

## 3c. 2017 Dark Skies Ordinance

### Chapter 17.132

#### DARK SKIES

##### 17.132.010: GENERAL PROVISIONS:

- A. Title: This chapter, together with the amendments codified in this chapter, shall be known and may be cited as the KETCHUM DARK SKY ORDINANCE.
- B. Purposes: The general purpose of this chapter 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 of review for exterior lighting. This chapter establishes standards for exterior lighting in order to accomplish the following:
1. To protect against direct glare and excessive lighting;
  2. To provide safe roadways for motorists, cyclists and pedestrians;
  3. To protect and reclaim the ability to view the night sky, and help preserve the quality of life and the tourist experience;
  4. To prevent light trespass in all areas of the city;
  5. To promote efficient and cost effective lighting;
  6. To ensure that sufficient lighting can be provided where needed to promote safety and security;
  7. To allow for flexibility in the style of lighting fixtures;
  8. To provide lighting guidelines;
  9. To provide assistance to property owners and occupants in bringing nonconforming lighting into conformance with this chapter; and
  10. To work with other jurisdictions within Blaine County to meet the purposes of this chapter.
- C. Scope: All exterior lighting installed after the effective date hereof in any and all zoning districts in the city shall be in conformance with the requirements established by this chapter and any other applicable ordinances. All existing lighting installed prior to the effective date hereof in any and all zoning districts in the city shall be addressed as follows:
1. All existing lighting located on a subject property that is part of an application for a city planning department design review, conditional use, subdivision permit, or building permit is required to be brought into conformance with this chapter. Conformity shall occur prior to 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 existing exterior commercial lighting that is not in conformance with this chapter shall be brought into conformance with this chapter by June 30, 2018.
  3. All existing lighting that does not meet the requirement of section [17.124.060](#) of this title, which states that "any parking, yard or building illumination in (any) zoning (district) shall be so directed as to protect adjacent properties from glare and direct lighting", is required to be brought into conformance with section [17.132](#) of this title.
  4. All existing exterior residential lighting, not affected by subsections C1 and C3 of this section, that does not comply with this chapter is required to be brought into conformance with this chapter by June 30, 2019.
  5. In the event of a discrepancy in applicable ordinances, the most restrictive shall apply.

**17.132.020: Applicability**

- A. The commission, the building official and/or the administrator shall have the authority to require new lighting and existing lighting pursuant to subsection [17.132.010.C.1](#) of this chapter to meet the requirements of this chapter.
- B. Lighting Plans Required: All applications for design review, conditional use, subdivision and/or building permits shall include lighting plans showing location, type, height, color temperature, lumen output and amount of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to the provisions of this chapter. The administrator, commission and/or building official shall have the authority to request additional information in order to achieve the purposes of this chapter.

**17.132.030: Lighting Standards**

- A. Color Temperature: All exterior lighting shall utilize light sources not to exceed 2700 kelvin.
- B. Light Trespass and Overlighting: All existing and/or new exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting. All vehicle lighting originating from a commercial property shall be shielded from other adjacent properties. Incidental light trespass (lighting emanating from turning motor vehicles or motion sensor lighting) is permitted.
  - 1. All lighting emitting from any zoning lot shall not cause the light level along any property line, as measured at a height of 60 inches above grade in a plane at any angle of inclination, to exceed the limitations listed in Figure 1: Light Trespass Matrix.

Figure 1: Light Trespass and Overlighting Matrix

<b>Zone of Light Source</b>	<b>Impacted Zone</b>	<b>Maximum Foot-Candle Limits</b>
<b>Non-commercial</b> (LR, LR-1, LR-2,GR-L,GR-H,STO-.4, STO-1,STO-H,RU,AF)	<b>Non-commercial</b> (LR, LR-1, LR-2,GR-L,GR-H,STO-.4, STO-1,STO-H,RU,AF)	0.1 foot-candles
<b>Non-commercial</b> (LR, LR-1, LR-2,GR-L,GR-H,STO-.4, STO-1,STO-H,RU,AF)	<b>Commercial Zones</b> (CC, T,T-3000, T-4000, LI-1,LI-2,LI-3)	0.5 foot-candles
<b>Commercial Zones</b> (CC, T,T-3000, T-4000, LI-1,LI-2,LI-3)	<b>Non-commercial</b> (LR, LR-1, LR-2,GR-L,GR-H,STO-.4, STO-1,STO-H,RU,AF)	0.1 foot-candles
<b>Commercial Zones</b> (CC, T,T-3000, T-4000, LI-1,LI-2,LI-3)	<b>Commercial Zones</b> (T,T-3000, T-4000, LI-1,LI-2,LI-3)	0.5 foot-candles
<b>Community Core (CC)</b>	<b>Community Core (CC)</b>	No limit

- C. IESNA Guidelines: The commission or Administrator may require that any new lighting or existing lighting that comes before them meet the standards for maximum Illuminance output as established by IESNA.
- D. Nonessential Exterior Commercial and Residential Lighting: All nonessential exterior commercial and residential lighting shall be turned off after business hours and/or when not in use. Lights on a timer shall be used. Sensor activated lights shall be used to replace existing lighting that is

desired for security purposes.

E. Area Lights:

1. All area lights, including streetlights and parking area lighting, shall be level mounted and eighty-five degrees (85°) full cutoff type fixtures.
2. Residential Streetlights shall be limited to one-thousand two hundred (1125) lumens, unless otherwise recommended by the Public Works Department.
3. Nonresidential Streetlights shall be limited to one-thousand five hundred (1500) lumens, unless otherwise recommended by the Public Works Department.
4. Lights on major intersections on state highways shall be limited to three-thousand (3000) lumens, unless otherwise recommended by the Public Works Department.
5. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. Parking lot lighting shall not exceed IESNA recommended illuminance (foot-candle) level and are encouraged to utilize the lowest range available.
6. All freestanding area lights within a residential zone, except streetlights, 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.
7. Luminaire Mounting Height: Freestanding luminaires shall be no higher than twenty-five feet (25') above the stand/pole base; except, that 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; and except, that streetlights used on major roads may exceed this standard if necessary as determined by the city council, as advised by a lighting engineer. Building mounted luminaires shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.
8. Area lights on a timer, sensor activated, or turned off at 10:30 pm are exempt from section 17.132.030B of this chapter, provided all other standards of this section are met.

F. Uplighting: Uplighting is prohibited in all zoning districts, except as where permitted in this chapter.

G. Public Outdoor Lighting: Public outdoor lighting, including holiday lighting, shall be permitted to ensure the safety and enjoyment of the intended public use. All public lighting shall comply with the standards established herein and shall be turned off after hours of operation or when not in use. When practically possible, motion sensors may be used. Public Outdoor Lighting is exempt from lighting curfews and exempt from section 17.132.030B of this chapter.

H. Lighting Fixtures:

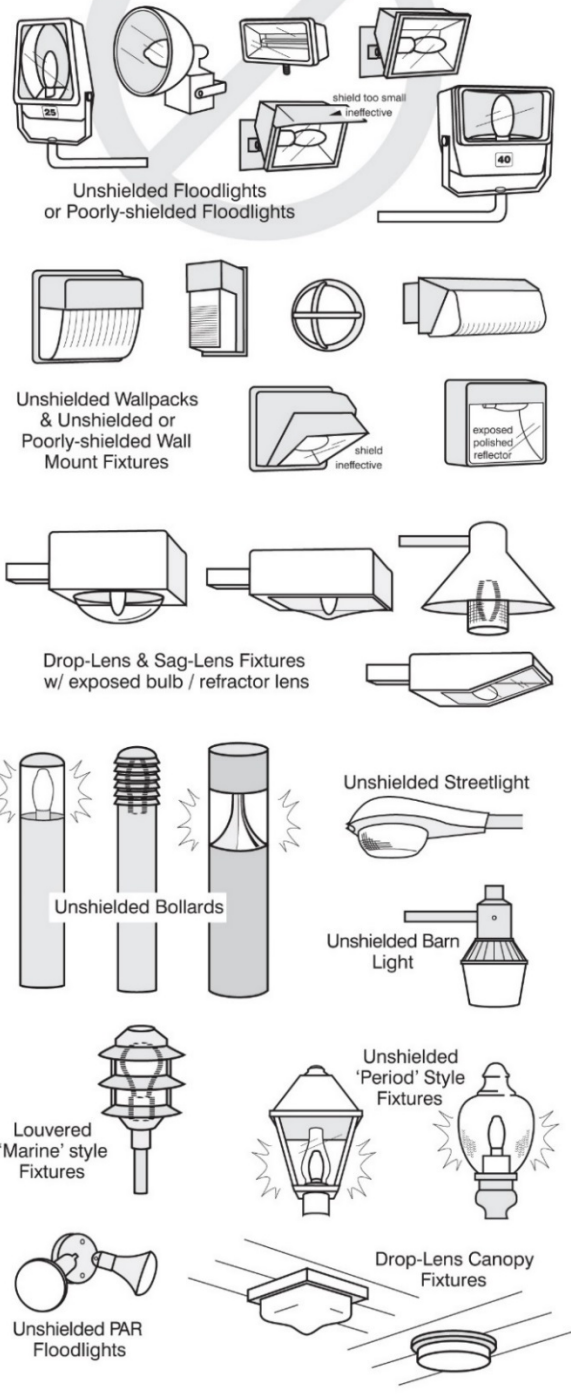
1. All exterior lighting shall comply with the acceptable lighting fixtures located in Figure 2. All exterior lighting fixtures shall be full cutoff fixtures with the light source fully shielded, except as exempted in this chapter.
2. The following figures and information sheets shall be incorporated into this chapter as guidelines for the public and the city for use in meeting the intent of this chapter. The figures and information sheets only serve as examples. The city does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. Additional information is provided at the Ketchum planning department.

Figure 2: Lighting Fixture Guidelines

## Examples of Acceptable / Unacceptable Lighting Fixtures

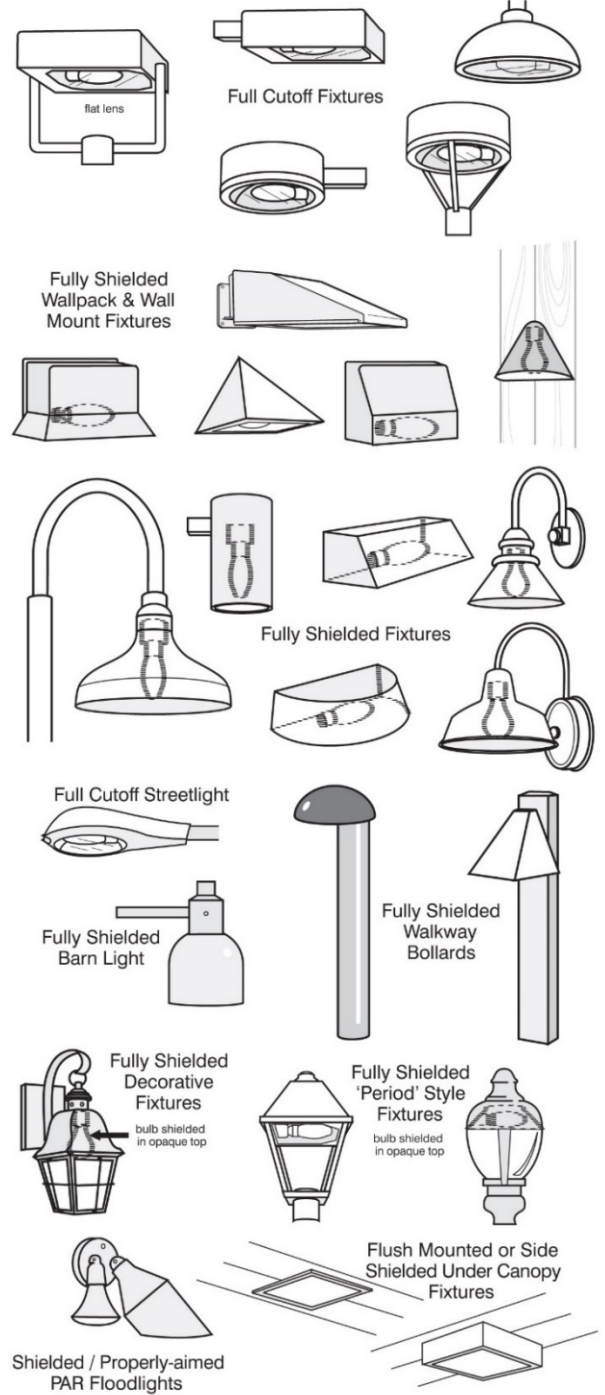
### Unacceptable / Discouraged

Fixtures that produce glare and light trespass



### Acceptable

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



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I. Lighting Fixture Exceptions and Additional Requirements

<u>Type of Lighting</u>	<u>Full Cutoff Light Fixture</u>	<u>Light Trespass Standards</u>	<u>Additional Requirements</u>
Canopy Lighting	Required	Not exempt	<ul style="list-style-type: none"> <li>- All canopy lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent property.</li> </ul>
Holiday Lights	Not Required	Exempt	<ul style="list-style-type: none"> <li>- Shall only be displayed from November 20<sup>th</sup> to March 20<sup>th</sup>.</li> <li>- Exempt from color temperature requirements set forth in this chapter.</li> <li>- All new holiday lighting shall be LED lighting, or bulb that has been demonstrated to be the most energy efficient technology available.</li> <li>- Flashing holiday lighting is permitted.</li> <li>- All private holiday lighting shall be turned off at the close of business hours in the Community Core zoning district, and after 10:30PM in all other zoning districts. Outdoor Public lighting shall not be subject to holiday lighting curfew.</li> </ul>
Flagpole Lighting	Not Required	Exempt	<ul style="list-style-type: none"> <li>- Upward flagpole lighting is permitted for governmental flags only.</li> <li>- The maximum lumen output shall be one thousand three hundred (1,300) lumens.</li> <li>- Flags are encouraged to be taken down at sunset to avoid the need for lighting.</li> </ul>
Floodlights	Not Required	Not Exempt	<ul style="list-style-type: none"> <li>- Floodlights with external shielding shall be angled provided that no light escapes above a 25-degree angle measured from the vertical line from the center of the light extended to the ground.</li> <li>- Floodlights shall not cause glare or light to shine directly on adjacent property or public rights of way.</li> <li>- Shall be encouraged to be motion sensor activated.</li> </ul>
Neon Lights	Not Required	Not Exempt	<ul style="list-style-type: none"> <li>- Neon Lights: Neon lights are only permitted pursuant to the sign ordinance, chapter 17.127 of this title.</li> </ul>
Sensor Activated Lighting	Required	Exempt	<ul style="list-style-type: none"> <li>- Shall be located so as to prevent lighting into adjacent properties or into a public right of way.</li> </ul>

			<ul style="list-style-type: none"> <li>- Lighting shall activate only when motion on the property is detected and shall deactivate within no more than five (5) minutes.</li> <li>- Lighting shall not be triggered by any activity off the property or in the public right of way.</li> <li>- The maximum lumen output shall be 600 lumens.</li> </ul>
Temporary Lighting	Required	Exempt	- Lumens output shall be approved by the Administrator.
Temporary emergency lighting	Not Required	Exempt	- Utilized by public safety services. Exempt from provisions of this chapter.
Highway 75 lighting	Required	Exempt	- Correlated Color temperature 2700 kelvin.

J. Additional Development Restrictions

<u>Development</u>	<u>Full Cutoff Light Fixture</u>	<u>Light Trespass Standards</u>	<u>Additional Requirements</u>
Motor Vehicle Fueling Stations and Motor Vehicle Service Stations	Required	Not Exempt	<ul style="list-style-type: none"> <li>- The average foot-candle lighting level at the pump for new and existing service stations is required to be no greater than thirty (30) foot- candle average, as set by the IESNA for urban service stations.</li> </ul>
Towers for Radio Communication and Navigation	Not Required	Not Exempt	<ul style="list-style-type: none"> <li>- All radio, communication and navigation towers that require lights shall have dual lighting capabilities.</li> <li>- For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.</li> <li>- Lighting that is required by legal jurisdictions are exempt from this provision.</li> </ul>

**17.132.040: PROHIBITED LIGHTING**

- A. Any light source that does not meet the requirements of this chapter.
- B. Searchlights, beacons, laser source, and other high-intensity light fixtures.
- C. Except as otherwise allowed by this title, any lighting that is flashing, blinking, rotating, chasing, or rapidly changing in color or intensity is prohibited.

**17.132.050: NOTIFICATION:**

- A. The city building and planning department permits shall include a statement asking whether the subject property of the proposed work includes any exterior lighting.

**17.132.060: THE CITY'S ROLE:**

- A. The city will commit to changing all lighting within the city rights of way and on city owned property to meet the requirements of this chapter when luminaires expire.

## 3d. 1999 Dark Skies Ordinance

### Chapter 17.132

#### DARK SKIES

17.132.010: GENERAL PROVISIONS:

17.132.020: CRITERIA:

17.132.030: NOTIFICATION:

17.132.040: THE CITY'S ROLE:

17.132.050: VIOLATIONS, LEGAL ACTIONS AND PENALTIES:

17.132.010: GENERAL PROVISIONS:

A. Title: This chapter, together with the amendments codified in this chapter, shall be known and may be cited as the KETCHUM DARK SKY ORDINANCE.

B. Purposes: The general purpose of this chapter 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 of review for exterior lighting. This chapter establishes standards for exterior lighting in order to accomplish the following:

1. To protect against direct glare and excessive lighting;
2. To provide safe roadways for motorists, cyclists and pedestrians;
3. To protect and reclaim the ability to view the night sky, and help preserve the quality of life and the tourist experience;
4. To prevent light trespass in all areas of the city;
5. To promote efficient and cost effective lighting;
6. To ensure that sufficient lighting can be provided where needed to promote safety and security;
7. To allow for flexibility in the style of lighting fixtures;
8. To provide lighting guidelines;
9. To provide assistance to property owners and occupants in bringing nonconforming lighting into conformance with this chapter; and
10. To work with other jurisdictions within Blaine County to meet the purposes of this chapter.

C. Scope: All exterior lighting installed after the effective date hereof in any and all zoning districts in the city shall be in conformance with the requirements established by this chapter and any other applicable ordinances. All existing lighting installed prior to the effective date hereof in any and all zoning districts in the city shall be addressed as follows:

1. All existing lighting located on a subject property that is part of an application for a city planning department design review, conditional use, subdivision permit, or building permit is required to be

brought into conformance with this chapter. Conformity shall occur prior to 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 existing exterior commercial lighting that is not in conformance with this chapter shall be brought into conformance with this chapter by June 30, 2000.

3. All existing lighting that does not meet the requirement of section 17.124.060 of this title, which states that "any parking, yard or building illumination in (any) zoning (district) shall be so directed as to protect adjacent properties from glare and direct lighting", is required to be brought into conformance with section 17.124.060 of this title.

4. All existing exterior residential lighting, not affected by subsections C1 and C3 of this section, that does not comply with this chapter is required to be brought into conformance with this chapter by June 30, 2001.

5. In the event of a discrepancy in applicable ordinances, the most restrictive shall apply. (Ord. 1135, 2015)

#### 17.132.020: CRITERIA:

The commission, the building official and/or the administrator shall have the authority to require new lighting and existing lighting pursuant to subsection 17.132.010C1 of this chapter to meet the requirements of this chapter.

A. Lighting Plans Required: All applications for design review, conditional use, subdivision and/or building permits shall include lighting plans showing location, type, height and lumen output of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to the provisions of this chapter. The administrator, commission and/or building official shall have the authority to request additional information in order to achieve the purposes of this chapter.

B. Full Cutoff Fixtures: All exterior lighting shall be full cutoff fixtures with the light source fully shielded, with the following exceptions:

1. Luminaires that have a maximum output of two hundred sixty (260) lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded, provided the fixture has an opaque top to keep light from shining directly up (see figure 5 of this section).

2. Luminaires that have a maximum output of one thousand (1,000) lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up (see figure 3 of this section).

3. Floodlights with external shielding may be angled; provided, that no light escapes above a twenty five degree (25°) angle measured from the vertical line from the center of the light extended to the ground, and only if the light does not cause glare or light to shine on adjacent property or public rights of way (see figure 6 of this section). Floodlights with directional shielding are encouraged (see figure 7 of this section). Photocells with timers that allow a floodlight to go on at dusk and off by eleven o'clock (11:00) P.M. are encouraged.



4. "Holiday lights", as defined in chapter 17.08 of this title, are exempt from the requirements of this chapter for the six and one-half (6 1/2) month period from November 1 to April 15; except, that flashing holiday lights are prohibited on commercial properties. Flashing holiday lights on residential properties are discouraged. Holiday lights are encouraged to be turned off after bedtime and after close of businesses.

5. Sensor activated lighting may be unshielded, provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right of way, and provided the light is set to only go on when activated and to go off within five (5) minutes after activation has ceased, and the light shall not be triggered by activity off the property.

6. Vehicle lights and all temporary emergency lighting needed by the fire and police departments or other emergency services shall be exempt from the requirements of this chapter.

C. Light Trespass: It is the intent of this chapter to eliminate and prevent light trespass through the proper installation of lighting fixtures. All existing and/or new exterior lighting shall not cause light trespass and shall be such as to protect adjacent properties from glare and excessive lighting.

D. IESNA Guidelines: The commission may require that any new lighting or existing lighting that comes before them meet the standards for foot-candle output as established by IESNA.

E. Nonessential Exterior Commercial And Residential Lighting: All nonessential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.

F. Area Lights:

1. All area lights, including streetlights and parking area lighting, shall be full cutoff fixtures and are encouraged to be eighty five degree (85°) full cutoff type fixtures. Streetlights shall be in accordance with the Idaho Power franchise agreement and/or the light conformance schedule adopted by resolution by the city council. Streetlights shall be high pressure sodium, low pressure sodium or metal halide, unless otherwise determined by the council that another type is more efficient. Streetlights along residential streets shall be limited to a seventy (70) watt high pressure sodium (hps) light. Streetlights along nonresidential streets or at intersections shall be limited to one hundred (100) watts hps; except, that lights at major intersections on state highways shall be limited to two hundred (200) watts hps. If the council permits a light type other than high pressure sodium, then the equivalent output shall be the limit for the other light type (see addendum 1, on file in the Ketchum planning department); for example: a one hundred (100) watt high pressure sodium lamp has a roughly equivalent output as a fifty five (55) watt low pressure sodium lamp or a one hundred (100) watt metal halide lamp.

2. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. Parking lot lighting shall not exceed IESNA recommended foot-candle levels.

3. All freestanding area lights within a residential zone, except streetlights, 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.

G. Luminaire Mounting Height: Freestanding luminaires shall be no higher than twenty five feet (25') above the stand/pole base; except, that 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; and except, that streetlights used on major roads may exceed this standard if necessary as determined by the city council, as advised by a lighting engineer. Building mounted luminaires shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.

H. Uplighting: Uplighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky, and an Idaho licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this chapter.

I. Flagpoles: Upward flagpole lighting is permitted for governmental flags only; and provided, that the maximum lumen output is one thousand three hundred (1,300) lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.

J. Service Stations: The average foot-candle lighting level for new and existing service stations is required to be no greater than thirty (30) foot-candles, as set by the IESNA for urban service stations.

K. Canopy Lights: All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent property.

L. Landscape Lighting: Lighting of vegetation is discouraged and shall be in conformance with this chapter. Uplighting is prohibited.

M. Towers: All radio, communication and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

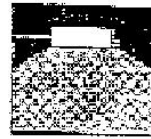
N. Temporary Lighting: Temporary lighting that conforms to the requirements of this chapter shall be allowed. Nonconforming temporary exterior lighting may be permitted by the administrator only after considering: 1) the public and/or private benefits which will result from the temporary lighting; 2) any annoyance or safety problems that may result from the use of the temporary lighting; and 3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the administrator. The administrator shall provide written notice of said request to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the request during a period of not less than ten (10) days after mailing of the notice and prior to final action on said request.

O. Neon Lights: Neon lights are only permitted pursuant to the sign ordinance, chapter 17.127 of this title.

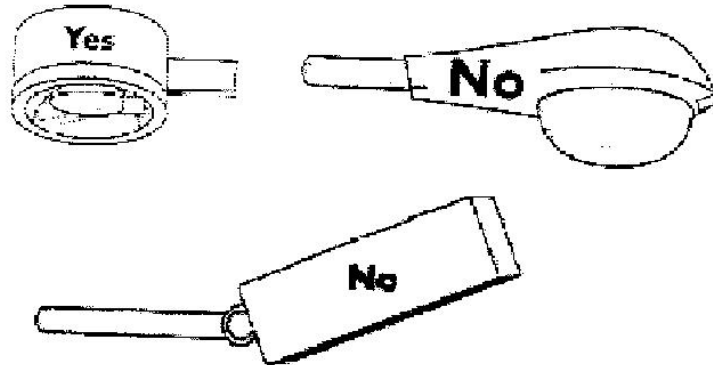
P. Figures: The following figures and information sheets shall be incorporated into this chapter as guidelines for the public and the city for use in meeting the intent of this chapter. The figures and information sheets only serve as examples. The city does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. Additional information is provided at the Ketchum planning department.

Figure 1

What is a true "full cutoff" outdoor lighting fixture?



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures is available in many styles.



Same fixture as above mounted incorrectly - defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.



Known as just "cutoff". Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.



Forward throw style. Exposed bulb in the forward direction produces some direct glare.

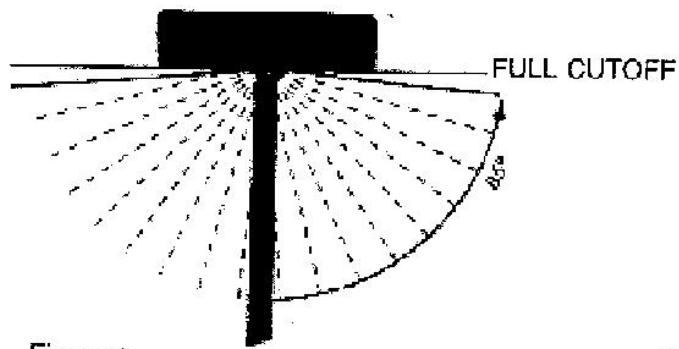


Figure 2  
85° Full cutoff fixture

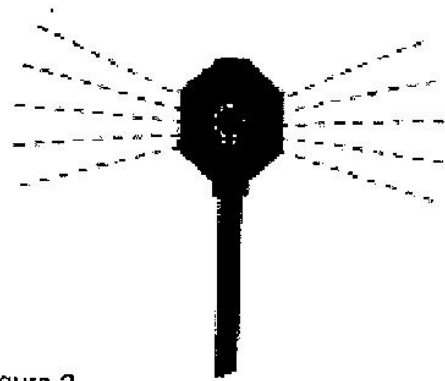


Figure 3  
Partially shielded  
(Translucent siding - bulb not visible)

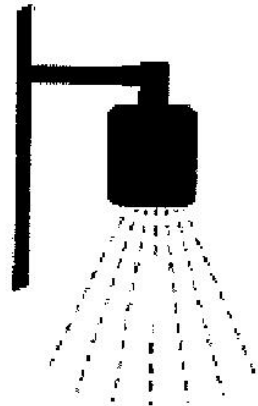


Figure 4  
Shielded

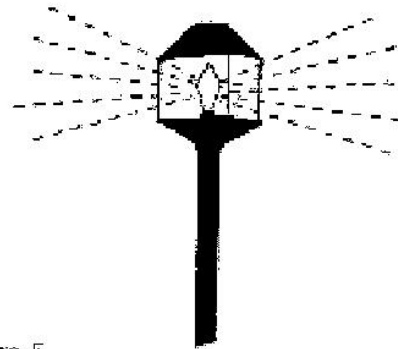


Figure 5  
Unshielded with opaque top  
(Less than 260 lumens)

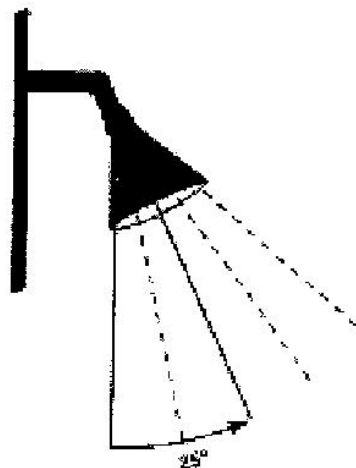


Figure 6  
Angle of floodlight  
with external shielding

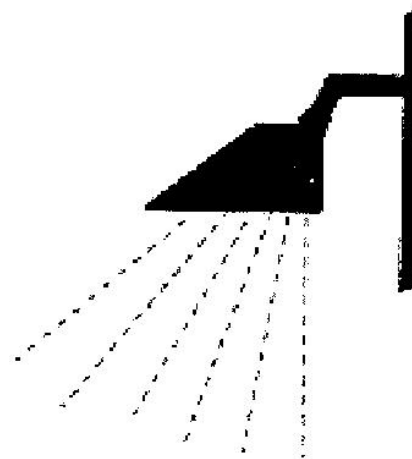


Figure 7  
Directional floodlight

17.132.030: NOTIFICATION:

A. The city building and planning department permits shall include a statement asking whether the subject property of the proposed work includes any exterior lighting. (Ord. 1135, 2015)

17.132.040: THE CITY'S ROLE:

A. The city will commit to changing all lighting within the city rights of way and on city owned property to meet the requirements of this chapter through the franchise agreement with the power company and/or through the light conformance schedule adopted by resolution by the council.

B. The city will assist property owners and/or occupants to correct any nonconforming lighting through consulting with the owner/occupant and assisting in the provision of shields. (Ord. 1135, 2015)

17.132.050: VIOLATIONS, LEGAL ACTIONS AND PENALTIES:

A. Violations And Legal Actions: If, after investigation, the administrator finds that any provision of this chapter is being violated, the 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 such violation. If the violation is not abated within the thirty (30) day period, the administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this chapter and to collect the penalties for such violations.

B. Penalty: A violation of this chapter, or any provision thereof, shall be punishable by a civil penalty of one hundred dollars (\$100.00), and each day of violation after the expiration of the thirty (30) day period provided in subsection A of this section shall constitute a separate offense for the purpose of calculating the civil penalty. (Ord. 1135, 2015)