

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 8, OFFENSES & NUISANCES, OF THE SAN ANGELO CODE OF ORDINANCES, TO ADD A NEW ARTICLE 8.1200, ENTITLED “OUTDOOR LIGHTING” IN ORDER TO CREATE STANDARDS FOR OUTDOOR LIGHTING TO MINIMIZE LIGHT POLLUTION, GLARE AND LIGHT TRESPASS CAUSED BY INAPPROPRIATE OR MISALIGNED LIGHT FIXTURES, WHILE IMPROVING NIGHTTIME PUBLIC SAFETY, UTILITY AND SECURITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of San Angelo City Council (“City Council”) seeks to promote the effective and reasonable artificial exterior illumination within the City of San Angelo City Limits; and

WHEREAS, the City Council finds that improperly designed light fixtures cause glare, light pollution, wasted resources and interfere with the right of residents to the peaceful enjoyment of their homes; and

WHEREAS, glare and light pollution can result in hazardous conditions for all modes of transportation, the diminishing ability to view the night sky, light trespass and an unattractive townscape; and

WHEREAS, the City Council desires to protect the health, safety and welfare of the general public, and is authorized such police power ordinances as required to protect the night sky that adds to the quality of life of the City of San Angelo; and

WHEREAS, these lighting regulations are not intended to sacrifice the safety of our citizens or visitors, or the security of property, but instead will result in safer, efficient and cost-effective lighting; and

WHEREAS, the City Council finds that the restrictions and regulations imposed by this Ordinance are characterized as reasonable, necessary, for the public benefit, and proper for the good government of the City of San Angelo.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS:

Section 1) **THAT**, Chapter 8, entitled “Offenses & Nuisances” of the Code of Ordinances, City of San Angelo, Texas is hereby amended by adding the following Article 8.1200, entitled “Outdoor Lighting” to regulate light trespass and glare:

Article 8.1200 Outdoor Lighting

Sec. 8.1201 Definitions

Adequately shielded: Shielding of an outdoor luminaire by opaque components or materials, such that light rays are limited to the parcel of origin and the light source is not visible from another property or the public right-of-way.

Director: The Neighborhood and Family Services Director or his designee.

Light source: An electrical bulb, tube, diode, or other device that produces artificial light or illumination.

Light trespass: Light emitted from luminaires designed or installed in a manner that causes light to fall on a property other than the one where the light is installed, on the public right-of-way, in a motor vehicle drivers’ eyes, or upwards toward the sky. The presence of light trespass shall be determined in accordance with Section 8.1205.

Luminaire: A complete lighting unit consisting of one or more light sources (light bulbs), the lamp holder, any reflector or lens, and any other components or accessories.

Outdoor Luminaire: Outdoor luminaires, whether permanent or portable, including general light fixtures, searchlights, spotlights, and floodlights; and the light cast by such fixtures.

Person: Any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club, or organization of any kind.

Sec. 8.1202 Outdoor Lighting Standard

All outdoor luminaires shall be located, adequately shielded, and directed such that no light shines beyond the boundaries of the property on which the luminaire is located and onto another property or the public right-of-way.

Sec. 8.1203 Exemptions

The following outdoor luminaires shall be exempt from the provisions of this article when properly installed:

- a. Luminaires used or otherwise required by law enforcement or other emergency personnel.
- b. Luminaires used to illuminate publicly-owned property, including but not limited to, parks, recreation areas, schools, streets, street signs and sidewalks.
- c. Luminaires used to illuminate authorized public and private monuments.
- d. Luminaires authorized by a provision of state or federal law so long as that lighting conforms to the requirements of the state or federal law.
- e. Luminaires used for temporary holiday decoration not to exceed forty five (45) days prior to a holiday and no more than fourteen (14) days after the holiday.
- f. Luminaires used for special events such as festivals, fairs, holiday celebrations, concerts, or sporting events that are either sponsored by the City of San Angelo or have received authorization from the City of San Angelo.
- g. Luminaires producing light directly by the combustion of fossil fuels (such as kerosene lanterns and gas lamps).
- h. Neon luminaires.

Sec. 8.1204 Complaint Procedure

Upon the written complaint setting forth the particulars concerning any lighting situation that is alleged to be in violation of this Article, it shall be the responsibility of the Director to investigate the basis of the complaint, and if there is found to be sufficient cause for said complaint which constitutes a light trespass to the adjoining or neighboring properties or the public right-of-way, and determine whether a violation of this Article did or does occur.

Sec. 8.1205 Light Trespass

Any use of luminaries shall be operated so as not to produce glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line abutting a residential use shall be 0.05 foot candles.

Sec. 8.1206 Security Lighting

Security lighting triggered by motion or noise shall be allowed subject to all of the provisions of this article.

Sec. 8.1207 Non-Conforming Outdoor Luminaires

Outdoor luminaires existing on the effective date of this article that do not meet the requirements as set forth herein shall be brought into compliance or removed as follows:

- a. Within one (1) month of the effective date of this Article, where redirection of the light fixture is feasible and will bring the light fixture into compliance; or
- b. Within three (3) months of the effective date of this Article, in all other cases.

Sec. 8.1208 Compliance Methods

Outdoor luminaires not meeting the Outdoor Lighting Standard of **Section 8.1202** of this Article shall be brought into compliance in any of the following ways:

- a. Redirection of the luminaire;
- b. Shielding of the light source;
- c. Redesign or relocation of the luminaire;
- d. Replacement of the luminaire with a conforming luminaire; or
- e. Removal of the luminaire.

Sec. 8.1209 Enforcement

The Director shall have the primary responsibility for enforcing this article.

Sec. 8.1210 Violation

It shall be unlawful for any person or entity owning or having supervision or control (including building contractors) of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limits of the City of San Angelo to permit any outdoor luminaire in violation of this article to remain upon any such lot, tract or parcel of land.

Sec. 8.1211 Penalty

Any person who violates any provision of this article shall be guilty of a misdemeanor punishable, upon conviction, by a fine in accordance with the general penalty provision found in **Section 1.106** of this Code. Each day of such violation shall constitute a separate offense.

Section 2) THAT, the following severability clause is adopted with this amendment:

SEVERABILITY:

That the terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

Section 3) THAT, this Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the _____ day of _____ 2014, and finally PASSED, APPROVED and ADOPTED on this the _____ day of _____, 2014.

CITY OF SAN ANGELO

BY: _____
Dwain Morrison, Mayor

ATTEST:

Alicia Ramirez, City Clerk
Approved as to content:

Approved as to form:

Robert Salas, Director, Neighborhood &
Family Services Department

Lysia H. Bowling, City Attorney

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