

AN ORDINANCE

AMENDING THE CITY’S LIGHTING REGULATIONS BY REPEALING ORDINANCE #283 AND REPLACING IT IN ITS ENTIRETY WITH THE CONTENTS OF THIS ORDINANCE AND DIRECTING PUBLICATION; AND REPEALING ALL CODE PROVISIONS, ORDINANCES AND OTHER PROVISIONS IN CONFLICT HEREWITH; AND PROVIDING A SAVINGS CLAUSE; AND ADOPTING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HELOTES:

Section 1. Exhibit “A” (entitled “Lighting Ordinance”) attached hereto is incorporated herein for all purposes.

Section 2. The City of Helotes City Council hereby:

- a. adopts the revisions found in Exhibit “A;” and
- b. amends Ordinance No. 283 by replacing the content of said ordinance in its entirety with this Ordinance.

Section 3. This ordinance shall take effect immediately upon its passage, approval and publication as prescribed by law.

PASSED AND APPROVED AT HELOTES, TEXAS, THIS 25TH DAY OF JULY, 2006 TO BE EFFECTIVE AFTER PUBLICATION.

CITY OF HELOTES, TEXAS

Jonathan S. Allan, Mayor

ATTEST:

Theresa Helbert, City Secretary

APPROVED AS TO FORM:

David Earl, City Attorney

EXHIBIT A Lighting Ordinance

Purpose and Intent

- (A) It is the purpose of this ordinance to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property; reduce problems created by improperly designed and installed outdoor lighting; and minimize adverse effects on residents, vehicle operators and pedestrians, the natural environment, and astronomical observations.
- (B) It is the intent of this ordinance to encourage “good neighbor” lighting practices and systems that attempt to minimize light trespass and glare from shining onto abutting properties or into street traffic.

Section 1.0

1.1. Definitions: For the purposes of this Ordinance, terms used shall be defined as follows:

Direct light - light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Full Cutoff (FCO) – describes a luminaire light distribution where 100 candela per 1000 lamp lumens (10%) may emit at all vertical angles beginning at 80 degrees up from nadir to less than 90 degrees, and zero candela per 1000 lamp lumens (0%) is allowed at 90 degrees (horizontal plane) and all angles above. This applies to all horizontal angles around the luminaire. A full cutoff luminaire is also fully shielded.

Footcandle - a unit of light measurement equal to one lumen per square foot.

Fully Shielded – a lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer. A fully shielded fixture is not necessarily full cutoff.

Glare – a luminance produced by bright sources in the field-of-view superimposed on the image in the eye reducing contrast and hence visibility.

Grandfathered luminaries - Luminaries that were in place at the time this code became effective and did not conform to this code. When an ordinance “grandfathers” a luminary, it means that such already-existing outdoor lighting does not need to be changed unless a period is specified for adherence to the code.

Illuminance - the quantity of light arriving at a surface measured in lux or footcandles.

Intermittent lighting – luminaries that do not remain on for an extended period of time.

Lumen - a unit of luminous flux. One footcandle is one lumen per square foot. For the purpose of this regulation, the lumen-output values shall be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.

Luminary - 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 supply.

Nadir – the direction pointing vertically down from the lowest light emitting part of the luminaire (see Exhibit 1 for an example)

Outdoor lighting – night-time illumination of an outside area or object by any man-made device that is located outdoors and produces light.

Temporary outdoor lighting – lighting for a specific unusual purpose of an outside area or object by any man-made device that produces light for a period of less than 7 days, with at least 30 days passing before being used again.

Trespass lighting – light emitted by a luminary which falls outside the boundaries of the property on which the luminary is sited.

Section 2.0

2.1. Generally

All public and private outdoor lighting installed in the City of Helotes shall be in conformance with the requirements established by this Ordinance. See 3.1A

- (A) Lighting may be used to emphasize features of architectural or historical significance, and to light roads, parking areas, walkways, bikeways, pathways, parks and gardens. It may be used for advertising or display to promote products or services, or to call attention to commercial premises by means of area lighting and signs.
- (B) Lighting shall follow the outline of Exhibit 4, which illustrates the types of acceptable outdoor lighting that are approved under this ordinance. No lighting installed on any commercial property shall be under the “Unacceptable Fixture” column in Exhibit 4. Instead, all commercial lighting shall follow lighting styles under the “Acceptable Fixture” column.

2.2. Control of Glare

- A) Any luminary that is aimed, directed, or focused such as to cause direct light from the luminary to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways is prohibited. Such luminary shall be redirected or its light output controlled as necessary to eliminate such conditions.
- B) To the extent allowed by federal and state law this ordinance limits luminaries used for public-roadway illumination to a maximum height of 25 feet, the location of which may be positioned at that height up to the edge of any bordering property.
- C) All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this article.

2.3. Residential Lighting

- A) All residential trespass lighting shall not exceed 1.5 footcandles at the property line, with the exception of intermittent lighting.

- B) Intermittent lighting shall be of the “motion sensor” type that stays on for a period of time not to exceed five minutes and has a sensitivity setting that allows the luminary to be activated only when motion is detected on the site.
- C) It is highly recommended that all residential lighting also comply with subsections B, C, G and I of Section 2.4 below.

2.4. Commercial Lighting

- B) For lighting horizontal tasks such as roadways, sidewalks, entrances and parking area, fixtures shall meet “full cutoff” criteria (no light output emitted above 90 degrees at any lateral angle around the fixture).
- C) NEMA-head fixtures, a.k.a. “barn lights” or “dusk-to-dawn lights,” shall not be permitted on any commercial property unless fitted with a city approved reflector to render them full cutoff.
- D) “Park style” or “Period style” fixtures shall not be permitted on any commercial property unless fitted with a city approved reflector to render them full cutoff.
- E) Wallpack fixtures shall not be permitted on any commercial property unless fitted with a city approved reflector to render them full cutoff.
- F) All trespass lighting shall not exceed 2.5 footcandles measured at the property line.
- G) Floodlight fixtures must be aimed so as to prevent direct radiation of light into the open sky at any angle above the horizontal plane as shown in Exhibit 2 and verified using the method shown in Exhibit 3.
- H) Shall comply with the Architectural Review Board aesthetic Standards that have been approved by City Council, for Exterior Lighting.
- I) All outdoor lighting on commercial property shall be full cutoff and the documentation to prove full cutoff status of outdoor lighting must be provided to the city from the manufacturer or firm handling the installation of said outdoor lighting.

Service stations and other fueling facilities:

- A) Outdoor sales and gas stations canopies must utilize canopy lights that are fully recessed into the canopy or are fully shielded by the canopy.
- B) The following average maintained illuminance levels for service stations must not be exceeded:

Service Station Component	Lighting Level
Approach	2.0 fc
Driveway	2.0 fc
Pump Island	10.0 fc
Building Façade	3.0 fc
Service Areas	3.0 fc
Landscape Highlights	2.0 fc

Table 1.

2.5. Parking Lot Lighting

- A) All parking lot lighting shall be full cutoff as defined.

2.6. Outdoor Advertising Signs

- A) Lighting fixtures used to illuminate an outdoor advertising sign shall conform to the requirements specified in the City’s most current sign regulations.
- B) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred.

- C) **Compliance Deadline.** Any provision to the contrary herein notwithstanding, all non-conforming advertising lighting (“grandfathered luminaries”) shall come into compliance with these regulations or be removed at no expense to the city on or before January 1, 2012.

2.7. Prohibitions

- A) **Laser Source Lighting** - The use of laser source light or any similar high intensity light, such as used for outdoor advertising or entertainment, when projected above the horizontal is prohibited unless authorized by City Council by specific ordinance as a special event such as a laser light show.
- B) **Searchlights** – The operation of searchlights for advertising purposes is prohibited, except that City Council may by ordinance authorize searchlights for special events.

2.8. Temporary Outdoor Lighting - Reserved

Section 3.0

3.1. Effective Date and Grandfathering of Nonconforming Luminaries

- A) This ordinance shall take effect immediately upon approval by City Council and publication as required by law. This ordinance shall supersede and replace all previous ordinances pertaining to outdoor lighting.
- B) All luminaries lawfully in place prior to the effective date of the Ordinance shall be grandfathered.
- C) Any provision to the contrary herein notwithstanding, all non-conforming lighting (“grandfathered luminaries”) shall come into compliance with this ordinance as follows:
 - 1) January 1, 2008, if the cause of excess illumination beyond the property is caused by the wattage of the lamp;
 - 2) January 1, 2012, if the cause is the design or placement of the fixture.

Section 4.0

4.1. Administration and Enforcement

- A) **Enforcement.** The civil and criminal provision of this ordinance shall be enforced by those persons or agencies designated by municipal authority.
- B) **Penalties.** Anyone charged with negligently, recklessly, knowingly or intentionally violating any provisions of this ordinance shall be cited for a misdemeanor offense, and upon conviction for such violation shall be punished by a penalty of not less than \$25.00 and nor more than \$2,000.00. Each day of continuation of each such violation shall be a separate offense and punishable as such.
- C) **Severability.** If any section, subsection, paragraph, sentence, clause, phrase, or word in this ordinance or application thereof, to any person or circumstance is held invalid or unconstitutional in a court of law, such findings shall not affect the validity of the remaining portions of the same and the city council hereby declares it would have passed such remaining portions despite such invalidity.
- D) **Law Governing Conflicts.** Where any provision of federal, state, county, or town statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

SECTION 5.0

5.1. Variances

- A. Variances to the terms of this ordinance may be granted by the City Council where a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. A variance request must be submitted to the administrator in writing that sets out the basis for the request along with the payment of the fees listed in the master fee schedule ordinance to cover the cost of processing the request. No variance can be granted unless:
1. such variance will not be contrary to public interest;
 2. such variance will be in harmony with the spirit and purposes of this ordinance;
 3. the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial; and
 4. the variance will not substantially weaken the general purposes of this ordinance.

EXHIBITS:

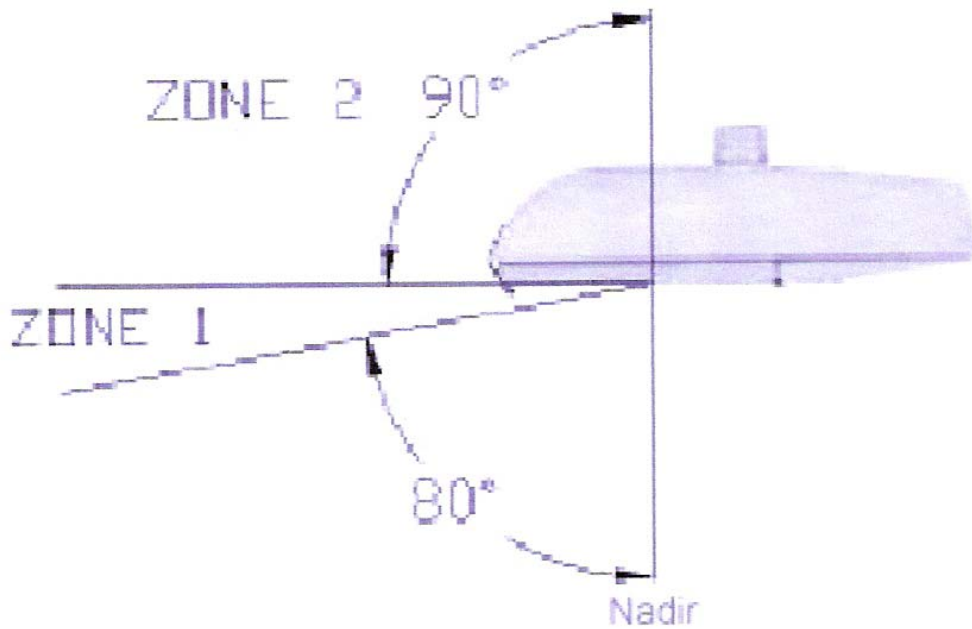


Exhibit 1. Full Cutoff (FCO) luminaire in Section 2.4. The FCO luminaire on any commercial property (beginning at 80 degrees up from nadir to less than 90 degrees) may emit up to 100 candela per 1000 lamp lumens (10%) at all vertical angles. This applies to all horizontal angles around the luminaire. This information can be provided on the packaging of the outdoor light or from the manufacturer.

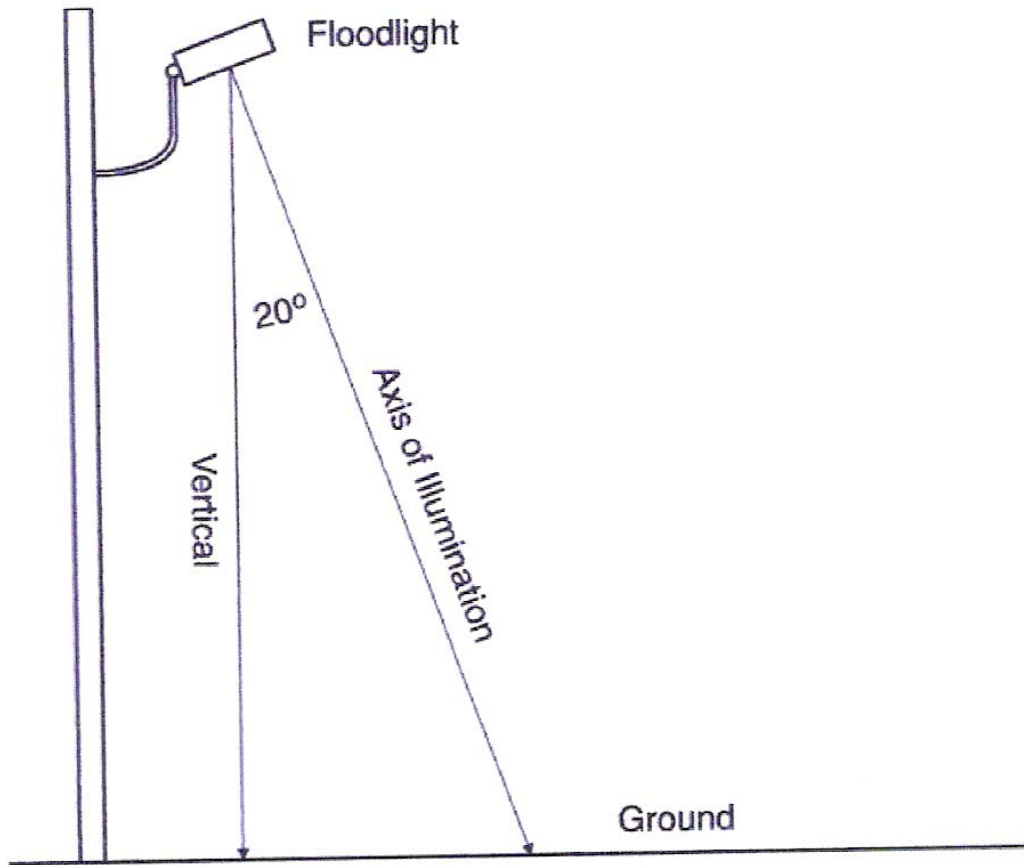


Exhibit 2. See Section 2.4 (F)- For spotlights and floodlights mounted overhead and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground.

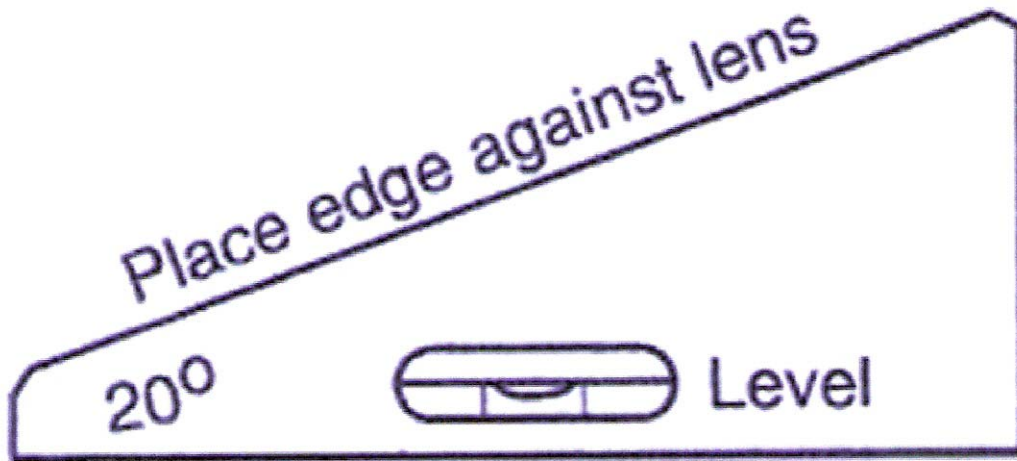
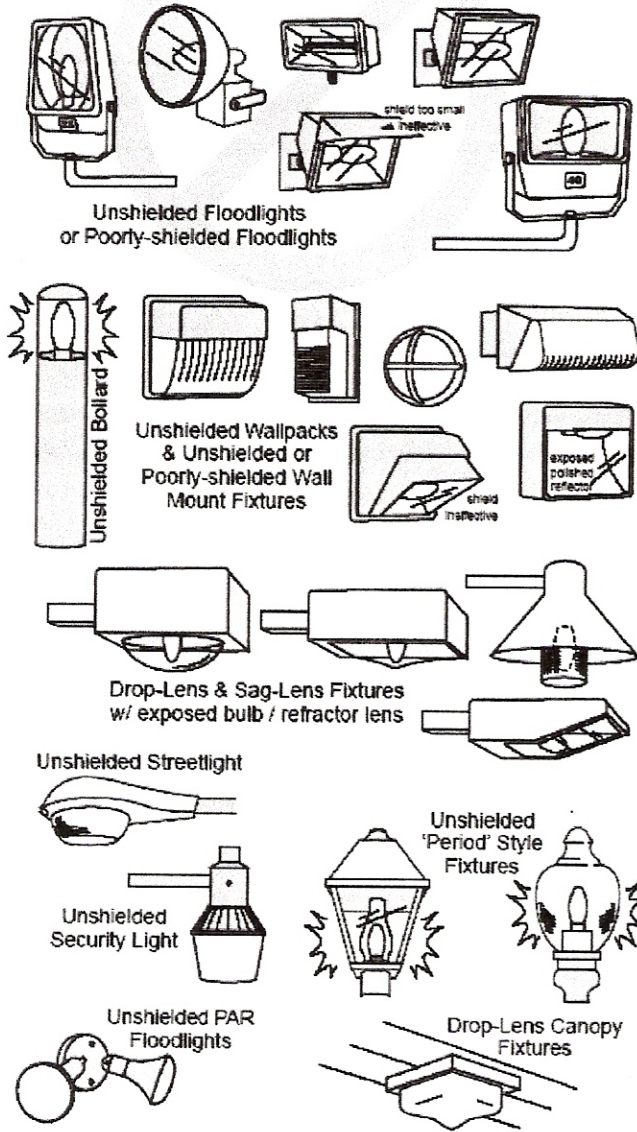


Exhibit 3. A tool for aiming lights as in Exhibit 1, above. Place the upper edge of the tool against the lens and adjust the fixture so that a level parallel to the bottom edge shows level.

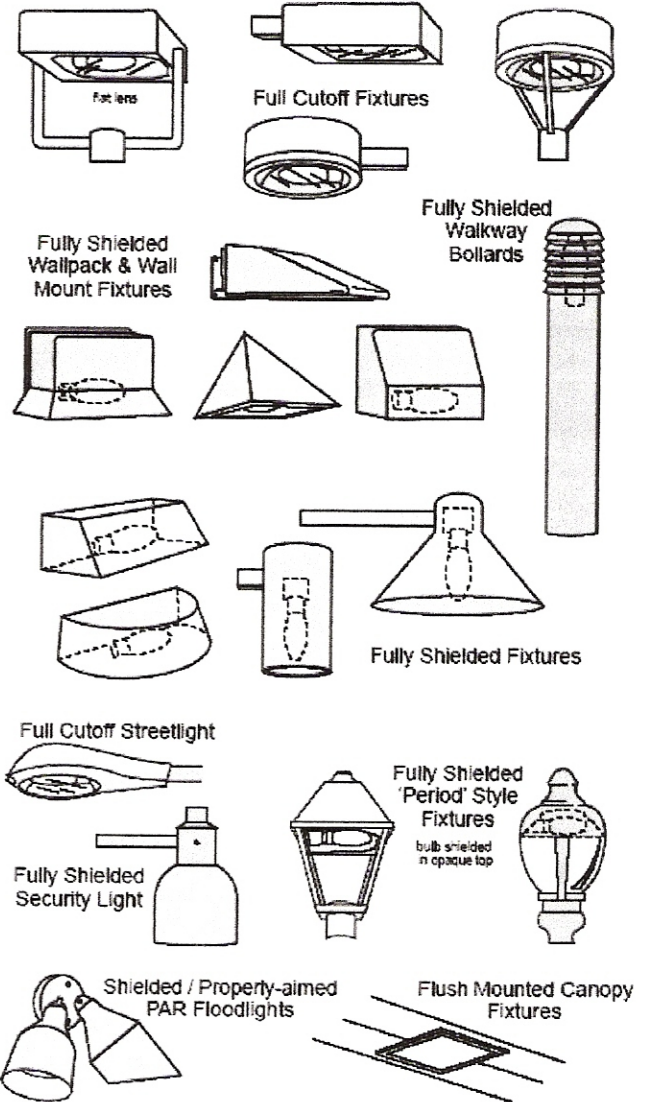
Unacceptable Fixtures

Fixtures that produce glare and light trespass



Acceptable Fixtures

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



BC 9/03

Exhibit 4. In general terms, all commercial outdoor lighting shall be in compliance with the outdoor lighting illustrated under the “Acceptable Fixtures” column in the above graphic. No commercial outdoor lighting shall illuminate as illustrated in the “Unacceptable Fixtures” column.