

**ORDINANCE NO. 107**

**AN ORDINANCE TO REGULATE OUTDOOR LIGHTING  
WITHIN THE CITY AND FOR OTHER PURPOSES**

**WHEREAS**, there have been some controversies that have arisen about outdoor lighting;

**WHEREAS**, the Goshen Planning Commission has discussed the issues and voted on January 7, 2014 to recommend this ordinance; and

**WHEREAS**, the City Council of the City of Goshen deems it advisable to establish regulations regarding outdoor lighting within the City of Goshen.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GOSHEN:**

**SECTION 1: PURPOSE.**

This ordinance is intended to:

- (A) Protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting fixtures located on adjacent properties;
- (B) Protect drivers, pedestrians, senior citizens, and the visually impaired from the glare of nonvehicular light sources that can impair safe travel;
- (C) Promote efficient and cost effective lighting;
- (D) Allow for flexibility in the style of light fixtures;
- (E) Reduce atmospheric light pollution.

**SECTION 2: APPLICABILITY.**

- (A) All outdoor lighting fixtures installed on private and public property after the effective date of this ordinance shall comply.
- (B) All outdoor lighting fixtures existing and legally installed and operative before the adoption of this ordinance, are exempt from these requirements unless they are determined to create a disabling glare as defined by this ordinance.
- (C) When an existing fixture is replaced, the replacement fixture shall meet the requirements of this article.
- (D) Compliance with this ordinance shall be administered by the City of Goshen Building Official, the Mayor or Mayor's designee.
- (E) In the event of a conflict with any other ordinance, the more stringent requirement shall apply.
- (F) Outdoor Lighting regulations and Sign regulations shall be considered separate and distinct from one another.

(G) A developer may petition the Planning Commission for a variance from the requirements of this ordinance.

### SECTION 3: EXEMPTIONS.

The following are exempt from the hooding/shielding provisions of this ordinance or as otherwise noted:

- (A) Navigation lights (i.e. airports, heliports, radio/television towers).
- (B) Seasonal decorations with individual lights in place no longer than 60 days.
- (C) Other special situations approved by the City for temporary or periodic events (i.e. parades, festivals, etc.)
- (D) Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than 12 minutes after activation.
- (E) Emergency lighting only as necessary and required by the adopted Building Code of the City of Goshen.
- (F) Flags displaying national, state, or local governmental bodies. Flags advertising businesses are not exempt from the provisions of this ordinance.
- (G) Fossil fuel lighting.
- (H) Accent lighting.
  - (1) Landscape elements. Accent lighting onto landscaping and foliage may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Accent lighting shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.
  - (2) Building Mounted Accent Lighting. Accent lighting which is attached to building facades, structures or other architectural elements may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional area being illuminated. Fixtures designed to illuminate the vertical building surface, such as sconces, may be permitted provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions.
  - (3) Ground Mounted Accent Lighting. Ground mounted accent lighting for buildings, when so approved, shall be directed onto the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from a pedestrian or vehicular egress.
  - (4) Pole Mounted Accent Lighting. Pole mounted accent lighting for a building is not permitted.
  - (5) Pedestrian walkway lighting 42 inches or less in height above the adjacent walkway grade may be permitted. This includes lighting applications such as bollards,

light fixtures located in retaining and landscape walls, and lighting fixtures located on or within structures utilized for pedestrian safety, for example, stairwell lighting.

(6) Neon and Light Emitting Diode (LED) lighting shall be considered accent lighting in this ordinance and is permitted to accent architectural elements of nonresidential structures as long as it meets the following requirements:

(a) Neon or LED lighting shall only be used to accent architectural elements of nonresidential structures.

(b) Neon or LED lighting used to accent architectural elements shall be mounted or affixed to the structure such that the material behind the lamp or tubing is non-reflective.

(c) Neon or LED lighting shall be designed, installed, located, and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.

(d) Neon or LED used in signs shall be regulated pursuant to the sign ordinance.

(e) Neon and LED accent lighting shall be limited to one linear foot of lighting per linear foot of facade being illuminated and shall not exceed a maximum of 75% of the entire buildings linear facade length.

(7) Strands of individual, low-intensity, white decorative lights used to illuminate the outdoor patio space of bars and restaurants during their normal business hours.

#### SECTION 4: SUBMITTALS.

(A) Applications for building permits or applications for review by the Planning Commission which include the installation of outdoor lighting fixtures for new construction, shall provide evidence of compliance with the requirements of this ordinance. The submittal shall contain the following information and shall be submitted as part of the site plan to the Building Official, Mayor or Mayor's designee.

##### **Outdoor Lighting Plan**

(1) Plans indicating the location, type, and height of the luminary including both building and ground mounted fixtures;

(2) A description of the luminary, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;

(3) Photometric data, such as that furnished by the manufacturer; and

(4) Any additional information as may be required by the Building Official, Mayor or Mayor's designee in order to determine compliance with this Ordinance.

#### SECTION 5: GENERAL STANDARDS.

The following standards shall apply to all outdoor lighting installed after the effective date of this ordinance, which is not exempted above:

(A) Outdoor lighting shall be hooded, shielded, and aimed downward. Examples of

acceptable and unacceptable light pollution control shielding and hooding are shown in exhibit "C," attached herein. Awnings, canopies, roof structures and other opaque surfaces that are designed to shield the direct horizontal surface of the light source and direct light downward toward the building or other opaque surface may also be considered for compliance with this requirement.

(B) The hood or shield shall mask the direct horizontal surface of the light source. The light shall be aimed to insure that the illumination is only pointing downward onto the ground surface.

(C) Existing fixtures may be adapted to comply with this ordinance by adding a properly designed hood or shield, or by pointing any upwardmounted, shielded fixture downward onto the ground surface.

(D) All outdoor lighting fixtures shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.

(E) This section may be enforced on the basis of a formal complaint filed with the city recorder for the Building Official to evaluate and report to Mayor/Council.

(F) Sports Field Lighting shall be designed in accordance with IESNA standards located in IESNA RP 6-01 "Sports and Recreational Area Lighting."

#### SECTION 6: PROHIBITED OUTDOOR LIGHTING.

##### Installations

(A) Illumination of attraction devices that flash, blink, fluctuate, or that are animated shall be prohibited.

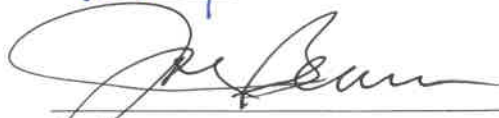
#### SECTION 7. PENALTY.

Any person or property owner, subject to this ordinance, who acts contrary to the requirements of this ordinance, shall be considered in violation of this ordinance. Any person who violates this ordinance shall be subject to a fine or penalty up to \$250 for each violation. For purposes of this ordinance, each day of activity proscribed as unlawful under this ordinance shall be considered a separate violation for which the party violating the ordinance shall be subject. Any violation may form the basis of a citation to be issued by the City Marshal or may be enforceable by appropriate civil action and for such may be referred to the City Attorney who shall apply to the appropriate court for relief, seeking either penalties or injunctive relief as permitted by law. Such civil remedy shall include but is not limited to injunctive relief, civil sanctions, attorneys fees and any other costs related to any civil action.

#### SECTION 8. SEVERABILITY CLAUSE.

In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.


PASSED AND APPROVED this 14<sup>th</sup> day of JANUARY, 2014.

  
\_\_\_\_\_  
Joe Benson, Mayor

ATTEST:

  
\_\_\_\_\_  
Sharon Baggett, City Recorder

APPROVED AS TO FORM:

  
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Charles L. Harwell, City Attorney

**ROLL CALL VOTE ADOPTING THE ORDINANCE**

Names Of Those Voting YEA

Names Of Those Voting NAY

Paula Anderson  
Andy Bethell  
Brian Buell  
Max Poye  
Lanny Samuels  
Dick Seddon

None

Absent

None