

Chapter 14

UTILITIES

Section 14.1 Servitudes

Where alleys are not provided, a servitude of not less than seven and one-half (7½) feet in width shall be provided along all rear lot lines where necessary for poles, wires, conduits, drainage ditches, storm and sanitary sewers, and other utilities. Where the contour of the land requires a drainage ditch in the same servitude with utilities, a width of servitude shall be required sufficient to serve all of the necessary drainage. Wherever it is necessary to install sanitary or storm sewers, utilities, or drainage ditches along side lot lines or across lots, a sufficient servitude shall be required to contain the necessary services as determined by the Department of Public Works. A five (5) foot servitude for the location of sidewalks shall be required on each residential lot abutting all street rights-of-way. Servitudes for sewerage, utilities, or drainage ditches shall also be provided in or adjacent to proposed site or tract developments where determined necessary by the Department of Public Works.

Section 14.2 Space allocations for utilities in new subdivisions and on new site or tract developments

Certain locations within the street right-of-way and servitudes shall be designated for the construction of subsurface drainage, sanitary sewers, and public facilities to minimize conflicts and facilitate the construction, maintenance, and operation of these various facilities in accordance with typical sections as published by the Department of Public Works showing space allocations for utilities in new subdivision development. Where feasible, all utilities shall be installed below the ground.

A copy of the applicable typical cross section showing the location of all utilities shall be included in the subdivision construction plans. The two (2) approved typical street cross sections are CPS S/D-02 and CPS S/D-02A (ACAD File CP-SD02A), as illustrated in Appendix J. If there is to be an exception or variation, the consulting engineer shall submit his proposed typical cross section to the engineering division of the Department of Public Works for their review and approval.

Section 14.3 Sewerage and water supply

The installation of all individual water supplies and sewage disposal units shall be approved by the Health Unit. Plans for all subdivision water supplies, sewer lines and treatment plants or treatment facilities shall be approved by the Louisiana Department of Health and Hospitals Office of Public Health. The construction plans for the installation of all subdivision public sewerage facilities shall be approved by the Department of Public Works. Building permits shall not be issued by the Building Inspection Division of the Department of Public Works until such time as the sanitary sewer collection piping system has been installed and determined to be operational by the Department of Public Works. In cases where a lift station and sewerage force mains are required in the sewage system, said equipment shall have been installed at the project site prior to issuance of the building permits. Occupancy permits shall not be issued until such time as the sewer system is placed into operation and accepted by the Department of Public Works.

- A. Sanitary sewer accessible. The subdivider shall connect with the public sanitary sewer and provide adequate sewer collection lines to the property line of each lot, and for site or tract developments provide additional treatment where existing trunk lines are inadequate, unless the Development is more than five hundred (500) feet from the

existing trunk line or the Department of Public Works certifies that there is inadequate capacity in City-Parish conveyance system.

- B. Sanitary sewer not accessible. Sewage treatment and disposal shall be as follows according to the number and sizes of lots in the subdivision:
1. Subdivisions having five (5) lots or less, each containing twenty-two thousand five hundred (22,500) square feet or more and with a width (frontage) of at least one hundred (100) feet may have effluent from an approved sewage disposal (treatment) system draining to open effluent ditches, provided such open effluent ditches are predominant in the area and are at least twenty-four (24) inches deeper than the grade at the building site. Sufficient grade elevations to adequately determine meeting of this requirement and statement by the engineer certifying that open effluent ditches are predominant in the area are required on the plat and shall be approved by the Health Unit along with a vicinity map at a scale of five hundred (500) feet to the inch showing the subject property and any existing buildings, streets and drainage channels within at least one thousand (1,000) feet in all directions from the subject property.
 2. Subdivisions having between six (6) and fifty (50) lots of two hundred fifty (250) feet and minimum depth of three hundred (300) feet may have effluent from an approved sewage disposal (treatment) system draining to open ditches, provided such open drainage ditches are at least twenty-four (24) inches deeper than the grade at the building site. Sufficient grade elevations to adequately determine meeting of this requirement shall be shown on the plat and shall be approved by the Health Unit along with a vicinity map at a scale of five hundred (500) feet to the inch showing the subject property and any existing buildings, streets and drainage channels within at least one thousand (1,000) feet in all directions from the subject property. None of these lots may be further subdivided unless treatment and disposal are provided for all lots.
 3. All other subdivisions shall have lots meeting the width and area requirements of the Unified Development Code and shall have community sanitary sewage treatment facilities.
 4. In site or tract developments adequate treatment and disposal facilities shall be provided by the developer.
 5. If private community wastewater collection and treatment facilities are provided, the following requirements must be met:
 - a. The owner or operator that will be serving the subdivision must be a Public Service Commission licensed, Class 4 Wastewater Utility and shall be shown on the Final Plat. e.g. water: Baton Rouge Water Works; wastewater collection and treatment: XYZ Sewer Co. The "operator" or "discharge permit holder" may not be a resident homeowner's or civic association. The plant site shall also be designated as a common area on the site plan, final plat or re-subdivision map.
 - b. The operator, discharge permit holder, or private sewerage treatment provider must have a contract with the water service provider that allows the wastewater service provider to disconnect water service in the event of non-payment of applicable service fees.

- c. Any contract for the operation and maintenance of the private treatment facility and the collection lines must be recorded in the Conveyance Records of the Clerk of Court for the Parish of East Baton Rouge and the existence of the contract and its recordation be shown on the Final Plat.
- d. All sewer collection lines, manholes and service lines shall meet the material requirements and be constructed in accordance with the Department of Public Works specifications.
- e. Prior to the approval of any construction plans (or building permit where no construction plans are required) for a commercial or multi-family development, commercial or residential subdivision or subdivision of five (5) lots or less, letters or certificates of approval from: (1) LA Department of Health and Hospitals, Office of Public Health; (2) LA DEQ; and (3) a copy of the LPDES Permit must be obtained for the private wastewater collection and treatment facilities and submitted to Department of Public Works.
- f. All sewer collection lines, pumping stations and treatment facilities must be approved by the private sewerage treatment provider or operator before any building permits will be issued.
- g. A minimum distance for the location of the wastewater treatment plant site from adjacent property shall be required. For the purposes of the implementation of this subsection only, a private community wastewater treatment plant site shall be deemed a heavy industrial use and the appropriate buffer, as specified in appendices D1-7 of the Unified Development Code, shall be provided. The provisions of this subsection shall not relieve the owner of any legal duty imposed by any other governmental agency to provide additional buffers.
- h. Prior to the issuance of a building permit the property owner shall submit with its application a certified copy of a letter or certificate showing the recordation information with the East Baton Rouge Parish Clerk of Court stating that the owner is aware that wastewater collection and treatment is being provided by a private wastewater company, and that the City/Parish is not responsible or liable for any maintenance, operation, sewerage back-ups, blockages or power outages or any other system failure. The owner, and all subsequent owners of the property shall make reference to this certificate or letter and its recordation in any sale of said property.
- i. The private sewerage treatment provider shall provide the sewer wye location and shall inspect and approve the sewer building or house connection, prior to the issuance of an occupancy permit.
- j. Approval of a final plat or resubidivision map by the Planning Commission for a subdivision will not be granted to any development or that includes private sewerage collection and/or treatment facilities prior to the actual installation, construction and operation of said improvements and proof of and inspection by the Louisiana Department of Health and Hospitals Office of Public Health and Department of Environmental Quality. The developer or owner shall not be allowed to issue a bond to the City/Parish for said improvements in order to obtain final approval.

- k. At such time as connection to the public wastewater treatment network becomes feasible due to availability of sufficient capacity or proximity of no more than five hundred (500) feet, the property owner may be required to tie in to the public sewer system at his cost in accordance with the procedures set forth in Title 2, Chapter 5, Part III of the Code of Ordinances. An appropriate reserve account administered jointly by the Public Service Commission and the treatment plant owner shall be established for the purpose of necessary maintenance and the expense of the public system tie in.
- 1. The Department of Public Works shall maintain a list of all Community Wastewater Treatment Facilities within the parish.

C. New water lines:

- 1. All newly constructed water distribution lines for either new water systems or extensions to existing systems, will be designed and constructed in accordance with the criteria established by the Department of Public Works in conjunction with the utility company providing water service to subdivisions to provide adequate flow capacity and pressure, together with an adequate number of fire hydrants required for fire protection in that area. The minimum pipe size providing fire protection will be eight (8) inches.
- 2. The design and construction shall allow the systems' performance to be consistent with generally accepted standards for fire defense and, thereby allow favorable credit in accordance with established evaluation procedures as promulgated by the Insurance Service Office and/or Property Insurance Association of Louisiana.
- 3. All future plans for developing as it relates to fire hydrant locations on adequately sized water mains, in accordance with Section 14.3.C.1, shall be submitted to the chief of the applicable Fire Protection District for fire hydrant locations within such district, by the water utility company providing the water service, for review and written approval prior to subdivision plan approval and/or issuance of construction permit.
- 4. Materials and methods used to construct the systems will be of such quality and standards as approved for fire defense by Underwriters' Laboratories, Inc., and/or the American Water Works Association.

Section 14.4 Wireless Tower Communications

A Communications Tower and/or antenna may be permitted upon determination that all of the applicable conditions in this ordinance are met.

Wireless Transmission and Relay Equipment located in or on existing structures are exempt from the following height and setback requirements.

Districts in which uses are permitted with Building Officials approval are shown on the table below:

Districts	Maximum Height	Minimum Wireless Tower Setback
M2	none	25 feet
M1	none	200 feet

Districts	Maximum Height	Minimum Wireless Tower Setback
HC1, HC2, C2, C-AB-2, C5, CG, CW, CW1, CW2, CW3	250 feet	*200 feet or 1 ½ x height
LC1, LC2, LC3, C1, C-AB-1, Rural**	120 feet	*200 feet or 1 ½ x height
GOL, GOH	Rooftop Mounted Only	none

* Whichever is greater

** Wireless transmission and relay facilities in existing industrial and commercial subdivisions located in a Rural zoned district are permitted uses with Building Officials approval.

Districts in which uses are permitted with Planning Commission approval of a Wireless Site Plan are shown on the table below:

Districts	Maximum Height	Minimum Wireless Tower Setback.
B1	85 feet	*500 feet or 1 ½ x height
Rural	85 feet	*500 feet or 1 ½ x height

* Whichever is greater

* Wireless transmission and relay equipment located on water towers and major electrical transmission structures are permitted uses in residential districts with Planning Commission approval.

Section 14.41 Application Requirements

The applicant for a building Permit for construction of a Communications Tower or location on an existing structure must file an application with the Building Officials office. The applicant for a Wireless Site Plan approval by the Planning Commission will file an application with the Office of the Planning Commission. The following documents must be included in all applications:

- A. One copy of typical specifications for proposed structures and antennae including description of design characteristics and material.
- B. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, and landscape plan. A survey from a licensed land surveyor or civil engineer indicating the distance from any existing residential land uses on adjacent property to the Wireless Facility.
- C. A current map or update of an existing map on file with the City-Parish showing locations of the applicant's antennae, facilities, existing towers, and proposed towers serving any property within the City-Parish.
- D. A certificate from a licensed structural engineer of capacity by type and number of the Communication Tower, and a certification that the tower is designed to withstand winds in accordance with ANS/EIA/TIA 222 latest revision standards.
- E. Identification of the owners of all antenna and equipment to be located on the site.
- F. Written authorization from the site owner allowing applicant to submit the application.

- G. Certification by the applicant that the proposed activity is in compliance with Federal Aviation Administration (FAA) requirements.

Section 14.42 Conditions

Applicant must show that all applicable conditions are met.

- A. The proposed communications tower, antenna, or accessory structure will be placed in a reasonable available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements. Priority shall be given applications, which desire locations on existing structures, property zoned for industrial use, and City/Parish owned property.
- B. Prior to consideration of a permit for location on private property, applicant must show that available Parish and City owned sites and available privately owned sites occupied by a compatible use are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.
- C. Applicant must show that the proposed wireless transmission and relay equipment and antenna cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or Communication Tower, reasonably available to the applicant, within the search area that the new site is to serve.
- D. Applicant must show that a proposed Communications Tower to be located in Zoning Districts M2, M1, LC1, LC2, LC3, HC1, HC2, C2, C-AB-2, CG, C5, C1, C-AB-1, and Rural (for which a height waiver has been applied) is designed to accommodate additional antennae and wireless transmission and relay equipment equal in number to applicant's present and future requirements or the needs of another provider of similar telecommunication services. Applicant shall anticipate needs of other telecommunication providers and make space available on the proposed tower when technically feasible. Applicant must cooperate and negotiate fairly with other telecommunications providers regarding co-location lease agreements and must offer available space to other telecommunications providers at a reasonable rate.
- E. No permits for proposed Communications Tower shall be issued for sites:
 - 1. Within one thousand three hundred twenty (1,320) feet of an existing tower;
 - 2. Within one thousand three hundred twenty (1,320) feet of a previously approved but not constructed tower; or
 - 3. Within one thousand three hundred twenty (1,320) feet of an existing building of equal or greater height than the proposed tower.
- F. Applicant must show that any proposed Communications Tower will meet all applicable health, nuisance, noise, fire, building, and safety code requirements.
- G. Applicant must show by certificate from a registered engineer that the proposed facility will contain no equipment, which violates FCC rules.
- H. All regulations contained in the Unified Development Code including but not limited to site development regulations, visibility, fencing, screening, landscaping, parking access, lot size, exterior illumination, sign, and storage shall apply to the use.

- I. Wireless facilities shall not be located within any recognized residential subdivision except as noted in Section 14.4.
- J. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- K. The entire facility must be aesthetically and architecturally compatible with its environment. In no case will metal buildings be allowed for accessory buildings.
- L. Walls or fences constructed of wood, brick, or masonry at least six (6) feet in height shall be used to secure the site and provide an opaque barrier. Such walls or fences may be used in combination with landscaping to provide security or increase the buffer to other land uses. Other types of fences shall be allowed only if used in conjunction with evergreen shrubs or hedges, which upon maturity are equal to or greater than the height of the fence and are a minimum of four (4) feet in height at planting, for the purposes of providing an opaque barrier.
- M. The Communications Tower, Wireless Transmission and Relay Equipment, antennas, and support structures shall be constructed of a material with a neutral color and shall be designed to blend in with the surrounding landscape, buildings, and uses unless otherwise required by Federal or State laws.
- N. A red obstruction lighting system shall be utilized on all Communications Towers and support structures which are more than one hundred sixty-five (165) feet and less than two hundred (200) feet in height, as follows:
 - 1. At least one red flashing beacon shall be installed at the top of the structure in such a manner as to ensure an unobstructed view of one or more lights by a pilot,
 - 2. Two or more steady burning white lights shall be installed on diagonally or diametrically opposite positions as a height equal to one-half of the total structure height.
 - 3. If a rod, antenna, or other appurtenance located on the tower, forty (40) feet or less in height, is incapable of supporting a red flashing beacon, then the beacon may be placed at the base of the appurtenance. If the mounting location does not allow unobstructed viewing of the beacon by a pilot, then additional beacons shall be added.
 - 4. If a rod, antenna, or other appurtenance is located on the tower, and exceeding forty (40) feet in height, is incapable of supporting a red flashing beacon, a supporting mast with one or more beacons shall be installed adjacent to the appurtenance. Adjacent installations shall not exceed the height of the appurtenance and shall be within forty (40) feet of the tip to allow the pilot an unobstructed view of at least one beacon.
 - 5. The provisions of this section may be waived through a Conditional Use Permit, following a written recommendation by the Director of the applicable Mosquito Abatement District.

Section 14.43 Notifications

The applicant for Wireless Site Plan approval must notify all residential landowners within five hundred (500) feet of the proposed facility and the Federation of Civic Associations by certified

mail at least ten (10) days prior to the required public hearing. The Planning Commission must post signs similar to rezoning signs at least fifteen (15) days prior to the required public hearing on the application and advertise the public hearing in the newspaper as required in zoning cases. The applicant for a building permit or Wireless Site Plan approval of a new Communications Tower shall notify by certified mail all other telecommunications providers, which have registered with the City-Parish Planning Commission. Such notification must be sent within seven (7) calendar days of the date of filing of the application. The notification to registered telecommunications providers shall include, at a minimum, information on the height and type of the tower proposed as well as the location of the tower. Failure of the applicant to make reasonable efforts to comply with this notification may result in a delay in the processing of the application by the Building Official's office or the Planning Commission as the case may be.

Section 14.44 Abandonment

In the event the use of any communication tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Director of Planning who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage shall make determination of the date of abandonment. Upon such abandonment, the owner/operator of the tower shall have an additional one hundred eighty (180) days within which to: (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantle and remove the tower and associated facilities. At the earlier of one hundred eighty-one (181) days from the date of abandonment without reactivation or upon completion of dismantling and removal, all permits issued for the Communications Towers and Wireless Facilities shall expire and a penalty in the amount of two hundred fifty (250) dollars a day shall be imposed upon the record owner of the tower until the date of removal.

Section 14.45 Waivers

Setback waivers may be granted by the Planning Commission through a Wireless Site Plan for wireless facilities with the following limitations:

District	Minimum Wireless Tower Setback Allowed
M1, C2, C-AB-2,	*100 feet or 1 ½ x tower height
C5, CG, HC1, HC2,	
LC1, LC2, LC3, C1,	
C-AB-1, B1	
Rural	**200 feet or 1 ½ x tower height

* Whichever is greater

** Whichever is greater, measured from the wall of a residence

Height waivers may be granted by the Planning Commission through a Wireless Site Plan for wireless towers within the Rural Zoning District. In no case may a tower exceed three hundred (300) feet in height in the Rural district.

Waivers to Section 14.42.E, Distance from tower, may be granted by the Planning Commission through a Wireless Site Plan for wireless towers if the applicant certifies that the existing tower, a permitted Communication Tower site, or an existing building of equal or greater height does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.

A Wireless Transmission and Relay Facility must be located a minimum of twenty (20) feet from any street right-of-way line.

An appeal may be made to the Metropolitan Council in writing within ten (10) calendar days of receipt of the Planning Commission decision regarding Wireless Tower Site Plan.

Section 14.46 General requirements of streetlights.

The Department of Public Works shall not approve a construction plan for the subdivision of land until a street light plan as required by this chapter has been submitted and approved and shall not subsequently accept for maintenance a subdivision of land as defined in Chapter 2 of Title 7 unless street lights are installed as required by this chapter or if installation is guaranteed by a bonding company or franchised utility company.

Section 14.47 Local residential subdivisions.

- A. Local residential roadways shall be characterized by few pedestrians and a low parking demand or turnover at night. This definition shall include areas with single-family homes, townhouses and/or small apartments. Regional parks, cemeteries and vacant lands shall also be included. The roadways shall be used primarily for direct access to residential property or other abutting property, and shall not include roadways carrying through traffic.
- B. The local franchised utility company shall design the lighting systems. Equipment used shall be manufactured specifically for street light application, and repair parts shall be available for the projected life of the installation. Any equipment other than the standard equipment used by the franchised servicing utility shall require that utility's approval prior to that utility's accepting maintenance and operation. The maximum spacing of lighting fixtures shall be two hundred (200) feet and the minimum shall be sixty (60) feet. The minimum initial lumens shall be ninety-five hundred (9,500). The utility company shall ensure that the degree of illumination in divided or boulevard type streets is consistent with the degree of illumination required by this paragraph for undivided streets.
- C. The provisions of this chapter shall not be construed to impose a duty on either the City-Parish or a franchised servicing utility as to the public, regardless of the activity in which the public or any member thereof is engaged.

Section 14.48 All other subdivisions.

In all other subdivisions street light illuminations shall meet all requirements, set for the by the American Association of the State Highway and Transportation officials in its publication "An Informational Guide to Roadway Lighting Districts" or its successor.

Section 14.49 Application for creation of street lighting districts.

- A. Any subdivider desiring to install street lighting facilities in a subdivision not then situated within a road lighting district authorized to levy taxes for the operation and maintenance of street lighting facilities may make private arrangements with a franchised utility company or may submit a proposal for inclusion in the consolidated road lighting district, including the property sought to be subdivided and such adjacent property or properties as he may deem desirable or appropriate.
- B. If the subdivider chooses to attempt to be included in the consolidated road lighting district, the proposal shall include not only the area to be encompassed within the district but also a plan for proposed street lighting facilities in the area, showing the estimated cost of operating and maintaining the facilities, and the anticipated assessed values in the area. Where it appears from the information submitted that the size of the

area, the anticipated growth therein, and the anticipated increase in resulting assessments, its location and proposed future development justify the inclusion in the consolidated road lighting district, for the purpose of maintaining and operating street lighting facilities installed in the subdivision, the parish attorney may recommend to the council that the consolidated road lighting district be expended and an election called thereon for the purpose of approving the levy not to exceed fourteen (14) mills on the assessed valuation of all property within the district for street lighting purposes. If such millage is approved at an election called therefore, and if the contract with the utility company is approved, as hereinabove provided, the department of Public Works may authorize the installation of streetlights as requested in the application therefore. If the millage is not voted, as herein required, the application for the installation of street lighting facilities shall be automatically denied.

Section 14.50 Existing subdivisions; application for inclusion in the consolidated street lighting district.

Any subdivision outside the city limits, and not in the consolidated road lighting district, shall also have a right to submit to the Director of the Department of Public Works, Director of Finance, and to the Council Administrator-Treasurer a petition signed by a majority in number and amount of the property tax payers as certified by the Assessor in the existing subdivision for the inclusion in the consolidated road lighting district, including the property already subdivided along with any adjoining or adjacent property which he may deem desirable and appropriate, which petition shall include, in addition to the area to be encompassed within the consolidated street lighting district, a plan showing the street lighting facilities that have been installed or which are proposed to be installed, showing the cost that has been expended or that will be expended thereon, and the cost of operating and maintaining the system, the assessed values in the area as well as the anticipated assessed value therein. The Metropolitan Council shall fix a time not less than ten nor more than thirty days after the submission of the petition at which it shall hold a public hearing on the proposal to make an addition to the Consolidated Road Lighting District. Notice of such hearing and of its time, place, objects, and purposes shall be given by publication twice in the official journal of the parish, which publications shall be completed not less than five days prior to the hearing. After the conclusion of the hearing, the metropolitan Council may in its discretion make an addition by ordinance to the Consolidated Road lighting District. Any addition to the Consolidated Road Lighting District shall be subject to the ad valorem property tax then in effect for the Consolidated Road Lighting District. In accordance with law.

Section 14.51 Installation prohibited until approval obtained.

No street lighting facilities shall be installed by any person or by any utility company within dedicated rights-of-way in any approved subdivision until and unless an application therefore has been submitted to and approved by the Department of Public Works under the conditions and circumstances hereinabove provided.

Section 14.52 Notice to remove facilities.

If any person or any utility company shall install street lighting facilities in any subdivision in violation of the provisions of this chapter, the Director of Public Works shall give such person or utility company, as the case may be, ten (10) days' written notice to remove the street lighting facilities from the dedicated rights-of-way, and upon the failure of such person to so remove such facilities, the Director of Public Works is authorized to remove the same without further notice. All costs of such removal shall be chargeable to the owner of such facilities or to the person installing same, as the case may be. This provision shall be supplemental and in addition to the penalties hereinafter provided.

Section 14.53 Penalty

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction by a court of competent jurisdiction, fined in an amount not to exceed two hundred (200) dollars or sixty (60) days in jail, or both, at the discretion of the judge before whom each person is tried.

Section 14.6 Outdoor Lighting

A. Intent and Purpose

The Outdoor Lighting Ordinance addresses a critical component of community design by promoting effective, efficient, and attractive outdoor lighting. The provisions of this ordinance will be applicable to all residential and commercial properties located within East Baton Rouge Parish. The intent of this ordinance is to prevent glare and unwanted light trespass, ensuring that all light emanating from a particular development is confined to that development site. The guidelines are aimed at minimizing the environmental impact of excessive glare, and light trespass. The design criteria and review process establishes overall lighting performance standards and provides flexibility in meeting site specific outdoor lighting needs.

B. Definitions for Outdoor Lighting Regulations

The following definitions relate to the outdoor lighting regulations contained in this section.

1. Direct Light – Light emitted directly from the lamp, off of the reflector or diffuser, or through the refractor or diffuser lens, of a luminaire.
2. Fixture – The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
3. Flood or Spot Light – Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
4. Foot-candle – A unit of measure for illuminance. A unit of illuminance on a surface that is everywhere one (1) foot from a uniform point source of light of one candle and equal to one lumen per square foot.
5. Full Cut-Off Type Fixture – A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a ninety (90) degree, horizontal plane from the base of the fixture and that is installed in a vertical position to prevent disability glare.
6. Fully Shielded Fixture – A luminaire or fixture constructed in such a manner that an opaque shield extends, on the top and all sides, below the lowest direct-light-emitting part (LDLEP) of the luminaire. The lowest edge of such a shield shall surround the LDLEP and be level with the horizontal plane, regardless of the orientation of the luminaire or fixture.
7. Glare – Light emitting from a luminaire with an intensity great enough to reduce a viewer’s ability to see and function, and in extreme cases causing momentary blindness.

8. Height of a Luminaire – The height of a luminaire shall be the vertical distance from the normal finished grade directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.
9. Horizontal Illuminance – The measurement of brightness from a light source, usually measured in foot-candle or lumens, which is taken through a light meter's sensor at horizontal position.
10. Indirect Light – Direct light that has been reflected or has scattered off of other surfaces.
11. Lamp – The component of a luminaire that produces the actual light.
12. Lowest Direct-Light-Emitting Part (LDLEP) – The lowest part of either the lamp or lamps, the reflector or mirror, and/or refractor or lens.
13. Light Trespass – Any artificial light greater than two (2) footcandles falling eight (8) feet outside the boundaries of the property upon which the outdoor luminaire is installed. Light trespass shall be deemed to occur when residential or residentially zoned properties within one hundred (100) feet of the property line are affected by the lighting system's inability to contain its light within the established parameters.
14. Lumen – A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this section, the lumen-output values shall be the initial lumen output ratings of a lamp.
15. Luminaire – This is a complete lighting system that includes a lamp or lamps and a fixture.
16. Mounting Height – The vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture (i.e. luminaire).
17. Neon Lighting – Any tubular lighting of which the primary source of light is gaseous.
18. Outdoor Lighting – The nighttime illumination of an outside area or object by any man made device located outdoors that produces light by any means.
19. Shielded – Provided with internal and/or external shields, top and side visors, hoods, and internal louvers to limit glare and light trespass caused by emission from luminaires.
20. Single-plane Lens – A refractor or lens, mounted on the horizontal plane, which by design, allows direct light to be emitted only through the horizontal plane.
21. Temporary Outdoor Lighting – The specific illumination of an outside area or object by any man made device located outdoors that produces light by any means for a period of less than forty-five (45) days, with at least one hundred eighty (180) days passing before being used again.
22. Up-lighting – Any light source that distributes illumination above a 90-degree horizontal plane.

C. Light Measurement Technique

Light level measurements shall be made at a point eight feet outside the boundaries of the property upon which the outdoor luminaire is installed. Measurements shall be made with the light-registering portion of the meter held at ground level with the measuring instrument held in the horizontal plane parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five (5) percent. Measurements shall be taken with a light meter that has been calibrated within the previous two (2) years. Light levels are specified, calculated and measured in footcandles (FC). All FC values are maintained footcandles unless specified otherwise.

D. General Requirements

1. The applicant for a building permit shall certify that the applicable provisions of this ordinance will be satisfied. All site plan and subdivision plats must have a notation on the plat stating that the proposed development will comply with all provisions of the Lighting Ordinance.
2. The maximum level of light trespass shall be two (2) footcandles.

E. Luminaire Design Requirements

1. Luminaire Design Any luminaire with a lamp with an initial output rating greater than 10,000 lumens shall be either:
 - a. Full Cutoff Type fixture with a single plane lens
 - b. Fully shielded fixture.
 - c. Shielded and adjustable.
2. Luminaire Height
 - a. Any luminaire with a lamp with an initial output rating of less than 10,000 lumens may be mounted at any height.
 - b. Any luminaire with a lamp with an initial output rating of 10,000 lumens or greater may be mounted up to a height of thirty-five (35) feet.
 - c. Maximum height of pole mounted fixtures shall not exceed thirty-five (35) feet.

F. Illumination Levels

1. The average levels of illuminance for all applications shall conform to the official manual of the Louisiana State Fire Marshal, specifically in accordance with ACT 588 of the 1997 Louisiana Legislature (RS40:1730.26(c)) and its latest amendments, commonly referred to as the Louisiana State Energy Code.
2. In addition and where application for banking institutions, the maximum levels of illuminance for this specific application shall comply with Act 588 of the 1995 Louisiana Legislature.

G. Exceptions

The following lighting is exempt from the provisions of this section:

1. Luminaire Redirection. Any Luminaire with a lamp rated at 10,000 lumens or less may be used without restriction to light distribution or mounting height, except that no spot or flood luminaire with an initial output rating of 10,000 lumens or less may be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or on streets.
2. Parking Areas. Areas, used primarily for the parking of large trucks or buses, where luminaire supports inside the areas would restrict the function or compromise safety shall use fully shielded floodlights.
3. Police or Fire Departments or other Emergency Services. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaries.
4. Federal Regulatory Agencies. All hazard warning luminaries required by Federal Regulatory Agencies, except that all luminaries used must be red and specific to the warning task required.
5. Airport Lighting. Lighting that is required for the safe and efficient movement of aircraft during flight, takeoff, landing, and taxiing. All other outdoor lighting at airport facilities shall comply with the provisions of this chapter.
6. Radio, Communication and Navigation Towers. All lighting used for radio, communication, and navigation towers, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with the provisions of this chapter.
7. Flags. Up-Lighting for national, state, municipal or foreign nation flags located on poles independent of other structures.
8. Trees. Up-lighting or down-lighting of trees.
9. Street Lighting. Both public and private streetlights if they were in existence at the time this section becomes effective or if a permit or other approval has been granted for these lights at the time this ordinance becomes effective.
10. Church Steeples. Up-lighting of church steeples and spires is permitted as long as said lighting is fully shielded.
11. Law Governing Conflicts. Where any provision of federal, state, City-Parish, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

H. Prohibitions

1. Laser Source Light. The use of laser source light or any similar high intensity light for permanent outdoor advertising or entertainment is prohibited. Use otherwise requires a permit.
2. Searchlights. The operation of permanent searchlights is prohibited. Temporary use shall not be located within five hundred (500) feet of a residential area and

shall not be allowed after 12:00 a.m. A permit must be obtained for the operation of searchlights.

I. Temporary Lighting

1. Temporary Outdoor Lighting. Any temporary outdoor lighting that conforms to the requirements of this section shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Building Official 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.

J. Regulation of Nonconforming Luminaries

1. Definition of Legally Nonconforming Luminaries. The term “legally nonconforming luminaries” shall mean (1) any luminaire located within the Parish which does not conform with the provisions of this ordinance at the time this ordinance becomes effective, or (2) any luminaire not yet constructed, but which has been granted a permit through the granting of a building permit or other approval, at the time this ordinance becomes effective.
2. Nonconforming Luminaries. A light trespass shall only be deemed to occur if the Building Official receives a complaint from a third party residential property owner within one hundred (100) feet of the property line and determines that there is a violation. All complaints shall be limited to properties used for residential purposes. In these situations, all offending outdoor lighting fixtures located on the subject property, with an initial output rating of greater than 10,000 lumens that do not conform to this chapter shall be required to be shielded, redirected, or adjusted so that no more than two (2) footcandles of light fall eight (8) feet outside the boundaries of the property upon which the outdoor luminaire is installed. This level shall be measured twenty-five (25) feet outside the boundaries of the property upon which the outdoor luminaire is installed. Ownership where at least fifty (50) percent of ownership is common shall be deemed as one tract.
3. Nonconforming Luminaries Causing Hazardous Glare. Nonconforming luminaries with a lamp or lamps with an initial output rating greater than 10,000 lumens that are aimed, directed, or focused such as to cause or create glare perceptible to persons operating motor vehicles on public ways, be shielded or redirected so that the luminaries do not cause a potential hazard to motorists or cyclists. The determination of this violation shall be invoked by the Building Official or his designee.

K. Street Lighting Fixtures

1. All street lighting fixtures shall be a full cut-off type fixture. If necessary, fixtures shall include “house side shields” to minimize light directed to the rear of the fixtures.
2. Alternatives: the design for an area may suggest the use of street lighting fixtures of a particular “period” or architectural style, or there may be existing historical fixtures to be retained. In such cases, the non-cut-off fixtures may be used either as alternative or supplements to street lighting described above.
3. For fixtures that do not meet the “cut-off” criteria, the maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150-watt incandescent bulb).

4. Mounting heights of such fixtures shall not exceed fifteen (15) feet for new fixtures. Where historic fixtures are being retained (and/or extended) mounting height shall be that of the existing fixtures and every effort shall be made to use brackets that match existing brackets.

L. Lighting of Outdoor Performance Areas

Outdoor nighttime performance events (concerts, athletic contests, etc.) have unique lighting needs. Illumination levels vary, depending on the nature of the event. The regulations in this section are intended to allow adequate lighting for such events while reducing glare and unwanted illumination of surrounding streets and adjacent properties. Such installations shall have the following minimum requirements:

1. Primary Playing Areas. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
2. Parking Areas. Lighting for parking areas shall meet the requirements specified elsewhere in this chapter.

M. Violations, Legal Actions, and Penalties

1. Any lighting fixtures erected, constructed, enlarged, altered, repaired, moved, improved, or converted, contrary to the provisions of this ordinance shall be, and the same is hereby declared to be, a public nuisance.
2. If, after investigation, the Building Official or his designee finds that any provision of the ordinance is being violated, he shall give notice by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within thirty (30) days of the date of mailing of the notice. If the violation is not abated within the 30-day period, the Parish Attorney may, as appropriate, commence necessary actions and proceedings, legal or equitable, to enjoin, restrain, or abate any violations of this ordinance and to collect the penalties for such violations. The Building Official after receiving a complaint about lighting shall investigate the possible violation and respond to the complainant within fourteen (14) days in writing as to the findings of the investigation. The written response shall be copied to the Parish Attorney.
3. Any person, firm, or corporation violating any provision of this Ordinance upon conviction shall be punished for each separate offense committed after the initial 30-day abatement period by a fine not exceeding five hundred (500) dollars. Each day during which the violation is committed, continued, or permitted shall constitute a separate offense. Any continued failure, refusal or neglect to comply with the requirements of this section shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, or conversion of a lighting structure erected, constructed, enlarged, altered, repaired, moved, improved, or converted contrary to the provisions of this Ordinance.

N. Effective Date

This ordinance shall take effect six (6) months from the date of approval by the City-Parish Metropolitan Council.