

**ORDER
OF THE JEFF DAVIS COUNTY COMMISSIONERS COURT
GOVERNING OUTDOOR LIGHTING**

1. Authority

This Order is adopted pursuant to Texas Local Government Code §229(b).

2. Findings

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.

(b) The purpose of this article is:

(1) To reduce glare and improve nighttime visibility which contributes to safer, more secure, and attractive outdoor living spaces (see Exhibit 1 for an illustration of best outdoor lighting practices and Exhibit 2 for examples of acceptable and unacceptable light fixtures).

(2) To encourage efficient, controlled lighting that conserves energy.

(3) To make our community a better place to live and work and a more inviting place for tourist to visit.

(4) To protect properties from light trespass.

(5) To preserve our heritage of a dark night sky.

(6) To be mindful of the needs of McDonald Observatory for minimal artificial light at night to conduct ongoing astronomical research.

3. Definitions

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

"Outdoor Lighting" means 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 rays to shine outside are considered outdoor lighting for the intent of this article (see Exhibit 3).

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

"Fully Shielded" means an outdoor luminaire constructed so that in its installed position, all of the light emitted from the light fixture is projected below the horizontal plane passing through the lowest light-emitting part of the fixture (see Exhibit 4).

3.05 "Spotlight" means a light fixture having a narrow beam.

3.06 "Floodlight" 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.

"Adaptive Controls" mean mechanical or electronic devices, when used in the context of outdoor lighting systems, intended to actively regulate the switching, duration, and/or intensity of light emitted by the outdoor lighting system. Examples of adaptive controls include timers, dimmers and motion-sensing switches.

"Beam of a Light Fixture" means the spatial distribution of the emitted light.

"Correlated Color Temperature (CCT)" means a measure of the color properties of light emitted by lamps, being equal to the temperature, expressed in Kelvins. CCT values are typically provided on lighting manufacturer packaging or data sheets (see Exhibit 5).

"Electronic Message Display" means any illuminated sign of an informative or advertising nature, whether on-or off-premise, and operable at night, whose content is made visible to the viewer by means of luminous elements under active electronic control and therefore subject to alteration in order to vary the content of the message. Electronic displays may be either static or dynamic in terms of light color and intensity.

"Existing Light Fixtures" means those outdoor light fixtures already installed at the time this article is adopted.

"Glare" means visual discomfort or impairment caused by a bright source of light in a direction near one's line of sight.

"Greenhouse" means any building that is constructed of glass, plastic, or other transparent material in which plants are grown under climate-controlled conditions and includes hoop houses and other similar structures.

"Light Source" means a light emitting portion of the luminaire and any diffusing elements and surfaces intended to reflect or refract light emitted from the lamp individually or collectively, for example, a lamp, bulb, lens, highly reflective surface, or frosted glass.

"Light Pollution" means the unintended, adverse and /or obtrusive effect of the use of outdoor light at night.

"Light Trespass" means 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. If the light source is visible from another property or the public roadway, the light is creating light trespass. It is expected that the illumination produced by a light source may be viewed from other properties but the light source itself should not be visible from other properties (see Exhibit 6).

"Lumen" means the unit of measurement used to quantify the amount of light produced by a bulb or emitted from a light source. Lumen values are typically provided on lighting manufacturer packaging or data sheets. For the purposes of this article, unless otherwise stated, the lumen output values shall be the initial lumen output ratings as defined by the manufacturer, multiplied by the lamp efficiency. Lamp efficiency of 95% shall be used for all solid-state lamps and 80% for all other lamps, unless an alternate efficiency rating is supplied by the manufacturer.

"Lumens per Net Acre" means the total outdoor light output, as defined in this article, divided by the number of acres, or part of an acre with outdoor illumination. Undeveloped, non-illuminated portions of the property may not be included in the net acreage calculation.

"Luminaire" means a complete lighting assembly or lighting fixture, consisting of a lamp, housing, optic(s), and other structural elements, but not including any mounting pole or surface.

"Luminance" is a measure of light emitted by or from a surface.

"Nit" is the standard unit of measure of luminance used for internally illuminated signs, digital signs, or electronic message displays.

"Private Lighting" means outdoor light fixtures that are owned or leased or operated or maintained or controlled by individual persons, including but not limited to families, partnerships, corporations, and other entities engaged in the conduct of business or other non-governmental activities.

"Public Lighting" means outdoor light fixtures that are owned or leased or operated or maintained or controlled by the County or other governmental entity or entities.

"Sag-lens" or "Drop-lens Fixture" means a fixture, typically seen on older streetlights or parking lot lights, where the lens extends below the lowest opaque part of the fixture such that light is scattered above the horizontal plane.

"Searchlight" means a light fixture having a narrow beam intended to be seen in the sky.

"Spotlight" means a light fixture having a narrow beam.

"Temporary Lighting" means non-permanent lighting installations installed and operated for a duration not to exceed thirty (30) days.

"Total Outdoor Light Output" means 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 compute the total, add the lumen outputs attributed to each light fixture together.

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 as otherwise specified in this Order. All new construction and/or new luminaires installed (including replacements for existing fixtures) shall comply after the adoption of this Order.

All outdoor lighting is encouraged to be turned off when no one is present to use the light. Adaptive controls such as timers, motion sensors, and half night photocells can assist in this effort.

Light Trespass.

(1) Light trespass is prohibited. No luminaire, except governmental owned streetlights, shall create conditions of light trespass. Governmental owned street lights may only create light trespass below it within a radius of four (4) times the mounting height.

(2) All outdoor lighting, except governmental owned streetlights, shall be shielded so that the light source shall not be visible from any other property.

Color Temperature.

(1) The correlated color temperature (CCT) of luminaries shall not exceed 2700 Kelvins.

(2) Luminaries rated at or below 2500 Kelvin are encouraged for better nighttime visibility.

Lumen Caps.

The lumen per net acre values are an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task. Lumen per net acre values exclude governmental owned street lights used for illumination of public rights-of-way and outdoor recreation facilities.

(1) Nonresidential Property. Total outdoor light output installed on any nonresidential property shall not exceed 50,000 lumens per net acre in any contiguous illuminated area;

(2) Residential Property. Total outdoor light output installed on any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.

Service Station Canopies:

All luminaires mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize only flat lenses or windows.

Outdoor internally illuminated signs (whether free standing or building mounted) shall be subject to all the following requirements:

(1) The sign must be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols (see Exhibit 7).

(2) The internally illuminated portion of the sign cannot be white, cream, off-white, light tan, yellow or any light color unless it is part of a registered logo that does not have an alternate version with dark tones. Light tone colors such as white, cream, off-white, light tan, yellow or any light color 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.

(3) The internal illumination, between sunset and sunrise, is to be the lowest intensity needed to allow the sign to be visible for up to 1/2 mile from its installation and shall not exceed 100 nits.

(4) The luminous surface area of an individual sign shall not exceed 50 square feet.

(5) Electronic message displays are discouraged and shall comply with outdoor lighting curfews stipulated in this ordinance. Messages appearing on electronic displays shall not be displayed for less than (30) seconds and shall require no longer than 0.25 seconds to transition from one message to another. Moving and/or flashing text or images are prohibited.

Towers Lighting:

No lighting of towers and associated facilities is allowed, except as required by the Federal Aviation Administration or other federal or state agency.

String or Rope Lighting:

String, rope, festoon, bistro, and similar lighting, provided that the emission of no individual lamp exceeds fifty (50) lumens, and no installation of such lighting exceeds, in the aggregate, six thousand (6,000) lumens. These lights must have a CCT at or below 2700 Kelvin.

Outdoor light fixtures with a maximum output of 200 lumens per fixture, regardless of the number of bulbs, may be left unshielded provided the source of the light is not visible from any

other property and the fixture conforms to all other stipulations of this article. The output from these fixtures shall not exceed 10% of the lumens per net acre allowed by this article.

All of the lighting that illuminates the translucent portion of a greenhouse or solarium must be shielded so that no direct light shines outside of the structure.

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.

(1) Lighting at public and private outdoor recreational facilities, including but not limited to playing fields, arenas, tracks, and swimming pools, will be shielded to the greatest practical extent to reduce glare, safety hazards, light trespass, and light pollution;

Shall be provided exclusively for illumination of the surface of play and adjacent viewing stands, and not for any other application, such as lighting a parking lot.

Flagpoles Lighting:

Property owners are encouraged to not illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset.

(1) Flagpoles with a height greater than 20 feet above ground level shall be illuminated only from above.

(2) Flagpoles with a height equal to or less than twenty (20) feet above ground level may be illuminated from below. If ground-level illumination is used, flagpoles may be illuminated with spotlight type luminaires, utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is 75 lumens per linear foot of pole height, measured from the level of the luminaire above grade to the top of the flagpole. Luminaires are to be mounted so that their lenses are perpendicular to the flagpole and the light output points directly toward the flag(s).

Prohibitions. The use of the follow types of outdoor lighting are prohibited, except as specifically exempted here or elsewhere in this article.

(1) Sag-lens or drop lens fixtures.

(2) Any luminaire that uses mercury vapor lamps.

(3) Searchlights, skybeams, and similar lighting, except as required by response personnel during emergency conditions.

(4) Any light that dynamically varies its output by intermittently fading, flashing, blinking, or rotating. This type of lighting includes strobe lighting.

4.03 Outdoor Building or Landscape Illumination

The unshielded outdoor illumination of any building, landscaping, or sign is prohibited. Spotlights less than or equal to 500 lumens may be used, provided such fixtures are shielded to prevent light from being emitted away from the target of illumination.

4.04 Existing Fixtures Not Subject to Regulations

Outdoor lighting on any property that is not in conformance with this article shall be brought into conformance with this article within five (5) years from the date of adoption of this article.

4.05 Searchlights

The use of searchlights for advertising purposes 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 lumens 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.

7. The owner of the light fixture is responsible for compliance with the regulations imposed by this Order.

8 Enforcement

This Order is enforceable by any peace officer.

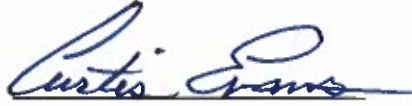
9. Offense and Penalty

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.

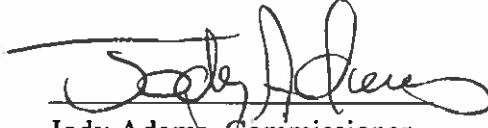
11. Effective Date and Repeal of Prior Orders

This Order shall be effective on Month Day, Year. 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 December 1, 2007, recorded at Volume XX, Page XXX of the Commissioners Court Minutes of Jeff Davis County, Texas, are repealed.

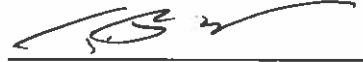
UNANIMOUSLY APPROVED this the 8th day of March, 2021.



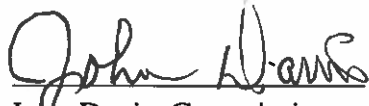
Curtis Evans, County Judge



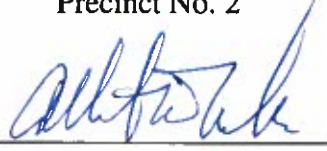
Jody Adams, Commissioner
Precinct No. 1



Todd Jagger, Commissioner
Precinct No. 2



John Davis, Commissioner
Precinct No. 3



Albert Miller, Commissioner
Precinct No. 4

Attest:



Jennifer Wright, County Clerk

**ORDER
OF THE JEFF DAVIS COUNTY COMMISSIONERS COURT
GOVERNING OUTDOOR LIGHTING**

Existing	Proposed/Suggested Revisions
1. Authority	1. Authority
This Order is adopted pursuant to Texas Local Government Code §240.032(a).	This Order is adopted pursuant to Texas Local Government Code §229(b).
2. Findings	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.	Delete.
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.	2.02 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.	2.03 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.	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.
	(b) The purpose of this article is: (1) To reduce glare and improve nighttime visibility which contributes to safer, more secure, and attractive outdoor living spaces.

	<p>(2) To encourage efficient, controlled lighting that conserves energy.</p> <p>(3) To make our community a better place to live and work and a more inviting place for tourist to visit.</p> <p>(4) To protect properties from light trespass.</p> <p>(5) To preserve our heritage of a dark night sky.</p> <p>(6) To be mindful of the needs of McDonald Observatory for minimal artificial light at night to conduct ongoing astronomical research.</p>
<p>3. Definitions</p>	<p>3. Definitions</p>
<p>The following definitions apply to terms used in this Order, unless the context clearly indicates another definition applies:</p>	<p>3.01 The following definitions apply to terms used in this Order, unless the context clearly indicates another definition applies:</p>
<p>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.</p>	<p>Outdoor Lighting means 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 rays to shine outside are considered outdoor lighting for the intent of this article. See Exhibit 1.</p>
<p>3.02 "Installed" includes the initial installation, repair, or replacement of Outdoor Lighting as defined herein.</p>	<p>3.02 "Installed" includes the initial installation, repair, or replacement of Outdoor Lighting as defined herein.</p>
<p>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</p>	<p>Fully Shielded means an outdoor luminaire constructed so that in its installed position, all of the light emitted from the light fixture is projected below the horizontal plane passing through the lowest light-emitting part of the fixture.</p>

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.	Delete.
3.05 "Spot Light" means a light fixture having a narrow beam.	3.05 "Spotlight" means a light fixture having a narrow beam.
3.06 "Flood Light" shall mean a light fixture having a wide beam.	3.06 "Floodlight" 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.	3.07 "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.	Delete.
	<p>Adaptive controls mean mechanical or electronic devices, when used in the context of outdoor lighting systems, intended to actively regulate the switching, duration, and/or intensity of light emitted by the outdoor lighting system. Examples of adaptive controls include timers, dimmers and motion-sensing switches.</p> <p>Beam of a light fixture means the spatial distribution of the emitted light.</p> <p>Correlated Color Temperature (CCT) means a measure of the color properties of light emitted by lamps, being equal to the temperature, expressed in Kelvins (K). CCT values are typically provided on lighting manufacturer packaging or data sheets.</p>

Electronic Message Display means any illuminated sign of an informative or advertising nature, whether on-or off-premise, and operable at night, whose content is made visible to the viewer by means of luminous elements under active electronic control and therefore subject to alteration in order to vary the content of the message. Electronic displays may be either static or dynamic in terms of light color and intensity.

Existing light fixtures means those outdoor light fixtures already installed at the time this article is adopted.

Glare means visual discomfort or impairment caused by a bright source of light in a direction near one's line of sight.

Greenhouse means any building that is constructed of glass, plastic, or other transparent material in which plants are grown under climate-controlled conditions and includes hoop houses and other similar structures.

Light source means a light emitting portion of the luminaire and any diffusing elements and surfaces intended to reflect or refract light emitted from the lamp individually or collectively, for example, a lamp, bulb, lens, highly reflective surface, or frosted glass.

Light pollution means the unintended, adverse and /or obtrusive effect of the use of outdoor light at night.

Light trespass means 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. If the light appears star-like from

another property or the public roadway, the light is creating light trespass. It is expected that the illumination produced by a light source may be viewed from other properties but the light source itself should not be visible from other properties. Exhibit 3 of Section 18-240 is a sample educational illustration about light trespass.

Lumen means the unit of measurement used to quantify the amount of light produced by a bulb or emitted from a light source. Lumen values are typically provided on lighting manufacturer packaging or data sheets. For the purposes of this article, unless otherwise stated, the lumen output values shall be the initial lumen output ratings as defined by the manufacturer, multiplied by the lamp efficiency. Lamp efficiency of 95% shall be used for all solid-state lamps and 80% for all other lamps, unless an alternate efficiency rating is supplied by the manufacturer.

Lumens per Net Acre means the total outdoor light output, as defined in this article, divided by the number of acres, or part of an acre with outdoor illumination. Undeveloped, non-illuminated portions of the property may not be included in the net acreage calculation.

Luminaire means a complete lighting assembly or lighting fixture, consisting of a lamp, housing, optic(s), and other structural elements, but not including any mounting pole or surface.

Luminance is a measure of light emitted by or from a surface.

Nit is the standard unit of measure of luminance used for internally illuminated

signs, digital signs, or electronic message displays.

Private lighting means outdoor light fixtures that are owned or leased or operated or maintained or controlled by individual persons, including but not limited to families, partnerships, corporations, and other entities engaged in the conduct of business or other non-governmental activities.

Public lighting means outdoor light fixtures that are owned or leased or operated or maintained or controlled by the County or other governmental entity or entities.

Sag-lens or drop-lens fixture means a fixture, typically seen on older streetlights or parking lot lights, where the lens extends below the lowest opaque part of the fixture such that light is scattered above the horizontal plane.

Searchlight means a light fixture having a narrow beam intended to be seen in the sky.

Spotlight means a light fixture having a narrow beam.

Temporary lighting means non-permanent lighting installations installed and operated for a duration not to exceed thirty (30) days.

Total outdoor light output means 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 compute the total, add the lumen outputs attributed to each light fixture together.

4. General Requirements	4. General Requirements
4.01 New Lighting Installations	4.01 New Lighting Installations
<p>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.</p>	<p>All Outdoor Lighting fixtures installed, replaced, or repaired after the effective date of this Order shall be fully shielded except as otherwise specified in this Order.</p>
	<p>(a) Outdoor lighting on any property that is not in conformance with this article shall be brought into conformance with this article within five (5) years from the date of adoption of this article. All new construction and/or new luminaires installed (including replacements for existing fixtures) shall comply after the adoption of this article.</p>
	<p>(3) All outdoor lighting is encouraged to be turned off when no one is present to use the light. Adaptive controls such as timers, motion sensors, and half night photocells can assist in this effort.</p>
	<p>(b) Light Trespass.</p> <p>(1) Light trespass is prohibited. No luminaire, except governmental owned streetlights, shall create conditions of light trespass. Governmental owned street lights may only create light trespass below it within one hundred (100) feet of its installed location.</p> <p>(2) All outdoor lighting, except governmental owned streetlights, shall be shielded so that the light source shall not be visible from any other property.</p>

	<p>(e) Color Temperature.</p> <p>(1) The correlated color temperature (CCT) of luminaries shall not exceed 2700 Kelvins.</p> <p>(2) Luminaries rated at or below 2500 Kelvin are encouraged for better nighttime visibility.</p>
	<p>(h) Lumen Caps. The lumen per net acre values are an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task. Lumen per net acre values exclude governmental owned street lights used for illumination of public rights-of-way and outdoor recreation facilities.</p> <p>(1) Nonresidential Property. Total outdoor light output installed on any nonresidential property shall not exceed 50,000 lumens per net acre in any contiguous illuminated area;</p> <p>(2) Residential Property. Total outdoor light output installed on any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.</p>
	<p>(f) Service Station Canopies: All luminaires mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize only flat lenses or windows.</p>
	<p>(c) Outdoor internally illuminated signs (whether free standing or building mounted) shall be subject to all the following requirements:</p> <p>(1) The sign must be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and</p>

	<p>symbols. (See Exhibit 5 of Section 18-240 for examples).</p> <p>(2) The internally illuminated portion of the sign cannot be white, cream, off-white, light tan, yellow or any light color unless it is part of a registered logo that does not have an alternate version with dark tones. Light tone colors such as white, cream, off-white, light tan, yellow or any light color 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.</p> <p>(3) The internal illumination, between sunset and sunrise, is to be the lowest intensity needed to allow the sign to be visible for up to 1/2 mile from its installation and shall not exceed 100 nits.</p> <p>(4) Size limit. The luminous surface area of an individual sign shall not exceed 50 square feet.</p> <p>(5) Electronic message displays are discouraged and shall comply with outdoor lighting curfews stipulated in this ordinance. Messages appearing on electronic displays shall not be displayed for less than (30) seconds and shall require no longer than 0.25 seconds to transition from one message to another. Moving and/or flashing text or images are prohibited.</p>
	<p>(d) Towers. No lighting of towers and associated facilities is allowed, except as required by the Federal Aviation Administration or other federal or state agency.</p>
	<p>Outdoor light fixtures with a maximum output of 200 lumens per fixture, regardless of the number of bulbs, may be left unshielded provided the source of</p>

	<p>the light is not visible from any other property and the fixture conforms to all other stipulations of this article. The output from these fixtures shall not exceed 10% of the lumens per net acre allowed by this article.</p>
	<p>All of the lighting that illuminates the translucent portion of a greenhouse or solarium must be shielded so that no direct light shines outside of the structure.</p>
	<p>(e) Color Temperature. (1) The correlated color temperature (CCT) of luminaries shall not exceed 2700 Kelvins. (2) Luminaries rated at or below 2500 Kelvin are encouraged to mitigate the amount of blue light.</p>
4.02 Recreational Facilities	4.02 Recreational Facilities
<p>No outdoor recreational facility shall be illuminated by nonconforming means after midnight, except to conclude a specific recreational activity in progress.</p>	<p>No outdoor recreational facility shall be illuminated by nonconforming means after midnight, except to conclude a specific recreational activity in progress.</p>
	<p>(1) Lighting at public and private outdoor recreational facilities, including but not limited to playing fields, arenas, tracks, and swimming pools, will be shielded to the greatest practical extent to reduce glare, safety hazards, light trespass, and light pollution; Shall be provided exclusively for illumination of the surface of play and adjacent viewing stands, and not for any other application, such as lighting a parking lot.</p>
	<p>(j) Flagpoles. Property owners are encouraged to not illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset.</p>

	<p>(1) Flagpoles with a height greater than 20 feet above ground level shall be illuminated only from above.</p> <p>(2) Flagpoles with a height equal to or less than twenty (20) feet above ground level may be illuminated from below. If ground-level illumination is used, flagpoles may be illuminated with spotlight type luminaires, utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is 75 lumens per linear foot of pole height, measured from the level of the luminaire above grade to the top of the flagpole. Luminaires are to be mounted so that their lenses are perpendicular to the flagpole and the light output points directly toward the flag(s).</p>
	<p>(k) Prohibitions. The use of the follow types of outdoor lighting are prohibited, except as specifically exempted here or elsewhere in this article.</p> <p>(1) Sag-lens or drop lens fixtures.</p> <p>(2) Any luminaire that uses mercury vapor lamps.</p> <p>(3) Searchlights, skybeams, and similar lighting, except as required by response personnel during emergency conditions.</p> <p>(4) Any light that dynamically varies its output by intermittently fading, flashing, blinking, or rotating. This type of lighting includes strobe lighting.</p>
<p>4.03 Outdoor Building or Landscape Illumination</p>	<p>4.03 Outdoor Building or Landscape Illumination</p>
<p>The unshielded outdoor illumination of any building, landscaping, or sign is prohibited. Incandescent spot lights of</p>	<p>The unshielded outdoor illumination of any building, landscaping, or sign is prohibited. Spotlights less than or equal</p>

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.	to 500 lumens 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	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.	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	4.05 Searchlights
The use of searchlights for advertising purposes is prohibited.	The use of searchlights for advertising purposes is prohibited.
4.06 Spotlights and Floodlights	4.06 Spotlights and Floodlights
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.	Delete.
4.07 Mercury Vapor	4.07 Mercury Vapor
The installation of mercury vapor fixtures is prohibited.	The installation of mercury vapor fixtures is prohibited.
4.08 Signs	4.08 Signs
Lighting for internally or externally lit outdoor signs shall be turned off at the time the business closes for the evening	Lighting for internally or externally lit outdoor signs shall be turned off at the time the business closes for the evening

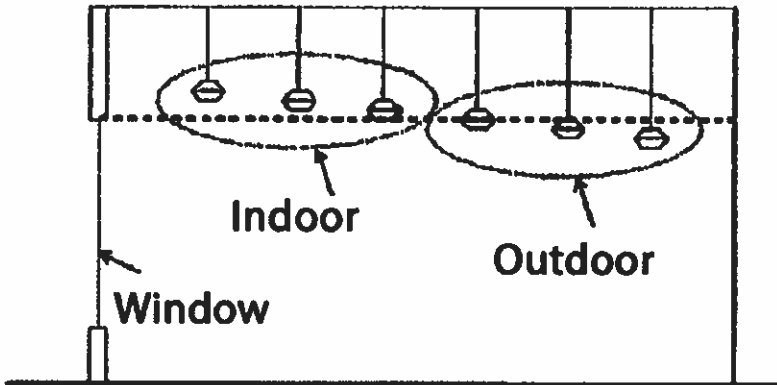
or at midnight, whichever is earlier, and shall not be again turned on until 6:00 a.m. or the time the business opens, whichever is later.	or at midnight, whichever is earlier, and shall not be again turned on until 6:00 a.m. or the time the business opens, whichever is later.
5. Exemptions	5. Exemptions
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.	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.	5.01 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.	5.02 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.	5.03 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.	5.04 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.	5.05 Any application for exemption shall contain, as a minimum, the following information.
Name of the person or entity requesting the exemption	Name of the person or entity requesting the exemption

Address and Phone Number for Contact Person	Address and Phone Number for Contact Person
Proposed use of Outdoor Lighting	Proposed use of Outdoor Lighting
Type of lamp to be used, including manufacturer's model number	Type of lamp to be used, including manufacturer's model number
Type of light fixture used, including manufacturer's model number	Type of light fixture used, including manufacturer's model number
Total wattage of lamp or lamps	Total lumens of lamp or lamps
Proposed location of outdoor light	Proposed location of outdoor light
Beginning and ending date of proposed exemption	Beginning and ending date of proposed exemption
Reasons why it is impossible or impractical to comply with this Order	Reasons why it is impossible or impractical to comply with this Order
6. Provisions Not Applicable	6. Provisions Not Applicable
The provisions of this Order do not apply to the following types of outdoor lighting:	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 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 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.	Delete.

7. The property owner or the person in actual control of the property is responsible for compliance with the regulations imposed by this Order.	7. The owner of the light fixture is responsible for compliance with the regulations imposed by this Order.
8 Enforcement	8 Enforcement
This Order is enforceable by any peace officer.	This Order is enforceable by any peace officer.
9. Offense and Penalty	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.	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.
10. Intentional Illumination of Observatory Facility	Delete
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 a n offense to be committed under this section.	Delete
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. Indoor/outdoor lighting.



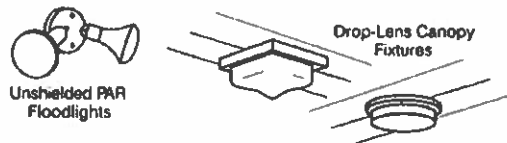
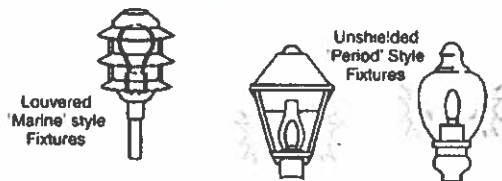
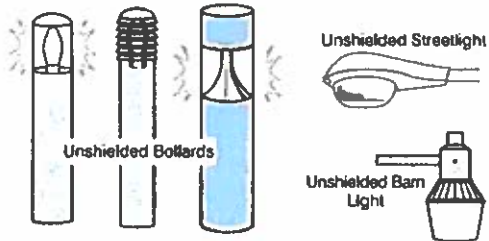
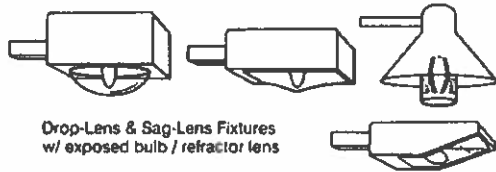
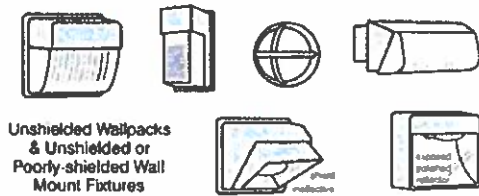
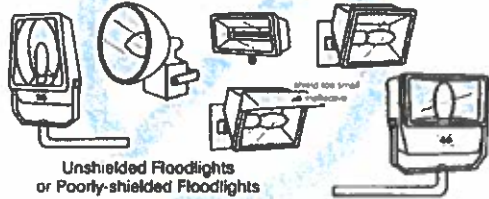
Elevation view showing an example of a nonresidential application of indoor lighting, labeled "Outdoor", which will be subject to this article. The example presumes the structure in question is not elevated such that any of the luminaires labeled "Indoor" may be seen from any other property. If the structure is elevated such that the luminaires labeled "Indoor" are visible from another property then, they are actually "outdoor lighting" and subject to this article. All luminaires under skylights or other translucent roofing materials are subject to this article just as the fixtures behind the window in this example.

Exhibit 2, Examples

Examples of Acceptable / Unacceptable Lighting Fixtures

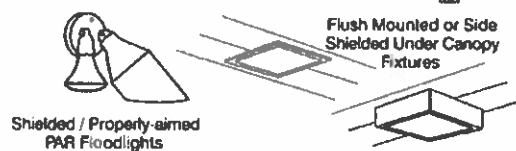
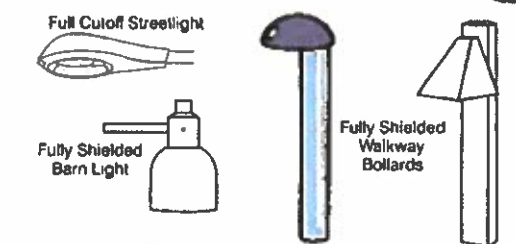
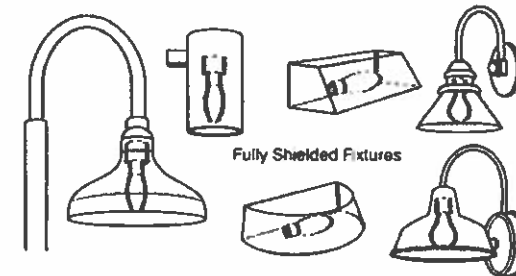
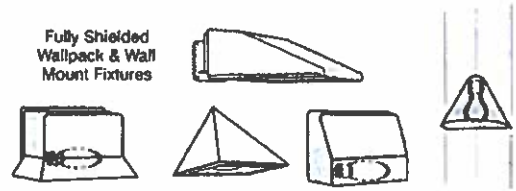
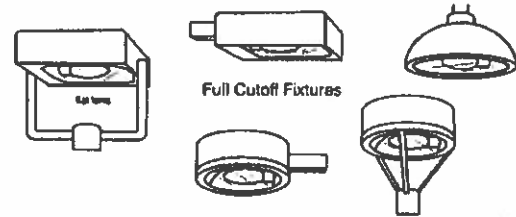
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



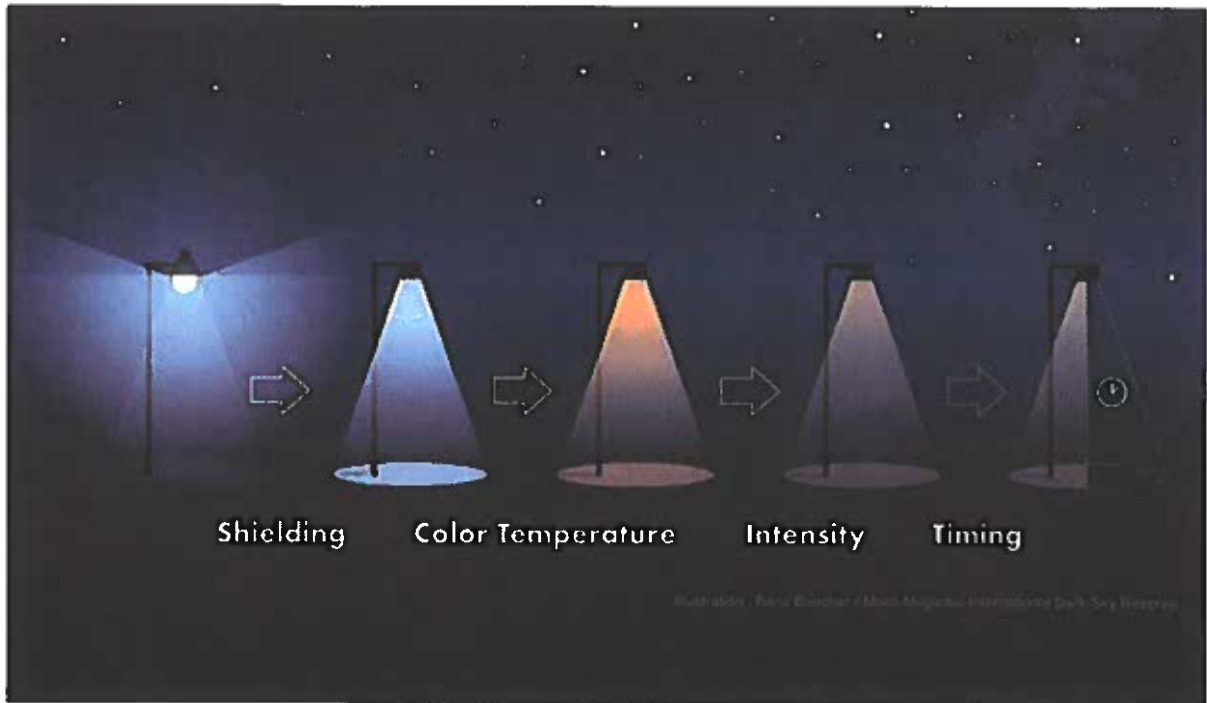
Acceptable

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



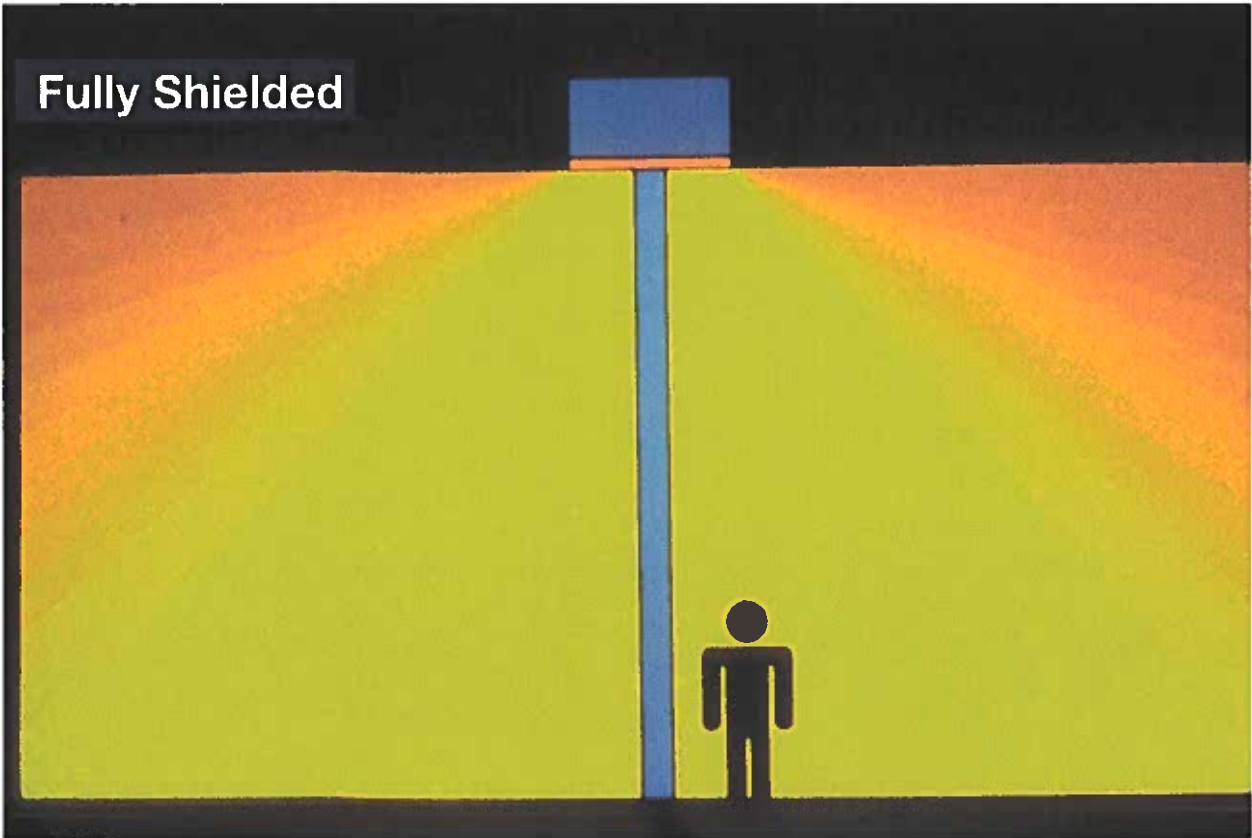
Illustrations by Bob Cretn © 2005. Rendered for the Town of Southampton, NY. Used with permission.

Exhibit 3. An illustration of best outdoor lighting practices.



- (1) Use shielding to reclaim wasted light and direct it to the area to be lit.
- (2) Lower the correlated color temperature (CCT) from "cool" white light to "warm" white ($\leq 2700\text{K}$).
- (3) Lower the intensity to provide as much light as needed for the application, but no more.
- (4) Use adaptive controls, e.g., timers, half-night photocells, motion sensors, etc., to limit the hours the light is in use.

Exhibit 4. Fully Shielded.



"Fully Shielded" means an outdoor luminaire constructed so that in its installed position, all of the light emitted from the light fixture is projected below the horizontal plane passing through the lowest light-emitting part of the fixture.

Exhibit 5. Color Temperature.



Exhibit 6. Light Trespass.

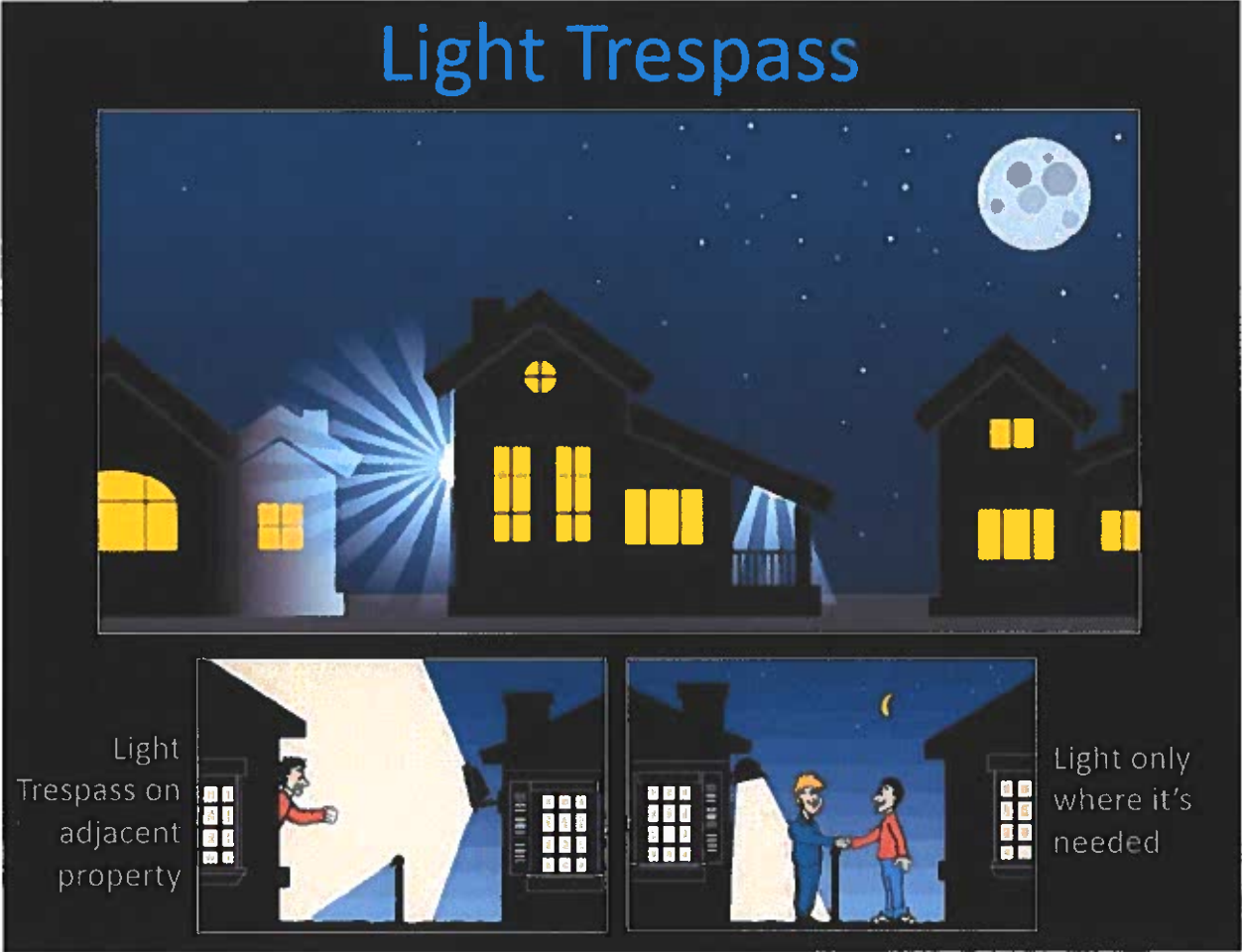


Exhibit 7. Internally Illuminated Signs.

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