

**THE CITY OF SEAGOVILLE, TEXAS  
ORDINANCE NO. 35-2019**

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION 13.01.004 TITLED "RESIDENTIAL EXTERIOR LIGHTING TRESPASS AND NUISANCE" TO ARTICLE 13.01 TITLED "GENERAL PROVISIONS" OF CHAPTER 13 TITLED "OFFENSES AND NUISANCES"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Seagoville Code of Ordinances identifies and prohibits certain offenses and nuisances; and,

**WHEREAS**, the City Council determined that it is necessary to identify and prohibit certain residential exterior lighting situations as a trespass and nuisance on residential private property within the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:**

**SECTION 1.** That the Code of Ordinances of the City of Seagoville Texas, Chapter 13 "Offenses and Nuisances", Article 13.01, "General Provisions" is hereby amended to add a new section 13.01.004 "Residential Exterior Lighting Trespass and Nuisance" to read as follows:

**"CHAPTER 13  
OFFENSES AND NUISANCES**

.....

**ARTICLE 13.01 GENERAL PROVISIONS**

.....

**Section 13.01.004 Residential Exterior Lighting Trespass and Nuisance.**

It shall be a public nuisance, a trespass, and unlawful for any residential use or operation of exterior lighting from any source to be located or concentrated so as to produce intense glare or direct illumination across the bounding property line or to be of such intensity as to detract from the use and enjoyment of adjacent property. All outside lights from any source which cast illumination on adjacent residential property shall be comprised of a light source and reflector that act together such that the light beam is controlled and not directed across any neighboring property line above a height of three (3) feet. The allowable maximum intensity measured at the property line adjoining a residential district shall be 0.25 footcandles, and at the property line adjoining a nonresidential district shall be 0.5 footcandles. Light poles shall not exceed the maximum height allowed in the subject property's zoning district, and they shall be

placed on the site a setback equal to their height from all adjacent residential property.  
No lighting from any source shall shine directly on an adjacent dwelling.

**SECTION 2.** That all resolutions, policies, and provisions of the Code of Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That should any word, phrase, paragraph, section or phrase of this ordinance or of the Code of Ordinances, as amended hereby, be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 4.** That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day such violation is continued shall be deemed to constitute a separate offense.

**SECTION 6.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**PASSED AND ADOPTED** by the City Council for the City of Seagoville, Texas at a meeting on the 4<sup>th</sup> day of November, 2019, at which a quorum was present, and for which due notice was given.

**APPROVED:**



Dennis K. Childress, Mayor

**ATTEST:**

  
Kandi Jackson, City Secretary



**APPROVED AS TO FORM:**

  
Victoria W. Thomas, City Attorney  
(TM111129 092419)