

ORDINANCE NO. 303

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO PROVIDE FOR THE REGULATION OF OUTDOOR LIGHTING; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED by the Board of Mayor and Aldermen as follows:

SECTION I. That the Town of Mount Carmel Municipal Code, Title 14, ZONING AND LAND USE CONTROL, Chapter 18, OUTDOOR LIGHTING, is hereby adopted to read as follows:

Title 14

ZONING AND LAND USE CONTROL

Chapter 18

OUTDOOR LIGHTING

Section

- 14-1801. Purpose.
- 14-1802. Applicability.
- 14-1803. Temporary Exemptions.
- 14-1804. General Standards.
- 14-1805. Site Plan Review.
- 14-1806. Compliance.

14-1801. Purpose.

That outdoor lighting enables people to see essential detail for work or recreation, facilitates the safety or security of persons or property, emphasizes features of architectural or historical significance, lights parks and gardens, promotes products or services, or calls attention to commercial premises. But with the benefits of lighting also comes the

need to protect travelers or adjacent properties from the use of inappropriate lighting practices and systems. The reduction of glare, light trespass and excess illumination can maximize the effectiveness of site lighting, and conserve energy and resources. Through the regulation of the placement, orientation, distribution patterns and fixture types of electronically-powered illuminating devices, it is the intent of this ordinance to encourage

better lighting practices and systems to reduce visual glare and conserve energy without decreasing safety or utility.

14-1802. Applicability.

That these regulations shall apply to all exterior lighting fixtures including but not limited to, boundary, parking lot, landscape, building (architectural), product display area, and driving lane lighting. It shall also apply to externally-lighted advertising signs. The following lighting applications are specifically exempted from these regulations:

1. Communication towers or motion sensor devices controlling not more than three hundred (300) watts total connected load;
2. Temporary construction or emergency lighting provided it is discontinued immediately upon completion of the required work;
3. Special event lighting including circus, fair, carnival or civic uses, and fireworks displays;
4. Permanent emergency or security lighting for buildings or uses, provided it is required by building or electrical codes, or government regulation;
5. Exterior lighting for public monuments;
6. Exterior lighting fixtures for single-family and duplex residential dwelling units, provided that the maximum intensity of directional lighting (the center of the light beam) is not directed off-site;
7. Incandescent lighting fixtures of one hundred sixty (160) watts or less, or any other light fixture (metal halide, HPS, fluorescent, etc.) of fifty (50) watts or less;

8. Internally-illuminated signs where the bare bulb cannot be seen directly;
9. Transportation lighting, including street lighting, automobiles, traffic signals, aircraft, trains and railroad signals;
10. State, federal, or municipal facilities. However, voluntary compliance with the intent of this ordinance is encouraged; and
11. Free-standing, antique or ornamental-style parking lot or private street lighting fixtures, using HPS or LPS lamps having no more than one hundred fifty (150) watts output per lamp, or any fixtures using HPS or LPS lamps with no more than one hundred (100) watts output per lamp, provided that the light emitted above the horizontal plane be restricted to no more than twenty-five (25) percent of the lamp's total output, that no more than two (2) such lamps shall be located within fifty (50) feet of each other, and that all illumination standards from Sec. 14-1804 are met.

14-1803. Temporary Exemptions.

That any person may submit a written request to the Building Inspector for a temporary exemption to these regulations. A temporary exemption request shall contain the following information:

1. the specific exemption requested;
2. the type and use of outdoor fixture involved;
3. the duration of the requested exemption;
4. the type and wattage of the luminaries, calculated lumens and/or estimated foot-candle levels;

5. the proposed location and mounting height;
6. the type of baffling or shielding to be provided; and
7. any other data or information that may be deemed necessary by the Building Inspector.

A temporary exemption, if approved shall be valid for not more than thirty (30) days from the date of issuance. The approval may be renewable at the discretion of the Building Inspector, and any renewed exemption shall also be valid for not more than thirty (30) days.

14-1804. General Standards.

1. That all non-exempt exterior lighting and illuminated signs shall be designed, installed, and directed in such a manner to prevent glare, beyond the property line. The horizontal and vertical illuminance standards established by this ordinance shall be observed during the design, construction, and subsequent modification of any fixture.

Maximum Illumination Levels in Footcandles (fc)¹

Horizontal Illuminance

General site lighting, open parking facilities.....15 fc

Building entrances, security areas, drive-throughs, Fuel pump islands, active storage areas such as lumber yards and automobile sales displays, and general advertising signs.....40 fc

Vertical Illuminance

Light trespass along a residentially-zoned property or a street (excluding the possible contribution of off-site sources such as street lighting).....1.5 fc

2. That exterior lighting fixtures, except as otherwise allowed, shall be recessed or flush-mounted, or otherwise properly shielded to reduce glare on-premises and eliminate glare off-site.
3. That all exterior lighting shall, as a minimum, be full cut-off fixtures, not allowing any distribution of light above the horizontal plane. Excepted is floodlighting, if it is properly shielded to prevent glare or light trespass.
4. That a Minimum uniformity ratio of ten to one (10:1) between the maximum level of illumination and the minimum level is recommended for open parking facilities, to reduce eye adaptation difficulty between lighter and darker areas.
5. That it is recommended all non-essential lighting be turned off after business hours excluding lighting for security purposes.
6. That single-family or duplex residential directional lighting, such as floodlighting, that has the center of its light beam directed off-site is prohibited.
7. That luminaries shall not have a mounting height in excess of forty (40) feet.
8. That except as allowed in 14-1804(6), the cut-off angle for exterior lighting fixtures shall not extend beyond the property line, unless proper shielding, baffling, or buffering techniques are employed. When buffering techniques are employed, allowances are not to be made for potential buffer growth and the ordinance requirements must be immediately met.

¹ Based on initial footcandle values. The use of initial footcandle levels usually results in field measurements that are less intense over the life of a lamp, sometimes as much as thirty percent (30%) lower.

14-1805. Site Plan Review.

That an exterior lighting plan, drawn to scale, shall be submitted for review and approval for all developments using non-exempted exterior lighting. That included in the plan shall be, as a minimum:

1. The location, mounting height, and orientation of all exterior light fixtures;
2. The make, model, lamp type, and wattage of each lighting fixture;
3. Initial foot-candle data calculated by the point method (using horizontal illuminance calculations) for all lighted area, using isofootcandle calculations on a thirty (30) foot or less grid spacing or isofootcandle lines; and
4. Any baffles, shielding or other light protection measures to be employed.

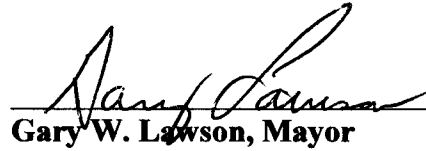
14-1806. Compliance.

1. That modifications to exterior lighting fixtures shall not be made without the approval of the Building Inspector. The upgrading of a fixture to a higher wattage or higher illumination lamp shall be considered a modification.
2. That approval of a lighting plan does not relieve the property owner or developer of responsibility should any lighting fixture fail to perform as approved. The Building Inspector may require modifications to installed lighting if a violation is determined to exist. The town reserves the right to conduct post-installation inspections and/or illuminance measurements to verify compliance, and to require timely remedial action at the expense of the landowner or other responsible person.

3. That the implementation of the lighting ordinance may be modified by the planning commission pursuant to such guidelines it may adopt for that purpose.

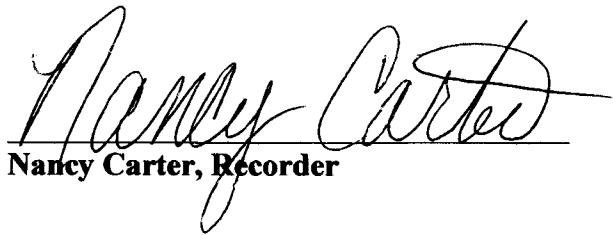
SECTION II. That the violation of any provision of this ordinance shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation.

SECTION III. That this ordinance shall take effect from and after its date of passage, as the law directs, the public welfare of the Town of Mount Carmel demanding it.



Gary W. Lawson, Mayor

ATTEST:



Nancy Carter, Recorder

Passed First Reading

8-23-05

Passed Second Reading

9-27-05

Published On

10-4-05

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN November 3, 2005

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 10.04.05, and appearing 1 consecutive weeks/times, as per order of _____

Town of Mount Carmel

Signed Karen C. Mulkey

THE following Ordinance was passed by the Mt. Carmel Board of Mayor and Aldermen on September 27, 2005: Ordinance 303 Amends the Code of Ordinances to provide for the regulation of outdoor lighting; To fix a penalty for the violation of this Ordinance.

Pub. 1T: 10/04/05

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 3rd day of November, 2005, Karen C. Mulkey of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

Susan Hilton

My commission expires 10-13-09

