

Order No. 367



COUNTY OF COMAL §

STATE OF TEXAS §

ORDER AMENDING ORDER NO. 199 FOR REGULATION OF OUTDOOR LIGHTING IN THE UNINCORPORATED AREAS OF COMAL COUNTY, TEXAS WITHIN 3 MILES OF THE CAMP BULLIS BOUNDARY

WHEREAS, Camp Bullis is a critical training facility for the United States military, where all branches of the service train their medical personnel to function at night, under fire; and

WHEREAS, the continued viability of Camp Bullis for such training purposes is essential to the readiness of the United States military, the utility of Fort Sam Houston, and the vitality of Comal County's economy; and

WHEREAS, the Texas Legislature passed and Governor Rick Perry signed into law on May 25, 2007, House Bill 1852 (Corte/Van de Putte)(now Subchapter B of the Texas Local Government Code Chapter 240), providing that on the request of a United States military installation, base, or camp commanding officer, the commissioners court of a county, any part of which is located immediately adjacent to the installation, base, or camp, may adopt orders regulating the installation and use of outdoor lighting within five miles of the installation, base, or camp in any unincorporated territory of the county; and

WHEREAS, on April 4, 2008, Comal County received a letter from Major General Russell Czerw, Commanding General, U.S. Army Medical Department Center and School and Fort Sam Houston, requesting that Comal County issue an order regulating outdoor night-time lighting for new construction within **three miles** of the boundaries of Camp Bullis in order to protect military night training activities; and

WHEREAS, after giving at least two weeks public notice, the Comal County Commissioners Court conducted a hearing on the proposed adoption of Order No. 199 on August 21, 2008; and

WHEREAS, after giving at least two weeks public notice, the Comal County Commissioners Court conducted a hearing on the proposed amendment of Order No. 199 on January 7, 2016;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS, THAT ORDER NO. 199 IS HEREBY AMENDED BY THE ADOPTION OF THIS ORDER NO. 367:

**Article I
DEFINITIONS**

1.1 In this Order:

- (a) Camp Bullis: US Military training base partially located within southwestern Comal County.
- (b) Camp Bullis Dark Skies Zone: An area that extends 3 miles in all directions from the Camp Bullis boundary.
- (c) IDA Product: IDA-Approved™ outdoor lighting products that are certified by the International Dark-Sky Association for luminaires that minimize glare, reduce light trespass, and don't pollute the night sky.
- (d) Luminaire: A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.
- (e) Outdoor Lighting: Any type of fixed or movable lighting equipment that is designed or used for illumination out of doors. The term includes billboard lighting, street lights, searchlights and other lighting used for advertising purposes, and area lighting. The term does not include lighting equipment that is required by law to be installed on motor vehicles or lighting required for the safe operation of aircraft.
- (f) Temporary outdoor lighting: Luminaire used or installed for a specific short-term unconventional purpose of illuminating an outside area or object for a period of less than fourteen days, with at least thirty days passing before being used again.

**Article II
LIGHTING REQUIREMENTS**

2.1 Generally. All public and private outdoor lighting installed after the effective date of this order in the Camp Bullis Dark Skies Zone shall be in conformance with the requirements established by this Article.

2.2 Outdoor Lighting Specifications. All regulated outdoor lighting shall be installed and maintained in such a manner as to minimize or eliminate glare and light trespass with the intent to avoid interference with the night training of Camp Bullis. A properly installed and maintained IDA Product complies with this specification.

2.3 Maintenance and Repair of Pre-Existing or Otherwise Exempted Lighting.

Voluntary compliance with the following maintenance, repair, modified and/or upgrade provisions of this Order are expected of the citizens of Comal County in an effort to enhance the military operations at Camp Bullis:

- (a) Except for lamp replacement, no luminaire should be repaired and/or modified to perpetuate its non-compliant existence.
- (b) If a lamp is available that makes a luminaire conform or progress towards conformance with this Order's required illuminance level, then such a lamp should be utilized when the lamp is replaced.

**Article III
EXEMPTIONS**

3.1 Exemptions. The following types of outdoor lighting are exempt from the requirements of Article II:

- (a) Any outdoor lighting in place prior to September 4, 2008 is exempt, and;
- (b) Temporary lighting is exempted, and;
- (c) Outdoor lighting that is owned or maintained for the purpose of illuminating:
 - 1) a tract of land that is maintained as a single-family residence and that is located outside the boundaries of a platted subdivision;
 - 2) a tract of land maintained for agricultural use;
 - 3) an activity that takes place on a tract of land maintained for agricultural use;
 - 4) structures or related improvements located on a tract of land maintained for agricultural use; or
 - 5) a correctional facility operated by or under a contract with the Texas Department of Criminal Justice is exempt, and;
- (d) Internally illuminated outdoor advertising signs constructed of translucent materials are exempt. Dark backgrounds with light lettering or symbols are preferred, and;

- (e) Tower and Structure Lighting in compliance with Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) is exempt, and;
- (f) Decorative holiday lighting from November 15 through the next January 15 is exempt, and;
- (g) Flagpole illumination where outdoor lighting for flagpole only illuminate the area in which the flag flies, and;
- (h) Lighting in swimming pools and other water features governed by Article 680 of the National Electric Code, and;
- (i) Sports field lighting that minimize glare and light trespass, and are only illuminated from sunset to 11 PM local time.

3.2 Usage of Luminaires that are exempt from, or do not conform with, Article II.

Voluntary compliance with the following provisions of this Order are expected of the citizens of Comal County in an effort to enhance the military operations at Camp Bullis.

- (a) **Outdoor Recreational Facilities:** Outdoor recreational facilities shall only be illuminated by nonconforming means from sunset to 11 PM.
- (b) **Outdoor Display Lighting:** Display lighting using nonconforming outdoor luminaries with metal halide bulbs shall only be used for security lighting from sunset to 11PM local time (or until closing if closing occurs before 11 PM local time).

**Article IV
ADMINISTRATION**

- 4.1** The Office of the Comal County Engineer shall administer the regulations adopted in this Order.
- 4.2** Persons wishing to obtain a permit for a proposed installation of outdoor lighting shall submit a completed permit application to the County Engineer. Forms are available from the County Engineer.
- 4.3** It shall be a violation of this Order to install applicable outdoor lighting without an approved permit from the County Engineer. The on-going proper maintenance of any permitted outdoor lighting is a condition of the approved permit.
- 4.4** It shall be a violation of this Order to improperly operate permitted outdoor lighting.
- 4.5** The fee of obtaining a permit under this Order shall be \$25.

4.6 The County Engineer is authorized to place signage along the public right-of-way within the Camp Bullis Dark Skies Zone to enhance awareness of this Order.

**Article V
ENFORCEMENT**

5.1 Enforcement. The County shall enforce this Order pursuant to Section 240.035 of the Texas Local Government Code.

**Article VI
VARIANCES**

6.1 Variances. The Commissioners Court may grant a variance to the requirements of this Order where the Court deems appropriate. A variance request must be submitted to the Commissioners Court in writing that sets out the basis for the request.

**Article VII
VALIDITY AND SEVERABILITY**

7.1 Where any provision of federal or state law conflicts with any provision of this Order, the more restrictive provision will govern.

7.2 Severability. If any portion of this Order is held to be invalid or unconstitutional by a court of competent jurisdiction, that decree or decision shall be limited to the particular portion of this Order determined to be invalid or unconstitutional and the remainder of the Order shall continue in full force and effect.

**Article VIII
EFFECTIVE DATE.**

This Order shall be in full force and effect from and after its date of approval.

AND APPROVED THIS DATE _____ OF _____, 20__.

SHERMAN KRAUSE
County Judge

DONNA ECCLESTON
Commissioner Precinct 1

SCOTT HAAG
Commissioner Precinct 2

KEVIN WEBB
Commissioner Precinct 3

JEN CROWNOVER
Commissioner Precinct 4

DRAFT