

**TOWN OF PONDER
ORDINANCE NO. 23-08**

**AN ORDINANCE OF THE TOWN OF PONDER, AMENDING AND
ADDING TO THE TOWN OF PONDER CODE OF ORDINANCES,
CHAPTER 154, PLANNING AND ZONING**

WHEREAS, the Town of Ponder has enacted a Code of Ordinances, containing rules for the Town; and

WHEREAS, said Code must from time to time be amended; and

WHEREAS, the Town Council for the Town of Ponder, Texas has determined that it is necessary and expedient to amend the Code to and add sections;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PONDER, TEXAS:

That the Town of Ponder Code of Ordinance be amended as shown in Exhibit A attached to this Ordinance.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PONDER, TEXAS, THIS 12th day of June, 2023.

APPROVED:

John Bassler, Mayor

ATTEST:

Sheri Clearman, Town Secretary

§ 154.35 Supplemental district regulations.

- (A) *Childcare centers.*
- (B) *Construction yards, field offices and other temporary buildings.*
- (C) *Fences.*
- (D) *Manufactured home parks.*
- (E) *Multi-family residence.*
- (F) *Patio homes.*
- (G) *Radio, television and microwave towers.*
- (H) *Residence hotels.*
- (I) *Service stations.*
- (J) *Sexually-oriented businesses.*
- (K) *Single-family attached dwelling (town-house).*
- (L) *Swimming pools.*
- (M) *Shopping center.*
- (N) *Commercial C-1 and C-2 building materials.*
- (O) *Lighting regulations.*

(1) *Applicability.* All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this section, the building code and the electrical code of the town as applicable and under appropriate permit and inspection. Unless otherwise stated, this chapter does not regulate lighting in public road rights-of-way.

(2) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Building official. Town council or its designee.

Fixture. The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or defractor (lens), the ballast, housing and attachment parts.

Foot-candle. A unit of illuminance amounting to one lumen per square foot.

Full cutoff fixture. A fixture that allows no emission above a horizontal plane through the fixture.

Fully shielded. A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaries' lowest light emitting part as determined by photometric test or certified by the manufacturer.

Glare. Direct lighting emitted from a luminary that causes reduced vision or temporary blindness.

High pressure sodium (HPS). A high-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures (100 torr). HPS is essentially point source light.

Horizontal plane. A line horizontal to the lowest point on the fixture from which light is emitted.

IESNA. Illuminating Engineering Society of North America.

Incandescent lamp. Any lamp that produces light by heating a filament through use of an electric current.

Light source. A device (such as a lamp) which produces visible energy as distinguished from devices or bodies which reflect or transmit light such as a luminaire.

Light trespass. Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

Low pressure sodium (LPS). A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 torr). LPS is a tube source monochromatic light.

Luminaire. A device or fixture containing a light source and means for directing and controlling the distribution of light from the source.

Luminance. The physical quantity corresponding to the brightness of a surface (e.g., lamp, luminaire, sky or reflecting material) in a specified direction. It is the luminous intensity of an area of the surface divided by that area. The unit is a candela per square meter.

Mercury lamp. A high intensity discharge lamp where light is produced by radiation from mercury vapor.

Metal halide lamp. A high intensity discharge lamp where light is produced by radiation from metal halide vapor.

Nonessential lighting. Lighting that is not required to ensure the security, safety and the general welfare of the public and the premises.

Partially shielded. Shielding so that the lower edge of the shield is at or below the centerline of the light source or lamp so as to minimize light transmission above the horizontal plane, or at least 90% of the emitted light projects below the horizontal plane as evidenced by the manufacturer's photometric data.

Photometric. Quantitative measurements of light levels and distribution.

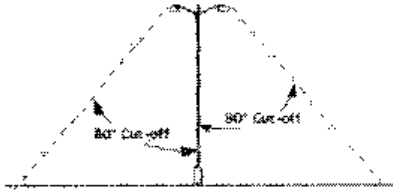
Shielding. A physical structure intended to restrict emitted light.

Spill light. Light emitted by the lighting installation that falls outside the boundaries of the property on which the installation is sited.

- (3) *Outdoor lighting plan.* An outdoor lighting plan must be submitted separately from any required site plan or landscape plan on all multi-family and nonresidential public or private properties, including rights-of-way, public easements, franchises and utility easements for approval by the building official. An outdoor lighting plan shall be submitted prior to issuing a building permit. Plans shall include the following:
- (a) A layout of the proposed fixture locations;
 - (b) The light source;
 - (c) The luminous area for each proposed light source with proposed foot-candle measurements;
 - (d) The type and height of the light fixture or of the light source above grade;
 - (e) The type of illumination; and
 - (f) At the discretion of the town, a photometric plan may be needed.

(4) *General.*

- (a) Unless otherwise provided herein, illumination, where required by this section, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA), as from time to time amended.
- (b) Unless otherwise provided herein, all building lighting for security or aesthetics will be fully-shielded type. Wall pack type fixtures are acceptable only if they are fully-shielded with 80° cut-off.



- (c) No use or operation in any multi-family or nonresidential district shall be located or conducted so as to produce glare, or either direct or indirect illumination across the bounding property line from a source of illumination into a residentially zoned property, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this section, a nuisance shall be defined as more than 0.5 of one foot-candle of light measured at the residential property line, or 2.25 of one foot-candle of light measured at any adjoining nonresidential property line, unless the nonresidential property is of a similar use and utilizes similar lighting parameters.
- (d) Halogen lights are prohibited; and
- (e) Shielding shall be required in all outdoor lighting installations as specified below.

Lamp Type	Shielding
Low pressure sodium (LPS)	Fully shielded, with 80° cut-off
High pressure sodium (HPS)	Fully shielded, with 80° cut-off
Metal halide	Fully shielded, with 80° cut-off
Mercury vapor	Fully shielded, with 80° cut-off
Halogen	Prohibited
Fluorescent	Fully shielded, with 80° cut-off
Incandescent	Fully shielded, with 80° cut-off
Any light source 50 watts and under	Unshielded permitted
Low intensity neon, krypton or argon discharge tubes	Unshielded permitted

(5) *Illumination.*

- (a) *Measurement.* Illumination levels of outdoor lighting shall be measured by a qualified professional, or other reliable authority satisfactory to the town, according to generally accepted IESNA methods, or using commercially available light measuring devices.
 - (1) Should need arise, illumination level measurements made by the Town of Ponder or contracted professional under the direction of the Town of Ponder may be challenged. This challenge shall be at sole financial burden of the challenger without recourse, compensation, or any restitution, implied or otherwise. Illumination level measurement services obtained by the challenger must comply with §154.35 (O) (5) (a) above.
- (b) *Computation of illumination.* Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of a generally accepted IESNA method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the town. Computations shall be based on new, properly

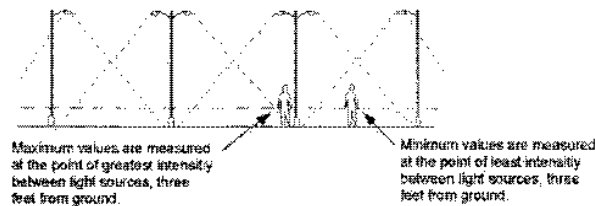
seasoned lamps, diffusers and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and manmade objects.

- (c) *Limitations on neighboring property.* The limit of illumination on neighboring property from one establishment shall be by zoning of the neighboring property. Maximum computed or measured foot-candles at the neighboring property line shall not exceed:

Foot-Candles	
Land Use Type	Horizontal
Single-family and two-family residential districts	0.5
Nonresidential districts	2.25

(6) *Multi-family and nonresidential illumination.*

- (a) All nonessential lighting shall be turned off after business hours, leaving only necessary lighting for site security.



- (b) Security lights must be fully shielded.
- (c) Parking lots and vehicle movement areas shall not exceed a maximum illumination value of ten foot-candles nor a minimum illumination value of 1.0 foot-candles. Lamps in decorative lantern type fixtures shall not exceed a maximum of 100 watts. Total pole and fixture height shall not exceed a maximum of 32 feet, measured from grade at the base. Taller poles may be considered in some situations upon approval of the zoning board of adjustments.
- (d) The lighting must be fully-shielded to prevent direct glare and/or light trespass. The lighting must also be substantially contained to the target area.
- (e) The maximum outdoor initial computed or measured illuminant level on the establishment property shall not exceed 20 foot-candles outdoors at any point, except that lighting under canopies (such as service stations) shall not exceed 40 foot-candles.
- (f) Illumination levels exceeding the maximum permitted must receive prior approval by the zoning board of adjustment.

(7) *Public and semi-public recreational facilities.*

- (a) Any light source permitted by this section may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 1. Any illumination level exceeding a maximum of 20 foot-candles must receive prior approval by the zoning board of adjustments;
 2. All fixtures used for event lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare; and
 3. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
- (8) *Prohibited.* Unless otherwise authorized, the following shall be prohibited except upon prior approval by the zoning board of adjustments.

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- (a) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
 - (b) The operation of searchlights for advertising purposes is prohibited.
 - (c) Halogen lights are prohibited.
- (9) *Exemptions.* The following are exempt from the outdoor lighting requirements of this chapter:
- (a) All temporary emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaries;
 - (b) All hazard warning luminaries required by federal regulatory agencies, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task;
 - (c) Any luminaries of 75 watts or less, provided the accumulated illumination does not exceed 75 watts; and
 - (d) Seasonal decorative lighting.
- (10) *Temporary exemptions.*
- (a) Upon approval by the building official, temporary exemptions from the requirements of this subsection (O) for a period not to exceed 30 days may be approved.
 - (b) Any person may submit a written request for a temporary exemption request. The request shall contain the following information:
 - 1. Specific exemption(s) requested;
 - 2. Type/use of outdoor lighting fixture involved;
 - 3. Duration of time requested;
 - 4. Type of lamp and calculated foot-candles;
 - 5. Total wattage of lamp(s);
 - 6. Proposed location of fixtures;
 - 7. Previous temporary exemption requests;
 - 8. Physical side of fixtures and type of shielding provided; and
 - 9. Such other data or information as may be required by the Building official.
 - (c) Requests for renewal of exemptions shall be processed in the same way as the original request. Each renewal shall be valid for not more than 14 days or a time period designated by the building official.
 - (d) Approval for temporary exemptions will be based on the effect of location and use of outdoor lighting fixture.
- (11) *Nonconforming lighting.* All luminaries lawfully in place prior to the date of this section shall be considered as having legal nonconforming status. However, any luminary that replaces a legal nonconforming luminary, or any legal nonconforming luminary that is moved, must meet the standards of this section.
- (12) *Authorized special exceptions.* A special exception may be granted by the zoning board of adjustments, subject to compliance with any and all conditions as the zoning board of adjustments may impose for the protections of public health or safety.
- (13) *Penalty.* Any person, firm or corporation violating any of the provisions of §154.35 (O) shall be deemed guilty of a misdemeanor; and any person, firm or corporation found guilty thereof shall be fined in accordance with the general penalty provision found in § 10.99 of this Code for each such conviction. Each and every day such violation continues shall constitute a separate offense.

(Ord. 00-20 § 13, passed 9-6-2000; Am. Ord. 04-29, passed 12-13-2004; Am. Ord. 04-30, passed 7-12-2004; Am. Ord. 05-18, passed 6-13-2005; Am. Ord. 06-15, passed 6-12-2006; Am. Ord. 20-15, passed 10-5-2020)