

(AMENDED AUGUST 22, 2018 – 3.5 C)
Orders Regulating Outdoor Lighting
In Brewster County Texas

Brewster County Commissioners Court adopts these Orders pursuant to §234.002, Local Government Code, VTCA, for the purpose of preserving dark skies and protecting the continued viability of McDonald Observatory.

These Orders Regulating Outdoor Lighting
In Brewster County Texas supersede any previous Orders Regulating Outdoor Lighting
In Brewster County Texas

I. DEFINITIONS - In these orders:

- 1.1 "Outdoor lighting" means any type of lighting, fixed or movable, designed or used for outdoor illumination of building or residences, including lighting for billboards, streetlights, searchlights used for advertising purposes, externally or internally illuminated on or off-site advertising signs, and area-type lighting.
- 1.2 "Installed" means the initial installation or replacement of outdoor lighting as defined herein made subsequent to the enactment of these orders and shall not pertain or apply to outdoor lighting existing at the time of enactment of these orders.
- 1.3 "Fully shielded" means that lighting 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.
- 1.4 "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.
- 1.5 "Spot light" means a light fixture having a narrow beam.
- 1.6 "Flood light" shall mean a light fixture having a wide beam.

1.7 "Astronomical twilight to astronomical dawn" means the time when the sky is absolutely dark

2 GENERAL REQUIREMENTS

- 2.1 **New lighting installations:** All outdoor lighting fixtures installed after November 1, 2001 shall be fully shielded, except incandescent fixtures one hundred fifty watts or less or from other sources seventy watts or less which shall be partially shielded.
- 2.2 **Recreational facilities:** No outdoor public recreational facility shall be illuminated by nonconforming means after midnight except to conclude a specific recreational activity in progress.
- 2.3 **Outdoor building or landscaping illumination:** The unshielded outdoor illumination of any building, landscaping or signing is prohibited except with incandescent spot lights of less than 150 watts which shall be, at a minimum, partially shielded to prevent light from being emitted away from the target of illumination.
- 2.4 **Spot lights and flood lights:** For spotlights and flood lights 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 (see Exhibits 1 and 2)
- 2.5 **Mercury vapor:** The installation of mercury vapor fixtures is prohibited effective November 1, 2001.
- 2.6 **Searchlights:** The operation of searchlights for advertising purposes is prohibited.

3 EXEMPTIONS

- 3.1 Any individual may submit a written request to the County Commissioner in whose precinct the lighting sought to be exempted is located for a temporary exemption from the requirements of these orders: The request for the temporary exemption shall contain, at a minimum, the following information:
- A. Proposed use of outdoor light involved and reason an exemption is needed.
 - B. Type of lamp to be used.
 - C. Type of light fixture sought to be exempted.
 - D. Total wattage of lamp or lamps proposed to be exempted
 - E. Proposed location of outdoor light.
 - F. Beginning and ending date of proposed exemption.
- 3.2 If the Commissioner to whom the request for temporary exemption finds that the request is reasonable, that Commissioner may grant the temporary exemption.
- 3.3 No temporary exemption shall be granted for a period greater than six (6) months and all temporary exemptions shall be granted in writing on a form prescribed by Commissioners Court.
- 3.4 Temporary lighting at construction projects is not allowed from astronomical twilight to astronomical dawn. If, exceptionally, construction must continue or take place from astronomical twilight to astronomical dawn a temporary permit is required. The temporary permit must be obtained from the County Commissioner in whose precinct the construction

projected is located. If the County Commissioner in whose precinct the construction project is located is not available, the permit may be granted by any available County Commissioner or the County Judge. Permit forms are available in the County Judge's office.

The request for the temporary permit shall contain, at a minimum, the following information:

- A. Proposed use of outdoor light involved and reason an exemption is needed.
- B. Proposed location of outdoor light.
- C. Beginning and ending date of proposed exemption.
- D. If the Commissioner to whom the request for temporary exemption finds that the request is reasonable, that Commissioner may grant the temporary exemption.

3.5 These orders do not apply to:

- A. Decorative holiday lighting from November 15th through the next January 10th;
- B. Lighting required by law to be installed on surface vehicles and aircraft;
- C. Airport lighting or communication tower lighting required by federal regulation. However, new communication towers must use lighting that has the least impact on dark skies and lighting is not authorized unless required by federal regulations. If a proposed communication tower would require lighting, the application must demonstrate that a tower height that requires lighting is necessary. Such justification shall include documentation showing coverage limitations and an analysis of the impact on the view-shed.
- D. Temporary emergency lighting;
- E. Federal, State, or local governmental facilities where compelling needs for safety and security are demonstrated, and, in the determination of Commissioners Court, an exemption should be granted.

4. PENALTIES FOR VIOLATION

4.1 Violation of this order is a Class C misdemeanor punishable by a fine up to \$500.00.

5. EFFECTIVE DATE

- 5.1 The effective date of this shall be August 22, 2018
- 5.2 Adopted by vote of Brewster County Commissioners Court on August 22, 2018.



Eleazar R. Cano, County Judge



Berta Rios-Martinez, County Clerk

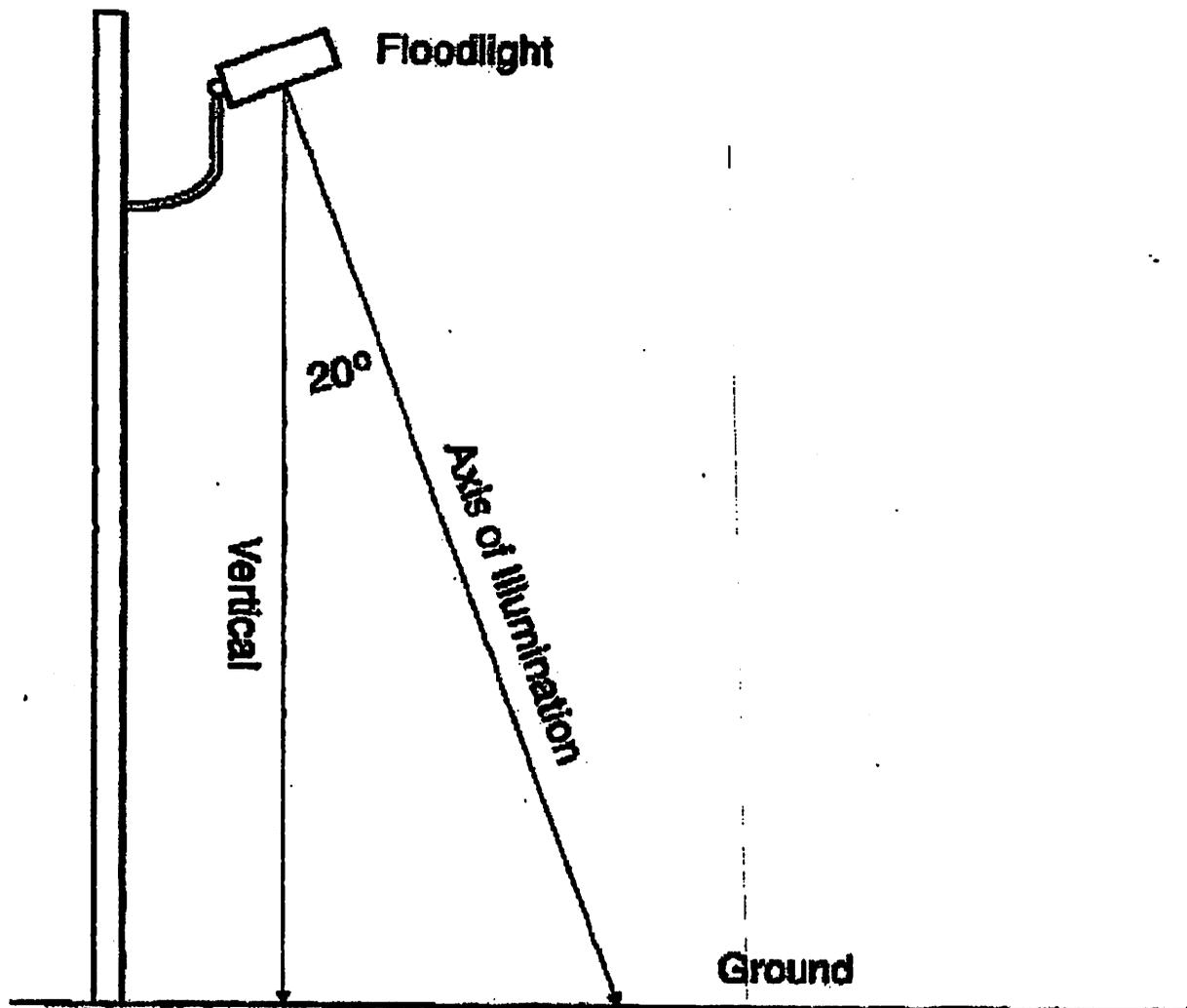


Exhibit 1. For spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground.



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.