



STATE OF TEXAS
KENDALL COUNTY

KENDALL COUNTY ORDER NO. 11-27-2017B
REGULATION OF OUTDOOR LIGHTING IN THE
UNINCORPORATED AREAS OF KENDALL COUNTY, TEXAS
WITHIN FIVE MILES OF THE CAMP BULLIS BOUNDARY

WHEREAS, Camp Bullis is a critical training facility for the United States military, where medical personnel of all branches of the service are trained to function at night, under simulated combat conditions; 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 the surrounding communities' economy; and

WHEREAS, the Texas Legislature passed and Governor Rick Perry signed into law on 19 June 2009, House Bill 1013 and was later codified at Local Government Code Chapter 240, Subchapter B; and

WHEREAS, Local Government Code Chapter 240.032 (b-1) provides that a county with a population of more than one million that has at least five United States military bases or any county adjacent to that county that is within five miles of a United States Army installation, base, or camp may upon the request of a United States military installation, base, or camp commanding officer 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, Kendall County is a county subject to Local Government Code 240.032(b-1); and

WHEREAS, Major General Russell J. Czerw, Commanding General, US Army Medical Department Center and School and Fort Sam Houston, by letter dated July 27, 2009, and addressed to Kendall County Judge Gaylan L. Schroeder, requested that Kendall County issue an order regulating outdoor night-time lighting for new construction within five miles of the boundaries of Camp Bullis in order to protect military night training activities; and

WHEREAS, the Kendall County Commissioners Court passed Order Number 08-10-2009 on August 10, 2009, Regulation of Outdoor Lighting in the Unincorporated Areas of Kendall County, Texas Within Five Miles of the Camp Bullis Boundary; and

WHEREAS, Kendall County now desires to amend Order Number 08-10-2009A to more accurately reflect the language of Texas Local Government Code, Chapter 240, Subchapter B;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF KENDALL COUNTY, TEXAS that Kendall County Order Number 08-10-2009A is hereby Amended to read:

Article I DEFINITIONS

1.1 In this Order:

- a) Camp Bullis: US Military training base located near the southeastern portion of Kendall County.
- b) Camp Bullis Dark Skies Zone: An area that extends five 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 do not 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: Luminaires 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 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 IDA Products installed and maintained according to the manufactures' specifications and/or IDA's specifications with the intent to avoid interference with the night training of Camp Bullis.

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

Compliance with the following maintenance, repair, and modified and/or upgrade provisions of the Order is required 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-complaint 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 used when the lamp is replaced.

2.4 Usage of Luminaires that do not conform with Article II. Compliance with the following provisions of the Order is required in an effort to enhance the military operations at Camp Bullis.

- a) **Outdoor Recreational Facilities:** No outdoor recreational facility shall be illuminated by nonconforming means from 11 p.m. local time to sunrise except to conclude a specific recreational activity already in progress.
- b) **Outdoor Display Lighting:** Display lighting using nonconforming outdoor luminaires with metal halide bulbs shall not be used for security lighting after 11 p.m. local time to sunrise (or after closing hours if before 11 p.m. local time to sunrise).

Article III EXEMPTIONS

3.1 This Order does not apply to outdoor lighting in existence or under construction on September 1, 1975.

3.2 The following types of outdoor lighting are exempt from the requirements of Article II:

Outdoor lighting that is located within five miles of a military installation, base, or camp located in the unincorporated area of a county and:

- (1) was installed or used before the effective date of the order and is necessary for the operations of:
 - (A) an electric utility, power generation company, or transmission and distribution utility, as those terms are defined by Section 31.002, Utilities Code;
 - (B) an electric cooperative or a municipally owned utility, as those terms are defined by Section 11.003, Utilities Code;
 - (C) a gas utility, as defined by Section 101.003 or 121.001, Utilities Code;
 - (D) surface coal mining and reclamation operations, as defined by Section 134.004, Natural Resources Code;

- (E) a telecommunications provider, as defined by Section 51.002, Utilities Code, or its affiliates; or
 - (F) a manufacturing facility required by Texas Commission on Environmental Quality rule to hold a permit; or
- (2) is owned or maintained for the purpose of illuminating:
- (A) a tract of land that is maintained as a single-family residence and that is located outside the boundaries of a platted subdivision;
 - (B) a tract of land maintained for agricultural use;
 - (C) an activity that takes place on a tract of land maintained for agricultural use;
 - (D) structures or related improvements located on a tract of land maintained for agricultural use; or
 - (E) a correctional facility operated by or under a contract with the Texas Department of Criminal Justice.

Article IV ADMINISTRATION

- 4.1** The Kendall County Development Management office shall administer the provisions 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 Development Management office.
- 4.3** The Commissioners Court hereby delegates to the Development Manager the authority to review permit applications and approve permits for installations that are in compliance with the terms of this Order and disapprove permits for installations that are not in compliance with the terms of this Order.
- 4.4** Continual proper maintenance of any permitted outdoor lighting is a condition of the approved permit.
- 4.5** The fee for obtaining a permit under this Order shall be as set by the Commissioners Court. The Development Management office shall collect the fee at the time that a permit application is submitted to that office. Fees shall be processed and deposited in accordance with County procedures and are non-refundable.

Article V VIOLATIONS; ENFORCEMENT

- 5.1** It shall be a violation of this Order to install outdoor lighting without an approved permit from the County Development Manager.
- 5.2** It shall be a violation of this Order to improperly operate permitted outdoor lighting.

5.3 The Criminal District Attorney is authorized to enforce this Order in accordance with Section 240.035, Texas Local Government Code.

**Article VI
VARIANCES**

6.1 The Commissioners Court may grant a variance to the requirements of this Order in accordance with the procedures and requirements set out in the Kendall County Development Rules and Regulations. A request for variance using forms provided by the Development Management office shall be completed and submitted by the applicant in order for the Commissioners Court to consider a request for variance.

**Article VII
VALIDITY AND SEVERABILITY**

7.1 In the event that any provision of another order of the Commissioners Court conflicts with any provision of this Order, or Texas Local Government Code Chapter 240, Subchapter B, the more restrictive provision will govern.

7.2 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**

APPROVED AND EFFECTIVE this 27th day of November 2017.



DARREL L. LUX
County Judge, Kendall County, Texas

Attest: 

DARLENE HERRIN
County Clerk, Kendall County, Texas