11E

ORDINANCE NO. 017171

AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.18 (OUTDOOR LIGHTING CODE) OF THE EL PASO CITY CODE BY ADDING EXEMPTIONS FOR DOWNTOWN, ENTERTAINMENT DISTRICTS, STATUES AND SCULPTURES DISPLAYED FOR PUBLIC VIEWING, SEASONAL DECORATIONS, NEW DEFINITIONS AND REQUIREMENTS FOR INTERIOR HIGH INTENSITY DISCHARGE LIGHTS; CLARIFYING SHIELDING REQUIREMENTS, TOTAL OUTDOOR LIGHT OUTPUT STANDARDS AND NONCONFORMANCE; REQUIRING A PERMIT FOR USE OF LASER SOURCE LIGHT AND SEARCHLIGHTS AND LIMITING USE; PROHIBITING ADJUSTABLE LIGHT FIXTURES; ALLOWING TEMPORARY EXEMPTIONS AND REQUIRING A PERMIT FOR TEMPORARY EVENTS AND CONSTRUCTION IN CERTAIN CIRCUMSTANCES; THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article I (Purpose, Intent, Compliance and Applicability), Section 18.18.010 (Intent) of the El Paso City Code is hereby amended to read:

Article I Purpose, Intent, Compliance and Applicability

Section 18.18.010

A. Purpose This Chapter describes the type of outdoor lighting and certain interior high intensity discharge lighting that property owners may use with the ultimate goal of eliminating situations where lighting is an interference issue such as: over-lighting, glare, light clutter, sky glow, energy waste as well as possible effects on human psychology, astronomy and animal/plant ecosystems.

B. Intent.

CITY CLERK DEPT.
09 AUG 19 AM 11:38

It is the intent of this chapter to define practical and effective measures by which the obtrusive aspects of excessive and/or careless outdoor light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property. These measures will curtail the degradation of the nighttime visual environment by encouraging outdoor lighting and certain interior high intensity discharge lighting practices that direct appropriate amounts of light where and when it is needed, /increasing the use of energy-efficient sources, and decreasing the wastage of light and glare resulting from overlighting and poorly shielded or inappropriately directed lighting fixtures.

Section 2. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article I (Purpose, Intent, Compliance and Applicability), Section 18.18.030 (New buildings, new outdoor light fixtures and additions to existing facilities) of the El Paso City Code is hereby amended to read:

Section 18.18.030 New buildings, new outdoor light fixtures and additions to existing facilities.

For all proposed new construction or additions to existing facilities, all new outdoor lighting fixtures, including but not limited to replacement light fixtures, shall meet the requirements of this code.

Section 3. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article I (Purpose, Intent, Compliance and Applicability), Section 18.18.040 (Additions) of the El Paso City Code is hereby amended to read:

Section 18.18.040 Additions.

Additions, as regulated in Sections 18.18.030 and 18.18.230, shall require the submission of a complete inventory and site plan detailing any proposed new outdoor lighting. New lighting on the site shall meet the requirements of this code with regard to shielding and lamp type.

Section 4. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article II (Definitions), Section 18.18.060 (Definitions) of the El Paso City Code is hereby amended to read:

Article II Definitions

Section 18.18.060 Definitions.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown below:

"*Class 1 lighting*" means all outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, outdoor recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity. Recognized class 1 uses are: outdoor eating and retail food or beverage service areas; outdoor maintenance areas; display lots; assembly areas such as concert or theater amphitheaters.

"*Class 2 lighting*" means all outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

"*Class 3 lighting*" means any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, United States, state, county, or city flags and monument lighting, and illumination of trees, bushes, or other landscaping features.

Cutoff and *full cutoff* shall have the meanings as defined by the *lighting handbook*.

"*Directly visible*" means allowing a direct line-of-sight to the light source or lamp.

"*Director*" means the Director of the Development Services Department or his designees.

"*Display lot*" means outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. A display lot shall entail one of the following specific uses: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, assembly lots, swap meets. Additional uses may be designated as display lot as determined by the director.

"*Flood lamp*" means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope.

"*Footcandle*" means one lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the Imperial system. One footcandle equals approximately ten (10.76) lux.

"*Full cutoff light fixture*" or "*fully shielded light fixture*" means a luminaire with light distribution such that no light is emitted above the horizontal plane at the lowest portion of the light fixture.

"*Glare*" means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

"Illuminance" means the amount of light falling onto a unit area of surface (luminous flux per unit area), measured in lumens per square meter (lux) or lumens per square foot (footcandles).

"*Installed*" means the attachment, or assembly fixed in place, connected to a power source, of any outdoor light fixture.

"*lighting handbook*" means the most recent edition of the lighting handbook of the Illuminating Engineering Society, NA or its successor publication.

"*Light trespass*" means light falling into an area contrary to the requirements of this Chapter.

"*Lighting zones*" means the four lighting zones are based on the zoning districts or overlays established by the Zoning Ordinance. Guidelines used to guide the delineation of the lighting zones are:

A. Lighting Zone E1. This zone shall include all zoning districts with a "planned mountain development" overlay.

B. Lighting Zone E2. This zone shall include the zoning districts of R-F, R-1, R-2, R-2A, R-3, R-3A, R-4, R-5, RMH, RMD, P-R I, SRR, P-R II.

C. Lighting Zone E3. This zone shall include the zoning districts of A-1, A-2, A-3, A-4, A-O, A-3/O, A-M, C-OP and S-D.

D. Lighting Zone E4. This zone shall include the current zoning districts of C-1, C-2, C-3, C-4, C-5, M-1, M-2, M-3, P-C, Q, and P-I.

"Lumen" means a unit of luminous flux; used to measure the amount of light emitted by lamps.

"*Luminaire*" means the complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture. For purposes of determining total light output from a luminaire or light fixture (see under this section, "Outdoor light output, total"), lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

"*Luminous tube*" means a glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter (10-15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A "neon" tube does not include common fluorescent tubes.

"*Lux*" means a unit of illuminance equal to one lumen per square meter. One lux equals approximately 0.1 (0.093) footcandles.

"*Monument*" means a structure that has the sole purpose and use of providing writings, drawings or pictures to commemorate persons, events or the site at which the structure is located, but does not include signs that are regulated by Chapter 20.18, sculptures or statutes.

"*Multi-class lighting*" means any outdoor lighting used for more than one purpose, such as security and decoration, such that its use falls under the definition of two or more classes as defined for class 1, 2 and 3 lighting.

"*Net acreage*" means the total area of the development project. For parcels including those special uses listed in Sections 18.18.150, 18.18.160, 18.18.170 and 18.18.180 that are exempted from the lumens per acre caps of Section 18.18.080 (recreational facilities and outdoor display lots), the area devoted to the special use shall also be excluded from the net acreage.

"*Opaque*" means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, means that the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

"*Outdoor light fixture*" means an outdoor illuminating device, outdoor lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used

for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for:

A. Parking lot lighting;

B. Roadway lighting;

C. Buildings and structures;

D. Recreational areas;

D. Landscape lighting;

E. Billboards and other signs (advertising or other);

F. Product display area lighting;

G. Building or structure decoration; and

H. Building overhangs and open canopies

"*Outdoor light output, total*" means the initial total amount of light, measured in lumens, from all lamps used in outdoor light fixtures. The term includes all lights and luminous tubing used for class 1, class 2, class 3 and multi-class lighting, and lights used for external illumination of signs, but does not include lights used to illuminate internally illuminated signs or luminous tubing used in neon signs. For lamp types that vary in their output as they age (such as high pressure sodium, fluorescent and metal halide), the initial lamp output, as defined by the manufacturer, is the value to be considered. For determining compliance with Section 18.18.080, total outdoor light output standards, the light emitted from lamps in outdoor light fixtures is to be included in the total output as follows:

A. Outdoor light fixtures installed on poles (such as parking lot luminaires) and light fixtures installed on the sides of buildings or other structures, when not shielded from above by the structure itself as defined in subsections B, C and D of this section, are to be included in the total outdoor light output by simply adding the initial lumen outputs of the lamps;

B. Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least 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 initial lumen output;

C. Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least ten feet but less than thirty 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-tenth of the lamp's rated initial lumen output; and

D. Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located thirty or more feet from the nearest edge of the canopy or overhang are not to be included in the total outdoor light output. Such lamps must however conform to the lamp source and shielding requirements of Section 18.18.070.

"*Outdoor recreation facility*" means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds/fields, soccer and football fields, golf courses, tennis courts, basketball courts, athletic fields or tracks, racquetball courts, golf driving ranges, tennis courts and swimming pools.

"*Property*" means a parcel of real property that has a property identification number assigned to it by the Central Appraisal District.

"*Searchlight*" means a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp, and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Searchlights include such lights that are used commonly to sweep the sky for advertisement purposes.

"*Seasonal Decorations*" means the lighting used in decorations consisting of unshielded low-wattage incandescent lamps of 15 watts or less used outdoors.

"*Sign, externally illuminated*" means a sign illuminated by light sources from the outside.

"*Sign, internally illuminated*" means a sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

"*Sign, neon*" means a sign including luminous gas-filled tubes formed into text, symbols or decorative elements and directly visible from outside the sign cabinet.

"*Spot lamp*" means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and

with a clear or nearly clear glass envelope. Spot lamps are those lamps so designated by the manufacturers.

"*Spot light*" means a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

Section 5. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article III (Shielding and Total Outdoor Light Output Standards), Section 18.18.070 (Shielding standards) of the El Paso City Code is hereby amended to read:

Article III Shielding and Total Outdoor Light Output Standards

Section 18.18.070 Shielding standards.

All nonexempt outdoor lighting fixtures shall have shielding as shown in Table 18.18.070.

Table 18.18.070

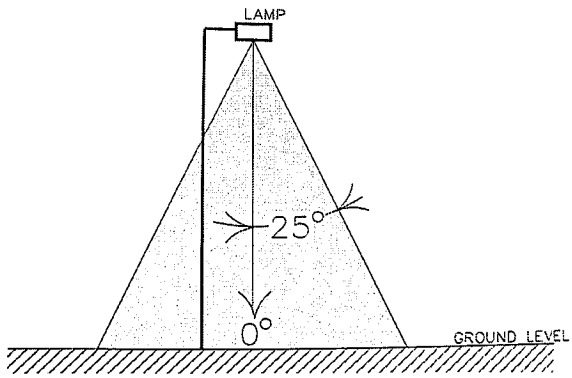
Lamp Type and Shielding Standards [1,2,3,4]

Use Class And Lamp Type	**Lighting Zone: E4**	**Lighting Zone: E3**	**Lighting Zone: E2**	**Lighting Zone: E1**
Class 1 lighting (Color Rendition):				
Initial output greater than or equal to 1800 lumens	F	F	F	F
Initial output below 1800 lumens (2)	A(1)	A(1)	A(1)	F
Class 2 lighting (General Illumination):				
Initial output greater than or equal to 1800	F	F	F	F

lumens				
Initial output below 1800 lumens (2)	A(1)	A(1)	A(1)	F
Class 3 lighting (Decorative)(3):				
Initial output greater than or equal to 1800 lumens	F	F	F	X
Initial output below 1800 lumens (2)	A(1)	A(1)	A(1)	F
Residential lighting (all Classes)(4):				
Initial output greater than or equal to 1800 lumens	F	F	F	F
Initial output below 1800 lumens (2)	A(1)	A(1)	A(1)	A(1)

Notes to Table 18.18.070

A = all types of light fixtures are allowed except that any spot or floodlight shall be aimed not higher than twenty-five degrees from the vertical line between the light fixture and the ground when light emitted from a light fixture is visible from any off-site residential property or public roadway.



017171

Illustration of Note "A"

F = only fully shielded light fixtures allowed

X = not allowed

1. Flood or spot lamps shall be aimed no higher than twenty-five degrees from the vertical line between the light fixture and the ground when the source is visible from any off-site residential property or public roadway.

Exception: seasonal decorations shall be permitted in all lighting zones.

2. All class 3 lighting shall be extinguished between 11:00 p.m. (or when the business closes, whichever is later) and sunrise.

3. Residential refers to single family attached or detached uses located in any of the zone districts such as single-family detached and duplexes. Multiple-family residential uses, or apartments, must use standards for class 1, 2 and 3 lighting.

Section 6. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article III (Shielding and Total Outdoor Light Output Standards) of the El Paso City Code is hereby amended by adding a new section 18.18.075 (Interior high intensity discharge lights) as follows:

Section 18.18.075: Interior high intensity discharge lights.

Interior high intensity discharge light fixtures shall be fully shielded light fixtures when the light from such light fixtures is visible from any public roadway or an off site residential property.

Section 7. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article III (Shielding and Total Outdoor Light Output Standards), Section 18.18.080 (Total outdoor light output standards) of the El Paso City Code is hereby amended to read:

Section 18.18.080 Total outdoor light output standards.

Total outdoor light output shall not exceed the limits in Table 18.18.080. Seasonal decorations are not counted toward these limits; lighting used for external illumination of signs is counted, while lighting used for internal illumination of signs is not counted. (The values in this table are the maximum permitted levels and not intended as design

standards; design standards shall be the lowest levels that meet the requirements of the task.)

Table 18.18.080

Maximum Total Outdoor Light Output Standards

Lumen Caps--Initial Lamp Lumens per Net Acre	**Lighting Zone: E4**	**Lighting Zone: E3(4)**	**Lighting Zone: E2(4)**	**Lighting Zone: E1**
Commercial and Industrial uses (1)				
Total (full cutoff+ unshielded)	1,000,000	200,000	50,000	125,000
Unshielded only	40,000	20,000	4,000	2,000
Residential uses (2,3)				
Total (full cutoff + unshielded)	20,000	10,000	10,000	10,000
Unshielded only	5,000	5,000	1,000	1,000

Notes to Table 18.18.080

1. This refers to all commercial and industrial uses and includes multiple family or apartment uses.

2. This refers to all single-family attached or detached uses.

3. In lighting zones E4-E 1, each residential single-family attached or detached home, duplex, triplex, quadruplex or townhome is allowed up to five thousand five hundred total lumens, or the amount indicated in this table based on the parcel's acreage, whichever is larger. Each is also allowed a maximum of five thousand five hundred lumens of unshielded ("A") lighting, provided Table 18.18.070 allows the lamp's type with "A" shielding. All residential spot or flood lamps permitted are to be aimed no higher than twenty-five degrees from the vertical line between the light fixture and the ground when the source is visible from any off-site residential property or public roadway.

4. Public and private schools located in zones E2 and E3 may petition the director for an increase in the lumens per acre cap to the level permitted in zone E4. The director may allow an increase when the school submits an engineered design supporting the need of such increase.

5. For projects using a portion of a parcel, the calculation of the allowable lumen cap shall be based on a project area that includes only the building, parking and landscaping portions of the parcel.

Section 8. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article III (Shielding and Total Outdoor Light Output Standards), Section 18.18.090 (Effective shielding standard) of the El Paso City Code is hereby amended as follows:

Section 18.18.090 Effective shielding standard.

All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described in the definition in Section 18.18.060 for *full cutoff light fixtures.*

Section 9. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article III (Shielding and Total Outdoor Light Output Standards), Section 18.18.100 (Light trespass standard) of the El Paso City Code is hereby amended as follows:

Section 18.18.100 Light trespass standard.

A. Beyond the shielding requirements of Section 18.18.070, all light fixtures shall be located, aimed or shielded so as to minimize stray light trespassing across residential property boundaries.

B. Any lamp installed on a residential property in zone El and visible from any other residential property shall be shielded such that the lamp is not directly visible from that property.

C. Luminaires, spot lamps or spotlights which are aimed, directed or focused such as to cause direct light to be directed toward residential buildings, ~~or~~ adjacent or nearby land, streets or roadways~~,~~ shall be redirected or their light output controlled as necessary to eliminate such conditions.

Section 10. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article IV (On-Premise and Off-Premise Signs), of the El Paso City Code shall be and hereby is amended by adding a new section 18.18.135 (Off-premises outdoor advertising signs) as follows:

Section 18.18.135 Off-premise outdoor advertising signs.

Illumination of outdoor advertising off-premise signs is prohibited in lighting zone E 1.

Section 11. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article IV (On-Premise and Off-Premise Signs), Section 18.18.140 (Curfews) of the El Paso City Code is hereby amended as follows:

Section 18.18.140 Curfews.

Illumination for all signs, both externally and internally illuminated, shall be turned off at the curfew times listed in Table 18.18.140 or when the business or portion thereof open to the public closes, whichever is later. Signs subject to curfews are required to have functioning and properly adjusted automatic shut-off timers. Internally illuminated signs may continue to be used and illuminated but must conform to the curfews as indicated.

Table 18.18.140 Illuminated Sign Curfews

Table 18.18.140
Illuminated Sign Curfews

	Lighting Zone: E4	Lighting Zone: E3	Lighting Zone: E2	Lighting Zone: E1
On-Premise and Off-Premise Signs	12 A.M. (Midnight)	12 A.M. (Midnight)	9 P.M.	9 P.M.

Section 12. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article V (Special Uses) Section 18.18.150 (Recreational facilities) of the El Paso City Code is hereby amended as follows:

Article V Special Uses

Section 18.18.150 Outdoor recreational facilities.

A. Lighting for outdoor recreation facilities in lighting zones El, E2, E3, and E4, shall be considered class 1 (color rendition), as defined in the Lighting Handbook, and shall be exempt from the lumens per acre limits of Section 18.18.080

B. Shielding. In lighting zones El, E2, E3 and E4, full cutoff is required for outdoor recreation facilities. Football fields, soccer fields, golf courses and baseball diamonds designed for class III or IV levels of play (typically amateur or municipal league, elementary to high school, training, recreational or social levels; cf. Lighting Handbook and Illuminating Engineering Society, NA RP-6 Sports and Recreational Area Lighting publication) or designed for class I and II levels of play (typically college, semi-professional, professional or national levels) shall utilize luminaires with minimal uplight consistent with the illumination constraints of the design. Where full cutoff light fixtures are not required and not utilized, acceptable luminaires shall include those which:

1. Are provided with internal and/or external glare control louvers and installed so as to minimize uplight and offsite light trespass, and

2. Are installed and maintained with aiming angles that permit no greater than five percent of the light emitted by each light fixture to project above the horizontal.

C. Illuminance. All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

D. Off-Site Light Trespass. The installation shall also limit off-site trespass (outside the parcel containing the recreational facility) to the maximum extent possible consistent with the illumination constraints of the design. For class III and IV levels of play, a design standard of one lux (0.1 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required. For Class I and II levels of play, a design goal of one and one-half lux (0.15 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required.

E. Engineering Design. Every such lighting system shall be designed by a professional engineer currently registered in the State.

F. Curfew. All events shall be scheduled so as to complete all activity before the curfew listed in Table 18.18.150. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that began prior to the curfew that was unable to conclude before the curfew.

Table 18.18.150

Sports Facility and Display Lot Lighting Curfews

Lighting Zone: E4	Lighting Zone: E3	Lighting Zone: E2	Lighting Zone: E1
11 P.M.	10 P.M.	9 P.M.	8 P.M.

Section 13. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article V (Special Uses) Section 18.18.160 (Outdoor display lots) of the El Paso City Code is hereby amended as follows:

Section 18.18.160 Outdoor display lots.

A. Lighting for display lots shall be considered class 1 (Color Rendition), and shall be allowed a lumens per acre cap of two million.

B. Shielding. All display lot lighting shall utilize a full cutoff system that are installed in a fashion that maintains the full cutoff characteristics.

C. Illuminance. Lighting for display lots shall be considered class 1 (color rendition).

D. Off-Site Trespass. The display lot shall limit off-site light trespass (outside the parcel containing the display lot) to a maximum of 0.5 lux (0.05 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required.

E. Engineering Design. Every display lot lighting system shall be designed by a professional engineer currently registered in the State.

F. Curfew. Display lot lighting exceeding the lumens per acre cap of Section 18.18.080 shall be turned off at the curfew listed in Section 18.18.150 or within thirty minutes after closing of the business, whichever is later. Lighting in the display lot after this time shall be considered class 2 lighting, and shall conform to all restrictions of this code applicable for class 2 lighting, including the lumens per acre caps in Section 18.18.080.

Section 14. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article V (Special Uses), Section 18.18.170 (Service station canopies) of the El Paso City Code is hereby amended as follows:

Section 18.18.170 Service station canopies.

A. Lighting Class. Lighting for service station canopies shall be considered class 2 lighting (general illumination).

B. Shielding. All luminaires mounted on or recessed into the lower surface of service station canopies shall be full cutoff light fixtures and utilize flat lenses.

C. Total Under-Canopy Output. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed forty lumens per square foot of canopy in lighting zone E4, and shall not exceed twenty lumens per square foot in lighting zone E3. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.

D. Lumen Output. The lumen output of lamps mounted on or within the lower surface of a canopy is included toward the lumen caps in Section 18.18.080 and is subject to the provisions contained in the definition of "outdoor light output, total" in Section 18.18.060. Other lighting located under a canopy but not mounted on or within the lower surface is included toward the lumen caps in Section 18.18.080 at full initial output.

E. Off-Site Light Trespass. The service station canopy lot shall limit off-site light trespass (outside the parcel containing the service station lot) to a maximum of 0.5 lux (0.05 fc) at the property line of any residential property at a vertical point five feet above grade, as measurable from any orientation of the measuring device, shall be required.

Section 15. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article V (Special Uses) Section 18.18.180 (Other lighting on parcels with special uses) of the El Paso City Code is hereby amended as follows:

Section 18.18.180 Other lighting on parcels with special uses.

On a property with special uses as listed above, all lighting not directly associated with the special use areas above shall conform to the lighting standards described in this code, including but not limited to the lamp type and shielding requirements of Section 18.18.070 and the lumens per acre limits of Section 18.18.080. The net acreage for the determination of compliance with Section 18.18.080 shall not include the area of the athletic field or outdoor display lot, as regulated in Section 18.18.160; the area of any service station canopy shall be included in the net acreage.

Section 16. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article VI (Plans and Evidence of Compliance), Section 18.18.190 (Submission contents) of the El Paso City Code is hereby amended as follows:

Article VI Plans and Evidence of Compliance

Section 18.18.190 Submission contents.

Except for temporary exemption permits governed by Article IX of this Chapter, the applicant for any permit required by any provision of this code in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this code. Even if no other such permit is required, the installation or modification (except for routine servicing and same-type lamp replacement) of any exterior lighting shall require submission of the information described below. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in this code upon application for the required permit:
A. Plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site;

B. Description of all lighting fixtures, both proposed and existing. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers (including sections where required); lamp types, wattages and initial lumen outputs; and C. Photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off of light emissions.

Section 17. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article VI (Plans and Evidence of Compliance), Section 18.18.220 (Lamp or fixture substitution) of the El Paso City Code is hereby amended as follows:

Section 18.18.220 Lamp or light fixture substitution.

Changes to an approved plan of outdoor light fixture or the type of light source therein shall be subject to the approval of the director.

Section 18. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article VIII (Prohibitions) Section 18.18.230 (Installation of nonconforming fixtures and lamps) of the El Paso City Code shall be and hereby is amended as follows:

Article VIII Prohibitions

Section 18.18.230 Installation of nonconforming light fixtures and lamps.

The installation of any outdoor lighting fixture or lamp for new construction, additions, or new outdoor lighting fixtures, including but not limited to replacement light fixtures, to existing facilities not in compliance with this chapter is prohibited.

Section 19. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article VIII (Prohibitions) Section 18.18.240 (Laser source light) of the El Paso City Code is hereby amended as follows:

Section 18.18.240 Laser source light.

The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited unless installed for

temporary use pursuant to a temporary exemption permit for laser source light use issued with prior approval of the director pursuant to the requirements of this Chapter. Only one authorization for temporary use shall be granted in any three hundred sixty-five day period for any Property and shall additionally be subject to any necessary state and federal approvals. Each authorization for temporary use shall not exceed three consecutive calendar days. Laser source light shall not be directed onto residential property or the structures thereon or on the public right of way or any vehicles thereon. The City is authorized to charge fees related to the issuance of temporary laser source light use exemption permits. Such fees shall be in accordance with the fee schedule established pursuant to budget resolution or other resolution adopted by the City Council.

Section 20. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article VIII (Prohibitions), Section 18.18.250 (Searchlights) of the El Paso City Code is hereby amended as follows:

Section 18.18.250 Searchlights.

The operation of searchlights for non-governmental purposes is prohibited, unless installed for temporary use pursuant to a temporary exemption permit for searchlight use issued with prior approval of the director pursuant to the requirements of this Chapter. Only one authorization for temporary use shall be granted in any three hundred sixty-five day period for any property and shall additionally be subject to any necessary state and federal approvals. Each authorization for temporary use shall not exceed three consecutive calendar days. The City is authorized to charge fees related to the issuance of temporary searchlight use exemption permits. Such fees shall be in accordance with the fee schedule established pursuant to budget resolution or other resolution adopted by the City Council.

Section 21. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article VIII (Prohibitions), Section 18.18.260 (Off-premises signs) of the El Paso City Code is hereby amended as follows:

Section 18.18.260 Adjustable light fixtures prohibited.

Outdoor Light fixtures shall be in a fixed position and shall not have adjustable hinges or knuckles unless such light fixture is exempt from the shielding standards pursuant to Section 18.18.335.

Section 22. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article VIII (Prohibitions), Section 18.18.270 (Existing lighting causing light trespass onto residential property) of the El Paso City Code is hereby amended as follows:

Section 18.18.270 Lighting causing light trespass

A. If after complaint and investigation, the director finds that a light fixture directs light toward residential buildings, the director shall give written notice of such violation to the owner and/or to the occupant of such premises demanding that the violation be abated within ninety days of the date of written notice.

B. Light trespass onto residential property from lighting shall be remedied by redirecting the light fixture or by controlling the light output as necessary.

C. Light levels shall not exceed a maximum of 0.25 footcandles (2.5 lux) at the property line of any residential property at a vertical point five feet above grade.

D. Light trespass measurements shall be made at the property line of the residential site, with the meter held normal to a line between any offending light source(s) and the light meter. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public right of way or at any other location on an adjacent property.

E. Measurement shall be made using a commercial cosine and color corrected meter having an accuracy tolerance of plus or minus five percent or better at one lux (0.1 footcandle). The meter shall have been calibrated within two years of the date of measurement by the manufacturer or by a certified illumination laboratory.

F. Measurements shall be taken using a 4.5" long, 1.75" +/- 0.25" diameter thin wall black tube baffle atop the meter's photoelectric cell aperture to prevent any stray light from other sources from affecting the measurement.

Section 23. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article IX (Temporary Exemptions) Section 18.18.280 (Temporary exemption requirements) of the El Paso City Code is hereby amended as follows:

Article IX Temporary Exemptions

Section 18.18.280 Temporary exemption requirements

A. Temporary exemption permits apply to:

1. Carnivals, festivals, grand openings, concerts and other similar temporary events.

2. Construction, provided that such temporary exemption shall not apply to the use of lights otherwise prohibited under this Chapter during hours of the day during which construction is prohibited by law.

3. The temporary use of Laser Source Light and Searchlights, provided that temporary exemption permits issued for Laser Source Light use shall be issued pursuant to the requirements of Section 18.18.240 and that temporary exemption permits issued for searchlight use shall be issued pursuant to the requirements of Section 18.18.250.

B. An applicant requesting a temporary exemption permit under this Chapter shall submit such application at the time of the application for any other permit required for the temporary event that is required by this City Code.

C. Temporary exemption permits shall be requested no less than five city working days prior to the beginning of the temporary event.

D. The City is authorized to charge fees related to the issuance of temporary exemption permits. Such fees shall be in accordance with the fee schedule established pursuant to budget resolution or other resolution adopted by the City Council.

Section 24. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article IX (Temporary Exemptions), Section 18.18.290 (Approval – Limitation) of the El Paso City Code is hereby amended as follows:

Section 18.18.290 Temporary exemption permit requests.

A temporary exemption permit request shall be subject to the approval of the director. Such request shall contain the following information:

A. Specific code exemption(s) requested;

B. Duration of requested exemption(s);

C. Proposed location on premises of the proposed light fixture(s);

D. Purpose of proposed lighting;

E. Information for each luminaire and lamp combination as required in Section 18.18.190;

F. Previous temporary exemptions, if any, and addresses of premises thereunder; and

G. Such other data and information as may be required by the director.

Section 25. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article IX (Temporary Exemptions), Section 18.18.300 (Disapproval - appeal) of the El Paso City Code shall be and hereby is amended as follows:

Section 18.18.300 Approval--limitation.

The director shall have five business days from the date of submission of the request for temporary exemption permit to act, in writing, on the request. If approved, the exemption shall be valid for not more than thirty consecutive calendar days from the date of issuance of the approval. The approval shall be renewable upon further written request for a maximum of one additional thirty consecutive calendar-day period. The director is not authorized to grant more than one temporary permit and one renewal for a thirty consecutive calendar-day period for the same Property within one calendar year.

Section 26. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article X (Other Exemptions), Section 18.18.310 (Nonconformance) of the El Paso City Code shall be and hereby is amended as follows:

Article X Other Exemptions

Section 18.18.310 Nonconformance.

A. Bottom-mounted or unshielded on-premise or off-premise sign lighting shall be brought into compliance with the shielding standards of Section 18.18.070 no later than May 7, 2015.

B. Post top antique or acorn style luminaires that cannot achieve full cutoff may be used if they achieve cutoff.

C. There shall be no changes in type, size or wattage of either lamp or ballast or any alterations to structural members, including but not limited to poles and bases, without conforming to all applicable requirements of this code.

D. All existing outdoor lighting fixtures shall be brought into compliance with the shielding standards of Section 18.18.070 not later than May 7, 2015. Compliance with lumens cap is not mandatory but is encouraged.

Section 27. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article X (Other Exemptions) of the El Paso City Code shall be and hereby is amended by adding a new section 18.18.335 (Statutes and Sculptures displayed for public viewing) :

Section 18.18.335 Statues and sculptures displayed for public viewing.

Illumination of statues or sculptures that are displayed in a manner that the public may view such statue or sculpture shall be exempt from the requirements of this Chapter.

Section 28. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article X (Other Exemptions) Section 18.18.340 (Emergency lighting) of the El Paso City Code is hereby amended to read as follows:

Section 18.18.340 Emergency lighting.

Emergency lighting, used by police, firefighting, or medical personnel, or public entities, including but not limited to water utilities, electric and gas companies or at their direction, is exempt from all requirements of this code for as long as the emergency exists.

Section 29. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article X (Other Exemptions) of the El Paso City Code shall be and hereby is amended by adding a new section 18.18.345 (Seasonal decorations):

Section 18.18.345 Seasonal decorations.

Seasonal decorations are exempt from all requirements of this Chapter.

Section 30. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article X (Other Exemptions) of the El Paso City Code is hereby amended by adding a new section 18.18.355 (Entertainment districts):

Section 18.18.355 Entertainment districts.

Entertainment Districts established by the City Council are exempt from all requirements of this Chapter.

Section 31. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article X (Other Exemptions) of the El Paso City Code is hereby amended by adding a new section 18.18.365 (Downtown):

Section 18.18.365 Downtown.

The geographic area of downtown is exempt from all the requirements of this Chapter. For purposes of this section, downtown is the area bounded by: Paisano, Stanton, Loop 375, S. Oregon St., 6th St., S. El Paso St. Paisano, S. Santa Fe St. to the intersection of Father Rahm Ave. From the intersection of Father Rahm and S. Santa Fe St. north and east of the railway right of way to the intersection of W. Paisano and S. Coldwell St, to W. San Francisco St. to S. Durango St., to E. Missouri to N. Santa Fe St. to Interstate 10 to N. Campbell to E. Main St. From the intersection of N. Campbell and E. Main St. south and west of the rail right of way to Virginia, to E. San Antonio to St. Vrain to Paisano.

Section 32. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article X (Other Exemptions), Section 18.18.370 (El Paso Star on the Franklin Mountain) of the El Paso City Code is hereby amended as follows :

Section 18.18.370 El Paso Star on the Franklin Mountain.

The El Paso Star on the Franklin Mountain, operated as of the date of the ordinance codified in this chapter, is exempt from all requirements of this code.

Section 33. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article X (Other Exemptions) Section 18.18.375 (Historic properties) of the El Paso City Code is hereby amended as follows:

Section 18.18.375 Historic properties.

Properties designated as federal, state, or local historic landmarks or that are within a federal, state, or local historic district shall be exempt from this chapter if there is a finding of an adverse impact to any significant historical, cultural, or archaeological element of the property as determined in writing by the El Paso historic landmark commission or by the Texas Historic Preservation Officer whenever the El Paso historic landmark commission is without jurisdiction to require review of proposed work pursuant to Chapter 20.20 of the El Paso City Code.

Section 34. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article XI (Appeals) Section 18.18.380 (Appeals) of the El Paso City Code is hereby amended as follows:

Article XI Appeals

Section 18.18.380 Appeals.

Any person aggrieved by any decision of the director made in administration or enforcement of this code has the right of appeal to the Construction Board of Appeals.

Section 35. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting),) Title XI (Conflicts, Violations, Penalties and Severability), Section 18.18.400 (Violations) of the El Paso City Code is hereby amended as follows:

Section 18.18.400 Violations.

Any person who violates a provision of this chapter shall, upon conviction, be guilty of a misdemeanor and punished by a fine not to exceed two thousand dollars. Each day the violation occurs shall constitute a separate offense.

Section 36. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), Article XII (Effective Date), Section 18.18.420 (Effective date) of the El Paso City Code is hereby amended as follows:

Article XII Effective Date

Section 18.18.420 Effective date.

The provisions of this Chapter that were in effect from May 7, 2005 until the effective date of this ordinance shall remain in effect for building permits for which applications were made during that time. Building permits for which applications were made after the effective date of this ordinance shall be subject to this ordinance.

Section 37. Except as expressly herein amended, Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting), of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED THIS 18th **DAY OF** August, **2009.**

THE CITY OF EL PASO:

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:

Victor Q. Torres, Director
Development Services Department