

"Federation Corner" column  
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### **County refuses to enforce law on intrusive exterior lighting**

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I have written previously for this column about the building of a huge house next door to my moderately-sized home, built in 1928, which has been my family home since 1947, the year before I was born ("Class warfare in Chevy Chase", March 8, 2012.). What I had not predicted were the problems regarding intrusive lighting, an issue that became apparent only after the owners of the house next door moved in and started using the exterior lights outside their newly repositioned front door and garage door.

There are several light fixtures in the vicinity of the two car garage door, which faces my house. When any one of them is lit, light streams into the windows of my house, both upstairs and down, and when lit at night, my sleep is disturbed.

I did not think that I had a remedy for this particular problem of intrusive lighting. But in fact, as I have learned, there is a county ordinance on the subject. Section 26-9(b)(6) of the Housing Code states as follows: "Each owner must direct any exterior lighting away from the windows of any adjacent dwelling unit..."

The ordinance is clear, but getting the county to enforce it is another matter. Responding to my complaint, an inspector from the county did come out several months ago to look at the situation. He came in broad daylight, which did not facilitate his determining the effect of the illumination of the fixtures at night. Still, it was obvious to me that anyone investigating the situation should see the placement of the lighting fixtures was such that light from any of them was sure to stream into my windows---something which I knew from personal experience to be the case, when one or more of the lights were illuminated at night.

The inspector, however, declined to issue a citation. His reason was that the light that I was most concerned about cast light in different directions, not just in the direction of my windows! I could not believe that he had come up with such a tortured interpretation of the meaning of the ordinance. But his boss agreed, and I spent many months working my way up the chain of command, trying to get the county to enforce the ordinance, and give me some relief from this sleep-depriving intrusive lighting.

To my mind, when light from exterior light fixtures streams in through my windows, it is not being directed away from them, as the ordinance requires. I have taken this matter all the way up to County Executive Isiah Leggett, with no resolution. I even provided photographs taken from inside my house, through an upstairs window, which clearly show that the light shines into my windows. It makes no difference. The county refuses to enforce the ordinance, and has yet to give me a reasonable explanation as to why they will not enforce it.

One obvious problem is I cannot get any of the enforcement people to come out to look at the situation at night. Perhaps this is a problem of unwillingness of the county to pay overtime so an inspector could come at night. If this is the reason for the county's inaction in enforcing the ordinance, then we have a real problem. The county has an ordinance that is not being enforced because of a lack of ability, or of will, to send an inspector out at night. Yet, when you think about it, night time is exactly when the shining of exterior lighting into the windows of adjacent residences is most likely to be problematic.

I understand that a similar problem exists with regard to enforcement of the county's noise ordinance. Noise ordinance violations might occur at any time, day or night, so it is important to have inspectors available to come and check these out, at all hours.

I know that I am not the only resident and taxpayer in Montgomery County faced with this particular problem of intrusive exterior lighting from fixtures on a neighboring property. I know of another situation in the Town of Chevy Chase, where a homeowner across the street and downhill from a newly reconstructed house faces light coming into her windows, from exterior lights along a wide expanse of steps going from the sidewalk to that home. I know there must be many other examples, as well.

People faced with this problem often fail to pursue relief, either because they do not know about the county ordinance, or they feel helpless to act. I do not know the exact extent of this problem, but I do know that it is real, and affects a number of us in a very negative way. Invasive light from exterior lighting can be very disruptive to one's sleep.

In situations such as the one that I have described, one never knows just when the neighbor's light fixtures will be on or off. At least with street lights located in the public right of way, one has a general idea of when the light will be on, so that if adjustments are needed, one can adjust blinds or shades before retiring to bed.

From my observations, this problem is most evident in cases where there is new construction, especially when huge houses go up right next to more modest-sized dwellings. Especially problematic is the situation which arises when plans for the rebuild call for positioning of house entrances and garage doors in locations which are closer to an adjacent home than was the case with the home that was replaced. But the problem can also occur when new construction is not an issue, as when new lights are installed by the owner of an older home.

In either situation, there is a county law to protect residents from intrusive exterior lighting, but the county lacks the will to enforce its own ordinance. For residents and tax payers living within Montgomery County, this situation is simply unacceptable.

*The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800 to 1000 word column for consideration, send as an email attachment to [montgomerycivic@yahoo.com](mailto:montgomerycivic@yahoo.com)*