

ORDINANCE NO. 9716 (NEW SERIES)

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE, MAKING
CLARIFICATIONS AND CORRECTIONS TO LIGHTING REGULATIONS**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors declares that the following amendments to lighting regulations of the San Diego County Code of Regulatory Ordinances are intended to remove obsolete language, clarify vague provisions, and resolve minor zoning matters not currently effectively addressed.

Section 2. Section 59.101 of the San Diego County Code is hereby amended to read as follows:

SEC.59.101. LEGISLATIVE INTENT

The intent of this Division is minimize light pollution for the enjoyment and use of property and the night environment by the citizens of San Diego County and to protect the Palomar and Mount Laguna observatories from the effects of light pollution that have a detrimental effect on astronomical research by restricting the permitted use of outdoor light fixtures on private property.

Section 3. Section 59.102 of the San Diego County Code is hereby amended to read as follows:

SEC. 59.102. APPLICABILITY.

All artificial outdoor light fixtures shall be installed in conformance with the provisions of this Division, the Building Code, the Electrical Code, and lighting requirements specified in Section 6324 (Lighting Permitted in Required Yards) and Section 6326 (Lighting not in Required Yards) of the Zoning Ordinance of the County of San Diego, along with any other related state and federal regulations such as California Title 24.

Section 4. Section 59.104 of the San Diego County Code is hereby amended to read as follows:

SEC. 59.104. DEFINITIONS.

- a. Outdoor light fixtures means outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot and floodlights for:
1. buildings and structures;
 2. recreational facilities;
 3. parking lots;

4. decorative landscape lighting;
 5. billboards and other signs (advertising and other);
 6. private street lighting;
 7. private walkway lighting.
- b. Class I lighting means all outdoor lighting including but not limited to outdoor sales or eating areas, assembly or repair areas, billboards and other signs, recreational facilities and other similar applications where color rendition is important.
 - c. Class II lighting means all outdoor lighting including but not limited to illumination for commercial, industrial and residential walkways, roadways and parking lots, equipment yards outdoor security and residential entrance lighting.
 - d. Class III lighting means any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting and all landscape lighting such as illumination of trees and bushes.
 - e. Building Official for the purposes of this Division means the Director of Planning and Land Use or his designated representative(s).
 - 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 January 18, 1985. Projects with construction plans approved prior to January 18, 1985 are excluded from installation in compliance with this Division in the initial installation only.
 - h. Residential Entrance Light means a building mounted exterior lighting fixture as required by the California Electrical Code and/or California Building Code for outdoor entrances and exits with grade level access. These fixtures shall be limited to no more than 2000 lumens per fixture.
 - i. Zone A means the circular area, fifteen (15) miles in radius centered on the center of Palomar Observatory and the circular area fifteen (15) miles in radius centered on the center of Mount Laguna Observatory.
 - j. Zone B means all areas within the territorial limits of the unincorporated portion of the County of San Diego and not included in the area defined as Zone A.
 - k. Fully shielded means a light fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a defusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed. Fixture shall be mounted such that no light is emitted above the horizontal plane.

- l. Luminous tube lighting means gas-filled glass tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

Section 5. Section 59.105 of the San Diego County Code is hereby repealed.

Section 6. Section 59.106 of the San Diego County Code is hereby renumbered to Section 59.105 and amended to read as follows:

SEC. 59.105. REQUIREMENTS FOR LAMP SOURCE AND SHIELDING.

The requirements for lamp source and shielding of light emissions for outdoor light fixtures shall be as set forth in the following table:

LAMP TYPE AND SHIELDING REQUIREMENTS PER FIXTURE

CLASS I

LAMP TYPE	ZONE A (15 Mi.)	ZONE B
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 Lumens	Prohibited	Fully Shielded
Others 4050 Lumens & Below	Fully Shielded ¹	Fully Shielded ¹

CLASS II

LAMP TYPE	ZONE A (15 Mi.)	ZONE B
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 Lumens	Prohibited	Prohibited, except fully shielded HPS is allowed for private roadways.
Others 4050 Lumens & Below	(a) Fully Shielded Fixture with motion sensor; or (b) Unshielded Fixture, 2000 lumen maximum with motion sensor; or (c) Residential Entrance Light	(a) Fully Shielded Fixture; or (b) Unshielded Fixture, 2000 lumen maximum with motion sensor; or (c) Residential Entrance Light

CLASS III

LAMP TYPE	ZONE A (15 Mi.)	ZONE B
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 Lumens	Prohibited	Prohibited
Others 4050 Lumens & Below	Prohibited	Prohibited except if less than 2000 lumens per fixture
Luminous Tube	Prohibited	Fully Shielded

¹ Lighting for On-Premises Advertising Displays, as defined under Section 5490 of the Business and Professions Code, shall be shielded where feasible and focused to minimize spill light into the night sky or adjacent properties.

Section 7. Section 59.107 of the San Diego County Code is hereby renumbered to Section 59.106 and amended to read as follows:

SEC. 59.106 SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE.

The applicant for any permit required by the County of San Diego for work involving outdoor light fixtures (except as exempted in Section 59.109) shall submit (as part of the application for permit) evidence that the proposed work will comply with this Division. 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 on the premises, and the type of outdoor light fixtures;
- c. A description of the outdoor light fixtures including but not limited to manufacturer's catalog cuts, photometric study, and drawings.

The above required plans and descriptions shall be sufficiently complete to enable the plans examiner to readily determine whether with the requirements of this Division. 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. Section 59.108 of the San Diego County Code is hereby renumbered to Section 59.107 and amended to read as follows:

SEC. 59.107. HOURS OF OPERATION.

- a. All Class I lighting shall be off between 11:00 p.m. and sunrise, except as follows:
 1. On premises advertising signs may be illuminated while the business facility is open to the public;
 2. Billboards may remain lit until midnight;

3. Outside illumination of sales, commercial, assembly, repair, and industrial areas may be lit when such areas are actually in use.
 4. Outdoor recreational facilities, public or private, may remain lit to complete a specific organized recreational event in progress and under illumination in conformance with this Division at 11:00 p.m.
 5. Lighting exempted from this requirement under Section 59.108 or Section 59.109.
- b. Operation of searchlights for advertising purposes is prohibited between 11:00 p.m. and sunrise.
- c. All Class III lighting shall be off between 11:00 p.m. and sunrise.

Section 9. Section 59.109 of the San Diego County Code is hereby renumbered to Section 59.108 and amended to read as follows:

SEC. 59.108. PERMANENT EXEMPTIONS AND SPECIAL REQUIREMENTS.

a. PERMANENT EXEMPTIONS

1. Previously Existing Fixtures. All outdoor light fixtures existing and legally installed prior to January 18, 1985 are exempt from the requirements of this Division, except that:
 - a. When existing luminaires become inoperable, replacement in compliance with this Division is required;
 - b. This exemption shall cease to apply when the parcel is subject to a change in use.
2. Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of fossil fuels (such as kerosene lanterns, gas lamps, etc.) are exempt from the requirements of this Division.
3. Federal and State Facilities. Outdoor light fixtures on, in or in connection with facilities and land owned or operated by the government of the United States of America or the State of California are exempt from the requirements of this Division. Voluntary compliance with the intent and provisions of this Division is encouraged.
4. Holiday Decorations. Lights used for holiday decorations are exempt from the requirements of this Division.
5. Flag Poles. The illumination of the United States or California Flag and an associated flagpole are exempt from the requirements of this Division, provided that fixtures over 4050 lumens (per flag) shall be fully shielded.

b. SPECIAL REQUIREMENTS

1. County Airports. Outdoor lighting that is not regulated by state or federal agencies such as lighting for parking lots and outside buildings shall be low-pressure sodium.
2. Correctional Institutions. Outdoor lighting that is not regulated by state or federal regulations such as lighting for parking lots shall be fully shielded.

Section 10. Section 59.110 of the San Diego County Code is hereby renumbered to Section 59.109.

Section 11. Section 59.111 of the San Diego County Code is hereby repealed.

Section 12. Section 59.112 of the San Diego County Code is hereby renumbered to 59.110 and amended to read as follows:

SEC. 59.110. VIOLATIONS AND PENALTIES.

It shall be unlawful for any individual as defined in this Division to erect, construct, enlarge, alter, repair, 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 Division shall be deemed guilty of an infraction and/or misdemeanor as hereinafter specified. Each 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 code shall be punished by (1) an infraction offense and a fine not exceeding one hundred dollars (\$100) for a first violation; (2) an infraction offense and a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance on the same site and perpetrated by the same owner and/or agent within one year. The third and any additional violations on the same site and perpetrated by the same owner and/or agent shall each constitute misdemeanor offense and shall be punishable by a fine not exceeding five hundred dollars (\$500) or six months in jail or both. Payment of any penalty herein provided shall not relieve a person, firm or corporation from the responsibility of correcting the condition consisting of the violation.

Section 13. Section 59.113 of the San Diego County Code is hereby renumbered to Section 59.111.

Section 14. Section 59.114 of the San Diego County Code is hereby renumbered to Section 59.112.

Section 15. Section 59.115 of the San Diego County Code is hereby renumbered to Section 59.113.

Section 16. Effective Date.

This ordinance shall take effect thirty (30) days after its adoption. Within fifteen (15) days after the date of adoption of this ordinance, a summary shall be published once with the names of those members voting for and against the same in the San Diego Commence a newspaper of general circulation published in San Diego County.

PASSED, APPROVED AND ADOPTED this 11th day of May 2005.