



Code Interpretation

Interpretation Type: Missoula Lighting Ordinance

Effective Date: April 2, 2021

From: Office of the City Lighting Administrator

Pertinence: Missoula Streetlighting LED Conversion Project

Interrogatory and statements of fact:

The Missoula Streetlighting LED Conversion Project consists of numerous lighting poles which are located in locations of non-compliance with the adopted Lighting Ordinance, if they were to be installed today. Given the existing non-compliance of these street lights, can the light fixture be replaced without relocating the existing pole and still comply with the intent of the Lighting Ordinance?

Interpretation and commentary:

8.64.090(A)(1) allows all existing lighting fixtures which were in violation of the Lighting Ordinance, prior to the effective date of the ordinance, to remain without a time limit.

8.64.090(A)(3) addresses the need for light fixture replacement activities on non-conforming poles to meet 8.54.100

8.64.100(A) states "Street light fixtures installed after the effective date of this ordinance shall be equipped with full cutoff optics, and positioned to minimize any direct glare source and not create light spillover."

It is my interpretation of the above codes that there is a conflict between 8.64.100(A) requiring the new fixture to create no light spillover and 8.64.90(A)(3) allowance for a light fixture on a non-conforming pole to be replaced without the replacement of the non-conforming pole. The fact many non-conforming poles are located such that any light fixture replacement will continue to produce non-compliant light spillover, it is my belief there is an error in the correlation between these two code sections.

Given there is not a process to keep an existing non-compliant pole while also maintaining the new street light requirements of 8.64.100, either 8.64.090 or 8.64.100 must provide relief in which to alleviate mutual exclusivity. It is my interpretation the intent of the code is to allow existing light fixture replacement on non-conforming poles to take place, given the following requirements:

1. Mercury vapor lamps or bulbs are not used in the new fixture.
2. The light fixture must be equipped with full cutoff optics.
3. Fixture position must minimize any direct glare source.
4. Fixture must reduce light spillover to the greatest extent possible given the existing location and height of the existing, non-conforming, pole it is mounted upon. In no instance shall light spillover be increased with the replacement of the fixture.

Requirement 4 provides the relief of mutual exclusivity present in the code by acknowledging fixture replacement on non-conforming poles is unlikely to be capable of meeting the requirements of a newly install pole in which location and height are options. Should this interpretation been deemed incorrect or nullified by any means, this interpretation shall be considered evidence of a variance provided in this matter.

Should you have any questions regarding this interpretation, please contact Aaron Bowman, City Building Official at BowmanA@ci.missoula.mt.us for assistance.



City Lighting Administrator

End of Interpretation