

ORDER
OF THE JEFF DAVIS COUNTY COMMISSIONERS COURT
GOVERNING OUTDOOR LIGHTING

1. Authority

This Order is adopted pursuant to Texas Local Government Code §240.032(a).

2. Findings

2.01 The Commissioners Court finds that the Director of McDonald Observatory has requested the Court to adopt new orders regulating the installation and use of outdoor lighting in the unincorporated areas of Jeff Davis County.

2.02 The Commissioners Court finds that it has the statutory authority to adopt such regulations in that McDonald Observatory is located entirely within Jeff Davis County.

2.03 The Commissioners Court finds that the regulations contained in this Order are designed to protect against the use of outdoor lighting in a way that interferes with the scientific astronomical research of the observatory.

2.04 The Commissioners Court finds that no significant taking of private property or private property rights will be caused by the adoption of this Order.

3. Definitions

The following definitions apply to terms used in this Order, unless the context clearly indicates another definition applies:

3.01 "Outdoor Lighting" means any type of fixed or movable lighting equipment that is designed or used for illumination out of doors. The term includes billboard lighting, street lights, searchlights and other lighting used for advertising purposes, and area lighting. The term does not include lighting equipment that is required by law to be installed on motor vehicles or lighting required for the safe operation of aircraft.

3.02 "Installed" includes the initial installation, repair, or replacement of Outdoor Lighting as defined herein.

3.03 "Fully Shielded" means that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below the horizontal plane running through the lowest point on the fixture where light is emitted.

3.04 "Partially Shielded" means that those fixtures shall be shielded in such a manner that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing light above the horizontal.

3.05 "Spot Light" means a light fixture having a narrow beam.

3.06 "Flood Light" shall mean a light fixture having a wide beam.

3.07 "Internally Lit " shall mean illumination originating inside a transparent or translucent fixture, usually a sign designed to advertise a business or other public activity.

3.08 "Footcandle" means a unit of measure of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

4. General Requirements

4.01 New Lighting Installations

All Outdoor Lighting fixtures installed, replaced, or repaired after the effective date of this Order shall be fully shielded, except incandescent fixtures of less than 100 watts or 1,800 lumens (whichever output is reached first) and other sources of less than 70 watts, which shall be partially shielded. Light on the ground from non-incandescent fixtures shall not exceed 10 footcandles.

4.02 Recreational Facilities

No outdoor recreational facility shall be illuminated by nonconforming means after midnight, except to conclude a specific recreational activity in progress.

4.03 Outdoor Building or Landscape Illumination

The unshielded outdoor illumination of any building, landscaping, or sign is prohibited. Incandescent spot lights of less than 100 watts or 1,800 lumens (whichever output is reached first) may be used, provided such fixtures are partially shielded to prevent light from being emitted away from the target of illumination.

4.04 Existing Fixtures Not Subject to Regulations

Except for Spotlights, Floodlights, and commercial advertising signs, outdoor lighting fixtures existing and installed in accordance with the law in effect immediately prior to the adoption of this Order are not subject to these regulations until such time as that existing fixture is repaired or replaced, at which time the fixture must be brought into compliance with this Order.

4.05 Searchlights

The use of searchlights for advertising purposes is prohibited.

4.06 Spot Lights and Flood Lights

Spot Lights and Flood Lights mounted for area lighting shall be mounted so that the axis of illumination is at an angle not more than 20 degrees from the vertical line between the fixture and the ground, as demonstrated in Exhibit 1 to this Order.

4.07 Mercury Vapor

The installation of mercury vapor fixtures is prohibited.

4.08 Signs

Lighting for internally or externally lit outdoor signs shall be turned off at the time the business closes for the evening or at midnight, whichever is earlier, and shall not be again turned on until 6:00 a.m. or the time the business opens, whichever is later.

5. Exemptions

Any person or entity may apply for a temporary exemption from the requirements of this Order by presenting the request, in writing, to the County Judge. Exemptions will only be granted where extenuating circumstances make compliance with this Order impractical or impossible.

5.01 The County Judge shall, within five business days of receipt of the complete request, approve or deny the request.

5.02 The County Judge may make approval contingent on the satisfaction of such conditions as are deemed appropriate.

5.03 In the event of an incomplete application, or if additional information is needed, the County Judge shall notify the applicant of the information needed. If the applicant has not furnished the requested information within five business days, the application shall be automatically denied.

5.04 In the event the applicant is not satisfied with the decision of the County Judge, the matter may be appealed to the Commissioners Court.

5.05 Any application for exemption shall contain, as a minimum, the following information.

Name of the person or entity requesting the exemption
Address and Phone Number for Contact Person
Proposed use of Outdoor Lighting
Type of lamp to be used, including manufacturer's model number
Type of light fixture used, including manufacturer's model number
Total wattage of lamp or lamps
Proposed location of outdoor light
Beginning and ending date of proposed exemption
Reasons why it is impossible or impractical to comply with this Order

6. Provisions Not Applicable

The provisions of this Order do not apply to the following types of outdoor lighting:

Lighting used temporarily by law enforcement, fire, EMS, or utility personnel to assist in a response to an emergency

Lighting operated by a public school for extracurricular events (including practices), provided such lighting is used only immediately before, during, and immediately after the event

Lighting owned or operated by a religious organization established before the year 1905, provided the religious association is incorporated under Texas law, owns at least 600 contiguous acres in Jeff Davis County where the lighting system will be operated and operates the lighting system for no more than ten consecutive days in each calendar year.

7. The property owner or the person in actual control of the property is responsible for compliance with the regulations imposed by this Order.

8 Enforcement

This Order is enforceable by any peace officer.

9. Offense and Penalty

A person commits an offense if he intentionally, knowingly, or recklessly violates a provision of this Order and fails to correct that violation within ten days of receiving written notice of the violation. Notice sent by United States mail shall be deemed received three days after mailing. An affidavit of mailing shall be sufficient proof of mailing . Notice given by any other method shall be deemed received at the time of actual delivery. An offense under this section is a Class C misdemeanor.

10. Intentional Illumination of Observatory Facility

A person commits an offense if he intentionally or knowingly directs the light from a spotlight or other lighting device at an observatory facility between sunset and sunrise with the intent to annoy, harass, or interfere with scientific research being conducted at the University of Texas McDonald Observatory. Prior notice of violation is not required for an offense to be committed under this section.

An offense under this section is a Class C misdemeanor.

11. Effective Date and Repeal of Prior Orders

This Order shall be effective on December 1, 2007. Upon the effective date of this Order, all prior orders of this Court relating to the regulation of outdoor lighting, including but not limited to the Order of November 14, 1983, recorded at Volume 5, Page 213 of the Commissioners Court Minutes of Jeff Davis County, Texas, are repealed.

ADOPTED this 9th day of October 2007 by a vote of 5 ayes and 0 noes.

Jeff Davis County Judge

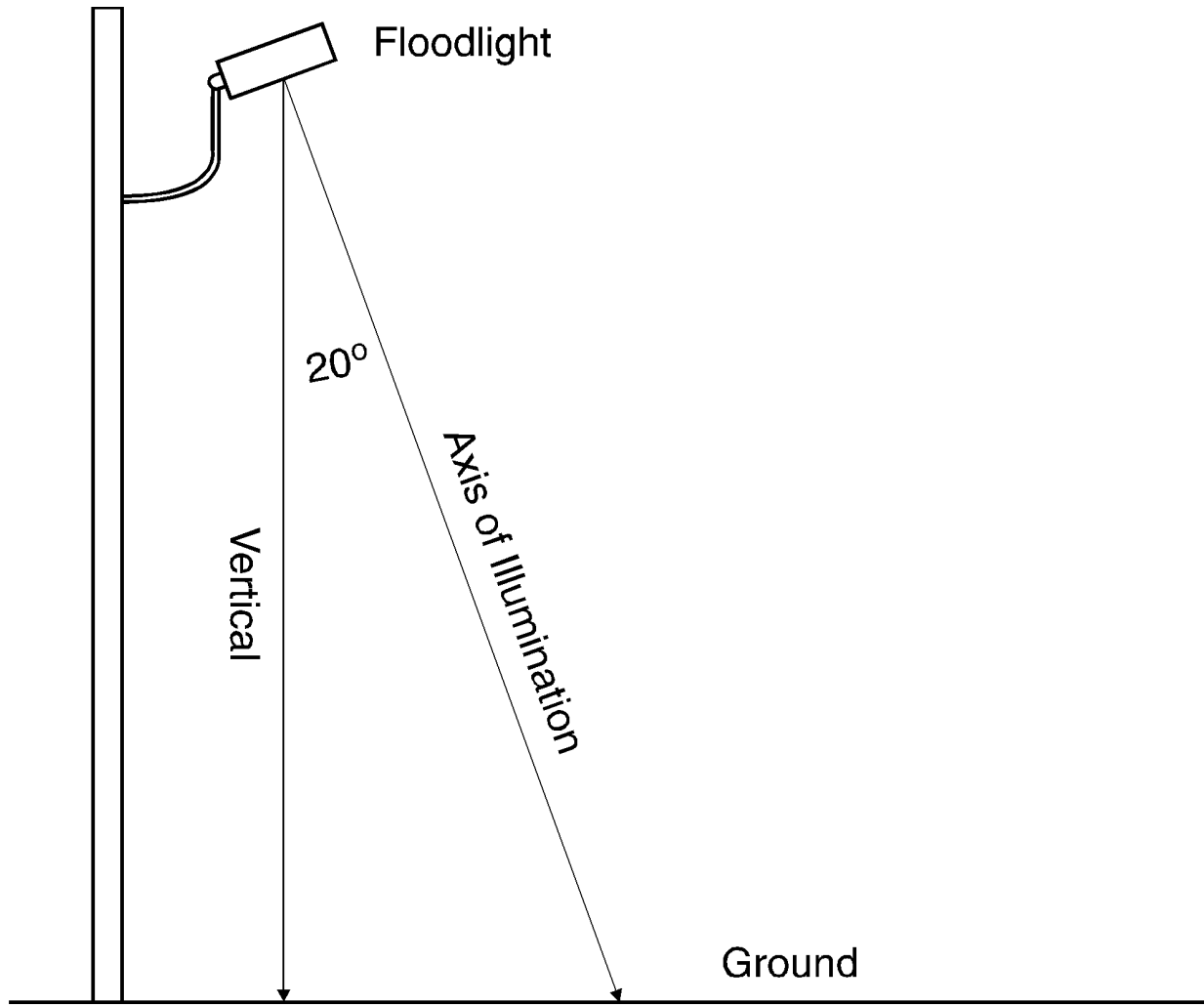


Exhibit 1. For spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground.

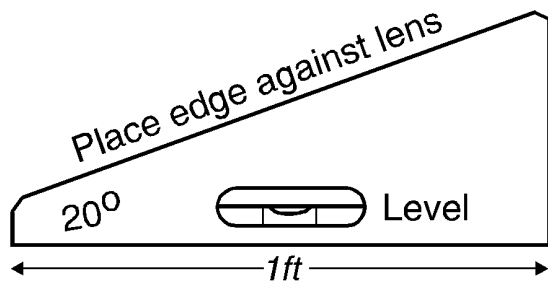


Exhibit 2. A tool for aiming lights as in Exhibit 1, above. Place the upper edge of the tool against the lens, and adjust the fixture so the bubble shows level.