



## *Agenda Briefing*

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**Date of Meeting:** January 4, 2022

**Responsible Department:** Public Works

**Presenter:** Brian Craig and Kevin Padgett

**Briefing Prepared By:** Brian Craig

**Strategic Focus Area:** Engage & Inform Public

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**General Information / Subject:**

Discuss and take appropriate action on a pilot program for Friendship Park hours and existing field lights.

### **Executive Summary / Background:**

A group approached staff asking to use the Friendship Park field after park hours utilizing the existing lights at the field. Staff brought the idea before the Open Space and Trails Committee board for their recommendation on December 9th, 2021. The board is recommending to Council to perform a test pilot project using the existing lights on the field to see if local residents would consider it a nuisance.

Staff believes the lighting of the field will be a nuisance to the local residential properties around the park. Staff has had similar issues with the lights at the tennis court at Baybrook Park and the up-light at the Friendship Water Tower; Baybrook Park tennis lights are permanently off and the up-light at the tower was modified with shielding to prevent glare.

If Council deems okay for the pilot test staff would recommend having the lights turned off no later than 9:00PM. Staff wants Council to be aware that the existing lights are not to current Code of Ordinance Section 8.10 Luminary regulations. (Code attached to agenda).

If no nuisance reported and City would like to move forward with lighting the field we would need to revise the Friendship Park hours ordinance and have the existing lights be brought into current code.

**Funding / Fiscal Information:**

**Account Number:** N/A

**Amount Budgeted:** N/A

**Amount Requested / Required:** N/A

**Funding Source (if not budgeted):**

N/A

**Supporting Materials Attached:**       **Yes**                       **No**

**Prior Action / Review by Council, Boards, Commissions:**

None.

All requests must be submitted to the City Secretary's Office no later than 12:00 p.m. on the Monday, one week prior to the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

**Staff Recommendation:**

Perform test with existing lights and monitor for complaints.

**APPROVED BY:  
(as appropriate)**

BG

12 / 20 / 2021

\_\_\_\_\_  
Preparer or Department Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Building Official

\_\_\_\_\_  
Date

Robin Leno

12 / 20 / 2021

\_\_\_\_\_  
City Secretary  
For Agenda Processing

\_\_\_\_\_  
Date

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City Engineer/Asst. Dir. PW

\_\_\_\_\_  
Date

\_\_\_\_\_  
Community and Visitor Relations Director

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Date

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Court Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy City Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
EDC Director

\_\_\_\_\_  
Date

All requests must be submitted to the City Secretary's Office no later than 12:00 p.m. on the Monday, one week prior to the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

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Emergency Services Director

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Date

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Finance Director

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Date

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HR Director

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IT Director

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Date

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Police Chief

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Date

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Public Works Director

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Date

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

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## **ARTICLE II. PARK GROUNDS AND FACILITIES<sup>1</sup>**

### **DIVISION 1. GENERALLY**

#### **Sec. 65-21. Purpose of article.**

All city parks and trails exist for the benefit, use and enjoyment of the people of the city. This article is meant to maintain a pleasant appearance of the park grounds, trails and facilities as well as to control the condition of the park grounds, trails and facilities to a degree that is beneficial to the health and well-being of the citizens of the city.

(Ord No. 2008-07, § 1, 6-17-2008; Ord. No. 2017-30, § 1, 8-1-2017)

#### **Sec. 65-22. Park and trail rules.**

*Purpose.* These rules are established as written requirements for the use of the city parks, trails, wildlife refuge and recreational facilities. These rules are intended to secure and preserve a pleasant appearance, as well as to control the condition of park grounds, trails and facilities to a degree that is beneficial to the health and well being of the citizens of the city.

*Applicability.* These rules apply to and in all parks, wildlife refuge, trails and recreational facilities or related areas belonging to the city or managed by or under the authority of the city. These rules shall not apply to city, state, or federal agents or officials in performance of official duties.

(Ord No. 2008-07, § 1, 6-17-2008; Ord. No. 2017-30, § 1, 8-1-2017)

Editor's note(s)—Ord. No. 2017-30, § 1, adopted Aug. 1, 2017, changed the title of § 65-22 from "Park rules" to read as herein set out.

#### **Sec. 65-23. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Group* means an organization or association of individuals having a common interest or purpose and numbering ten or more persons.

*Park* means land, and any improvements thereon, that are owned, administered, operated, or managed by the city for use by the general public for recreational purposes. The term includes city facilities such as, but not limited to, municipal swimming pool complex, municipal splash pads, recreational facilities, pavilions, cabanas, wildlife refuges, conservation areas, and open spaces managed by or under the control of the city.

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<sup>1</sup>Editor's note(s)—Ordinance No. 2008-07, § 1, adopted June 17, 2008, amended art. II in its entirety to read as herein set out. Former art. II, §§ 65-21—65-35, pertained to similar subject matter, and derived from Code 1976 and Code 1996.

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*Trail* means the area facility as provided in this division for pedestrian hike and bike traffic owned and maintained by the City of Seabrook.

(Ord No. 2008-07, § 1, 6-17-2008; Ord. No. 2017-30, § 1, 8-1-2017)

### **Sec. 65-24. Supervision of parks and trails.**

All parks and trails shall be operated and maintained under the supervision of the city manager.

(Ord No. 2008-07, § 1, 6-17-2008; Ord. No. 2017-30, § 1, 8-1-2017)

Editor's note(s)—Ord. No. 2017-30, § 1, adopted Aug. 1, 2017, changed the title of § 65-24 from "Supervision of parks" to read as herein set out.

### **Secs. 65-25—65-30. Reserved.**

## *DIVISION 2. REGULATIONS*

### **Sec. 65-31. Conducting of amusement for gain.**

No activity, amusement for monetary gain or for which a monetary charge is made can be conducted in any city park or trails without the consent of the city council.

(Ord No. 2008-07, § 1, 6-17-2008; Ord. No. 2017-30, § 1, 8-1-2017)

### **Sec. 65-32. Use regulation and group permits.**

Whenever any group desires to use a park or its facilities for a particular purpose, other than informal sports, a representative of the group shall first obtain a permit from the city. Guidelines for granting the permit will be established by the city manager/designee or resolution of the city council, and are made available for observation by the public in city hall. Each person or group using the parks and recreational facilities within the parks shall clean up all debris and leave the premises in a neat and orderly condition.

(Ord No. 2008-07, § 1, 6-17-2008; Ord. No. 2017-30, § 1, 8-1-2017)

Editor's note(s)—Ord. No. 2017-30, § 1, adopted Aug. 1, 2017, changed the title of § 65-32 from "Use regulation" to read as herein set out.

### **Sec. 65-33. Use of city park facilities and trails.**

- (a) *Entrance or use fees.* Patrons shall not enter or use any park area for which an entrance or use fee has been established, unless such person has paid the required fee or is otherwise authorized to enter. Entrance permits or passes shall be displayed to entrance attendants on request. Entrance permits or passes shall be available for sale at the public works facility or city hall. Daily entrance fees may be accepted on site.
- (b) *Reservations fees.* Patrons shall not use or occupy a facility or area for which a specifically required reservation fee has been paid for such use. All reservations are made available at city hall and the public works facility for observation by the public.
- (c) *Park hours.* Hours for use shall be posted at the designated entrance at each park. City park facility rentals shall not extend beyond posted park hours unless approved by city manager or designee.

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- (d) *Age limit restriction.* Children under 12 must be supervised by an adult at city park facilities and trails.
  - (e) *Occupancy limit.* The city may establish and post maximum occupancies or as deemed by the city manager or designee for any park area. Patrons shall not enter into or remain in an area or facility for which an occupancy limit has been established when such action will have the effect of exceeding the established occupancy limits.
  - (f) *Closed areas.* The city manager or designee may close park areas to public entry or otherwise restrict use until such time as it is determined that the area or facility can be made available for public use. Entering any posted protected areas is prohibited.
  - (g) *Abandoned or unattended property.*
    - (1) No person shall abandon personal property at any park, trail, or any public/governmental right-of-way. Abandoned property shall be subject to removal, impoundment, or other disposition as determined by the city, in conformity to law.
    - (2) No person shall leave personal property unattended at any park, trail, or any public/governmental right-of-way in such a manner as to create a hazardous or unsafe condition. Such property may be subject to removal and impoundment, or other disposition as determined by the city, in conformity to law.
  - (h) *Peace and quiet.* Patrons shall preserve the peace and quiet enjoyment of parks by observing all ordinances and state laws governing noise unless authorized to the contrary by the city manager or designee.
    - (1) Patrons shall not, absent emergency circumstances make sound audible from its source to a distance of 100 feet to a person with average and normal hearing, or engage in disorderly conduct under state law.
    - (2) Patrons shall not operate devices in violation of local ordinances prohibiting sound audible from its source to a distance of 100 feet to a person with average and normal hearing, or discharge potentially dangerous or projective devices, weapons or fireworks.

(Ord No. 2008-07, § 1, 6-17-2008; Ord. No. 2017-30 , § 1, 8-1-2017)

Editor's note(s)—Ord. No. 2017-30 , § 1, adopted Aug. 1, 2017, changed the title of § 65-33 from "Use of park facilities" to read as herein set out.

## **Sec. 65-34. Prohibited acts.**

The following conduct is prohibited in the City of Seabrook Parks:

- (1) *Drug free zone:*
  - a. Possession, use, or distribution of a controlled substance within qualifying drug free zones declared by the City of Seabrook, in compliance with V.T.C.A. Health and Safety Code § 483.134. (the City of Seabrook "playgrounds", for purposes of this section, are open to the public, intended for recreation, and contain three or more play stations intended for the recreation of children and/or as provided for under V.T.C.A. Health and Safety Code, ch. 481, § 481.134. Notwithstanding the foregoing, it is the intent of the City of Seabrook not to limit the drug free zones to "play grounds", but also to prohibited areas in relation to schools, video arcade facilities, and youth center and related premises for locations/areas evidenced by maps on file with the city, pursuant to V.T.C.A. Health and Safety Code, § 481.135. Possession, use, or distribution of a controlled substance within qualifying drug free zones, as declared by the City of Seabrook, in compliance with V.T.C.A. Health and Safety Code, § 483.134 is prohibited and shall be prosecuted as provided by law). A current depiction of drug free zones is attached hereto and will be updated as applicable by filing revised maps/listing in the city records.



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(2) *Alcohol:*

- a. Sale, possession with intent to sell or the consumption of alcoholic beverages is prohibited where in violation of the Texas Alcoholic Beverage Code in the following public areas, unless authorized by city manager or designee or otherwise provided by law:
  - 1. Within enclosed areas of public swimming or wading pools;
  - 2. Within the public playing grounds boundaries of athletic fields; or
  - 3. In any other public areas as designated by the City of Seabrook.
- b. Notwithstanding subsection (2)a. above, the city may prosecute related violations of this section under other applicable criminal statutes with the penalties for violation as proscribed by such statutes.

(3) *Vandalism:*

- a. Any action involving deliberate destruction of or damage to public or private property.

(4) *Fires, firewood, fireworks, firearms, and any projective devices:*

- a. Build, or maintain a fire in any park or trail, except in a device provided, maintained or designated for such purposes as authorized by the city.
  - 1. During periods of extreme fire hazard, the city manager or designee may prohibit or restrict fires and smoking in designated areas.
- b. Cut, gather, or collect wood or other combustible material at any park or trail.
- c. Possession or use of any kind of fireworks in any park or trail.
- d. The illegal possession or use of any firearms or potentially dangerous or projectile devices in all parks or trails.

(5) *Smoking:*

- a. All areas within the municipal swimming pool complex except on the grass area. Additionally smoking shall be regulated as provided by section 65-103 of this chapter.

(6) *Motor vehicles:*

- a. Operation of any "motor-driven vehicle" defined as including, but not limited to, motorcycles, motorbikes, mini bikes, go-carts, "off highway vehicles", (as defined by V.T.C.A. Transportation Code, § 663.001), and similar vehicles, in, on or across any city park or trails except in those places established for public parking.
  - 1. City officials, employees and members of the fire department or emergency medical service while conducting public business are expressly exempt from this section.
  - 2. The city manager or designee may authorize motor vehicles to drive or park in a park for trail on specific instance basis.
- b. Exceed the minimum speed of ten miles per hour for any motor vehicles within the park.
- c. Parking along access roads, rights-of-way, nonpaved or grass areas.
- d. Unattended or abandoned vehicles in city parks' parking lots after posted hours or in unauthorized areas.
  - 1. Vehicles may be subject to towing and impoundment.

(7) *Glass containers:*

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- a. Glass containers on park grounds or trails.
- (8) *Trail use:*
- a. Motor vehicles on trails or paths (as provided for and defined in subsection (6) "motor vehicles").
    - 1. Bicyclists are allowed on all hike and bike trails but shall yield to joggers and/or walkers. Joggers shall yield to walkers.
- (9) *Camping and overnight use:*
- a. Camp or remain overnight at any Seabrook Parks and Recreation Department park facility, trails, or wildlife refuge, except by obtaining a permit from the city.
    - 1. Person under the age of 18 years authorized to be in a park facility between the hours of 10:00 p.m. and 6:00 a.m. shall be accompanied or supervised by an adult. The ratio of adults to minors shall not be less than one adult for every ten minors.
    - 2. Campers shall be required to leave park in existing or better condition than found.
  - b. Temporary structure, including recreational vehicles, tents, travel trailers, construction trailers, flatbed trailers, boat trailer, boat, any tow trailer or any motor vehicle at any Seabrook Park and Recreation Department park facility, wildlife refuge, trails, or any public/governmental right-of-way.
- (10) *After park hours:*
- a. Attempt to gain access past any erected barricade, gate or other device intended to restrict park access.
  - b. Be on park premises or trails in violation of posted hours for use (as provided for and defined in section 65-33).
- (11) *Animals:*
- a. Unleashed or unconfined unlawful nonregistered domesticated animals into park or trail areas except by city manager or designee approval.
    - 1. Leads on leashes used to control animals shall not be more than six feet long.
    - 2. Leash or chain must be of proper strength and length that precludes the animal from making any unsolicited contact with any person, their clothing, their property and/or their premises in violation of Code of Ordinances. (See also section 10-1).
  - b. Unattended animal or animal creating a disturbance.
  - c. Any animal in the water of a municipal swimming pool complex or municipal splash pad.
  - d. Ride, drive, lead or keep a horse of any size or any nonregistered animal at any park facility or trail, except by city manager or designee approval.
- (12) *Wildlife:*
- a. Harm, harass, hunt, trap or remove any animal, including mammals, fish, insects, butterflies, birds, reptiles or other living creatures from any park facility, trails, or wildlife refuge except upon written approval of the city manager or designee.
    - 1. All wildlife within the boundaries of any park or trails is protected.
    - 2. This section shall not apply where fishing is permitted, by an individual in possession of a valid Texas fishing license or for dangerous insects like flies, wasps, ants, etc.

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- b. Fishing or crabbing or casting nets from foot bridges, nurseries, or any other designated areas.
  - c. Bring or release any wild animal into any park or trails, including any wild mammal, reptile, insect, bird, fish or amphibian unless granted a permit by the city.

(12) *Plant life:*

- a. Willfully mutilate, injure, destroy, thrash, or remove any live tree, shrub, vine, wildflower, fruits, grass, hedge, fern or any other member of the plant kingdom or portion thereof, except upon written approval by the city.
  - 1. All plant life within the boundaries of any park or trails are protected.
- b. Harvest dead wood or plants, or portions thereof, except upon written approval of the city manager or designee.

(13) *Natural resources:*

- a. Remove, excavate, take, dig into, or destroy any site, object, building, artifact, implement or location of archaeological, geological, scientific or historical interest without having permits as required by law and written authorization of the city manager or designee.
  - 1. All sites, objects, buildings, artifacts, implements, and locations of historical, archaeological, geologic, scientific or educational interest of every character located in, on, or under the surface of any park facility, trails, or wildlife preserve are protected.
- b. Metal detectors at all parks or trails.

(14) *Litter:*

- a. Throw or discharge trash or debris onto the park grounds or on and along trails.

(15) *Interference with park use:*

- a. Prevent any person from using any park facility or interfere with the use of such facilities, when such use is in compliance with this chapter and the rules applicable to such use.

(Ord No. 2008-07, § 1, 6-17-2008; Ord. No. 2017-30, § 1, 8-1-2017)

### **Sec. 65-35. Special rules for specific city parks.**

The city may enact additional regulations specific to each park, which shall be conspicuously posted. Patrons shall comply with all such posted rules and regulations.

(1) *Skateboard park.*

- a. No person under the age of eight years of age may use the skateboard park.
- b. All participants use the facility at their own risk.
- c. All participants should wear protective equipment, which shall include, a helmet, elbow and kneepads and appropriate footwear. All protective gear and equipment should be in good condition.
- d. The city reserves the right to refuse anyone from using the skateboard park if his or her protective gear is not adequate or in good condition.
- e. No alcohol, tobacco products or drugs are permitted at skateboard park.
- f. No food or drink is allowed in the facility.

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- g. No swearing or foul language shall be permitted.
  - h. The number of persons allowed in the skateboard park at any one time may be limited for safety reasons.
  - i. No person shall cause damage to city property, personnel or equipment or to the property or equipment of other skateboard participants.
  - j. No person shall operate any motor vehicle, including motorcycles, motor bikes, or go carts, or any motorized device with wheels, such as a motorized skateboard, within the skateboard park.

(2) *Pine Gully Pier:*

- a. No pets.
- b. No music.
- c. No motorized vehicles.
- d. No alcohol.
- e. No casting nets.
- f. No diving or swimming.
- g. No running.
- h. No sitting on the rails.
- i. No cleaning fish at the pier.
- j. No children under the age of 12 that are not supervised by an adult.

(Ord No. 2008-07, § 1, 6-17-2008; Ord. No. 2017-30 , § 1, 8-1-2017)

Editor's note(s)—Ord. No. 2017-30 , § 1, adopted Aug. 1, 2017, changed the title of § 65-35 from "Special rules for specific parks" to read as herein set out.

**Sec. 65-36. Placing of signs.**

The city manager/designee is authorized to place signs giving notice of the prohibited acts in all parks or trails of the city, but the placing or existence of such signs for the general regulations herein shall not be a prerequisite to conviction for violation of this article.

(Ord No. 2008-07, § 1, 6-17-2008; Ord. No. 2017-30 , § 1, 8-1-2017)

**Secs. 65-37—65-70. Reserved.**

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## Sec. 8.10. Luminary regulations.

*8.10.01. Definitions:* The following words, terms, and phrases, when used in this section, shall have the meaning ascribed to them as contained in these definitions, except where the context clearly indicates a different meaning. All technical language used in this section, shall be interpreted in conformance with the Illuminating Engineering Society of North America (IESNA) criteria and specifications.

*Area lighting* means light fixtures such as guard lights located on public or private property, that are designed to light spaces including but not limited to parks, parking lots, and sales lots.

*Axis of illumination* means the midline of the beam emitted by a light fixture.

*Beam of a light fixture* means the spatial distribution of the emitted light.

*Candela (cd)* means the unit of measurement of the intensity of a point source of light (approximately equal to one candlepower).

*Existing light fixtures* means those outdoor light fixtures already installed at the time this ordinance is adopted.

*Floodlight* means a light fixture having a wide beam.

*Footcandle (fc)* means the illuminance measured one foot from a one candela source.

*Full cutoff* means a shielded light fixture that emits no light above a horizontal plane touching the lowest part of the fixture.

*Glare* means visual discomfort or impairment caused by a bright source of light in a direction near one's line of sight.

*Horizontal and vertical footcandles* means the illuminance measured by a light meter in those positions (illuminance may also be measured in other specified positions or directions).

*Illuminance* means the intensity of light in a specified direction measured at a specified point.

*Lamp or bulb* means a source of light.

*Light fixture* means the assembly that holds or contains a lamp or bulb.

*Light pollution* means the sky glow caused by scattered light emitted upward from unshielded or poorly aimed light fixtures.

*Light trespass* means unwanted light falling on public or private property from an external location.

*Lumen* means the unit of luminous flux, the total amount of light falling uniformly on or passing through an area of one square foot, each point of which is one foot from a one-candela source, yielding an illuminance of one footcandle at that distance (the output of lamps and bulbs is customarily measured in lumens, a common 100 watt incandescent light bulb, for example, having an output less than 1,800 lumens).

*Private lighting* means outdoor light fixtures located on property owned or controlled by individual persons, including but not limited to families, partnerships, corporations, and other entities engaged in the conduct of business or other non-governmental activities.

*Public lighting* means outdoor light fixtures located on property owned, leased, or controlled by the City or other governmental entity or entities, including but not limited to streets, highways, alleys, easements, parking lots, parks, playing fields, schools, institutions, meeting places, and all entities completely or partly funded by grants obtained by the city or its agents from federal, state or private sources.

*Sag-lens or drop-lens* means a clear or prismatic refracting lens that extends below the lowest opaque portion of a light fixture.

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*Searchlight* means a light fixture having a narrow beam intended to be seen in the sky.

*Spotlight* means a light fixture having a narrow beam.

*Wallpack* means a floodlight mounted on the wall of a building or other structure.

*8.10.02. Purpose:*

Good outdoor lighting at night benefits everyone. It increases safety, enhances the City of Seabrook's night time character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types, of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems.

Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. There is a need for a lighting ordinance that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and compliment the city's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the City of Seabrook.

This ordinance is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of properties located in the City of Seabrook.

All business, residential, and community driveway, sidewalk and property luminaries should be installed with the idea of being a "good neighbor", with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

*8.10.03. Criteria:*

- A. *Illumination levels:* Lighting, where required by this ordinance, or otherwise required or allowed by the city, shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the City of Seabrook.
- B. *Lighting fixture design:*
  - 1. Fixtures shall be of a type and design appropriate to the lighting application and shall be aesthetically acceptable to the City of Seabrook.
  - 2. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalk, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria. Fixtures with an aggregate rated lamp lumen output per fixture that does not exceed the rated output of a standard 60-watt incandescent lamp, i.e., 1,000 lumens, are exempt from the requirements of this paragraph.
  - 3. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Fixtures with an aggregate rated lamp lumen output per fixture that does not exceed the rated output of a standard 60-watt incandescent lamp, i.e., 1,000 lumens, are exempt from the requirements of this paragraph.

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4. "Security lights," a.k.a. "dusk-to-dawn lights," where visible from other properties, shall not be permitted unless fully shielded.
- C. *Control of nuisance and disabling glare:*
1. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
  2. Floodlights and spotlights, where their use is specifically approved by the city, shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way.
  3. Parking facility and vehicular and pedestrian way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of 33 percent of the number of fixtures required or permitted for illumination during regular business hours.
  4. Illumination for signs, billboards, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 10:00 p.m. and 7:00 a.m., except that such lighting situated on the premises for a commercial establishment may remain illuminated while the establishment is actually open for business, and until one hour after closing.
  5. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
  6. The illumination projected from any use onto a residential use shall at no time exceed 0.1 foot-candle, measured line-of-sight from any point on the receiving residential property.
  7. The illumination projected from any property to a nonresidential use shall at no time exceed 1.0 foot-candle, measured line-of-sight from any point on the receiving property unless the properties are developed in concert or the lighting plan is approved by the adjacent nonresidential property owner.
  8. Externally illuminated billboards and signs shall be lighted by fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to place the light output onto and not beyond the sign or billboard.
  9. Except for certain recreational lighting, fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of 25 feet above finished grade. Fixtures not meeting IESNA full-cutoff criteria shall not be mounted in excess of 16 feet above finished grade.
  10. The United States and the state flag shall be permitted to be illuminated from dusk to dawn. Corporate flags may be illuminated only when flown with the United States and/or state flag. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 10,000 lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.
  11. Under-canopy lighting, for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The average illumination intensity in the area

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directly below the canopy shall not exceed 20 maintained footcandles and the maximum intensity shall not exceed 40 maintained footcandles.

D. *Installation:*

1. Electrical feeds for lighting standards shall be run underground, not overhead.
2. Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces shall be placed a minimum of five feet outside paved area or tire stops, or placed on concrete pedestals at least 30 inches high above the pavement, or suitably protected by other city-approved means.
3. Pole mounted fixtures for lighting horizontal tasks shall be aimed straight down.

E. *Maintenance:* Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this ordinance.

*8.10.04. Recreational facilities:*

- A. Any light source permitted by this ordinance 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. All fixtures used for event lighting shall be fully shielded as defined in this ordinance, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
  2. 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 10:00 p.m.

*8.10.05. New subdivision construction:*

- A. *Submission contents:* The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit: plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices; description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required); photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions.
- B. *Additional submission:* The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.
- C. *Subdivision plat certification:* If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the City of Seabrook Outdoor Lighting Ordinance will be adhered to.



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- D. *Lamp or fixture substitution:* Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official for his or her approval, together with adequate information to assure compliance with this ordinance, which must be received prior to substitution.

*8.10.06. Temporary outdoor lighting:*

- A. Any temporary outdoor lighting that conforms to the requirements of this ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Seabrook City Council after considering:
1. The public and/or private benefits that will result from the temporary lighting;
  2. Any annoyance or safety problems that may result from the use of the temporary lighting; and
  3. The duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Seabrook City Council, who shall consider the request at a duly called meeting of the Seabrook City Council. Prior notice of the meeting of the Seabrook City Council shall be given to the applicant. The Seabrook City Council shall render its decision on the temporary lighting request within two weeks of the date of the meeting. A failure by the Seabrook City Council to act on a request within the time allowed shall constitute a denial of the request.

*8.10.07. Exterior lighting plan required:*

A lighting plan shall be required anything exterior lighting is proposed, or modified, that is associated with use of greater intensity than a one or two-family dwelling. The lighting plan shall be submitted with the site plan information required by the building code.

The plan shall be prepared by a certified engineer, architect, landscape architect or lighting engineer or designer. The plan shall identify the location, size, type of luminary, height of luminary, a photometric plan of the site, and fixture data sheets. The plan shall also contain a certification by the property owner or agent and the preparer of the plan that the exterior lighting depicted on the plan complies with the requirements of this subdivision. Once the plan is approved, the exterior lighting of the property shall conform to the plan.

*8.10.08. Exemptions:* The following are exempt from the standards contained in this ordinance:

- A. Decorative seasonal lighting with a power rating of less than or equal to 75 watts.
- B. Lighting for one- and two-family dwellings, provided that the lamps have a power rating of less than or equal to 75 watts, a cutoff component is incorporated in the design of the luminary, and the lighting level at the property line shall not exceed the maximum level contained in section 8.10.3. The maximum lighting level at the property line may be exceeded in cases where the lamp is turned on an off by a motion sensor and the lamp is not on for a continuous period exceeding ten minutes.
- C. Temporary emergency lighting used by police, firefighters, or other emergency services, as well as all vehicular luminaries.
- D. Hazard warning luminaries which are required by federal regulatory agencies.
- E. Lighting utilized for the purpose of illuminating the flag of the United States of America and/or the flag of the State of Texas. The light fixtures shall incorporate a cutoff component in the design of the luminary, and the light source shall be directed at the flag and arranged to minimize the amount of light pollution, trespass, or glare on to adjacent properties and public streets. This exemption shall apply only to flags displayed on flagpoles.

*8.10.09. Prohibitions:*

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- A. *Laser source light*: 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. *Searchlights*: The operation of searchlights for advertising purposes is prohibited.
  - C. *Outdoor advertising off-site signs*: Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of 10:00 p.m. and sunrise.

*8.10.10. Plan submission*: Lighting plans, when requested by the city building official, shall be submitted for variance, building permit and special exception applications for review and approval, in accordance with the plan-submission information requirements.

*8.10.11. Compliance monitoring*:

- A. *Safety hazards*:
  - 1. If the city judges a lighting installation creates a safety hazard, the person(s) responsible for the lighting shall be notified and required to take remedial action.
  - 2. If appropriate corrective action has not been effected within 15 days of notification, the city may take appropriate legal action.
- B. *Nuisance glare and inadequate illumination levels*:
  - 1. When the city judges an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this ordinance, the city may cause notification of the person(s) responsible for the lighting and require appropriate remedial action.
  - 2. If the infraction so warrants, the city may act to have the problem corrected.

*8.10.12. Glare*: No use or operation shall be located or conducted so as to produce intense glare or direct illumination across the boundary property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

*8.10.13. Nonconforming lighting*: Any lighting fixture or lighting installation existing on the effective date of this ordinance that does not conform with the requirements of this ordinance shall be considered as a lawful nonconformance. A nonconforming lighting fixture or lighting installation shall be made to conform to the requirements of this section when:

- A. Minor corrective action, such as re-aiming or shielding can achieve conformity with the applicable requirements of this ordinance.
- B. It is deemed by the city to create a safety hazard.
- C. It is replaced by another fixture or fixtures abandoned or relocated.

Notwithstanding anything herein in this subsection to the contrary, all nonconforming lighting fixtures or lighting installation shall be made to conform to the luminary regulations contained in this section within three years from the effective date of this ordinance. The burden is on the person claiming legal nonconformance under this subsection to prove that legal nonconformance has been acquired.

*8.10.14. Notification requirements*:

- A. The City of Seabrook building permit shall include a statement asking whether the planned project will include any outdoor lighting.
- B. Within 30 days of the enactment of this ordinance, the code enforcement officer shall send a copy of the Outdoor Lighting Ordinance with cover letter to all electrical contractors licensed to perform work in the City of Seabrook and local electric utility.

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(Ord. No. 2006-05, § 2, 6-27-2006; Ord. No. 2008-23, § 2, 11-4-2008; Ord. No. 2019-05, § 2, 2-5-2019)

Note(s)—Former § 7.10. See editor's note to art. 7.

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