

## ZONING ORDINANCE

### 14A Attachment 3

#### Appendix III: Site Development Standards

##### Article 1: Outdoor Lighting Standards

###### (A) Definitions.

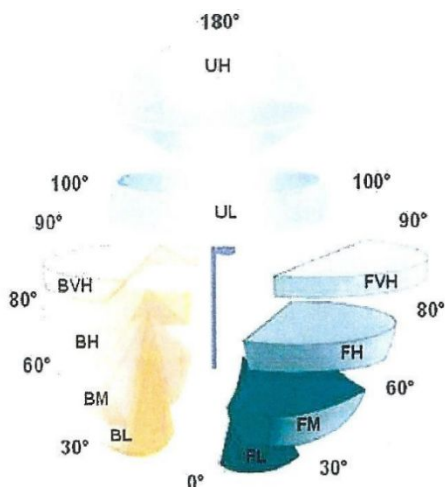
Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in the code. Words and phrases not defined in this code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). 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 this code. 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 this code. 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 article.

*B-U-G ratings:* A luminaire classification system with ratings for backlight (B), uplight (U), and glare (G). The backlight component of the rating system takes into account the amount of light in the BL, BM, BH and BVH zones depicted in figure A below. The uplight component takes into account the amount of light in the UH and UL zones. The glare component takes into account the amount of light in the FH, FVH, BH and BVH zones.

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**Figure A. Components of B-U-G Ratings**



City: The City of Gunter, an incorporated municipality located in Grayson 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.

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.

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.

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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 as defined by the manufacturer, multiplied by the lamp efficiency. Lamp efficiency of 95 percent shall be used for all solid-state lamps and 80 percent for all other lamps, unless an alternate efficiency rating is supplied by the manufacturer. The initial 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 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 25 percent 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 25 percent or more of installed outdoor lighting.

Nonresidential: Property designated as nonresidential 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. Nonresidential fixtures that are installed indoors that cause light to shine outside are considered outdoor lighting for the intent of this article. (See figure B), residential fixtures installed indoors generating more than 6,200 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.

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**Figure B.**

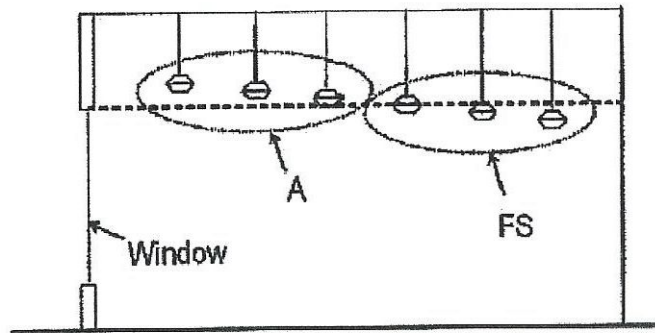


Figure B: Elevation view showing a nonresidential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article. This example presumes the structure in question is not elevated such that any of the luminaries labeled A in the figure above may be seen from any other property. If the structure is elevated such that the luminaries labeled A are visible from another property then, they are subject to this article.

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: 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 lumen value as defined in this article. To get the total, add the lumen output attributed to each light fixture.

Uplighting: Lighting that is directed in such a manner as to project light rays above the horizontal plane running through the lowest point on the fixture where light is emitted.

### **(B) General.**

#### **(a) Scope.**

- (1) This article applies within the city limits.

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- (2) This article does not generally apply in the ETJ, however 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). Voluntary compliance is strongly encouraged.
- (b) Exemption. The following are exempt from the application of the regulations of this article:
- (1) Lighting equipment required by law to be installed on motor vehicles; or
  - (2) Lighting required for the safe take-off and landing of aircrafts.
- (c) Prohibition. A person commits an offense by doing the following:
- (1) Installs outdoor lighting contrary to this article.
  - (2) Fails to comply with any terms or conditions set forth in a permit issued under this article.
  - (3) Installs outdoor lighting without obtaining a permit when the total number of the lumen outputs for all lights installed within any 90-day period is greater than 2,500 lumens.
- (C) 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. A person commits an offense by doing the following:
- (1) Installs outdoor lighting contrary to this article;
  - (2) Fails to comply with any terms or conditions set forth in a permit issued under this article;
  - (3) Installs outdoor lighting without obtaining a permit when the total number of the lumen outputs for all lights installed within any 90-day period is greater than 2,500 lumens.
- (c) Nonresidential. All outdoor lighting installed on nonresidential properties shall conform to the standards by this article, except as provided herein.

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- (d) Residential. All outdoor lighting installed on residential properties that is affixed to a construction project for which a building permit is required under this code shall conform to the standards established by this article.

**(D) 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 50 percent of the total appraised value of a structure (as determined from the records of the county's 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) Nonresidential application. 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.

- (3) Abandonment of nonconforming. A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six months. In that instance, 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.

- (d) It is unlawful to expand, repair or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.

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- (e) Outdoor lighting on property used for commercial purposes that is not in conformance with this article shall be brought into conformance with this article within ten years from the date of adoption of this article. For existing lighting on property annexed into the city limits after the effective date of this ordinance, the ten-year period established by this subsection shall commence upon the effective date of the annexation. Nothing in this subsection may be construed to allow light trespass or any other form of nuisance from outdoor lighting. A new purchaser of property may request a three-year extension to come into compliance if property is purchased within ten years of the enactment of this article.

**(E) Shielding and total outdoor light output standards.**

- (a) Governmental owned streetlights, if rated by the B-U-G classification system:
  - (1) Shall be rated and installed with the maximum backlight component limited to the values in table 1 based on location of the light fixture where the property line is considered five feet beyond the actual property line.
  - (2) Shall be rated and installed with the uplight component of zero (UO); and
  - (3) Shall be rated and installed with the glare component of no more than G1 unless four sided external shielding is provided so that the luminous elements of the fixture are not visible from any other property. Mounting height or topography may cause the luminous elements of a G1 or G0 rated governmental owned streetlight to require additional shielding to reduce glare.

**Table 1**

	<b>Governmental Owned Rating</b>
Fixture is greater than 2 mounting heights from property line	B3
Fixture is 1 to less than 2 mounting heights from property line	B2
Fixture is -.5 to 1 mounting heights from property line	B1
Fixture is less than 0.5 mounting height to property line	BO

- (b) Governmental owned streetlights, if not rated by the B-U-G classification system, shall meet the qualifications to be full cutoff fixtures. (See figure C.) Mounting height or topography may cause the luminous elements of a governmental owned streetlight to require additional shielding to reduce glare.

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**Figure C. Full cutoff fixture**

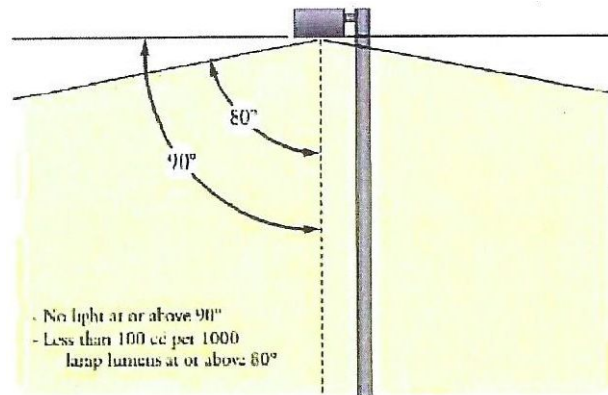
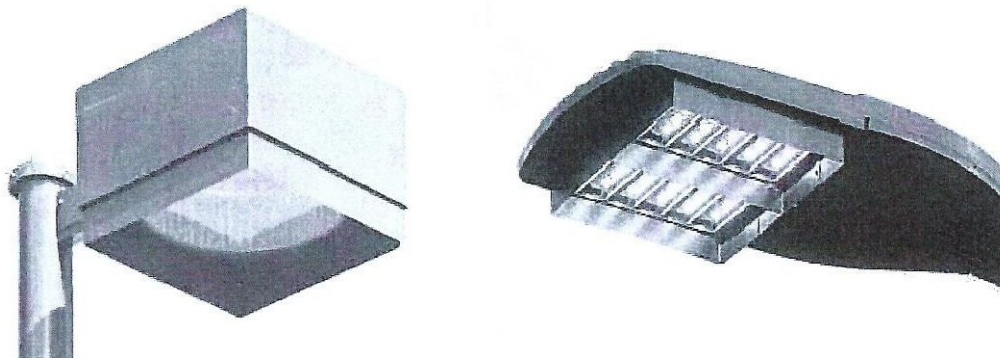


Figure C: Full cutoff fixtures do not allow any light to be emitted above the fixture. The fixture limits the light output in the first ten degrees below the horizontal, to less than 10% of the total light output.

- (c) All outdoor lighting, except governmental owned streetlights or other lights exempted by this chapter, shall be shielded so that the luminous elements of the fixture are not visible from any other property. Mounting height or proximity to property lines may cause the luminous elements of a light fixture to require additional shielding (See figures D and E).

**Figure D.**



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**Figure E.**

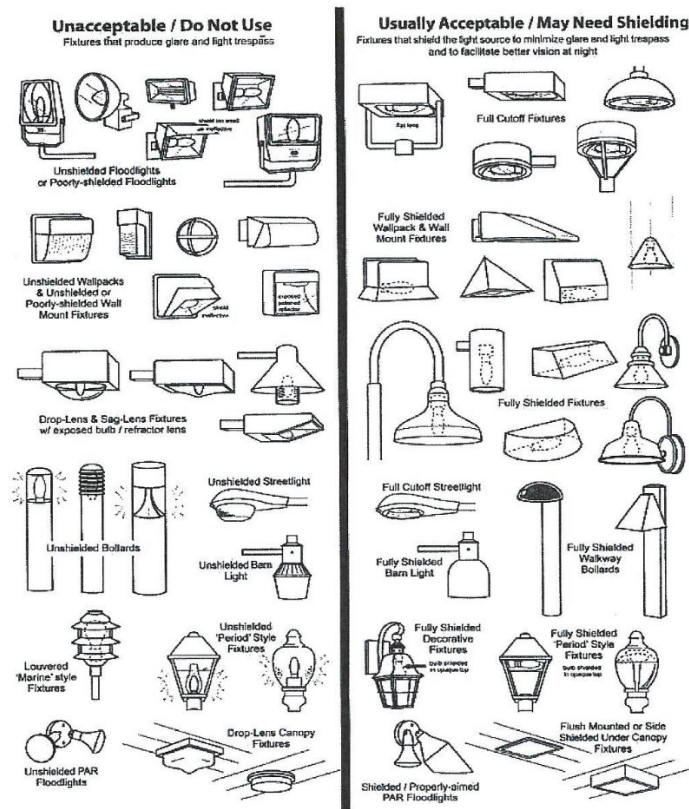


Figure E: The lights on the left are nonconforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

- (d) Nongovernmental light fixtures, if rated by the B-U-G classification system:
- (1) Shall be rated and installed with the maximum backlight component limited to the values in table 1 based on location of the light fixture where the property line is considered to be five feet beyond the actual property line;
  - (2) Shall be rated and installed with the uplight components of zero (U0), except for uplighting covered in this article;
  - (3) Shall be rated and installed with the glare component no more than G0 unless four sided external shielding is provided so that the luminous elements of the fixture are not visible from any other property; and

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- (4) Shall be shielded in accordance with this article.
- (e) 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 fixtures(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this article.
- (f) Outdoor lighting fixtures, except uplighting covered in subsection (c) above, are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements. (See figures F and G).

**Figure F.**

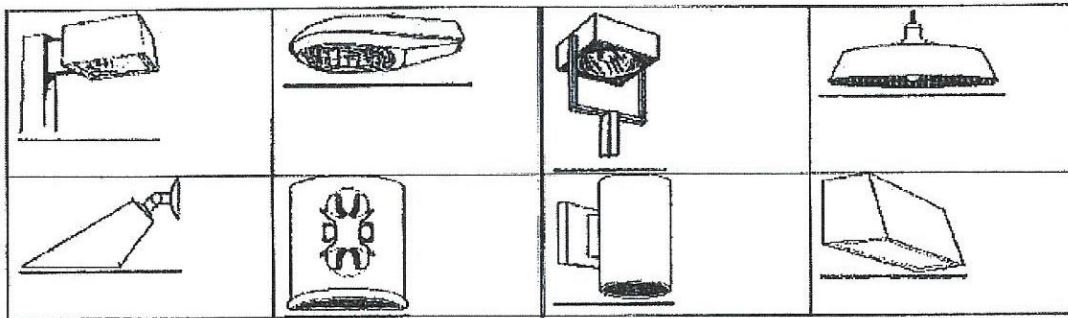


Figure F: This figure shows examples of fixtures that may conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements if they are closed on top and mounted such that the bottom opening is horizontal. Note that the mounting height and proximity to the property line, or internal optics 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.

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**Figure G.**

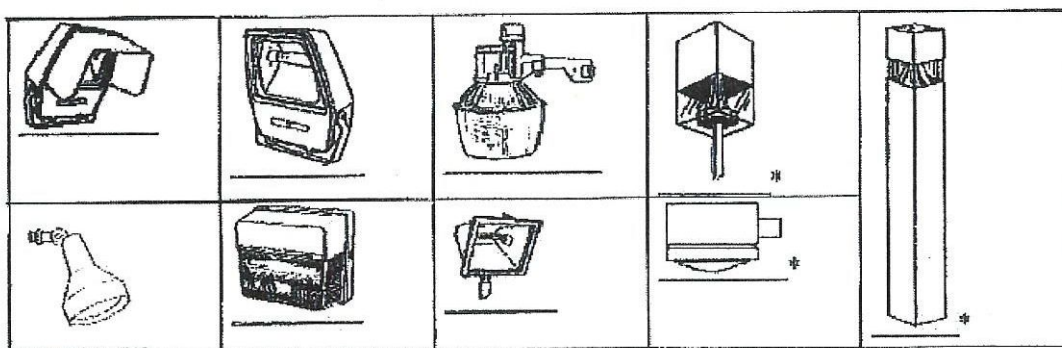


Figure G: This figure illustrates examples of fixtures that do not conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements.

\*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.

- (g) Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any nonresidential 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.
- (h) Total outdoor light output (excluding governmental owned streetlights 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.
- (i) Outdoor recreation facilities:
  - (1) Lumen cap exemption.
    - (A) Outdoor recreational facilities are not subject to the lumens per net acre limit.
    - (B) Outdoor lighting for sports facilities shall be designed to create minimum off-site spill, glare, and sky glow while honoring the guidelines for class IV play, as defined by the Illuminating Engineering Society of North America (IESNA)

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publication IES RP-06 or guidelines of a recognized sports organization such as the Texas University Interscholastic League (UIL), Little League, or the United States Soccer League. To be considered a recognized sports organization, the city administrator must first approve such organizations guidelines.

- (C) Class IV levels of illumination, as defined by IESNA, are encouraged to be utilized during practices if the competition lighting is established at a higher illumination level than class IV.
- (2) Shielding. Fixtures used for nonaerial sports, such as track and field, shall be fully shielded. Fixtures used for aerial sports, such as baseball and softball shall be shielded to the full extent possible while also allowing the minimum of vertical illuminance needed by the players to track the ball as stated in writing by a sports lighting engineer recognized by peers as being an expert in that field. The sports lighting vendor must meet the guidelines for the specific sport and have the lowest available off-site spill, glare, and sky glow values.
- (3) Certification. Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in the state as conforming to all applicable restrictions of this code before construction commences. Further, after installation is complete, an engineer registered in the state shall certify that the lighting system installation is consistent with the certified design.
- (4) Curfew. No sports facility shall be illuminated between 10:30 p.m. and sunrise, except to conclude a scheduled recreational or sporting event in progress that began prior to 9:30 p.m.

### **(F) Lighting for outdoor signs and panels.**

- (a) Outdoor internally illuminated signs (whether freestanding 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 a light toned color such as white, cream, off-white, light tan, or light yellow unless it is part of a logo. Light toned colors such as white, cream, off-white, light tan, or light yellow are permitted in the logo only, provided that such colors in the logo shall represent not more than 33 percent of the total sign area permitted. Lamps used for internal illumination or backlighting of lettering shall not be included in the total outdoor light output calculation.

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Figure H.




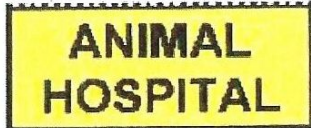


Light Background <input type="checkbox"/>	Colored Background <input checked="" type="checkbox"/>	Opaque Background <input checked="" type="checkbox"/>
		
		

Figure H: Internally-illuminated signs.

- (b) Outdoor internally illuminated panels (such as illuminated canopy margins or building faces), shall be included in the total outdoor light output calculation.
- (c) Outdoor externally illuminated signs shall conform to all provisions of this article and the sign ordinance, chapter 26 of this code.

**(G) Lighting under canopies, building overhangs, or roof eaves.**

- (a) All outdoor light fixtures located under canopies, under building overhangs, or under roof eaves must conform to all provisions of this article.
- (b) Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at five feet, but less than ten 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 of the lamp's rated lumen output. (See figures I and J.)

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Figure I.

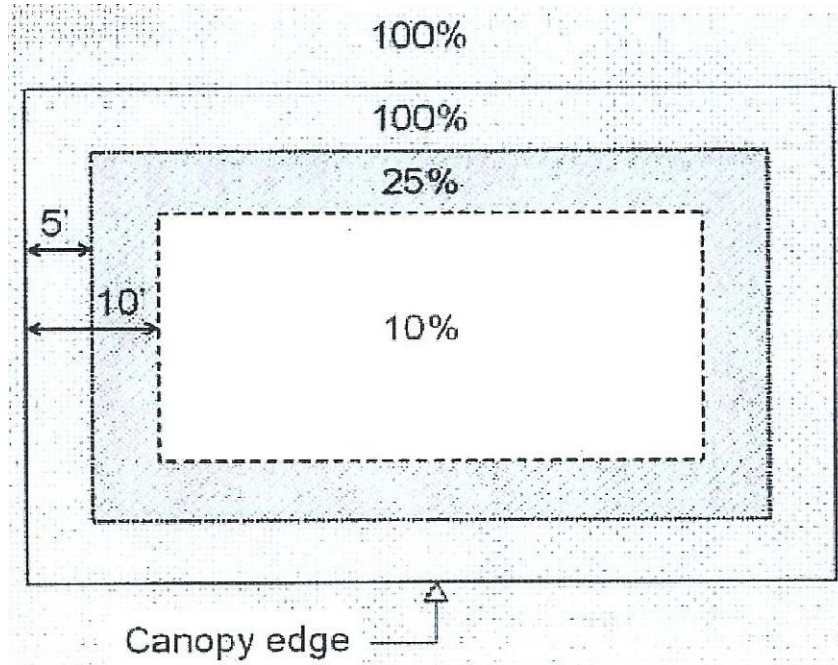


Figure I: Plan view of a canopy, showing fixture location and initial lamp output percentage counted toward total lumens.

Figure J.

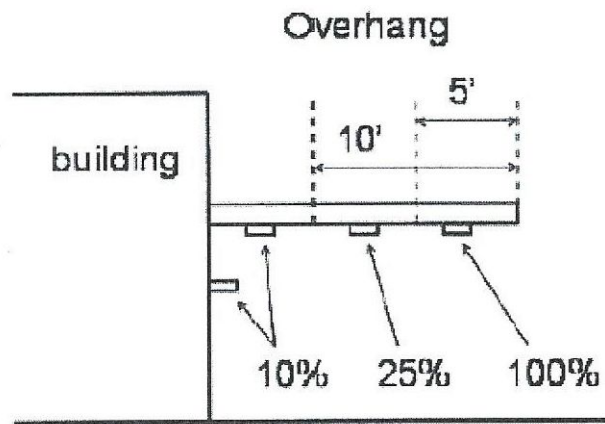


Figure J: Elevation view of a canopy or overhang attached to a building, showing location of shielded fixtures and initial lamp output percentage counted toward total lumens.

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- (c) Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located ten 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 of the lamp's rated lumen output. (See figures I and J.)
- (d) 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.

### **(H) 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 by the Director of Development services, with the appeal of their decision being heard by the City Council.

### **(I) Flagpoles.**

- (a) Nothing herein shall be construed to limit or apply to the flagpoles in existence at the Veterans Memorial Park, which are expressly grandfathered.
- (b) If the flag of the United States of America is displayed during the hours of darkness, it should be illuminated as recommended in the Federal Flag Code.
- (c) Lighting of up to a total of two flags per property is permitted with the following conditions:
  - (1) The flags must either be the flag of the United States of America, a flag of the state, a flag of a military branch of the United States of America or a flag of a branch of military of the state in order for illumination to be permitted.
  - (2) Flagpoles with a height greater than 20 feet above ground level shall be illuminated from above, if illuminated at all. This may be achieved by utilizing a light fixture attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within 15 feet of the flagpole and must comply with all sections 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 or above a flagpole is limited to 800.

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- (3) Flagpoles with a height equal to or less than 20 feet above ground level may be illuminated from below. They are to be illuminated with up to two spot type fixtures utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is 78 lumens per foot of pole height, measured from the light fixture to the top of the flagpole. The fixture is to be mounted so that the lens is perpendicular to the flagpole and the light output points straight up at the flag.

**Figure K.**

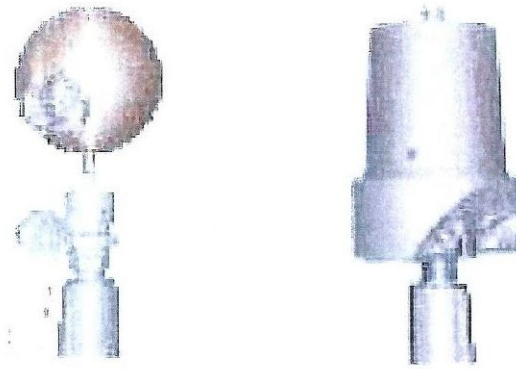


Figure K: Options for flagpole lighting.

- (4) Lamps used for flagpole illumination shall be included in the total outdoor light output.
- (J) Lighting curfews.**
- (a) Nonresidential 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 total outdoor light output allowed. Any method that results in a total outdoor light output of no more than 25% of the total outdoor light output is allowed.
- (b) Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 10:00 p.m., provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.
- (c) Street lighting, other than at the intersection of roadways, shall utilize half night photocells or timers to turn off the lights halfway between dusk and dawn. Passive reflective roadway markings are encouraged.
- (d) Outdoor recreational facilities must follow the curfew as defined in section 24.06.006(i) [sic] outdoor recreational facilities.

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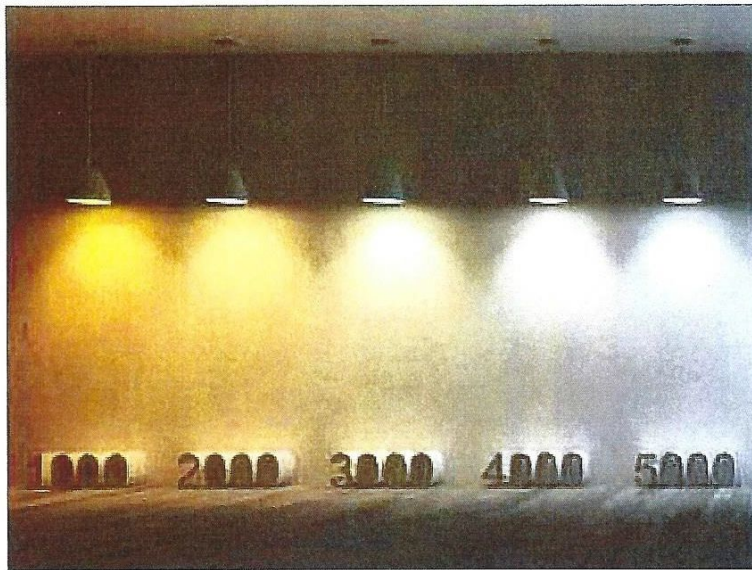
(e) All outdoor lighting is encouraged to be turned off when no one is present to use the light.

### **(K) Prohibitions.**

(a) The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.

(b) Luminaries rated at more than 3,000 Kelvin (K) are prohibited with the exception of luminaries installed prior to the enactment of this revised article rated no more than 4,000K, which are shielded on every side so that the source of light is not visible from any other property and the combination of all such fixtures within any ten-foot by ten-foot area does not produce more than 4,100 lumens for a pole mounted fixture or 2,050 lumens for a wall mounted fixture. Luminaries with higher Kelvin ratings are permitted if the Scotopic-to-Photopic (S/P) ratio is no greater than 1.2 as shown in figure K-2.

**Figure K-2.**



(c) 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 L.

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**Figure L.**



Figure L: Acceptable shielding of barn-style light fixtures.

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

**(L) Submission of plans and evidence of compliance.**

- (a) All building permit applications must include an outdoor lighting plan which includes the following information:
- (1) The location of all existing and proposed light fixtures (may be included on-site plan).
  - (2) A lumen calculation sheet to determine lumens per net acre. It must include the square footage of the total area to be illuminated, the light fixture catalog descriptions or ordering number, lamp types (i.e., incandescent, low pressure sodium, compact fluorescent, LED, etc.), the Kelvin rating for the lamp, the B-U-G rating for the selected fixture (if available); the number of fixtures or lamps (use the same unit corresponding to the unit used to determine how many lumens are produced), fixture or lamp initial lumens, the location from the edge of a canopy (if applicable), and mounting height of all existing and proposed lamps.
  - (3) Manufacturer's specification sheets for all existing and proposed light fixtures.
  - (4) Elevations with notes where light fixtures are to be installed indoors which may be seen from the exterior.
  - (5) Site plan with specific measurements in feet for the area to be illuminated. A scale notation is not sufficient.
  - (6) Acknowledgement that the applicant has received notification of the provisions of this article.

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- (b) Upon receipt of residential building permit applications, city staff shall provide the homebuilder 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.
- (c) 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.
- (d) For the first 60 days after the enactment of this article, residential building permit applicants may postpone the submission of the plans and evidence of compliance defined in this section for a maximum of 30 business days after the submission of their building permit application.

### **(M) Exemptions.**

The following lighting instances are exempt from this article:

- (1) Outdoor light fixtures with a maximum output of 180 lumens per fixture, regardless of the number of bulbs, may be left unshielded provided the fixture has a diffuser installed, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed ten percent of the total outdoor light output allowed.
- (2) Outdoor light fixtures with a maximum output of 360 lumens per fixture, regardless of the number of bulbs, which are shielded with a medium to dark tone lens provided said lens reduces the lumen output approximately in half, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed ten percent of the total outdoor light output allowed.
- (3) Outdoor lighting for which light is produced directly by the combustion of fossil fuels.
- (4) Lighting required by law to be installed on motor vehicles.
- (5) Lighting needed during activities of law enforcement, fire and other emergency services.
- (6) 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.

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- (7) Lighting required for the safe operation of aircraft.
- (8) 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.
- (9) Festoon type low-output lamps limited to small individual bulbs on a string. The bulbs must have a rating of no more than 3,000 Kelvin and may not be visible from any residential property within 50 feet of the installed lights. Festoon type low-output lamps are not required to be shielded.
- (10) Low-intensity mini-lights or rope-type lights in amber, gold, yellow, cream, red, orange, or warm white wrapped on a tree, post, or other similar object provided the layers are at least six inches apart. Low-intensity mini-lights or rope lights as described in this subsection are not required to be shielded.
- (11) Temporary lighting for theatrical, television, performance areas, events, or construction areas provided the lights are positioned so they do not shine in the eyes of passing drivers and the source of the illumination is shielded from any other property. This temporary lighting must not allow any light to be projected or reflect above the structures or trees on the property.
- (12) Lighting required by federal or state laws or regulations.

### **(N) 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.

### **(O) 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.

### **(P) Civil and 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.

## ZONING ORDINANCE

### **(Q) Criminal prosecution.**

Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding \$500.00. 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 article is recklessness.

### **(R) 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.

### **(S) 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 \$500.00 a day to be deposited in the landscaping fund, 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.

### **(T) Public nuisance.**

- (a) 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 article.

## GUNTER CODE

- (b) 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.

**(U) 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.

(Ordinance 2021-07-15-01 adopted 7/15/2021)