

CITY OF COTTONWOOD SHORES, TEXAS

ORDINANCE 8009

AN ORDINANCE AMENDING THE COTTONWOOD SHORES CODE OF ORDINANCES; MODIFYING REGULATIONS FOR OUTDOOR LIGHTING IN THE CITY LIMITS; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES INCLUDING CRIMINAL FINES NOT TO EXCEED \$ 500.00 PER VIOLATION AND CIVIL FINES OF UP TO \$500.00 PER VIOLATION; REPEALER; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cottonwood Shores (“City Council”) seeks to provide for the regulation of lighting within the city limits of the City of Cottonwood Shores (“City”), and when possible through contracts, the extraterritorial jurisdiction (ETJ); and

WHEREAS, the City Council seeks to maintain the value of Cottonwood Shores’ scenic beauty and rural charm, which are one of the keystones of the City’s quality of life, through a comprehensive regulatory program that includes zoning, subdivision control, and restrictions on signs and lighting; and

WHEREAS, the City has reviewed scientific studies on the health and safety risks of certain lighting devices; and

WHEREAS, the City Council finds that unnecessary and improperly designed light fixtures cause glare, light pollution and wasted resources; and

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

WHEREAS, the people who live in and near the City value the natural environment, including the beauty of the Hill Country and high quality of the night sky; and

WHEREAS, the City desires to protect the health, safety and welfare of the general public, and to protect the night sky that adds to the quality of life and economic well-being of the City; and

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

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government,

peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Chapter 217, the City has specific authority to adopt an ordinance or police regulation declaring, prohibiting and abating public nuisances; and

WHEREAS, pursuant to Texas Local Government Code Chapters 211 and 214, the City has general authority to adopt an ordinance or police regulation regarding the use of land, improvements upon land, and construction or building upon land; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City to adopt an ordinance regulating lighting.

NOW, THEREFORE, BE IT ORDAINED by the Cottonwood Shores City Council:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Previous ordinances of the City of Cottonwood Shores' Code of Ordinances are hereby amended so to read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment "A"*.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. PENALTY

Any person, firm or corporation violating any provision of this Ordinance commits an offense punishable as a City Ordinance violation – nuisance.

An offense under this section shall be filed with the Municipal Court of Cottonwood Shores by complaint or citation issued by any peace officer of the State of Texas and is punishable by the assessment of a fine up to two hundred dollars (\$200.00) for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

6. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

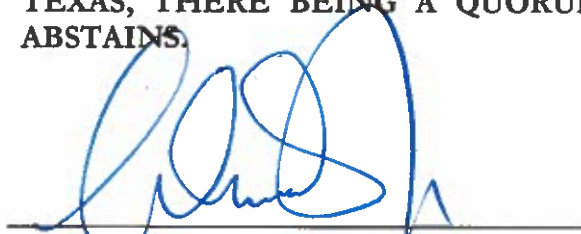
7. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication of caption.

8. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

ORDINANCE PASSED AND ADOPTED THIS THE 15th DAY OF JANUARY 2015, AT A MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THERE BEING A QUORUM PRESENT, BY 4 YEAS, 0 NAYS AND 0 ABSTAINS.



Donald Orr, Mayor



ATTEST:



Sheila C. Moore
City Administrator/City Secretary

ORIGINAL

Attachment "A"

**City of Cottonwood Shores
CODE OF ORDINANCES
DARK SKY LIGHTING**

ORDINANCE 8009: DARK SKY LIGHTING

This Article shall be known as the “Dark sky Lighting Ordinance”.

Section 1. Definitions

Words and phrases used in this Article shall have the meanings set forth in this section. Word and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

Applicant: A person or entity who submits to the City an application for an approval required by the Code of Ordinances. To be qualified as an Applicant under this Article, the person or entity must have sufficiently documented legal authority or proprietary interests in the land to commence and maintain proceedings under the Code of Ordinances. To avoid confusion, the term will not include anyone other than the Property Owner(s), tenant(s), or a duly authorized agent and representative of the Property Owner. As to enforcement between tenant(s) and Property Owner(s) of a particular piece of property, the Property Owner(s) shall have ultimate liability for violations of this Ordinance.

City: The City of Cottonwood Shores, an incorporated municipality located in Burnet County, Texas.

City Limits: The incorporated municipal boundary of the City, as may be expanded by annexation.

ETJ: The extraterritorial jurisdiction of the City.

Full Cut-off Fixtures: Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Holiday Lighting: Lighting used for a specific celebration which may be one of the following types:

- (1) Festoon type low-output lamps, limited to small individual bulbs on a string.
- (2) Low-output lamps used to internally illuminate yard art.
- (3) Flood or spot lights producing less than 2000 lumens each, whose light source is not visible from any other property, and which are used only as temporary lighting.

Lighting: Any source of light that does not include natural light emitted from celestial objects or

fire. The term includes 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. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.

Light Trespass: Light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky.

Logo: A representation or symbol adopted by a business, organization, or an individual used to promote instant public recognition.

Lumen: The unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from "watt," a measure of power consumption). For the purposes of this Article, 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. (Abbreviated lm)

Lumens per Acre: The total number of initial lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.

Luminous Elements (of a Light Fixture): The lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively comprise the luminous elements of a light fixture (luminaire).

Major Addition: Enlargement of twenty-five percent (25%) or more of the building's gross floor area, seating capacity, or parking spaces, either with a single construction project or cumulative series of construction projects, after the enactment of this Article. The term also includes replacement of twenty-five percent (25%) or more of installed outdoor lighting.

Non-Residential: Property designated as Non-Residential under the City's Zoning Ordinance.

Outdoor Lighting: Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Non-residential fixtures that are installed indoors that cause light to shine outside are considered outdoor lighting for the intent of this Article. (See Figure A). Residential fixtures installed indoors generating more than 6200 lumens (approximately equal to a 300 watt incandescent bulb) that cause light to shine outside are also considered outdoor lighting for the intent of this Article.

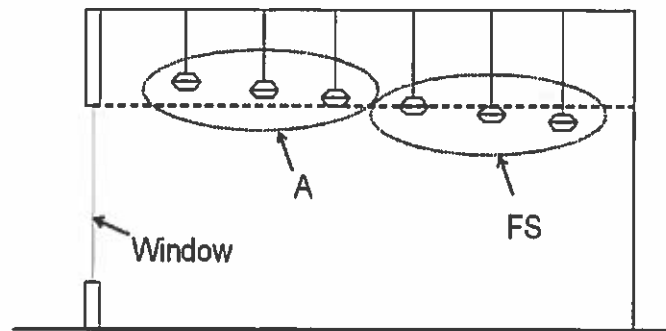


Figure A: Elevation view showing a non-residential application of indoor lighting, labeled FS, which will be subject to this ordinance and indoor lighting, labeled A, which is installed so that it is not subject to this Ordinance.

Person: A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship.

Residential: Property designated as Residential under the City's Zoning Ordinance.

Temporary Lighting: Lighting intended for uses which by their nature are of limited duration; for example holiday decorations, civic events, or construction projects.

Total Outdoor Light Output: Total outdoor light output is the total amount of light, measured in lumens, from all outdoor light fixtures within the illuminated area of a property. The lumen value to be used in the calculation is the initial output, as defined by the manufacturer. To get the total, add the initial lumen output attributed to each light fixture.

Uplighting: Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

Section 2. General

(a) Scope.

- (1) This Article applies within the City Limits.
- (2) Nothing herein shall be construed as preventing or limiting the City from applying this Article to the ETJ through agreements with property owners, or as a term affixed to a conditional approval (such as a variance).

(b) Exemption. The following are exempt from the application of the regulations of this Article: lighting equipment required by law to be installed on motor vehicles or lighting required for the safe take-off and landing of aircraft.

(c) **Prohibition.** It shall be unlawful and an offense for any person to do the following:

- (1) Install lighting contrary to this Article;
- (2) Fail to comply with any terms or conditions set forth in a permit issued under this Article.

Section 3. New Lighting

- (a) **General.** All outdoor lighting shall be installed in conformance with the provisions of this Article, applicable Electrical Codes, Energy Codes, and Building Codes, except as provided herein.
- (b) **Prohibition.** It is an offense to install new outdoor lighting that does not comply with the standards established by this Article unless a variance is granted.
- (c) **Non-Residential.** All outdoor lighting installed on Non-Residential properties shall conform to the standards by this Article, except as provided herein.
- (d) **Residential.** All outdoor lighting installed on Residential properties that is affixed to a construction project for which a Building Permit is required under the Code of Ordinances shall conform to the standards established by this Article unless a variance is granted.

Section 4. Nonconforming Existing Lighting

- (a) All existing outdoor lighting that was legally installed before the enactment of this Article, that does not conform with the standards specified imposed by this Article shall be considered nonconforming. Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this Article.
- (b) If more than fifty percent (50%) of the total appraised value of a structure (as determined from the records of the Burnet County Appraisal District), has been destroyed, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this Article.
- (c) Nonconforming outdoor lighting shall be brought into conformance with this Article as follows:
 - (1) **Non-Residential-Major Addition.** All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, conditional use permit, subdivision approval, or a building permit for a Major Addition is required to be brought into conformance with this Article before final inspection, issuance of a Certificate of Occupancy, or final plat recordation, when applicable. For the following permits issued by the City, the Applicant shall have a maximum of 90 days from date of permit issuance to bring the lighting into conformance: site development permit, sign permit for an externally or internally-illuminated outdoor sign, initial alcoholic

- beverage permit, initial food establishment permit, and on-site sewage facility permit.
- (2) **Residential Addition or Remodel.** Nothing herein shall be construed to terminate a residential property's nonconforming status as a result of an addition or remodel.
- (d) It is unlawful to expand, repair or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired or has been forfeited.

Section 5. Shielding and Total Outdoor Light Output Standards

- (1) All outdoor lighting shall be shielded so that the luminous elements of the fixture are not visible from any other property. (See Figures B and C).



Figure B: Mounting height or proximity to property lines may cause the luminous elements of a light fixture to need additional shielding. Above are two examples of shielding.

DO NOT USE

MAY BE USED IN MOST CASES

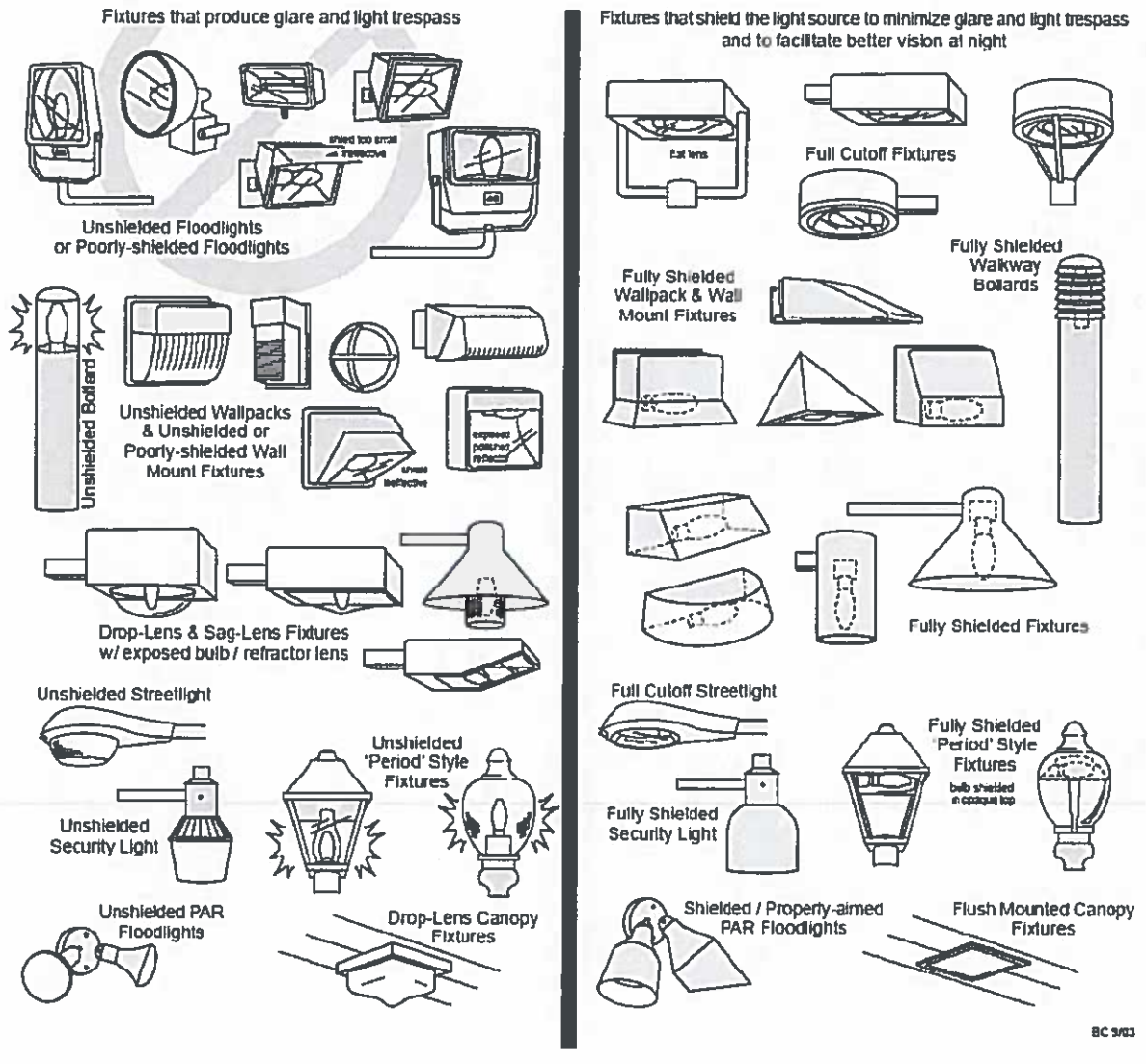


Figure C: The lights on the left are non-conforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

- (2) Governmental owned street lights shall meet the qualifications to be full cut-off fixtures in order to limit Light Trespass. (See Figure D).

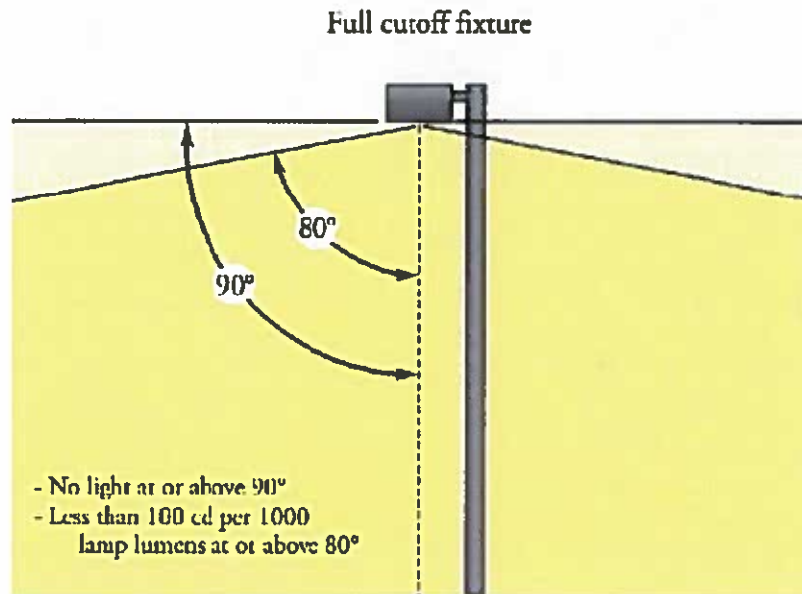


Figure D: Full cutoff fixtures do not allow any light to be emitted above the fixture. The fixture controls glare by limiting the light output at 10 degrees below the horizontal, to less than 10% of the light output in lumens.

- (3) Outdoor uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this Article.
- (4) Outdoor lighting fixtures, except uplighting covered in Section 24.06.006(3) above, are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements. (See Figures E and F).

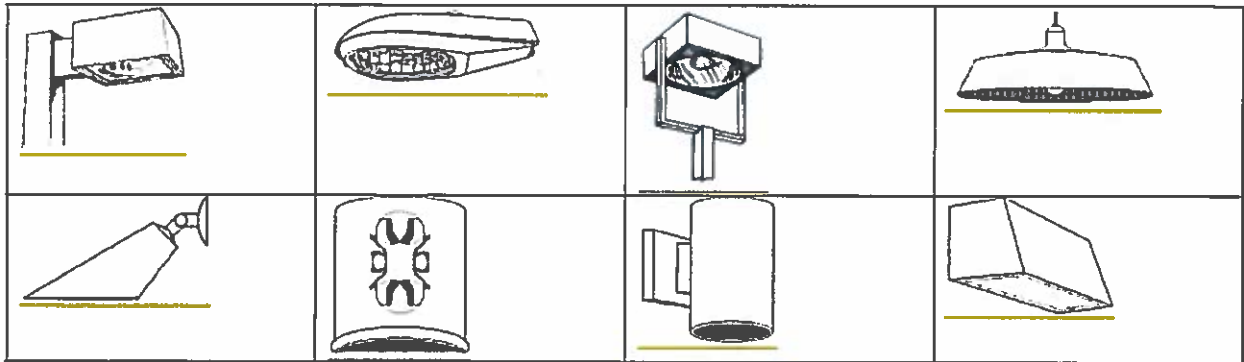


Figure E: This figure shows examples of fixtures that will conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements if they are closed on top and mounted such that the bottom opening is horizontal. Note that the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

A practical way to determine if a light fixture will conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements: the lamp or tube, any reflective surface or lens cover (clear or prismatic) must NOT be visible when viewed from above or the side.

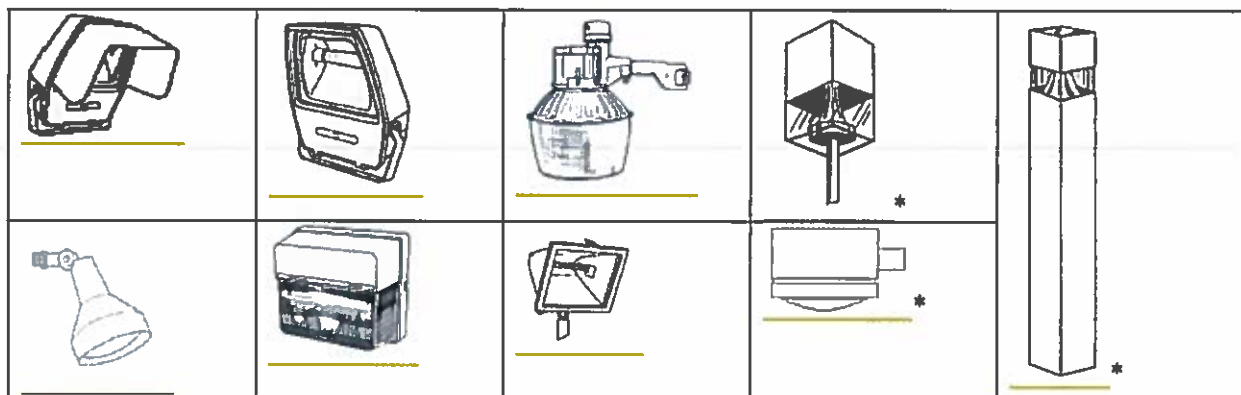


Figure F: This figure illustrates examples of fixtures that do NOT conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements.

*Note: Even though the lamps in these fixtures are shielded from direct view when viewed from the side or above, reflective surfaces within the fixtures and or lens covers *are* directly visible from the side.

- (5) Total outdoor light output (excluding governmental owned street lights used for illumination of public rights-of-way and outdoor recreation facilities) of any non-residential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area. This Lumen per net acre value is an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task.
- (6) Total outdoor light output (excluding governmental owned street lights used for illumination of public rights-of-way and outdoor recreation facilities) of any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.
- (7) Outdoor recreational facilities are not subject to the lumens per net acre limit. However, outdoor recreational facilities are subject to the shielding requirement (previously described). Where fully shielded fixtures are not available, lighting fixtures using external louvers or shields that, in the final installed configuration, extend to within 3 inches on the lowest portion of the light fixture opening are required. (See Figure G). The fixtures shall be installed and maintained with aiming angles that permit no greater than 1% of the light emitted by each fixture to project above the horizontal. It is recommended that the lumens per net acre for multi-directional aerial sports (e.g., baseball, basketball, football, soccer) not exceed 1,000,000 lumens per net acre. It is recommended that the lumens per net acre for uni-directional aerial sports (e.g., golf at a driving range, skeet shooting) and all ground level sports (e.g., field hockey, swimming, archery, target shooting) not exceed 800,000 lumens per net acre.

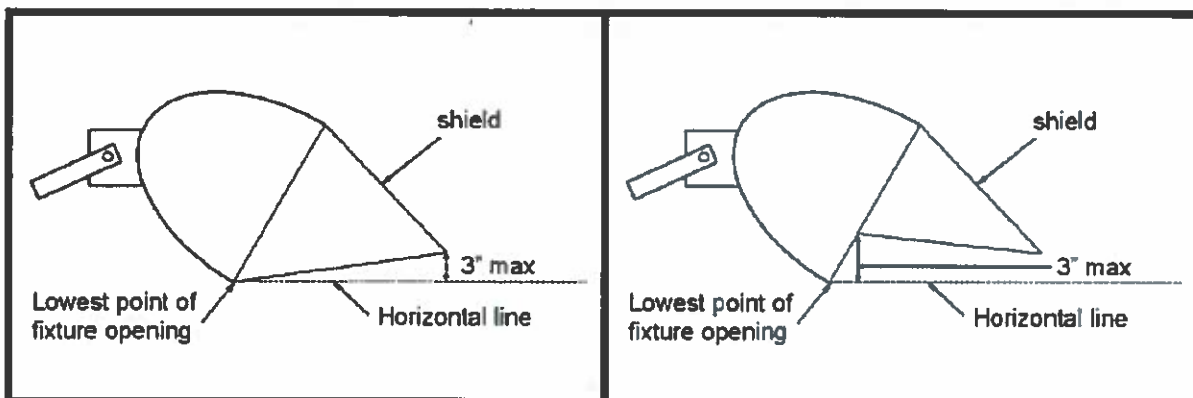


Figure G: Sports lighting where fully shielded fixtures are not available

Section 6. Lighting for Outdoor Signs and Panels

- (1) Outdoor internally-illuminated signs (whether free standing or building mounted) shall be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols. (See Figure H). The internally-illuminated portion of the sign cannot be white, cream, off-white, or yellow unless it is part of a logo. White, cream, off-white or yellow are permitted in the logo only, provided that such colors in the logo shall represent not more than 33% of the total sign area permitted. Lamps used for internal illumination shall not be included in the total outdoor light output calculation.







Light Background <input type="checkbox"/>	Colored Background <input checked="" type="checkbox"/>	Opaque Background <input checked="" type="checkbox"/>
		
		

Figure H: Internally-illuminated Signs

- (2) Outdoor internally-illuminated panels (such as illuminated canopy margins or building faces), shall be included in the total outdoor light output calculation.
- (3) Outdoor externally-illuminated signs shall conform to all provisions of this Article and the Sign Ordinance.

Section 7. Lighting Under Canopies, Building Overhangs, or Roof Eaves

- (1) All Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves must conform to all provisions of this Article.
- (2) Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less

than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output. (See Figures I and J).

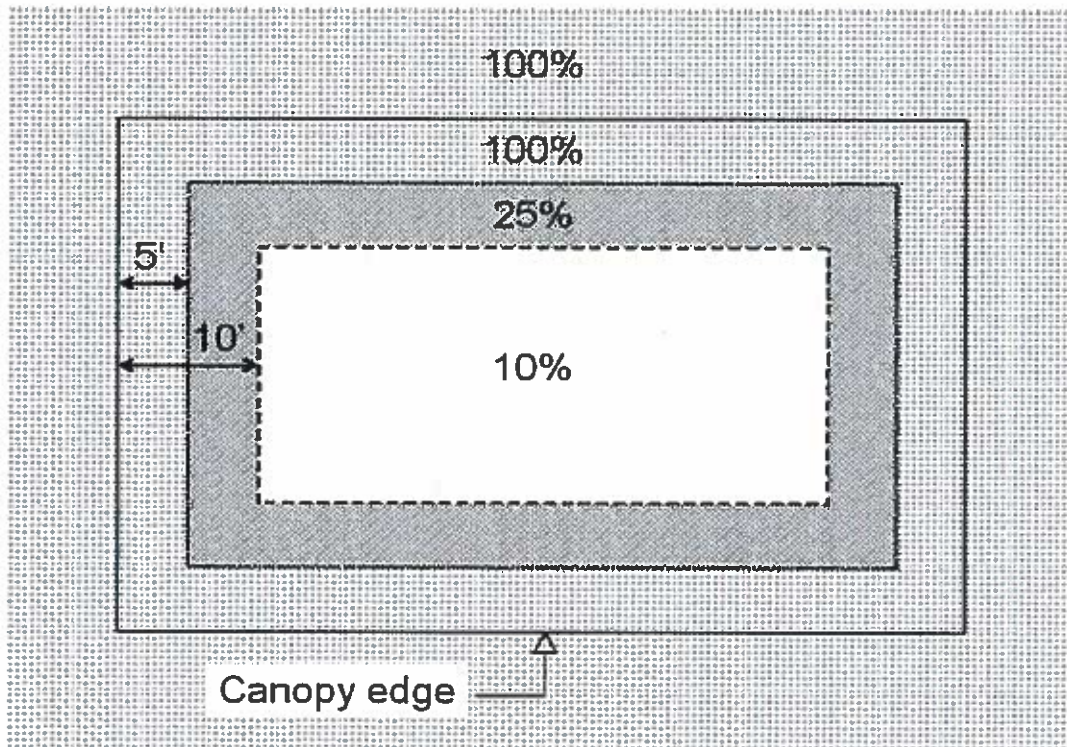


Figure I: Plan view of a canopy, showing fixture location and initial lamp output percentage counted toward total lumens.

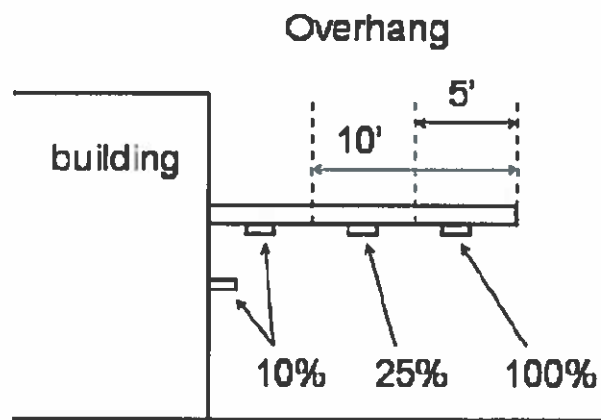


Figure J: Elevation view of a canopy or overhang attached to a building, showing location of shielded fixtures and initial lamp output percentage counted toward total lumens.

- (3) Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output. (See Figures I and J)
- (4) The total light output used for illuminating under canopies or building overhangs, defined as the sum of all under canopy initial lamp outputs in lumens, shall not exceed 20 lumens per square foot under the canopy area. All lighting mounted under the canopy, including but not limited to light fixtures mounted on the lower surface of the canopy and auxiliary lighting within signage or illuminated panels under the canopy, is to be included in the total.
- (5) Use of motion sensors for security lighting is extremely beneficial, provides a greater deterrence for crime and is highly recommended

Section 8. Neon Lighting

Neon lighting is permitted, so long as lumen calculations from such lighting are included in the total outdoor light output calculations for the site. Lumens are calculated on a per foot basis, rather than per "fixture". Such lighting shall also be subject to the shielding requirements of this section, unless exempted under Section 4.

Section 9. Flag Poles

Nothing herein shall be construed to limit or apply to existing flag poles, which are expressly grandfathered. Lighting of up to 2 governmental flags per property is permitted with the following restrictions:

- (1) Flag poles illuminated from below are limited to a height of 25 feet above ground level. They are to be illuminated with a single spot type fixture whose maximum initial output is 75 lumens per foot, measured from the light fixture to the top of the flag pole. The fixture is to be mounted so that the lens is perpendicular to the flag pole.
- (2) Flag poles illuminated from above may utilize a light fixture attached to the top of the flag pole or a fixture mounted above the top of the flag pole on a structure within 15 feet of the flag pole and must comply with Section 6 (1) and (2) of this Article except for lights such as the ones in Figure K. The total number of lumens initially output from any light fixture mounted on top of a flag pole is limited to 800.

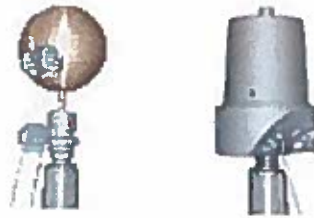


Figure K: Options for flag pole lighting

- (3) Lamps used for flag pole illumination shall be included in the total outdoor light output calculation.

Section 10. Lighting Curfews

- (1) Non-residential outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities, must be reduced to 25% or less of the normal lumen output. Motion sensor activation may be allowed to cause the light to resume normal lumen output only when activated and to be reduced back to 25% or less of normal lumen output within 5 minutes after activation has ceased, and the light shall not be triggered by activity off the property.
- (2) Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 11:00 P.M., provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening. Existing sign contracts will not be required to comply to this ordinance until renewal is requested.
- (4) Lighting for outdoor recreational facilities is allowed between one hour prior to sunset and 10:30 p.m., unless it is needed to complete a specific organized activity or event already in progress at 10:30 p.m.
- (5) All outdoor lighting is encouraged to be turned off when no one is present to use the light.

Section 11. Prohibitions

- (1) The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
- (2) The installation of any wall pack style fixture for use as outdoor lighting is prohibited unless the fixture is rated by the manufacturer as full cut-off. Examples of acceptable wall packs, when mounted with light directed downward only are shown in Figure L.



Figure L: Samples of acceptable wall packs

- (3) The installation of any barn-light style fixture for use as outdoor lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens. An example of barn-light style with and without the required opaque reflector is shown in Figure M.



Figure M: Acceptable shielding of barn-style light fixtures

- (4) The operation of searchlights for advertising purposes is prohibited.

Section 12. Submission of Plans and Evidence of Compliance

- (1) All commercial building permit applications must include an outdoor lighting plan which includes the following information:
- (A) The location of all existing and proposed light fixtures (may be included on site plan).
 - (B) A lumen calculation sheet to determine lumens per net acre. It must include the total area to be illuminated, the fixture descriptions, lamp types (i.e., incandescent, low pressure sodium, compact fluorescent, LED, etc.), wattages, number of lamps, lamp initial lumens and mounting height of all existing and proposed lamps.

- (C) Specification sheets for all existing and proposed light fixtures.
 - (D) Acknowledgement that the Applicant has received notification of the provisions of this Article.
- (2) Upon receipt of residential building permit applications, City Staff shall provide the home builder and/or Applicant with educational materials about this Article. The City's submission of educational materials shall be *prima facie* evidence that the Applicant has received notification of the provisions of this Article.
 - (3) Verification that a residential or commercial construction project requiring a building permit application has complied with the provisions of this Article shall occur during the final electrical inspection by the City Building Inspector.

Section 13. Exemptions

The following lighting instances are exempt from this Article:

- (1) Outdoor light fixtures with a maximum output of 300 lumens per fixture, regardless of the number of bulbs, (equals approximately one 25 watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up. The output from these fixtures shall not exceed 5% of the allowable lumens per net acre.
- (2) Outdoor light fixtures with a maximum output of 600 lumens per fixture, regardless of the number of bulbs, (equals approximately one 45 watt incandescent light), which are shielded with a colored lens provided said lens reduces the lumen output approximately in half and the fixture has an opaque top to keep light from shining directly up. The output from these fixtures shall not exceed 20% of the allowable lumens per net acre.
- (3) Outdoor lighting for which light is produced directly by the combustion of fossil fuels.
- (4) Holiday lights as defined in this Article are exempt from the requirements of this Article from November 15 to January 15 during the hours from 6:00 A.M. to midnight each day, except that flashing holiday lights are prohibited on non-residential properties. Flashing holiday lights on residential properties are discouraged. Holiday lights may be illuminated one additional seven (7) day period per calendar year.
- (5) Lighting required by law to be installed on motor vehicles.

- (6) Lighting needed during activities of law enforcement, fire and other emergency services.
- (7) Lighting employed during emergency repairs of roads and utilities may be unshielded provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (8) Lighting required for the safe operation of aircraft.
- (9) Temporary lighting required to save life or property from imminent peril provided the lights are positioned so they do not shine in the eyes of passing drivers.

Section 14. Materials and Methods of Installation

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

Section 15. Compliance with Building Code

All lighting installations commenced in accordance with this Article must be in compliance with the International Building Code, as adopted by the City Council.

Section 16. Civil & Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Article as may be required by governing law. Any person violating any provision of this Article is subject to suit for injunctive relief as well as prosecution for criminal violations.

Section 17. Criminal Prosecution

Any person violating any provision of this Article shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00) for each violation. Each day that a provision of this Article is violated shall constitute a separate offense. An offense under this Article is a Class A misdemeanor. The culpable mental state to incur criminal liability under this Ordinance is *Recklessness*.

Section 18. Civil Remedies

Nothing in this Article shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Article and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief,
- (2) Monetary damages, and
- (3) Other relief as directed by a court with jurisdiction over the matter.

Section 19. Alternative Relief

To prevent specific conduct that violates this Article or to require specific conduct that is necessary for compliance with this Article; and

- (1) In lieu of criminal prosecution, a civil penalty up to five hundred dollars (\$500.00) a day, when it is shown that the defendant was actually notified of the provisions of this Article and committed acts in violation of this Article or failed to take action necessary for compliance with this Article; and other available relief.
- (2) In the event work is not being performed in accordance with this Article, the City shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

Section 20. Public Nuisance

- (1) Any violation of this Article that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is hereby declared to be a public nuisance, which is prohibited by this Ordinance and other ordinances of the City.
- (2) It is an offense under this Article for a person to emit light onto the property of another unreasonably interfering with the neighboring property owner's use and enjoyment of their property.

Section 21. Administrative Guidance

The City is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this Article. Such interpretive documents shall be educational only and shall not constitute regulations, amendments, or exceptions.