

ORDINANCE NO. 2114

AN ORDINANCE REGULATING OUTDOOR LIGHTING FOR THE CITY OF EUREKA SPRINGS, ARKANSAS:

WHEREAS, the Planning Commission of Eureka Springs, Arkansas, find it necessary to recommend amendments to the Municipal Code from time to time in order to ensure consistent application and enforcement of the code, and

WHEREAS, Resolution 551 regarding The U.S. Mayors Climate Protection Agreement was adopted by unanimous vote of the City Council of the City of Eureka Springs, Ark., October 22, 2007; and

WHEREAS, the City of Eureka Springs desires to protect the health, safety and welfare of the (residents, tourists, motorists, pedestrians and) general public, and to protect the night sky that adds to the quality of life and economic well being of the City; and

WHEREAS, these regulations will not sacrifice the safety of our citizens or visitors, or the security of property, but instead will result in safer, efficient, environmentally sustainable and more cost-effective lighting.

NOW THEREFORE, be it hereby ordained by the City Council of the City of Eureka Springs, Arkansas, that:

7.xx.01 Purpose

The purpose of this ordinance for the City of Eureka Springs shall be:

- a. to regulate Outdoor Lighting on public and private property, including lighting installed and maintained by public utility companies.
- b. to help reduce energy waste in keeping with the goals of Resolution 551; and
- c. to minimize glare and over lighting that can result in: hazardous conditions for all modes of transportation;
- d. to reduce atmospheric light pollution

7.xx.02 Exemptions

This regulation shall not apply to:

- a. Incandescent outdoor lighting fixtures of one hundred (100) watts (1700 lumens) or less; other light sources of four thousand (lumens) or less.
- b. Neon or fossil fuel lighting.
- c. Outdoor lighting fixtures legally installed before the effective date of this ordinance, unless the existing fixtures are repaired, moved or replaced, or are determined to create a nuisance glare.
- d. Navigational lighting systems at airports or other lighting necessary for aircraft safety or other lighting regulated by the Federal Aviation Administration.
- e. Recreational or sports fields lighting fixtures, if such lighting is extinguished within one (1) hour after the last use of the facilities for the day.
- f. Flags displaying national, state, or local governmental bodies.
- g. Lights that are controlled by a motion-sensor switch and which do not remain on longer than 15 minutes after activation.
- h. Holiday lighting as per the current adopted National Electric Code.

7.xx.03 Definitions

- a. "Outdoor lighting fixture" means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, whether for architectural lighting, parking lot lighting, landscape lighting, sign lighting, billboard lighting, security lighting or street lighting installed on public or private property.
- b. "Shielded" or "Hooded" means a fixture that is covered and aimed downward so that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected downward below a horizontal plane running through the lowest point on the fixture where light is emitted.
- c. "Nuisance Glare" means any direct light or glare that extends beyond the property where the fixture is installed.

7.xx.04 Submittals

Applications for building permits or applications for review by the City Planning Commission, Historic District Commission or Parks Commission which include the installation of outdoor lighting fixtures 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.

Outdoor Lighting Plan.

- a. Plans indicating the location, type, and height of the luminaires including both building and ground mounted fixtures;
- b. A description of the luminaires, including lamps, poles or supports and shielding devices, which may be provided as catalog illustrations from the manufacturer;
- c. Photometric data, lamp or bulb lumen ratings, diagrams and cut sheets, such as that furnished by the manufacturer; and
- d. Any additional information as may be required by the City in order to determine compliance with this Ordinance.

7.xx.05 Shielding – Prohibitions

- a. No outdoor lighting fixture may be installed, reinstalled or moved unless it is shielded, hooded and aimed downward toward the ground surface.
- b. No outdoor lighting may be installed or maintained in a manner that shines, reflects, or causes nuisance glare beyond the property where the fixture is installed.
- c. No sag or drop lens lighting fixture may be installed under canopies or overhangs.
- d. No outdoor lighting fixture of any kind may be installed that exceeds forty-thousand (40,000) lumens.

7.xx.06 Penalties

Violations of this regulation are punishable by:

- a. A warning for a first offense; and
- b. A fine of not less than twenty-five (\$25) and not more than one hundred dollars (\$100.00) for a second or subsequent offense or for an offense that continues for thirty (30) calendar days from the date of the warning.

7.xx.07 Enforcement

This Ordinance shall be enforced by the Building Official or other official designated by the City.

7.xx.08. Severability

All Ordinances or Resolutions, and parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such conflict, unless other provisions regulating outdoor lighting are more stringent than the provisions of this Ordinance. In the event any one or more of the provision contained in this Ordinance shall for any reason be held by a Court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PASSED AND APPROVED ON THIS 22nd DAY OF FEBRUARY, 2010

APPROVED

ATTEST:



MAYOR DAN D. JOY



CITY CLERK-TREAS. MARY JEAN SELL CMC