

ORDINANCE _____

AN ORDINANCE AMENDING CHAPTER 78 – ZONING, ARTICLE
V - SUPPLEMENTARY DISTRICT REGULATIONS, INGLESIDE
CODE OF ORDINANCES TO ADD DIVISION 6. LIGHTING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE,
COUNTY OF SAN PATRICIO, STATE OF TEXAS:

SECTION 1. AMENDMENT. Chapter 78 - Zoning, Article V. - Supplementary District Regulations, Division 6. - Lighting. Ingleside Code of Ordinances is hereby amended to read as follows, new matter being indicated by underscoring and deleted matter by interlineations and brackets

DIVISION 6. LIGHTING.

Sec. 78-500. - Generally.

Sec. 78-510. – Lighting and glare standards.

Sec. 78-511. - Luminaries.

Sec. 78-512. - Specific lighting requirements.

Sec. 78-513. - Exempt lighting.

Sec. 78-514. - Nuisance declared.

Sec. 78-515. - Filing of complaint; unlawful noncompliance; fines.

Sec. 78-500. Generally.

Secs. 78-501—78-509. - Reserved.

Sec. 78-510. Lighting and glare standards.

- (1) Lighting limited. Any light fixture shall be operated so as not to produce an obnoxious and intense glare or direct illumination across the bounding property line, and shall not be of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All lights projecting light to any exterior area 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 feet (See 78-514. Nuisance declared).

- (2) Lighting that illuminates any outdoor area shall conform to the definition for "full shielded light fixtures" and be designed, arranged and screened so that the point light source shall not be visible from adjoining lots or streets.

Sec. 78-511. Luminaries.

Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.

Sec. 78-512. Specific lighting requirements.

- (1) Facade and flagpole lighting must be directed only toward the facade or flag and shall not interfere with the night-visibility on nearby thoroughfares or shine directly at any adjacent residential use.
- (2) All lighting fixtures incorporated into non-enclosed structures (i.e., gas pump canopies, car washes, etc.) shall be fully recessed into the underside of such structures and shall meet section 78-510. of this division.
- (3) No flashing lights of any type, except for temporary holiday lighting.

Sec. 78-513. Exempt lighting.

- (1) Public recreation facilities lighting used on a temporary or seasonal basis is exempt from the standards of this ordinance:
- (2) Public street lights are exempt except that all replacement lights for any public street light shall be of the "Cut-off refractor" lighting type;
- (3) Traffic control lighting is exempt;
- (4) Federal Aviation Administration required lighting for the airport:
- (5) Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code:
- (6) Exit signs and other illumination required by building codes:

- (7) Lighting for stairs and pedestrian ramps, as required by the building code;
- (8) Signs are regulated by the sign code, but externally lit signs and displays must be shielded so as not to create obtrusive light;
- (9) Low voltage landscape lighting, but such lighting shall be shielded or directed in such a way as to eliminate obtrusive light;
- (10) Low intensity gas lighting in residential areas.
- (11) Low intensity "ambiance" lighting, such as "rope" lighting and frosted globe lighting.

Sec. 78-514. Nuisance declared.

The shining of light produced by a luminaire beyond the boundaries of the property on which the luminaire is located and onto another property under circumstances where the lighting element of the luminaire is visible from such other property and in such a manner and with such intensity as to disturb and annoy the reasonable sensibilities of a person living on and using such other property in a reasonable and customary manner as a residence is declared to be a nuisance and is prohibited. Street lights, traffic control lights, and public facility lighting are exempt from this ordinance."

Sec. 78-515. Filing of complaint; unlawful noncompliance; fines.

Any person may complain to the city in regards to lighting that does not comply with the standards set forth in this division. The complaint must be filed in writing to the City Code Enforcement Officer, Building Official, or a Peace Officer. It shall be unlawful for the owner or tenant within the city to fail to comply with the standards set forth in this section after notice is given, directing that such standards be met. The code compliance office, Building Official, Peace Officer or any other individual assigned such duties may, whenever a violation is found, file a complaint with the municipal court and/or issue citations. Any violation of any section subsection or part of this article shall be deemed a misdemeanor, and each violation during all or any portion of any day shall be a separate offense and subject to punishment as described in section 1-14 of this code.

SECTION 2. EFFECTIVE DATE. As provided by Article III, Section 3.11.C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

SECTION 3. READING. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance or the caption of it shall be read at two city council meetings with at least two weeks elapsing between each reading.

SECTION 4. SEVERANCE. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

SECTION 5. PUBLICATION. If and as required by Article III, Section 3.11.C of the Charter of the City of Ingleside, the caption of this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas.

PASSED, ORDAINED, APPROVED AND ADOPTED this _____ day of _____, 20____.

CITY OF INGLESIDE

BY: _____
Pete Perkins, Mayor

ATTEST:

CITY SECRETARY

First Reading: _____

Second Reading: _____