

SAN DIEGO COUNTY CODE

DIVISION 9. LIGHT POLLUTION CODE*

*Note-Division 9, Sections 59.101-59.115, added by Ord. No. 6900 (N>S>, effective 1-18-85;ammended by Ord. No. 7155 (N.S.), effective 7-17-86

Cross References-Lighting if parking areas for teen-age dances, P. 21.262;lighting for entertainment licenses,p.21.283.5;street lights required, p. 51.511.1

SEC. 59.101. LEGISLATIVE INTENT.

The intent of this Division is to restrict the permitted use of outdoor light fixtures emitting undesirable light rays into the night sky which have a detrimental effect on astronomical research.

SEC. 59.102. CONFORMANCE WITH APPLICABLE CODES.

All artificial outdoor light fixtures shall be installed in conformance with the provisions of this Division, the Building Code and the Electrical Code of the County of San Diego as applicable and under appropriate permit and inspection. The installation of an outdoor lighting fixture which is exempt under the Electrical Code or the Building Code is also exempt from this Division.

SEC. 59.103. APPROVED MATERIALS AND METHODS OF INSTALLATION.

This Division is not intended to prevent the use of any design, material or method of installation not specifically proscribed by this Division, provided any such alternative has been approved. The Building Official may approve any such proposed alternate provided it:

- a. Provides at least approximate equivalence to the applicable specific requirement of this Division; and
- b. Is otherwise satisfactory and complies with the intent of this Division.

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 flood lights for:
 1. building and structures;
 2. recreational facilities;
 3. parking lots
 4. landscape lighting
 5. billboards and other signs (advertising and other);
 6. street lighting
 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 areas, billboards and other signs, decorative effects, 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, roadways, equipment yards, parking lots and outdoor security.
- d. Class III lighting means outdoor lighting used for decorative effects.
- 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. Zone A means the circular area, fifteen(15) miles in radius centered on the Palomar Observatory and the circular area fifteen (15) miles in radius centered on the center of the Mount Laguna Observatory.
- i. 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.
- j. Fully shielded means outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.
- k. Luminous tube lighting means gas-filled glass tubing, which when subjected to high voltage, become luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc. (Amended by Ord. No. 8553 (N.S.), effective 8-10-95, operative 8-10-95; amended by Ord.No. 8962 (N.S.), effective 9-23-98)

SEC. 59.105. GENERAL REQUIREMENTS

- a. Preferred source. Low-pressure sodium lamps are the preferred illuminating source.
- b. Shielding. All non-exempt outdoor light fixtures, except those permitted by Section 59.110, shall be shielded as required in Section 59.106.
- c. Hours of operation. All outdoor light fixtures except those exempted by Sections 59.109b,c and f, are subject to the provisions of Section 59.108 retarding hours of operations.

SEC. 59.106 REQUIREMENT 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 - COLOR RENDITION IMPORTANT

<u>LAMP TYPE</u>	<u>ZONE A (15 MI)</u>	<u>ZONE B</u>
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 ¹ Lumens	Prohibited	Fully Shielded
Others 4050 ¹ Lumens & Below	Allowed ^{1,2,3}	Allowed ²

CLASS II - PARKING LOTS, SECURITY, ETC

<u>LAMP TYPE</u>	<u>ZONE A (15 MI)</u>	<u>ZONE B</u>
Low pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 ¹ Lumens	Prohibited	Prohibited
Others 4050 ¹ Lumens & Below	Prohibited	Allowed ²

CLASS III - DECORATIVE

<u>LAMP TYPE</u>	<u>ZONE A (15 MI)</u>	<u>ZONE B</u>
Low Pressure Sodium	Prohibited	Full Shield
Others above 4050 ¹ Lumens	Prohibited	Prohibited
Others 4050 ¹ Lumens & Below	Prohibited	Allowed ²
Luminous Tube	Prohibited	Allowed ²

¹ EXAMPLES OF LAMP TYPES OF 4550 LUMENS & BELOW (The acceptability of a particular light is decided by its lumen output, not wattage; check manufactures specifications):

- 200 Watt Standard Incandescent and less
- 150 Watt Tungsten-Halogen (quartz) and less
- 75 Watt Mercury Vapor and less
- 50 Watt High pressure Sodium and less
- 40 Watt Fluorescent and less

Not allowed in Zone A, Class I

² Lights shall be shielded where feasible and focused to minimize spill light into the night sky or adjacent properties,

³ Maximum of 8100 total lumens per acre or per parcel if under 1 acre.

SEC. 59.107 SUBMISSION OF PLANS AND EVIDENCE OF COMPLAINEE.

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 in 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 and drawings.

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

SEC. 59.108 PROHIBITIONS.

- a. The installation of street lights other than low-pressure sodium is prohibited except that within Lighting Maintenance Districts 1 & 3, lights on public residential streets placed on San Diego Gas and Electric owned poles shall be 100 watt high pressure sodium with true 90 degree cutoff luminaire until such time as the Public Utilities Commission approves a favorable LPS rate.
- b. All Class I lighting shall be off between 11:00p.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 illuminations 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 11:00p.m.
- c. Operation of searchlights for advertising purposes is prohibited between 11:00 p.m. and sunrise.
- d. D. All Class III lighting shall be turned off between 11:00 p.m. and sunrise.

(Subsection a amended by Ord. No. 7041 (N.S.), effective 11-1-85)

SEC. 59.109 PERMANENT EXEMPTIONS

- a. Non-conformance. All outdoor light fixtures existing and legally installed prior to January 18 1985 are exempt from the requirements of this Division, except that:
 1. When existing luminaries becomes inoperable, replacement in compliance with this Division is required;

2. Sections 59.108b, c, and d regarding hours of operation shall apply.
- b. 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.
- c. 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.
- d. County Airports. Outdoor lighting for County operated airports shall be low-pressure sodium exception areas where aircraft are maneuvered or handled, in which case high pressure sodium lights may be employed if necessary.
- e. Correctional Institutions. Exterior lighting for County correctional institutions shall be low-pressure sodium except at the immediate entry area, in which case other lighting may be used.
- f. Holiday Decorations. Lights used for holiday decorations are exempt from the requirements of this Division.

SEC. 59.110 TEMPORARY EXEMPTIONS

- a. Information Required. Any individual may submit a written request to the Building Official for a temporary exemption from the requirements of this Division. The fee for the temporary exemption shall be that fee prescribed in the Department of Planning and Land Use fee schedule (section 362 of the San Diego County Administrative Code) adopted by ordinance by the Board of Supervisors. 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 exemptions(s) requested;
 4. Use of the outdoor lighting 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 Building Official.

The Building Official shall have five(5) 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 exception 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 thirty (30) 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 Division for more than sixty (60) days during and twelve(12) month period.
- c. Disapproval and Appeal. If the Request for Temporary Exemption is disapproved by the Buildings Official, the applicant may appeal the decision to the Board of Supervisors. Appeals shall be submitted in writing within ten (10) working days from the date of notification of disapproval. The appeal fee shall be that fee prescribed in the Department of Planning and Land Use fee schedule. (Amended by Ord. No 8553 (N.S0, effective 8-10-95, operative 8-10-95; amended by Ord. No. 8962 (N.S.), effective 9-23-98)

SEC. 59.111 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 the Division, the most restrictive shall apply unless otherwise required by law.

SEC. 59.112 VIOLATIONS AND PENALTIES

It shall be unlawful for any person, firm, or corporation 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 person, firm or corporation violating any provision of this Division shall be deemed guilty of an infraction and/or misdemeanor as hereinafter specified. Each such person, firm, or corporation 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 person 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. (Amended by Ord. No. 7201 (N.S.), effective 10-16-86)

SEC. 59.113 VIOLATIONS CONSTITUTE PUBLIC NUISANCE

Any lighting structure erected, constructed, enlarged, altered, repaired, moved, improved, or converted, contrary to the provisions of this Division shall be, and the same is hereby declared to be, unlawful and a public nuisance and subject to abatement in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code of the County Counsel shall, upon order of the Board of Supervisors or Building Official, respectively, commence necessary proceedings for the abatement, removal, and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain a permit as required by this Division shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, or conversion of a lighting structure erected, constructed, enlarged, altered, repaired,

moved, improved, or converted contrary to the provisions if this Division. (Amended by Ord. N. 7141 (N.S.), effective 6-26-86)

SEC. 59.114 CITATION AUTHORITY

Pursuant to the provisions of California Penal Code Section 836.5, the Director of Planning and Land Use or specific individuals deputized by the Director, may arrest a person without a warrant whenever the Director or the authorized deputy has reasonable cause to believe that the person arrested has committed an infraction of misdemeanor which is a violation of an ordinance, code, or statute which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this section shall follow the citation-release procedures prescribed by the California Penal Code, or such proceedings hereinafter enacted by the State of California. No agent of deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission on Peace Officers Standards and training as established in Section 832(a) of the Penal Code. (Amended by Ord. No. 8553 (N.S.), effective 8-10-95, operative 8-10-95; amended by Ord. No. 8962 (N.S.), effective 9-23-98) State law references-Standards established, Penal Code p. 832(a); arrest without warrant, Penal Code, p. 836.5.

SEC. 59.115. SEVERABILITY

If any provision of this Division or the application thereof to any individual or circumstance is invalid, the invalidity shall not affect other provisions or applications of this Division which can be given effect without the invalid provision or application, and to this end the provisions of this Division are severable. (Amended by Ord.No. 7155 (N.S.), effective 7-17-86)