

CITY OF MISSION WOODS, KANSAS
ORDINANCE NO. 235

**AN ORDINANCE OF THE MUNICIPAL CODE OF THE CITY OF MISSION WOODS,
KANSAS PROVIDING FOR STANDARDS FOR CERTAIN TYPES OF LIGHTING.**

WHEREAS, the Governing Body of Mission Woods, Kansas has determined that it is advisable to require certain standards for entertainment lighting, string lighting and seasonal lighting.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION WOODS, KANSAS, as follows:

Section 1. Chapter 10 of the Code of the City of Mission Woods is hereby amended to add the following as the new Article 8 to said Chapter to read as follows:

10-801. DEFINITIONS. As used in this Article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

- (1) "Entertainment lighting" means lighting products used for decorative effects versus lighting performance. Examples of entertainment lighting include, but are not limited to, fountain lighting, lighting fixtures (pole, post or bollard style) creating a visual effect with low lumen output, LED commercial outdoor string lighting, building wall sconce and chandelier lighting with low lumen lamp source.
- (2) "Seasonal lighting" means lighting, uplighting or internally lit inflatable or plastic decorations installed and operated in connection with holidays or traditions.
- (3) "String lighting" means any number of bulbs, LEDs, or other light emitter connected with wire in a linear or two-dimensional array, or inside of tubing, not contained within the structure of a fixture, used for either illumination or decoration, and supported in any manner.

10-802 UNNECESSARY LIGHTING.

- A. No person shall install, maintain, or use any entertainment lighting or string lighting on private property which produces glare or direct illumination across a property line in a residential area of such intensity that it creates a nuisance or unreasonably interferes with the use or enjoyment of adjacent property.
- B. Seasonal lighting may be on display no more than 60 days before the holiday and no longer than 30 days after the holiday.

- C. Entertainment lighting, string lighting and seasonal lighting in compliance with this Article must be turned off by no later than 11:00pm C.S.T.

10-803 WAIVER AND EXCEPTIONS.

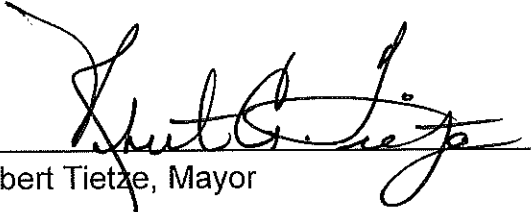
- A. The Architectural Review Board ("ARB") may upon advance request grant a specific exception license for a single or repeated event with respect to the prohibitions of this Ordinance but be subject to such conditions as the ARB deems appropriate. The ARB may require as a condition, among others, that the applicant secure prior written approval of adjacent residents or such other persons as the ARB deems appropriate.
- B. The following lighting and activities are not regulated by this Article:
 - a. Exterior Lighting, as defined elsewhere in the Mission Woods Municipal Code;
 - b. Short-term lighting associated with activities authorized by a valid temporary use permit, special event permit or film permit during the duration of the permit;
 - c. Street lights or lights installed, maintained and used in connection with any public facilities, public buildings or public lands;
 - d. Construction or emergency lighting provided such lighting is temporary, necessary, and is discontinued immediately upon completion of the construction work or termination of the emergency.

10-804 PENALTY. Any person violating any of the provisions of this ordinance or anyone failing to immediately abate unnecessary lighting after being requested by law enforcement authorities or adversely affected persons to do so shall be deemed guilty of maintaining a public nuisance. Upon a first conviction for a violation of this Ordinance, the Court shall assess a fine of not less than fifty dollars (\$50.00). Upon a second conviction, the Court shall assess a fine of not less than one hundred and fifty dollars (\$150.00). Upon a third or subsequent conviction, the Court shall assess a fine of not less than two hundred and fifty dollars (\$250.00). No prior conviction shall be considered in determining the penalty to be assessed if twenty-four (24) months have elapsed between the date of the violation and the date of the conviction next immediately preceding the sentencing date. Each occurrence of a violation, or in the case of a continuous violation each day a violation occurs or continues, constitutes a separate offense and shall be punishable as such hereunder.

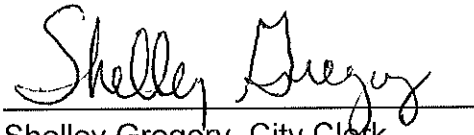
Section 2. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 3. This Ordinance shall be effective upon its passage, approval by the Mayor and publication once in the official city newspaper.

PASSED by the Governing Body and APPROVED by the Mayor this 1 day of OCTOBER 2019.


Robert Tietze, Mayor

ATTEST:


Shelley Gregory, City Clerk