

ORDINANCE No. 134

AN ORDINANCE ESTABLISHING OUTDOOR LIGHTING REGULATION FOR THE CITY OF UHLAND CALDWELL/HAYS COUNTY, TEXAS; PROVIDING PENALTIES FOR VIOLATION THEREOF; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS;

THIS ORDINANCE IS ADOPTED UNDER AUTHORITY OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS.

SECTION 1. SHORT TITLE

This Ordinance shall be known as The Lighting Ordinance of the City of Umland, Texas, herein referred to as the City.

SECTION II. PURPOSE OF ORDINANCE

The lighting regulations established in this Ordinance have been adopted for the purpose of:

- A. Ensuring that outdoor lighting does not unreasonably interfere with the reasonable use and enjoyment of property, and to minimize instances of light trespass, as defined herein, within the City's jurisdiction;
- B. Helping to preserve the present rural character within the City's jurisdiction by minimizing the growth of urban skyglow;
- C. Regulating the permitted construction of outdoor lighting fixtures within the City's jurisdiction;
- D. Encouraging the use of outdoor lighting which will preserve the natural environment, minimize glare, increase night time safety and security, and conserve energy by using efficient means of illumination within the City's jurisdiction.

SECTION III. DEFINITIONS

- A. Candle Power: one candle power source emits one lumen into one steradian.
- B. Illumination: one foot candle equals one lumen falling on a one square foot surface.

- C. Light Trespass: light emitted from fixtures designed or installed as to cause light to fall where it is not wanted, usually on neighbor property, motor vehicle drivers' eyes, or wasted upwards, illuminating the sky.
- D. Lumen: amount of light from one international candle emitted through one steradian solid angle, international candle and steradian being as they are understood and accepted by illuminating engineers.
- E. Nanometer (nm): one billionth of a meter, used as indicator of color "wave lengths" of light. E.g.: blue, green and red, which cover the visible spectrum. The blue is 400 nm, green is 550 nm, red is 700 nm.
- F. Outdoor Lighting: any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally illuminated on or off premises advertising signs, and area-type lighting. It does not include lighting equipment required by law to be installed on motor vehicles or lighting required for the safe take-off and landing of aircraft.

SECTION IV. REGULATIONS

- A. The installation of outdoor lighting which does not meet the following lamp efficiency are prohibited:
 - 1. Lamps of 1,000 to 10,000 lumens must have an energy efficiency of 50 lumens per watt or better.
 - 2. Lamps of more than 10,000 lumens must have an energy efficiency of 75 lumens per watt or better.
- B. Outdoor lighting, as outlined above, energized between 11:00 p.m. and sunrise which only emit light below a horizontal plane running through the lowest point on the fixture where light is emitted are allowed.
- C. The illumination of any sports recreational facility, public or private, is allowed between sunrise and 11:00 p.m., unless it is needed to complete a specific organized activity or event already in progress at 11:00 p.m.
- D. The installation of street lights which do not exceed by ten percent (10%) Federal and State minimums for total luminous output and peak luminous flux at ground level are allowed.
- E. The replacement, enlargement, alteration, repair or improvement of any existing outdoor lighting equipment which becomes damaged or inoperable with equipment which does not conform to this Ordinance is prohibited. This

prohibition applies to all fixtures exempted in Section VI.

- F. The illumination of any billboard or advertising sign, whether on premise or off-premise, between sunrise and 11:00 p.m. is allowed, except instances that meet one of the following criteria:
 - 1. On premise signs may remain illuminated between 11:00 p.m. and sunrise only while the business is open to the public, or
 - 2. On or off premise signs may remain illuminated between 11:00 p.m. and sunrise only if no light is emitted above a horizontal plane and the light emitted does not constitute light trespass, as herein defined.
- G. Any illumination device energized between 11:00 p.m. and sunrise, except those exempted by Section VI, which constitutes light trespass is prohibited.
- H. Any illuminated device not exempted by Section VI which emits energy in wavelengths not visible to the human eye is prohibited. Prohibited wavelength emissions are those shorter than 350 nanometers (ultraviolet); provided, however, such prohibition is not intended to restrict the use of any equipment other than that used for visible lighting. For example, sun tanning apparatus.

SECTION V. MATERIALS AND METHODS OF INSTALLATION

This Ordinance is not intended to prohibit the use of any design, material or method of prescribed installation not specifically proscribed by this Ordinance, provided such alternative meets the legislative intent of this Ordinance.

SECTION VI. EXCEPTIONS

The following lighting instances are exempt from this Ordinance:

- A. Outdoor lighting in place or operable immediately preceding the effective date of this Ordinance is exempt. The replacement, enlargement, alteration, repair or improvement of these grandfathered fixtures is governed by Section IV of this Ordinance.
- B. Incandescent lights of 100 watts or less and fluorescent lights of 20 watts or less, provided total luminous output does not exceed 1,000 lumens per acre and no light is emitted above a horizontal plane.
- C. Outdoor lighting for which light is produced directly by the combustion of fossil fuels.
- D. Outdoor lighting in which light is produced in glass tubes filled with neon, argon or krypton.
- E. Outdoor lighting used during law enforcement, fire, and medical activities.

- F. Outdoor lighting employed during emergency repairs of roads and utilities.
- G. Outdoor lighting required by law to be installed on motor vehicles.
- H. Outdoor lighting required for the safe operation of aircraft.
- I. Temporary outdoor lighting required to save life or property from imminent peril.
- J. Outdoor lighting installed on Federal and State facilities, however, voluntary compliance is encouraged.
- K. Temporary exemptions to this Ordinance may be given, upon written request to the Sign Administrator, but may not exceed 10 days per exemption and have a limit of two extensions per temporary exemption.

SECTION VII. CONFORMANCE WITH APPLICABLE CODES

- A. All artificial outdoor lighting fixtures shall be installed and operated in conformance with the provisions of this Ordinance and not violate the Sign Ordinance of the City of Umland.

SECTION VIII. VIOLATIONS AND PENALTIES

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve or convert any illumination device of any type, or cause the same to be done, contrary to or in violation of any provision of this Ordinance. Any person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this Ordinance is committed, continued or permitted.
- B. Any person who violates the provisions of this Ordinance upon conviction shall be guilty of a misdemeanor and shall pay such penalties as the court may decide not to exceed fifty dollars (\$50.00) for the first offense and for the second and additional offenses one hundred dollars (\$100.00). Each day's continued violation shall constitute a separate violation.
- C. Payment of any penalty herein provided shall not relieve a person, firm or corporation from the responsibility of correcting the conditions consisting of the violation.

SECTION IX. PUBLIC NUISANCE

- A. Any lighting fixture erected, constructed, enlarged, altered, repaired, moved, improved or converted contrary to the provisions of this Ordinance shall be, and the same is hereby declared to be, unlawful and a public nuisance.
- B. The City of Umland City Council or its appointed authority shall, when appropriate, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any

failure, refusal or neglect to obtain a permit as required by this ordinance shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement or conversion of an outdoor lighting structure.

SECTION X. CONFLICTS

Where any provision of this Ordinance conflicts with the statutes, codes or laws of the United States of America or the State of Texas, the most restrictive shall apply unless otherwise required by law.

SECTION XI. SEVERABILITY

Should any section or portion of any section hereof be decreed to be invalid, the invalidity of any such section portion thereof shall not affect the validity of the remaining portions of the Ordinance, and each section and each portion thereof not decreed to be invalid shall remain and be fully enforceable.

SECTION XII. EFFECTIVE DATE

This Ordinance shall be effective upon its passage, approval and publication as provided for by law by the City Council.

PASSED AND APPROVED by the City Council of the City of Umland, Texas on this the 10 of July 2013.

Unless and until this Ordinance becomes effective within the Extra Territorial Jurisdiction (ETJ) of the City, the City Council hereby requests that all landowners, developers and occupiers of land within the ETJ voluntarily comply with this Ordinance.

THE CITY OF UHLAND TEXAS,

Signed by:
Mayor, Glenn Smith



Attest:
City Secretary, Karen Gallaher

