.00%
3225 Animal licenses	770.00	520.00	640.00	1,263.00	50.67%
Total Licenses and permits	35,739.22	391.84	23,453.94	49,526.00	47.36%
Intergovernmental revenue					
3342 Fire Dept-State Wildland Grant	0.00	0.00	0.00	10,000.00	0.00%
3356 Class "C" road allotment	54,865.36	14,140.47	59,031.22	78,681.00	75.03%
3358 Liquor control profits	697.45	0.00	845.23	875.00	96.60%
3370 State Grants	0.00	10,900.95	10,900.95	50,000.00	21.80%
Total Intergovernmental revenue	55,562.81	25,041.42	70,777.40	139,556.00	50.72%
Charges for services					
3410 Clerical services	21.25	0.00	25.00	0.00	0.00%
3416 Other Interdepartmental Charges	4,902.50	0.00	0.00	0.00	0.00%
3420 Fire Department Contracts	300.00	0.00	0.00	0.00	0.00%
3431 Zoning and subdivision fees	24,128.50	200.00	19,314.50	17,121.00	112.81%
3440 Solid waste	24,648.86	3,738.85	25,909.08	43,400.00	59.70%
3441 Storm Drainage	22,085.86	3,293.90	22,695.16	38,080.00	59.60%
3461 GRAMA requests	0.00	0.00	113.50	0.00	0.00%
3470 Park and recreation fees	0.00	0.00	55.00	0.00	0.00%
3615 Late charges	223.47	248.55	2,113.54	3,500.00	60.39%
Total Charges for services	76,310.44	7,481.30	70,225.78	102,101.00	68.78%
Fines and forfeitures					
3510 Fines	2,797.07	464.49	3,211.22	4,015.00	79.98%
Total Fines and forfeitures	2,797.07	464.49	3,211.22	4,015.00	79.98%
Interest					
3610 Interest earnings	2,189.48	603.61	4,062.03	3,226.00	125.92%
Total Interest	2,189.48	603.61	4,062.03	3,226.00	125.92%
Miscellaneous revenue					
3640 Sale of capital assets	600.00	0.00	0.00	0.00	0.00%
3690 Sundry revenue	0.00	0.00	120.00	0.00	0.00%
3692 Fire department fundraisers	128.00	0.00	1,200.00	1,000.00	120.00%
3697 Park department fundraisers	121.76	0.00	6,049.19	12,000.00	50.41%
3801.1 Impact fees - Fire	531.00	59.00	472.00	1,003.00	47.06%
3801.3 Impact fees - roadways	4,626.00	514.00	4,112.00	8,738.00	47.06%
3801.6 Impact fees - storm water	1,974.56	80.84	2,418.31	2,924.00	82.71%
3801.7 Impact fees - parks, trails, OS	1,269.00	141.00	1,128.00	2,397.00	47.06%
Total Miscellaneous revenue	9,250.32	794.84	15,499.50	28,062.00	55.23%
Contributions and transfers					
3802.7 Contributions - parks and recreation	100.00	0.00	0.00	0.00	0.00%
3890 Fund balance appropriation	0.00	0.00	0.00	57,000.00	0.00%
Total Contributions and transfers	100.00	0.00	0.00	57,000.00	0.00%
Total Revenue:	359,473.97	75,834.38	385,171.71	651,731.00	59.10%
Expenditures:					
General government					
Council					

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2019 to 01/31/2020
58.33% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4111.110 Council Salaries and wages	5,310.99	0.00	3,375.00	17,400.00	19.40%
4111.130 Council Employee benefits	2,369.85	0.00	268.63	1,331.00	20.18%
4111.210 Council Travel Reimbursement	45.58	0.00	773.76	1,764.00	43.86%
4111.220 Council Training	790.00	0.00	370.00	2,800.00	13.21%
4111.610 Council Donations and discretionary spending	0.00	0.00	0.00	1,000.00	0.00%
Total Council	8,516.42	0.00	4,787.39	24,295.00	19.71%
Administrative					
4141.110 Admin Salaries and wages	43,464.01	5,684.73	46,878.88	86,100.00	54.45%
4141.130 Admin Employee benefits	3,400.83	489.44	4,332.93	11,800.00	36.72%
4141.140 Admin Employee Retirement - GASB 68	388.83	829.66	6,155.20	6,400.00	96.18%
4141.210 Admin Dues, subs & memberships	646.92	0.00	453.18	905.00	50.08%
4141.220 Admin Public notices	734.99	25.52	482.79	1,200.00	40.23%
4141.230 Admin Clerk training	763.64	469.00	654.00	930.00	70.32%
4141.240 Admin Office supplies	2,726.78	483.83	2,447.34	4,300.00	56.91%
4141.250 Admin Equipment maintenance	3,865.12	203.33	2,904.01	3,700.00	78.49%
4141.260 Admin Building & ground maintenance	1,026.61	0.00	400.38	1,900.00	21.07%
4141.270 Admin Utilities	3,833.80	224.58	2,450.52	4,300.00	56.99%
4141.280 Admin Telephone and Internet	12,404.14	409.03	6,627.12	9,700.00	68.32%
4141.290 Admin Postage	1,455.25	7.75	2,870.10	2,200.00	130.46%
4141.320 Admin Engineering/Professional Fees	3,525.00	15,921.40	22,651.90	105,000.00	21.57%
4141.330 Admin Legal Wages and Contract Labor	2,580.00	4,183.42	26,280.02	41,300.00	63.63%
4141.340 Admin Accounting	12,868.13	0.00	2,550.00	4,500.00	56.67%
4141.350 Building Inspector Fees	13,856.28	3,775.54	14,603.91	25,418.00	57.45%
4141.360 Admin Education-general	0.00	0.00	0.00	299.00	0.00%
4141.390 Admin Bank service charges	2,060.38	268.34	2,171.28	2,500.00	86.85%
4141.410 Admin Insurance	8,480.24	0.00	9,813.26	9,900.00	99.12%
4141.490 Admin Travel reimbursements	32.86	0.00	154.86	1,000.00	15.49%
4141.500 Admin Weed abatement	386.99	0.00	975.00	0.00	0.00%
4141.740 Admin Capital outlay	1,060.00	0.00	0.00	0.00	0.00%
4170 Elections	0.00	0.00	867.21	2,500.00	34.69%
Total Administrative	119,560.80	32,975.57	156,723.89	325,852.00	48.10%
Total General government	128,077.22	32,975.57	161,511.28	350,147.00	46.13%
Public safety					
Police					
4210.110 Police Salaries & wages	1,080.00	0.00	0.00	0.00	0.00%
4210.130 Police Employee benefits	82.63	0.00	0.00	0.00	0.00%
4253.250 Animal Control Supplies	62.50	0.00	62.90	70.00	89.86%
Total Police	1,225.13	0.00	62.90	70.00	89.86%
Fire					
4220.110 Fire Salaries & wages	11,769.30	1,569.24	11,769.30	20,400.00	57.69%
4220.130 Fire Employee Benefits	910.65	120.06	931.05	1,700.00	54.77%
4220.210 Fire Dues, subscriptions & memberships	68.90	0.00	0.00	200.00	0.00%
4220.230 Fire Travel & mileage	27.52	0.00	0.00	600.00	0.00%
4220.240 Fire Office expenses	328.96	0.00	0.00	0.00	0.00%
4220.250 Fire Equipment maintenance & repairs	105.54	53.03	209.66	6,533.00	3.21%
4220.260 Fire Rent expense	0.00	0.00	741.60	0.00	0.00%
4220.360 Fire Training	575.16	377.98	518.47	0.00	0.00%
4220.450 Fire Small Equip/Supplies	295.47	0.00	706.40	1,524.00	46.35%
4220.460 Fire Supplies-Fundraisers	273.05	0.00	0.00	0.00	0.00%
4220.465 Fire Gear	891.33	670.00	670.00	12,234.00	5.48%
4220.475 Fire Other Grant Expenditures	0.00	0.00	962.89	0.00	0.00%
4220.560 Fire Equipment Fuel	1,098.36	69.60	874.01	2,000.00	43.70%
4220.610 Fire Interest	0.00	201.43	1,504.65	2,497.00	60.26%
4220.620 Fire Principal	0.00	920.72	6,350.40	10,969.00	57.89%
4220.740 Fire Capital outlay	304.50	0.00	0.00	0.00	0.00%
Total Fire	16,648.74	3,982.06	25,238.43	58,657.00	43.03%
Total Public safety	17,873.87	3,982.06	25,301.33	58,727.00	43.08%
Highways and public improvements					
Highways					
4410.110 Road Wages and Contract Labor	789.00	0.00	15.00	10,000.00	0.15%
4410.130 Road Employee benefits	60.36	0.00	1.15	795.00	0.14%
4410.270 Road Flood damage	438.25	0.00	0.00	2,100.00	0.00%
4410.380 Road Department Services	0.00	0.00	350.00	0.00	0.00%
4410.450 Road Department Supplies	928.25	381.10	808.13	3,000.00	26.94%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2019 to 01/31/2020
58.33% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4410.550 Road Equipment Maintenance	941.78	611.62	1,736.50	3,600.00	48.24%
4410.560 Road Equipment Fuel	1,151.19	575.29	3,419.69	2,300.00	148.68%
4410.740 Road Capital outlay	0.00	0.00	20,185.00	20,000.00	100.93%
4410.810 Road Principal	31,000.00	759.45	38,016.76	33,027.00	115.11%
4410.820 Road Interest	32,200.00	120.92	32,451.27	41,314.00	78.55%
4415.110 Public Works Wages and Contract Labor	7,327.00	0.00	1,387.50	7,110.00	19.51%
4415.130 Public Works Employee benefits	571.97	0.00	111.92	358.00	31.26%
4415.450 Public Works Supplies	93.93	95.81	2,100.05	300.00	700.02%
4415.550 Public Works Equipment Maintenance	1,893.83	0.00	661.44	2,100.00	31.50%
4415.560 Public Works Equipment fuel	319.51	0.00	557.57	1,800.00	30.98%
4415.570 Public Works Travel Reimbursement	196.10	0.00	101.76	0.00	0.00%
4415.610 Public Works Storm Drainage	0.00	0.00	0.00	40,000.00	0.00%
4415.710 Public Works Interest	0.00	0.00	2,199.36	2,199.00	100.02%
4415.720 Public Works Principle	0.00	0.00	13,860.64	13,861.00	100.00%
4415.740 Public Works Capital Outlay	3,700.00	0.00	0.00	0.00	0.00%
Total Highways	81,611.17	2,544.19	117,963.74	183,864.00	64.16%
Sanitation					
4420.460 Solid Waste Service	23,679.10	3,603.40	28,750.10	41,000.00	70.12%
Total Sanitation	23,679.10	3,603.40	28,750.10	41,000.00	70.12%
Total Highways and public improvements	105,290.27	6,147.59	146,713.84	224,864.00	65.25%
Parks, recreation, and public property					
Parks					
4540.110 Park/Rec Wages and Contract Labor	0.00	0.00	2,465.00	0.00	0.00%
4540.250 Park/Rec Department supplies	99.99	0.00	186.76	500.00	37.35%
4540.460 Park/Rec Community events supplies	759.63	0.00	0.00	500.00	0.00%
4540.740 Parks Capital outlay	0.00	0.00	2,650.85	15,000.00	17.67%
Total Parks	859.62	0.00	5,302.61	16,000.00	33.14%
Total Parks, recreation, and public property	859.62	0.00	5,302.61	16,000.00	33.14%
Debt service					
4141.810 Debt service - principal	20,182.13	0.00	0.00	0.00	0.00%
4141.820 Debt service - interest	4,855.07	0.00	0.00	0.00	0.00%
Total Debt service	25,037.20	0.00	0.00	0.00	0.00%
Transfers					
4811 Transfer to Fund Balance	0.00	0.00	0.00	1,993.00	0.00%
Total Transfers	0.00	0.00	0.00	1,993.00	0.00%
Total Expenditures:	277,138.18	43,105.22	338,829.06	651,731.00	51.99%
Total Change In Net Position	82,335.79	32,729.16	46,342.65	0.00	0.00%

Town of Apple Valley
Operational Budget Report
41 Capital Projects Fund - 07/01/2019 to 01/31/2020
58.33% of the fiscal year has expired

	<u>Prior YTD</u>	<u>Current Period</u>	<u>Current YTD</u>	<u>Annual Budget</u>	<u>Percent Used</u>
Change In Net Position					
Expenditures:					
Miscellaneous					
4141.740 Capital Outlay expenses	210.00	0.00	0.00	0.00	0.00%
Total Miscellaneous	210.00	0.00	0.00	0.00	0.00%
Total Expenditures:	210.00	0.00	0.00	0.00	0.00%
Total Change In Net Position	210.00	0.00	0.00	0.00	0.00%



Town of Apple Valley

1777 N Meadowlark Dr
 Apple Valley UT 84737
 T: 435.877.1190 | F: 435.877.1192
 www.applevalleyut.gov

Fee: \$500.00 + Acreage Fee
 1 – 100 Acres: \$50.00/Acre
 101 – 500 Acres: \$25.00/Acre
 501 + Acres: \$10/Acre

Paid \$1500 receipt 28165

Applications Must Be Submitted A Minimum of 21 Days In Advance of The Planning Commission Meeting			
Name: <i>RICHARD TIMPSON</i>		Phone: <i>435-467-8276</i>	
Address:		Email:	
City: <i>Apple Valley</i>		State: <i>Ut</i>	Zip: <i>84737</i>
Agent: (If Applicable)		Phone:	
Address/Location of Property:		Parcel ID: <i>AU-1376-L</i>	
Existing Zone: <i>Open Space</i>		Proposed Zone: <i>Agriculture</i>	
Reason for the request <i>All purpose Buildings etc</i>			

Submittal Requirements: The zone change application shall provide the following:

- A. The name and address of every person or company the applicant represents
- B. An accurate property map showing the existing and proposed zoning classifications
- C. All abutting properties showing present zoning classifications
- D. An accurate legal description of the property to be rezoned
- E. Stamped envelopes with the names and address's of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.

Official Use Only	
Date Received: <i>2/11/2020</i>	By: <i>Ben Billingsley</i>
Date Application Deemed Complete: <i>2/11/2020</i>	By: <i>Ben Billingsley</i>

Account 0698509

<u>Location</u>	<u>Owner</u>	<u>Value</u>	
Account Number 0698509	Name HAYDEN H STEVE & BARBARA TRS	Market (2019)	\$80,000
Parcel Number AV-1376-L	2483 S 1200 E	Taxable	\$220
Tax District 45 - Apple Valley Town	APPLE VALLEY, UT 84737-4854	Tax Area: 45	Tax Rate:
Acres 20.00			0.009803
Situs 0, 0		Type	Actual Assessed Acres
Legal S: 22 T: 43S R: 11W S1/2 SW1/4 NE1/4		Farm	
SEC 22 T43S R11W SLM		Land \$80,000	\$220 20.000
Parent Accounts 0359789		FAA	
Parent Parcels 1376-C			
Child Accounts			
Child Parcels			
Sibling Accounts			
Sibling Parcels			

Transfers

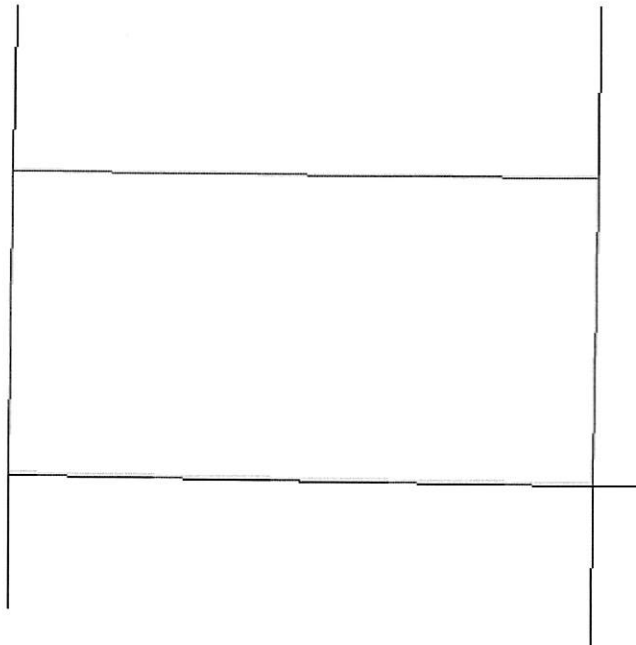
<u>Entry Number</u>	<u>Recording Date</u>	
00836886	08/25/2003 03:17:00 PM	B: 1576 P: 502
00847549	10/27/2003 01:26:00 PM	B: 1591 P: 1836
00852623	11/21/2003 11:20:00 AM	B: 1597 P: 2523
20110031703	10/18/2011 02:16:28 PM	
20110031704	10/18/2011 02:16:28 PM	
20140031431	10/14/2014 02:17:58 PM	
20170013473	04/03/2017 08:12:01 AM	
20170013475	04/03/2017 08:12:01 AM	
20170052386	12/27/2017 08:17:40 AM	
20170052599	12/28/2017 10:21:01 AM	
20190000956	01/09/2019 11:15:43 AM	

"Tax"

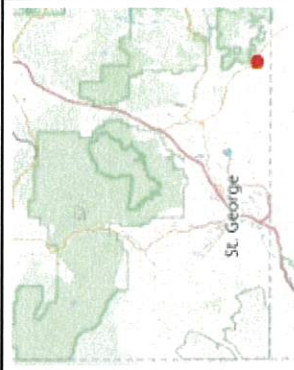
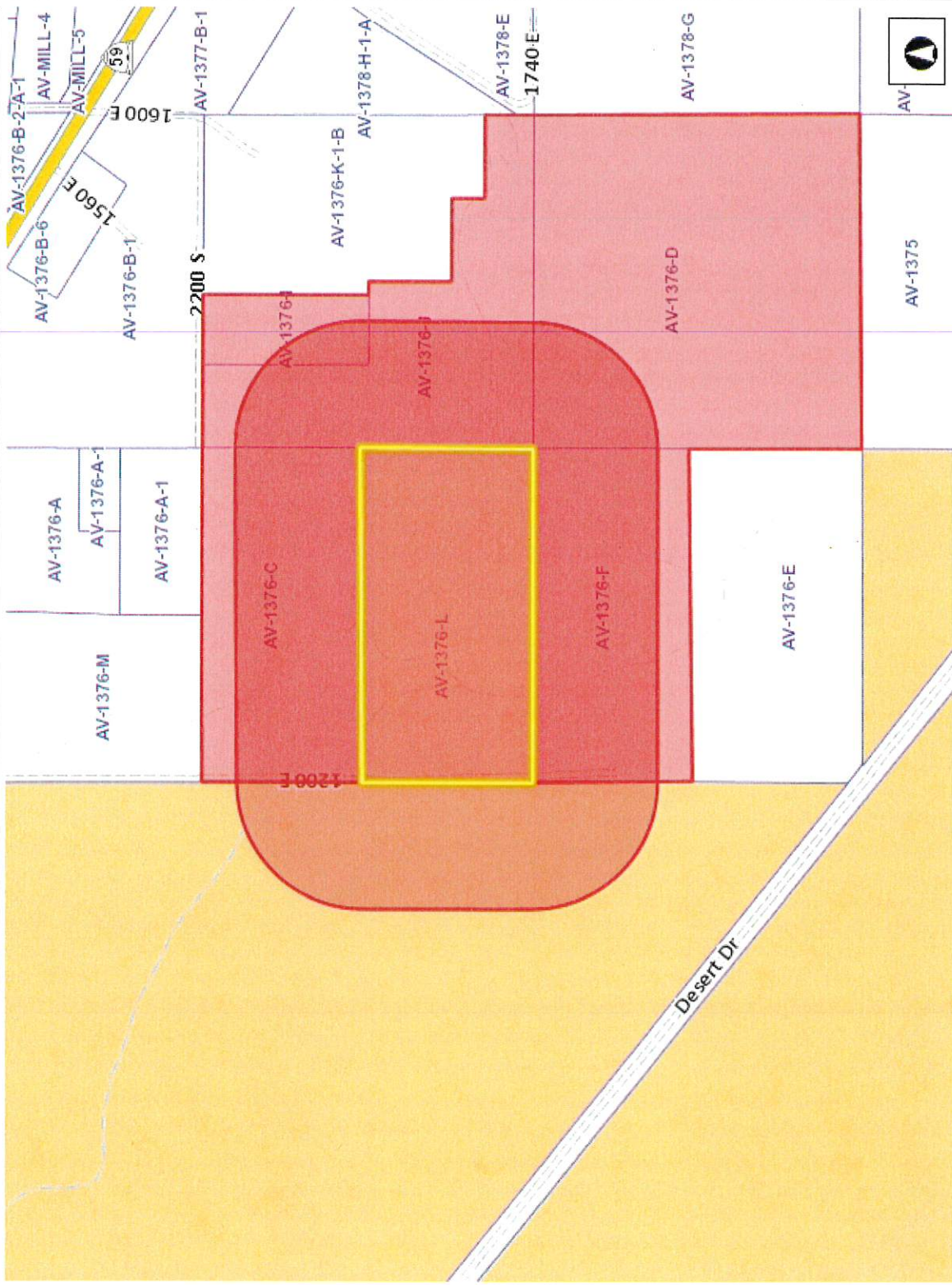
Images

<u>Tax Year</u>	<u>Taxes</u>
2019	\$2.16
2018	\$2.52

- [GIS](#)



Richard Timpson/Hayden Zone Change Request



Legend	
	Parcels
Ownership	
	U.S. Forest Service
	U.S. Forest Service Wilderness
	Bureau of Land Management
	Bureau of Land Management Wild
	National Park Service
	Shiwiits Reservation
	Utah Division of Wildlife Resources
	Utah Division of Transportation
	State Park
	State of Utah
	Washington County
	Municipally Owned
	School District
	Privately Owned
	Water
	Water Conservancy District
	State Assessed Oil and Gas
	Mining Claim

Notes

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

1,504.7 752.33 0 1,504.7 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

PERRY MARCELLA, ET AL
AV-1376-I
407 CABBELL CT
RICHARDSON, TX 75080

HAYDEN H STEVE & BARBARA TRS
AV-1376-F
2483 S 1200 E
APPLE VALLEY, UT 84737-4854

HAYDEN H STEVE & BARBARA TRS
AV-1376-L
2483 S 1200 E
APPLE VALLEY, UT 84737-4854

R & R PARTNERSHIP
AV-1376-D
1305 FARVIEW LN
REDLANDS, CA 92374-6336

R & R PARTNERSHIP
AV-1376-C
1305 FARVIEW LN
REDLANDS, CA 92374-6336

R & R PARTNERSHIP
AV-1376-J
615 BROOKSIDE AVE # A
REDLANDS, CA 92373-4670

**AFFIDAVIT
PROPERTY OWNER**

STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

I (We) _____, being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

Property Owner

Property Owner

Subscribed and sworn to me this _____ day of _____, 20__.

Notary Public

Residing in: _____

My Commission Expires: _____

AGENT AUTHORIZATION

I (We), Steve + Barbara Hayden, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Steve Hayden

Property Owner

Barbara Hayden

Property Owner

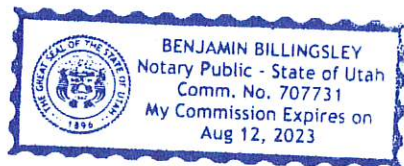
Subscribed and sworn to me this 12th day of November, 2019.

Ben Billingsley

Notary Public

Residing in: Washington

My Commission Expires: Aug 23 2023



Chapter 26

EXTERIOR LIGHTING

10-26-010: TITLE AND PURPOSE:

This chapter shall be known as the *TOWN OF APPLE VALLEY EXTERIOR LIGHTING ORDINANCE*. The purpose of these regulations is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky, by establishing regulations and a process for review of exterior lighting. This chapter establishes standards for exterior lighting in order to accomplish the following:

- A. Provide safe roadways for motorists, cyclists and pedestrians, and ensure that sufficient lighting can be provided where needed to promote safety and security;
- B. Minimize the effects of direct glare and excessive lighting;
- C. Protect the nighttime use and enjoyment of property and curtail the degradation of the nighttime visual environment, and thereby help preserve the quality of life in the town;
- D. Prevent light trespass in all areas of the town;
- E. Promote energy efficient and cost affective lighting in all areas of the town;
- F. Allow for flexibility in the style of lighting fixtures;
- G. Define practical and effective measures by which the obtrusive aspects of outdoor light usage can be minimized, and provide lighting practices that direct appropriate amounts of light where and when it is needed;
- H. Provide nonfinancial assistance to property owners and occupants in bringing nonconforming lighting into conformance with this chapter.

10-26-020: APPLICABILITY:

- A. All exterior lighting, installed after the effective date hereof, shall conform to the standards established by this chapter.

- B. All existing exterior lighting, installed before the effective date hereof, shall be brought into conformance with this chapter, except subsection B1 of this section, within the following time periods:
 - 1. All existing exterior lighting located on a subject property that is part of an application for design review approval, a conditional use permit, subdivision approval, building permit or any other kind of land use approval is required to be brought into conformance with this chapter before issuance of a certificate of occupancy, final inspection or final plat recordation, when applicable. For other permits, the applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.

 - 2. All other existing exterior lighting on property used for residential, commercial, institutional, or any other public and semipublic use that is not in conformance with this chapter shall be brought into conformance with this chapter within eighteen (18) months from the date of adoption of this chapter.

 - 3. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

10-26-030: DEFINITIONS:

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application:

AREA LIGHT: A luminaire equipped with a lamp that produces over one thousand eight hundred (1800) lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights.

AVERAGE HORIZONTAL FOOT-CANDLE: The average level of luminance for a given situation (with snow cover if that is to be expected in the given situation) measured at ground level with the light meter placed parallel to the ground.

BUILDING OFFICIAL: The planning and zoning administrator for the Town of Apple Valley, or any other person appointed by the Town of Apple Valley mayor, with the concurrence of the Town of Apple Valley Town Council.

DIRECTIONAL FLOODLIGHT: A fully shielded fixture that is angled no higher than thirty degrees (30°) from vertical and which targets a specific area to be lit.

EIGHTY FIVE DEGREE CUTOFF TYPE OF LUMINAIRES: Luminaires that do not allow light to escape above an eighty five degree (85°) angle measured from a vertical line from the center of the lamp extended to the ground.

EXTERIOR LIGHTING: Temporary or permanent outdoor lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Luminaires that are indoors that are intended to light something outside are considered exterior lighting for the purpose of this chapter.

FLOODLIGHT: A light fixture that produces up to one thousand twelve hundred (1200) lumens and is designed to flood a well defined area with light.

FOOT-CANDLE (fc): The American unit used to measure the total amount of light cast on a surface (luminance). One foot-candle is equivalent to the luminance produced by a source of one candle at a distance of one foot (1'). For example, the full moon produces 0.01 fc (fc is measured with a light meter). One foot-candle is approximately equal to ten (10) lux, the metric unit also used to measure luminance.

FULL CUTOFF LUMINAIRES: Luminaires designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaires.

FULLY SHIELDED: The luminaire incorporates a solid barrier (the shield), which permits no light to escape through the barrier on the top and sides of the fixture.

GLARE: Stray light striking the eye that may result in: a) nuisance or annoyance glare, such as light shining into a window; b) discomfort glare, such as bright light causing squinting of the eyes; c) disabling glare, such as bright light reducing the ability of the eyes to see into shadows; or d) reduction of visual performance.

HOLIDAY LIGHTING: Exterior lighting consisting of strings of individual lamps, where the output per lamp is not greater than fifteen (15) lumens.

IESNA: Illuminating Engineering Society Of North America (IES or IESNA). The professional society of lighting engineers.

IESNA RECOMMENDED PRACTICES: The current publications of the IESNA setting forth luminance levels.

ILLUMINANCE: The amount of light falling on any point of a surface measured in foot-candles or lux. Foot-candles are measured as lumens per square foot, and lux is measured as lumens per square meter.

LED: Light emitting diode solid state lighting source.

LAMP: The generic term for an artificial light source, to be distinguished from the whole assembly (see definition of Luminaire). Commonly referred to as "bulb".

LIGHT: The form of radiant energy acting on the retina of the eye to make sight possible.

LIGHT POLLUTION: Any adverse effect of artificial night light, including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, or any manmade light that diminishes the ability to view the night sky.

LIGHT TRESPASS: Light falling on the property of another or the public right of way when it is not

required to do so.

LIGHTING: Any or all parts of a luminaire that function to produce light.

LIGHTING ADMINISTRATOR: A city official designated by the city council to administer, interpret and enforce this chapter, and make recommendations thereunder.

LUMEN: The unit used to quantify the amount of light energy produced by a lamp at the lamp. Lumen output of most lamps is listed on the packaging.

LUMINAIRE: A complete lighting unit, consisting of a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power. When used, includes ballasts and photocells. Commonly referred to as "fixture".

LUMINANCE: At a point and in a given direction, the luminous intensity in the given direction produced by and element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: Candelas per unit area. The luminance is the perceived brightness that we see the visual effect of the luminance, reflected, emitted or transmitted from a surface.

MAINTAINED ILLUMINANCE: The condition that occurs after two hundred (200) hours of lamp use prior to a point where luminaire cleaning is necessary. Measurements are taken at ground level with sensor parallel to the ground for horizontal luminance and measured at five feet (5') above ground with sensor perpendicular to the ground for vertical luminance.

NONESSENTIAL LIGHTING: Lighting that is not necessary for an intended purpose after the purpose has been served. Does not include any lighting used for safety and/or public circulation purposes.

OPAQUE: The effect of a part or parts of a luminaire that provides a barrier above and in some cases around the lamp, that does not allow any light to pass through.

PARTIALLY SHIELDED: The luminaire incorporates a translucent barrier, the "partial shield" around the lamp that allows some light to pass through the barrier of the fixture's walls while concealing the lamp from the viewer.

PLANNING AND ZONING ADMINISTRATOR: The Town of Apple Valley planning and zoning administrator.

RECESSED: When a light is built into a structure or portion of a structure such that the light is fully cut off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

SHIELDED: When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cutoff fixture.

SKY GLOW: The overhead glow from light emitted sideways and upward. Sky glow is caused by the reflection and scattering of light by dust, water vapor and other particles suspended in the atmosphere.

TEMPORARY LIGHTING: Lighting that is intended to be used for a special event for seven (7) days or less, and temporary construction lighting.

TRANSLUCENT: The effect of a part or parts of a luminaire that provides a barrier around the lamp that allows some light to pass through the barrier in a diffused manner, such that the lamp cannot be clearly distinguished.

UNSHIELDED: The luminaires only incorporate clear glass, which permits all light to escape.

UPLIGHTING: Fully shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.

WALL WASH: The reflectivity of artificial lighting from the exterior surface of a building or structure.

10-26-040: STANDARDS AND REQUIREMENTS:

A. General Standards:

1. **Exterior Lighting:** All exterior lighting shall be designed, located and lamped in order to prevent or minimize:
 - a. Overlighting;
 - b. Energy waste;
 - c. Glare;
 - d. Light trespass;
 - e. Sky glow.
2. **Nonessential Lighting:** All nonessential lighting on the exterior of all commercial, recreational and residential structures shall be turned off no later than eleven o'clock (11:00) P.M. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.
3. **Canopy Lights:** Canopy lights, such as service station lighting or covered entries, shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.
4. **Area Lights:** All area lights shall be a minimum eighty five degree (85°) full cutoff type luminaire.
5. **Luminaires:** Rocky Mountain Power shall not install any luminaires after the effective date hereof that lights the public right of way without first receiving approval for any such application by the lighting administrator.
6. **Hillsides, Ridgelines, And Special Cases:** In certain cases (such as, but not limited to,

properties on or near ridgelines or hillsides), additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the building permit review process.

- a. All monopole, antenna, tower or support facility lighting not required by the federal aviation administration (FAA) or the federal communications commission (FCC) is prohibited.
- b. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.
- c. All other lighting used on the property not regulated by the FAA or FCC shall conform to this chapter.

B. Use Of Luminaires: No unshielded or clear glass luminaires shall be allowed; all exterior lighting shall use full cutoff luminaires with the light source downcast and fully shielded, with the following exceptions:

1. Luminaires: Luminaires that have a maximum output of eight hundred (800) lumens per fixture (equal to one 60-watt incandescent lamp) regardless of number of lamps, may be partially shielded, provided the luminaire has an opaque top or is under a solid overhang.
2. Floodlights: Floodlights with external shielding shall be angled; provided, that no light is directed above a thirty degree (30°) angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaires do not cause glare or light to shine on adjacent property or public rights of way. Residential floodlights must be turned off by eleven o'clock (11:00) P.M.
3. Residential Holiday Lighting: Flashing holiday lights on residential properties are discouraged. Holiday lights shall be turned off by eleven o'clock (11:00) P.M.
4. Commercial Holiday Lighting: Flashing holiday lights are prohibited. Commercial holiday lights shall be turned off by eleven o'clock (11:00) P.M. or the close of business, whichever is later.
5. Sensor Activated Luminaires: Sensor activated luminaires, provided:
 - a. It is located in such a manner as to prevent glare and light trespass onto properties of others or into a public right of way;
 - b. The luminaire is set to only go on when activated and to go off within five (5) minutes after activation has ceased;
 - c. The luminaire shall not be triggered by activity off the subject property.
6. Emergency Lighting: All temporary emergency lighting needed by the fire and police departments, or other emergency services.
7. Lighting For Flags: Lighting for flags, provided the flag is a United States Of America or state of Utah official flag and the maximum lumen output is one thousand three hundred (1300) lumens. Flags may be taken down at sunset to avoid the need for lighting. The external beam

shall minimize light trespass and/or glare.

8. Uplighting: Uplighting for landscaping and/or structures shall be fully captured for approval. All uplighting shall be turned off by eleven o'clock (11:00) P.M.
9. Lighting Of Towers: Lighting of radio, communication and navigation towers, provided the owner or occupant demonstrates that the federal aviation administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter.
10. Neon Lights: See subsection [10-22-5C3](#) of this title.
11. Playing Field Luminaires: Luminaires used for playing fields and courts shall be exempt from the height restriction, provided all other provisions of this chapter are met and the light is used only while the field or court is in use. In no case shall the lights be used later than eleven o'clock (11:00) P.M. without prior approval.
12. Nonresidential Luminaires: Nonresidential luminaires may deviate from the requirements of these exterior lighting regulations only upon submitting for planning commission approval a design review application, detailing the specific reasons for the proposed deviation. Such application may be granted only if the applicant demonstrates each of the following:
 - a. The proposed deviation is appropriate to the location of the lighting and the surrounding neighborhood;
 - b. The proposed deviation will not unreasonably diminish either the health, safety or welfare of the surrounding neighborhood uses; and
 - c. The proposed deviation will not unreasonably conflict with the general intent of these exterior lighting regulations.

The planning commission may approve, deny or approve with conditions any such application submitted under this subsection.

C. Placement And Height Of Luminaires:

1. Parking Areas: Parking area luminaires shall be no taller than seventeen feet (17') as measured from the ground to their tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in lumens, as opposed to fewer in number, higher in height and higher in lumens.
2. Private Property In Residential Zones: Freestanding luminaires on private property in residential zones shall be mounted at a height no greater than twelve feet (12') from ground level to the top of the luminaires.
3. Arterial Roads: Streetlights used on arterial roads may exceed twenty feet (20') in height, with the recommendation by the city council, and only with a finding that exceeding twenty feet (20') is necessary to protect the safety of the residents of the Town.
4. Illumination Of Rights Of Way: Lighting of public and private rights of way shall be fully shielded. In addition, lighting shall comply with source color temperature of this section.

a. Exception: Traffic signal indications.

b. Definitions: Right of way types:

COLLECTOR ROADS: Roadways serving traffic between major and local streets. These are streets used mainly for traffic movement within residential, commercial and industrial areas.

EXPRESSWAY: A divided major roadway for through traffic, with partial control of access and generally with interchanges at major crossroads.

LOCAL ROADS: Local streets are used primarily for direct access to residential, commercial, industrial, or other abutting property.

MAJOR ROADS: The part of the roadway system that serves as the principal network for the through traffic flow. The routes connect areas of principal traffic generation and important rural roadways leaving the Town.

c. Illumination Levels Of Rights Of Way: The maximum average illumination level along the entire right of way being illuminated and over the right of way area only, shall be:

(1) Expressway: 1.4 foot-candles.

(2) Major roads: 1.5 foot-candles.

(3) Collector roads: 1.0 foot-candle.

(4) Local roads: 0.4 foot-candle.

(5) Existing luminaires on local roads may be retrofitted with full cutoff luminaires with the design not to exceed 0.4 foot-candle average. The maximum maintained average illumination in the intersection area shall be two (2) times the average of the maintained foot-candles of the two (2) types of roads at the intersections.

(6) Intersections of collector and local roads shall be 1.6 foot-candles maximum and at intersections of local and local roads shall be 1.4 foot-candles maximum.

5. Playing Fields: Luminaires used for playing fields shall be exempt from the height restriction, provided all other provisions of this chapter are met and the light is used only while the field is in use.

D. Luminance And Type Of Lamp:

1. Luminance levels for parking lots, sidewalks and other walkways affected by side mounted building lights, and freestanding sidewalk lights (not streetlights) shall not exceed luminance levels listed in the most current "IESNA Recommended Practices", as amended from time to time. The Town recognizes that not every such area will require lighting.

2. Above ground parking lot lighting shall not exceed an overall average illumination of 1.5 foot-candles. Interior parking structure lighting shall not exceed the minimum security illumination levels listed in the most current "IESNA Recommended Practices", as amended from time to

time.

3. The use of lighting for exterior wall washing is limited for residences, condominiums and apartments; the use of recessed eave lighting to achieve wall washing is preferred, and wall washing should strive for uniform illumination distribution. Eave lighting used in angled gables must be shielded to prevent spill lighting effecting traffic or other neighbors. The maximum average illumination limits for wall washing are:
 - a. Dark colored exterior surfaces: 1.0 foot-candle.
 - b. Light colored exterior surfaces: 0.5 foot-candle.

Luminance measurements of indirect light creating wall wash shall be measured with a luminance meter four feet (4') from ground level with the meter held horizontally and touching the wall surface.

4. Streetlights shall be LED, unless otherwise determined that another type is more efficient and approved by the City Council. LED street lighting shall be fully shielded, and emit no light upward. Light housing shall be constructed to expel excess heat from the fixture. The correlated color temperature on all fixtures shall be three thousand Kelvin (3000 K) or warmer (lower number). LED lighting fixtures shall be installed with an adaptive control system capable of dimming and/or motion sensor control that is compatible with the current Town control system. If a light type other than LED is permitted, then the replacement fixture shall have the equivalent output as the other light type.
5. LED streetlights shall be implemented in accordance with an engineering study, specifically a photometric plan, that shall have been conducted and approved prior to installation of LED luminaires. Said photometric plan shall recommend appropriate perceived levels of illumination based upon the correlated color temperature of the proposed luminaires and the specific location and purpose of the luminaire, e.g., residential cul-de-sac, highway intersection, etc., as referenced in "IESNA Recommended Practices".

10-26-050: PROCEDURE FOR APPROVAL:

- A. All applications for design review, conditional use permits, planned unit developments, subdivision approvals, applicable sign permits or building permits shall include lighting plans showing location, type, height, lumen output and luminance levels in order to verify that lighting conforms to the provisions of this chapter. The Lighting Administrator may waive the requirement for luminance level information only, if the Lighting Administrator finds that the luminance levels conform to this chapter. For all other exterior lights which must conform to the requirements of this chapter, an application shall be made to the Lighting Administrator, showing location, type, height, lumen output and luminance levels.
- B. The Lighting Administrator shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for design review, conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permits, or any other land use approval, to determine whether the exterior lighting complies with the standards of this chapter.

- C. The Lighting Administrator shall convey in writing a recommendation whether the exterior lighting complies with the standards of this chapter to the building official, the Planning Commission, or to the appropriate approving body as the case may be, before any review or hearing on a building permit, design review, conditional use permit, planned unit development, subdivision application or applicable sign permit.

- D. For all other exterior lighting which must conform to the requirements of this chapter, the Lighting Administrator shall issue a decision whether the exterior lighting complies with the standards of this chapter. All such decisions may be appealed to the Appeal Authority within thirty (30) days of the decision. (Ord. 10.08, 2-19-09)

10-26-060: VIOLATIONS; ENFORCEMENT:

If the Lighting Administrator finds that any provision of this chapter is being violated, the Lighting Administrator shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. The Planning Department staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty (30) day period, the Lighting Administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this chapter. Such actions or proceedings shall be in addition to the enforcement and penalties provisions of [chapter 2](#) of this title.

This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.

- [10.26.010 Purpose](#)
- [10.26.020 Scope And Applicability](#)
- [10.26.030 Conformances With Applicable Codes](#)
- [10.26.040 Regulations](#)
- [10.26.050 Effective Date And Nonconforming Luminaries](#)
- [10.26.060 New Subdivision Constructions](#)
- [10.26.070 Violations And Legal Action](#)
- [10.26.080 Definitions](#)

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town's character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors
 1. Any luminaries with a lamp rated at a total of MORE than 18200 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 6900 lumens shall not emit any direct light above a horizontal plane and shall be shielded and pointed downward. ~~through the lowest direct light emitting part or the luminaries.~~
 2. Any luminaries with a lamp or lamps rate at a total MORE than 18200 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 6900 lumens, shall be mounted at a height equal to or less than the value 3 feet + (D/3), where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet. Flood or spot lights may be temporarily operated and should be equipped with a motion sensor or timer to automatically shut off; not to exceed 15 minutes of non-use.
2. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of 18200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 9600 lumens or LESS may be used without restriction on light distribution or mounting heights, except that if any spot or flood luminaries rated 9600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
 2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
 3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.
3. Outdoor Advertising
1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
 2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.
 3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.
4. Recreational Facilities
1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
 2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.
1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
 2. Pole Height / ~~Wattage~~ Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
 1. review of the Site plan,
 2. proposed land uses,

3. surrounding land uses,
 4. Parking area size,
 5. Building mass,
 6. Location of the site with respect to other lighting sources,
 7. Impact on the adjacent properties,
 8. Topography of the site, and
 9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
3. Parking Area Wattage / Design Standard.
 1. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
 2. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
 3. All attempts shall be made to place the base of light poles within landscaped areas.
 4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
 5. Submission Requirements. An application for Development with off street parking must contain the following.
 1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
 2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
 3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
 6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions
 1. 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 plane is prohibited.
 2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
 7. Exemptions The following shall be exempt form the requirements of this Ordinance.
 1. Holiday lighting (October 1- February 1)~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1 - MARCH 1 YOUR CHOICE~~
 2. Traffic control signals and devices
 3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
 4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.

8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
 1. The public and /or private benefits that will result from the temporary lighting.
 2. Any annoyance or safety problems that result from the use of the temporary lighting
 3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~ luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
3. ~~This ordinance does not recognize permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be nonconforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.

1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. 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 law 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, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacture and drawing.
 3. Photo data, such as the eat furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance 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 ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
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 compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.

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

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

For the purpose of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

Direct Glare: The visual discomfort resulting from insufficiently shielded light source.

Fixture: The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

Flood or spotlight: Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully Shielded Lights: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Nonconforming Luminaire: Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting do no need to be changed unless a specified time period is provided for adherence to the ordinance.

Height of Luminaries: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

Lamp: The component of the luminaire that produces the actual light.

Light Trespass: Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

Luminaire: a complete lighting system, including a lamp or lamps and fixture.

Outdoors Electrically Powered Illuminating Devices: ~~Huminaires~~Luminaries utilizing AC and / or DC power.

Outdoor Lighting: Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a outside area or object by any~~

~~handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town's character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors
 1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
 2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.
2. Exceptions to Control of Glare
 1. Any luminaries with a lamp or lamps rated at a total of ~~1800~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
 2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.

3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.
3. Outdoor Advertising
 1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
 2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.
 3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.
4. Recreational Facilities
 1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
 2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.
 1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
 2. Pole Height / ~~Wattage~~ / Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
 1. review of the Site plan,
 2. proposed land uses,
 3. surrounding land uses,
 4. Parking area size,
 5. Building mass,
 6. Location of the site with respect to other lighting sources,
 7. Impact on the adjacent properties,
 8. Topography of the site, and
 9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
 3. Parking Area Wattage / Design Standard.

1. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
2. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
3. All attempts shall be made to place the base of light poles within landscaped areas.
4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
5. Submission Requirements. An application for Development with off street parking must contain the following.
 1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
 2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
 3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions
 1. 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 plane is prohibited.
 2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
7. Exemptions The following shall be exempt form the requirements of this Ordinance.
 1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
 2. Traffic control signals and devices
 3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
 4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
 1. The public and /or private benefits that will result from the temporary lighting.
 2. Any annoyance or safety problems that result from the use of the temporary lighting
 3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall

render its decision on the temporary lighting request within two weeks of the date of the meeting.

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
 2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~ luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
 3. ~~This ordinance does not recognize permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be nonconforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
 4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
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1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. 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 law 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, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacturer and drawing.
 3. Photo data, such as that furnished by manufacturer s, or similar data showing the angle of cut off or light emissions.
 2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance 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 ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
 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 compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
 4. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and

proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

For the purpose of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

Direct Glare: The visual discomfort resulting from insufficiently shielded light source.

Fixture: The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

Flood or spotlight: Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully Shielded Lights: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Nonconforming Luminaire: Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting does not need to be changed unless a specified time period is provided for adherence to the ordinance.

Height of Luminaries: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

Lamp: The component of the luminaire that produces the actual light.

Light Trespass: Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

Luminaire: a complete lighting system, including a lamp or lamps and fixture.

Outdoors Electrically Powered Illuminating Devices: Illuminaries utilizing AC and / or DC power.

Outdoor Lighting: Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town’s nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town’s character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors

1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

2. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of ~~1800~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.

3. Outdoor Advertising

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.

4. Recreational Facilities

1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.

1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
2. Pole Height / ~~Wattage~~ / Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
 1. review of the Site plan,
 2. proposed land uses,
 3. surrounding land uses,
 4. Parking area size,
 5. Building mass,
 6. Location of the site with respect to other lighting sources,
 7. Impact on the adjacent properties,
 8. Topography of the site, and
 9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
3. Parking Area Wattage / Design Standard.
 1. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
 2. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
 3. All attempts shall be made to place the base of light poles within landscaped areas.
4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
5. Submission Requirements. An application for Development with off street parking must contain the following.
 1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.

2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions
 1. 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 plane is prohibited.
 2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
7. Exemptions The following shall be exempt form the requirements of this Ordinance.
 1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
 2. Traffic control signals and devices
 3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
 4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
 1. The public and /or private benefits that will result from the temporary lighting.
 2. Any annoyance or safety problems that result from the use of the temporary lighting
 3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

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2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~ luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
3. ~~This ordinance does not recognizes permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with

any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.

1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. 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 law 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, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacturer and drawing.
 3. Photo data, such as ~~that~~ furnished by manufactures, or similar data showing the angle of cut off or light emissions.
2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance 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 ~~also~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
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 compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
4. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

For the purpose of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

Direct Glare: The visual discomfort resulting from insufficiently shielded light source.

Fixture: The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

Flood or spotlight: Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully Shielded Lights: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Nonconforming Luminaire: Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting does not need to be changed unless a specified time period is provided for adherence to the ordinance.

Height of Luminaries: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

Lamp: The component of the luminaire that produces the actual light.

Light Trespass: Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

Luminaire: a complete lighting system, including a lamp or lamps and fixture.

Outdoors Electrically Powered Illuminating Devices: Illuminaries utilizing AC and / or DC power.

Outdoor Lighting: Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town’s nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town’s character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes,

All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors

1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

2. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of ~~1800~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.

3. Outdoor Advertising

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less that 41 watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.

4. Recreational Facilities

1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
 2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaires that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.
 1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
 2. Pole Height / ~~Wattage~~ Design. Luminaires mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
 1. review of the Site plan,
 2. proposed land uses,
 3. surrounding land uses,
 4. Parking area size,
 5. Building mass,
 6. Location of the site with respect to other lighting sources,
 7. Impact on the adjacent properties,
 8. Topography of the site, and
 9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
 3. Parking Area Wattage / Design Standard.
 1. Luminaires for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
 2. Luminaires for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
 3. All attempts shall be made to place the base of light poles within landscaped areas.
 4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
 5. Submission Requirements. An application for Development with off street parking must contain the following.
 1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
 2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
 3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
 6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions

1. 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 plane is prohibited.
2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
7. Exemptions The following shall be exempt form the requirements of this Ordinance.
 1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
 2. Traffic control signals and devices
 3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
 4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
 1. The public and /or private benefits that will result from the temporary lighting.
 2. Any annoyance or safety problems that result from the use of the temporary lighting
 3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
 2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159-~~luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
 3. ~~This ordinance does not recognizes permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be nonconforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
 4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. 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 law 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, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacturer and drawing.
 3. Photo data, such as ~~that~~ furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance 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 ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
 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 compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
 4. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

For the purpose of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

Direct Glare: The visual discomfort resulting from insufficiently shielded light source.

Fixture: The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

Flood or spotlight: Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully Shielded Lights: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Nonconforming Luminaire: Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting does not need to be changed unless a specified time period is provided for adherence to the ordinance.

Height of Luminaries: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

Lamp: The component of the luminaire that produces the actual light.

Light Trespass: Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

Luminaire: a complete lighting system, including a lamp or lamps and fixture.

Outdoors Electrically Powered Illuminating Devices: Illuminaires utilizing AC and / or DC power.

Outdoor Lighting: Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

10.26.010 Purpose

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town's character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.020 Scope And Applicability

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.030 Conformances With Applicable Codes

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.040 Regulations

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors

1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

2. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of ~~1800~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.

3. Outdoor Advertising

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less that 41 watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.

4. Recreational Facilities

1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
 2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a

scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.
 1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
 2. Pole Height / ~~Wattage~~ Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
 1. review of the Site plan,
 2. proposed land uses,
 3. surrounding land uses,
 4. Parking area size,
 5. Building mass,
 6. Location of the site with respect to other lighting sources,
 7. Impact on the adjacent properties,
 8. Topography of the site, and
 9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
 3. Parking Area Wattage / Design Standard.
 1. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
 2. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
 3. All attempts shall be made to place the base of light poles within landscaped areas.
 4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
 5. Submission Requirements. An application for Development with off street parking must contain the following.
 1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
 2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
 3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
 6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions

1. 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 plane is prohibited.
2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
7. Exemptions The following shall be exempt from the requirements of this Ordinance.
 1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
 2. Traffic control signals and devices
 3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
 4. All hazard warning luminaries required by federal regulatory agencies are exempt from the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
 1. The public and /or private benefits that will result from the temporary lighting.
 2. Any annoyance or safety problems that result from the use of the temporary lighting
 3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.050 Effective Date And Nonconforming Luminaries Edit

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~-luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
3. ~~This ordinance does not recognizes permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be nonconforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.060 New Subdivision Constructions Edit

1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. 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 law 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, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacturer and drawing.
 3. Photo data, such as that furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance 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 ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
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 compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
4. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.070 Violations And Legal Action Edit

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.080 Definitions Edit

For the purpose of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

Direct Glare: The visual discomfort resulting from insufficiently shielded light source.

Fixture: The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

Flood or spotlight: Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully Shielded Lights: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Nonconforming Luminaire: Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting does not need to be changed unless a specified time period is provided for adherence to the ordinance.

Height of Luminaries: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

Lamp: The component of the luminaire that produces the actual light.

Light Trespass: Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaires adjacent to the property lines).

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

Luminaire: a complete lighting system, including a lamp or lamps and fixture.

Outdoors Electrically Powered Illuminating Devices: Luminaires utilizing AC and / or DC power.

Outdoor Lighting: Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~