

ORDINANCE NO. 655

AN ORDINANCE OF THE COUNTY OF RIVERSIDE REGULATING LIGHT POLLUTION

The Board of Supervisors of the County of Riverside Ordains as Follows:

Section 1. INTENT. The intent of this ordinance is to restrict the permitted use of certain light fixtures emitting into the night sky undesirable light rays which have a detrimental effect on astronomical observation and research. This ordinance is not intended to restrict the use of low pressure sodium lighting of single family dwellings. This ordinance does not require any replacement of light fixtures already installed and operating.

Section 2. CONFORMANCE WITH APPLICABLE ORDINANCES. All artificial outdoor light fixtures shall be installed in conformance with the provisions of this ordinance and the applicable provisions of the ordinances of the County of Riverside regulating the installation of such fixtures.

Section 3. APPROVED MATERIALS AND METHODS of INSTALLATION. This ordinance is not intended to prevent the use of any design, material or method of installation not specifically forbidden, provided any such alternate has been approved. The Planning Director may approve any such proposed alternate if it:

- A. Provides at least approximate equivalence to the applicable specific requirements of this ordinance; and
- B. Is otherwise satisfactory and complies with the intent of this ordinance.

Section 4. DEFINITIONS.

- A. Outdoor light fixtures means outdoor artificial illuminating devices, installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot, and flood lights for:
 - 1. buildings and structures;
 - 2. recreational facilities;
 - 3. parking lots;
 - 4. landscape lighting;
 - 5. outdoor advertising displays and other signs;
 - 6. street lighting on private streets;
 - 7. walkway lighting.
- B. Class I lighting means all outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair area, outdoor advertising displays and other signs, recreational facilities and other similar applications when color rendition is important.
- C. Class II lighting means all outdoor lighting used for but not limited to illumination for walkways, private roadways and streets, equipment yards, parking lot and outdoor security.

- D. Class III lighting means that lighting not needed for Class I or Class II purposes and used for decorative effects. Examples of Class III lighting include, but are not limited to, the illumination of flag poles, trees, fountains, statuary, and building walls.
- E. Planning Director means the Director of Planning of the County of Riverside or representative(s) designated by the Planning Director.
- F. Individual means any private individual, tenant, lessee, owner or any commercial entity, including, but not limited to, companies, partnerships, joint ventures or corporations.
- G. Installed means any installation of outdoor light fixtures after the effective date of this ordinance. Projects with construction plans approved by the County prior to the effective date of this ordinance are excluded from installation in compliance with this ordinance.
- H. Zone A means the circular area fifteen (15) miles in radius centered on Palomar Observatory.
- I. Zone B means the circular ring area defined by two circles, one forty-five (45) miles in radius centered on Palomar Observatory, and the other the perimeter of Zone A.
- J. Fully shielded means outdoor light fixtures shielded or constructed so that light rays emitted by the fixtures are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.
- K. Partially shielded means outdoor light fixtures designed or constructed so that ninety percent (90%) of the light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point of the shield.
- L. Luminaire means a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.
- M. Outdoor Advertising Display means advertising structures and signs used for outdoor advertising purposes, not including on-site advertising signs, as further defined and permitted in Article XIX of Ordinance No. 348.
- N. Outdoor Recreational Facilities means public or private facilities designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Outdoor recreational facilities include, but are not limited to, fields for softball, baseball, football, soccer, and other field sports, courts for tennis, basketball volleyball, handball and other court sports, stadiums, and lighted golf facilities such as driving ranges.

Section 5. GENERAL REQUIREMENTS.

These standards apply in Zones A and B.

- A. Preferred Source - Low-pressure sodium lamps are the preferred illuminating source.
- B. Shielding - All nonexempt outdoor light fixtures, shall be shielded as required in Section 6.

- C. Hours of Operation - All nonexempt outdoor light are subject to the provisions of Section 8 regarding hours of operation.
- D. Outdoor Advertising Display - Lighting fixtures used to illuminate an outdoor advertising display shall be mounted on the top of the outdoor advertising structure. All such fixtures shall comply with the lamp source and shielding requirements of Section 6, and the prohibitions of Section 8.

Section 6. REQUIREMENT FOR LAMP SOURCE AND SHIELDING. The requirements for lamp source and shielding of light emissions for outdoor light fixtures in Zones A and B shall be:

LAMP TYPE AND SHIELDING REQUIREMENTS PER FIXTURE

CLASS I - COLOR RENDITION IMPORTANT

<u>LAMP TYPE</u>	<u>ZONE A</u>	<u>ZONE B</u>
Low Pressure Sodium	Allowed	Allowed
Others above 4050 Lumens	Prohibited	Allowed if fully shielded
Others 4050 Lumens & Below	Allowed*	Allowed

CLASS II - PARKING LOTS, WALKWAYS, SECURITY

<u>LAMP TYPE</u>	<u>ZONE A</u>	<u>ZONE B</u>
Low Pressure Sodium	Allowed	Allowed
Others above 4050 Lumens	Prohibited	Prohibited
Others 4050 Lumens & Below	Prohibited	Allowed

CLASS III - DECORATIVE

<u>LAMP TYPE</u>	<u>ZONE A</u>	<u>ZONE B</u>
Low Pressure Sodium	Prohibited	Allowed
Others above 4050 Lumens	Prohibited	Prohibited
Others 4050 Lumens & Below	Prohibited	Allowed

*Maximum of 8,100 total lumens per acre or per parcel if under one acre.

NOTE: When lighting is "Allowed" by this ordinance, it must be fully shielded if feasible and partially shielded in all other cases, and must be focused to minimize spill light into the night sky and onto adjacent properties.

Section 7. SUBMISSION of PLANS AND EVIDENCE of COMPLIANCE. The application for any required County approval for work in Zones A and B involving nonexempt outdoor light fixtures shall include evidence that the proposed work will comply with this ordinance. The submission shall contain, but not be limited to, the following:

- A. The location of the site where the outdoor light fixtures will be installed;
- B. Plans indicating the location and type of fixtures on the premises;
- C. A description of the outdoor light fixtures, including, but not limited to, manufacturer's catalog cuts and drawings.

The above required plans and descriptions shall be sufficiently complete to enable the County to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit further evidence of compliance enabling such determination.

Section 8. PROHIBITIONS.

- A. The installation of other than low pressure sodium street lights on private roadways and streets is prohibited within Zones A and B.
- B. All Class I lighting in Zones A and B shall be of between 11:00 p.m. and sunrise, except as follows:
 - 1. On-premise advertising signs may be illuminated while the business facility is open to the public;
 - 2. Outdoor advertising displays may remain lighted until midnight;
 - 3. Outside sales, commercial, assembly, repair, and industrial areas may be lighted when such areas are actually in use.
 - 4. Outdoor recreational facilities may remain lighted to complete recreational activities that are in progress and under illumination in conformance with this ordinance at 11:00 p.m.
- C. All Class II lighting in Zones A and B may remain on all night.
- D. All Class III lighting in Zones A and B shall be of between 11:00 p.m. and sunrise.
- E. Operation of searchlights for advertising purposes is prohibited in Zones A and B.

Section 9. PERMANENT EXCEPTIONS.

- A. Nonconformance. All outdoor light fixtures existing and legally installed prior to the effective date of this ordinance are exempt from the requirements of this ordinance except that:
 - 1. When existing luminaries are reconstructed or replaced, such reconstruction or replacement shall be in compliance with this ordinance.
 - 2. Sections 8 b, c, d and e regarding hours of operation shall apply.

- B. Fossil Fuel Light. All outdoor light fixtures producing light directly by combustion of fossil fuels (such as kerosene lanterns, and gas lamps) are exempt from the requirements of this ordinance.
- C. Holiday Decorations. Lights used for holiday decorations are exempt from the requirements of this ordinance.

Section 10. TEMPORARY EXEMPTIONS.

- A. Information Required. Any individual may submit a written request to the Planning Director for a temporary exemption from the requirements of this ordinance. The filing fee for the temporary exemption shall be \$50.00. The Request for Temporary Exemption shall contain the following information:
 - 1. Name, address and telephone number of the applicant;
 - 2. Location of the outdoor light fixtures for which the exemption is requested;
 - 3. Specific exemption(s) requested;
 - 4. Use of the outdoor light fixtures involved;
 - 5. Duration of the requested exemption(s);
 - 6. Type of outdoor light fixture to be used, including total lumen output, character of the shielding, if any;
 - 7. Previous temporary exemptions, if any;
 - 8. Such other data and information as may be required by the Planning Director.

The Planning Director shall have ten (10) business days from the date of receipt of the Request for Temporary Exemption to approve or disapprove the request. The applicant will be notified of the decision in writing.

- B. Duration of Approval. The exemption shall be valid for not more than thirty (30) consecutive days from the date of issuance of approval. Exemptions are renewable for a period of not more than fifteen (15) consecutive days. Requests for renewal of a temporary exemption shall be processed in the same manner as the original request. No outdoor light fixtures shall be exempted from this ordinance for more than forty-five days during any twelve (12) month period.
- C. Appeals. An applicant or any interested person may file an appeal from the decision of the Planning Director within 10 days of the date of mailing of the notice of decision to the applicant. The appellant may appeal that decision, in writing, to the Board of Supervisors, on forms provided by the Planning Department, which shall be accompanied by a filing fee of \$25.00. Upon receipt of a completed appeal, the Clerk of the Board shall set the matter for hearing before the Board of Supervisors not less than five days nor more than 30 days thereafter and shall give written notice of the hearing to the appellant and the Planning Director. The Board of Supervisors shall render its decision within 30 days following the close of the hearing on the appeal.

Section 11. EMERGENCY EXEMPTIONS. This ordinance shall not apply to portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

Section 12. CONFLICTS. Where any provision of the statutes, codes or laws of the United States of America or the State of California conflicts with any provision of this ordinance, the most restrictive shall apply unless otherwise required by law.

Section 13. VIOLATIONS AND PENALTIES. It shall be unlawful for any individual to operate, erect, construct, enlarge, alter, replace, move, improve, or convert any lighting structure, or cause the same to be done, contrary to or in violation of any provision of this ordinance. Any individual violating any provision of this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted.

Any individual convicted of a violation of this ordinance shall be (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100) for a first violation: (2) guilty of an infraction offense and punished by a fine not exceeding two hundred fifty dollars (\$250) for a second violation on the same site and perpetrated by the same individual. The third and any additional violations on the same site and perpetrated by the same individual shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000) or six months in jail, or both. Payment of any penalty herein shall not relieve an individual from the responsibility for correcting the violation.

Section 14. VIOLATIONS CONSTITUTE PUBLIC NUISANCE. Any lighting structure erected, constructed, enlarged, altered, replaced, moved, improved, or converted contrary to the provisions of this ordinance shall be, and the same is hereby declared to be, unlawful and a public nuisance and subject to abatement in the manner provided by law. Any failure, refusal or neglect to obtain a permit as required by this ordinance shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, replacement, improvement, or conversion of a lighting structure erected, constructed, enlarged, altered, repaired, moved, improved, or converted contrary to the provisions of this ordinance.

Section 15. SEVERABILITY. If any provision of this ordinance or the application thereof to any individual or circumstance is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 16. EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days after the date of its adoption.

ADOPTED: 6-7-88 (Ef.: 7-7-88)