

ORDINANCE 22-13
AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 92: NUISANCES
(OUTSIDE LIGHTS)

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Chapter 92: Nuisances (Outside Lights) be amended to read as follows.

Section One: Amend Sections 92.30 – 92.35 to read as follows.

92.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DIRECT LIGHTS, Direct light is created from a fixture or a shield that focuses all light in a certain angle. Direct lights create a sharp contrast between light and shadow. Examples are floodlights, spotlights, can lights, and downlights.

UPLIGHTS, i.e. Decorative low voltage lights designed to Highlight vegetation or decorative, low voltage lights directed upward to structures

DOWNLIGHTS, Decorative, low voltage lights directed downward to highlight a path or vegetation.

DECORATIVE LIGHTS, Lights, such as landscape lights used to enhance the appearance of an area and seasonal holiday lights. Seasonal holiday lights may be used for a limited period of time (90 days) with a maximum 300 lumens.

DOORWAY LIGHTS. Lights attached to structures or walkways used to illuminate doors and immediate areas leading to entrances; to include those installed beneath houses.

FLOOD/SPOTLIGHTS. Bare lights attached to buildings and used to illuminate a specific area (yards, driveways, walkways, and the like) normally for a limited time period. These may also be used as security lights.

SAFETY LIGHT. A light used to warn boats or vehicles of possible obstacles.

SECURITY LIGHT. A light (either automatic, motion activated or manual) which ~~remains on~~ can be illuminated overnight for the protection of people or property.

YARD LIGHT. A light whose fixture is not attached to a building, ramp, or deck and is over four feet above ground level.

('85 Code, § 3-11a.) (Ord. 92-10, passed 7-22-92)

§ 92.31 PURPOSE.

It is the intent of this subchapter to permit sufficient outside lighting to provide for the safety and security of citizens while preventing undue distraction to residents or guests, **and to provide a safe and welcoming environment for sea turtles.**

('85 Code, § 3-11) (Ord. 92-10, passed 7-22-92)

§ 92.32 UNLAWFUL LIGHTS.

It shall be unlawful for any outside light to be installed or directed:

- (A) To interfere with the vision of the operator of any motor vehicle on any street or waterway; **or cast any amount of direct light more than 15 feet from the footprint of the residence, with the exception of light directed into a pool area.**
- (B) **Decorative, safety, security up lights or other lights on the south side of oceanfront homes which are set with automatic timers or day/night photocells.**
- (C) **Decorative lights on the south side of oceanfront homes on walkways and walkway seating.**
- (D) **Any unnecessary oceanfront lighting during turtle nesting/hatching season from May 1st through October 31st.**
- (E) ~~(B)~~ That is not in compliance with the provisions of this subchapter.

('85 Code, § 3-11b.) (Ord. 92-10, passed 7-22-92; Am. Ord. 94-24, passed 10-3-94) Penalty, see §92.99

§ 92.33 LIGHTS PERMITTED IN R-1 AND R-2 DISTRICTS.

(A) **Decorative lights, up lights and down lights as long as not visible on the beach with restrictions defined in 92.32 (B), (C).**

(B) Flood or spotlights provided they are directed onto the owner's property.

(C) Doorway lights of 100 watts **incandescent, 10-watt LED (1600 lumens)** or less per light.

~~(D) Safety Lights~~

(D) ~~(E)~~ Security lights, attached to a building, and so shielded that no direct lighting is outside the owner's property.

(E) ~~(F)~~ **Pool lights within the confines of pool fencing or directed into the pool areas.** ~~Security lights, presently on poles, which do not meet the restrictions of division (G) of this section are permitted for a period of one year following enactment of this subchapter provided they are so shielded that there is no direct lighting outside the owner's property.~~

(F) ~~(G)~~ One yard light per living unit provided:

(1) It does not exceed ten feet in height (measured from mean lot level) and does ~~not draw in excess of 100 watts~~ exceed 900 lumens.

(G) External oceanfront lights used exclusively for safety purposes shall be limited to the minimum number, shielded to achieve their functional roles and may use motion activation. If motion activation is used it must keep the lights off except when approached and turn back off within five minutes. ~~It is of the same design and wattage as the approved town street lights and does not exceed 20 feet in height.~~

('85 Code, § 3-11c.) (Ord. 92-10, passed 7-22-92; Am. Ord. 94-24, passed 10-3-94; Am. Ord. 94-28, passed 12-5-94)

§ 92.34 LIGHTS PERMITTED IN C-1 COMMERCIAL DISTRICTS.

(A) Any lights permitted in R-1 or R-2 Districts are permitted.

(B) Security lights not attached in buildings and lights used to illuminate entertainment facilities provided:

(1) The light is so shielded that no direct lighting is outside the owner's property. (2)

Any pole is a minimum of ten feet from the road right-of-way.

('85 Code, § 3-11e.) (Ord. 92-10, passed 7-22-92) Penalty, see § 92.99

§ 92.35 COMPLAINTS.

Permitted lights which may be in violation of § 92.32 of this chapter will be reported in writing to the Town Manager **or designee** who will make the final determination if a violation exists. The Town Manager **or designee** will notify the complainant and the alleged violator of his/her findings in writing.

('85 Code, § 3-11f.) (Ord. 92-10, passed 7-22-92) **Section Two:** The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

Section Three: This ordinance shall be effective January 1, 2023.

This the 21st day of June, 2022.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk