

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor John Tavaglione

SUBMITTAL DATE: November 15, 2011

SUBJECT: Riverside County Ordinance No. 915 Regulating Outdoor Lighting

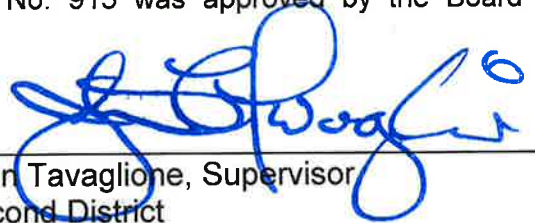
RECOMMENDED MOTION: That the Board of Supervisors adopt amended Ordinance 915; upon the close of public hearing on November 15, 2011.

BACKGROUND: In 1988, the Board of Supervisors passed Riverside County Ordinance No. 655 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 conducted at the Palomar Observatory. With such intent, Ordinance No. 655 only regulated outdoor lighting within a forty-five (45) mile radius of the Palomar Observatory and did not specifically address the nuisance created by *light trespass*.

Light trespass occurs when light from a light fixture on one property falls across a property line onto another lot or parcel of land or onto a public right-of-way. Light trespass results in a waste of natural resources and at certain levels may jeopardize the health, safety or welfare of Riverside County residents.

Currently, the Riverside County Zoning Ordinance, No. 348, addresses light trespass in a limited fashion and only in particular zones. The proposed ordinance would establish a countywide standard for outdoor lighting that would generally prohibit light trespass. Existing nonconforming outdoor light fixtures that were not regulated by previously enacted development standards would be authorized for a limited amortization period. Additionally, consideration will be given to limited exceptions when appropriate, e.g., law enforcement activities.

Pursuant to Board Policy A-67, initiation of Ordinance No. 915 was approved by the Board of Supervisors on October 19, 2010, as Item No. 3.1



John Tavaglione, Supervisor
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1 e. Luminaire. A complete lighting unit consisting of one or more lamps,
2 the lamp holder, any reflector or lens, and any other components or
3 accessories.

4 f. Outdoor Luminaire. Outdoor luminaires, whether permanent or
5 portable, including general light fixtures, searchlights, spotlights, and
6 floodlights; and the light cast by such fixtures.

7 Section 5. STANDARD. All outdoor luminaires in shall be located, adequately
8 shielded, and directed such that no direct light falls outside the parcel of origin, or onto the public right-
9 of-way. Outdoor luminaires shall not blink, flash, or rotate.

10 Section 6. EXEMPTIONS. The following outdoor luminaires shall be exempt
11 from the provisions of this Ordinance when properly installed and in compliance with all County
12 ordinances:

- 13 a. Luminaires used or otherwise required by law enforcement or other
14 emergency personnel.
- 15 b. Luminaires used to illuminate publicly-owned property, including but not
16 limited to, parks, recreation areas, schools, streets, street signs and
17 sidewalks.
- 18 c. Luminaires used to illuminate authorized public and private monuments.
- 19 d. Luminaires authorized by a provision of state or federal law as long as that
20 lighting conforms to the requirements of the state or federal law.
- 21 e. Luminaires used for a holiday decoration, provided it is used for no more
22 than 30 days in a 12-month period and is off between the hours of 11:00
23 p.m. and sunrise.
- 24 f. Luminaires producing light directly by the combustion of fossil fuels (such
25 as kerosene lanterns, and gas lamps).
- 26 g. Neon luminaires.

27 Section 7. DETERMINATION OF LIGHT TRESPASS. A determination of light
28 trespass shall be made by observation of the allegedly non-conforming luminaire from the complaining

1 party's property. A "complaining party" may be either an owner or occupant of private property or a
2 public entity.

3 Section 8. SECURITY LIGHTING. Security lighting triggered by motion or noise
4 shall be allowed subject to all of the provisions of this Ordinance.

5 Section 9. NON-CONFORMING OUTDOOR LUMINAIRES. Outdoor luminaires
6 existing on the effective date of this Ordinance that do not meet the requirements as set forth herein shall
7 be brought into compliance or removed as follows:

- 8 a. Within three (3) months of the effective date of this Ordinance, where
9 redirection of the light fixture is feasible and will bring the light fixture
10 into compliance; or
- 11 b. Within six (6) months of the effective date of this Ordinance, in all other
12 cases.

13 Section 10. COMPLIANCE METHODS. Outdoor luminaires not meeting the
14 standards of Section 6 shall be brought into compliance in any of the following ways:

- 15 a. Redirection of the luminaire;
- 16 b. shielding of the light source;
- 17 c. redesign or relocation of the luminaire;
- 18 d. replacement of the luminaire with a conforming luminaire; or
- 19 e. removal of the luminaire.

20 Section 11. ENFORCEMENT. The Riverside County Sheriff and Code
21 Enforcement Departments shall have the primary responsibility for enforcing this Ordinance.

22 Section 12. VIOLATIONS AND PENALTIES. Any person who violates any
23 provision of this Ordinance once or twice within a one hundred and eighty (180) day period shall be
24 guilty of an infraction. Any person who violates any provision of this Ordinance more than twice within
25 a one hundred and eighty (180) day period shall be guilty of a misdemeanor. Each day a violation is
26 committed or allowed to continue shall constitute a separate offense and shall be punishable as such.
27 Penalties shall not exceed the following amounts.

- 1 a. For the first violation within a one hundred and eighty (180) day period
2 the minimum mandatory fine shall be one hundred dollars (\$100).
3 b. For the second violation within a one hundred and eighty (180) day period
4 the minimum mandatory fine shall be two hundred and fifty dollars
5 (\$250).
6 c. For any further violations within a one hundred and eighty (180) day
7 period the minimum mandatory fine shall be five hundred dollars (\$500)
8 or imprisonment in the County jail for a period not exceeding six (6)
9 months, or both.

10 Section 13. CONFLICT BETWEEN ORDINANCE REQUIREMENTS. This
11 Ordinance shall neither replace the requirements of the zoning Ordinance or any other County
12 ordinances, including but not limited to County Ordinance No. 655, nor supersede the terms of any
13 private Covenants, Conditions and Restrictions (CC&Rs). However, when there is a conflict in the
14 requirements of this and any other ordinance, the more stringent requirements shall apply. The County
15 of Riverside does not enforce private CC&Rs.

16 Section 14. SEVERABILITY. If any provision of this Ordinance or the application
17 thereof to any person or circumstance, is held invalid, such invalidity shall not affect the remainder of
18 the Ordinance or the application of such provision(s) to other persons or circumstances.

19 Section 15. SAVINGS CLAUSE. The adoption of this Ordinance shall not in any
20 manner affect the prosecution of ordinance violations, which violations were committed prior to the
21 effective date of this Ordinance, nor be construed as a waiver of any permit, license, penalty or penal
22 provisions applicable to such violations. The provisions of this Ordinance, insofar as they are
23 substantially the same as ordinance provisions previously adopted by Riverside County relating to the
24 same subject matter, shall be construed as restatements and continuations, and not as new enactments.

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AN ORDINANCE OF THE COUNTY OF RIVERSIDE
REGULATING OUTDOOR LIGHTING

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that inadequately shielded outdoor lighting results in a waste of natural resources and light trespass. The Board of Supervisors further finds that at certain levels, light trespass, and associated glare, may jeopardize the health, safety or general welfare of Riverside County residents and degrade their quality of life.

Section 2. PURPOSE. The purpose of this Ordinance is to provide minimum requirements for outdoor lighting in order to reduce light trespass, and to protect the health, property, and well-being of residents in the unincorporated areas of the County.

Section 3. AUTHORITY. This Ordinance is adopted pursuant to the Board of Supervisors' police power as set forth under Article XI, section 7 of the California Constitution.

Section 4. DEFINITIONS. As used in this Ordinance, the following terms shall have the following meanings:

- a. Adequately shielded. Shielding of an outdoor luminaire by opaque components or materials, such that light rays are limited to the parcel of origin and the light source is not visible from another property or public right-of-way.
- b. Glare. Light emitting from an outdoor luminaire that causes reduced vision or momentary blindness.
- c. Light source (lamp). An electrical bulb, tube, diode, or other device that produces artificial light or illumination.
- d. Light trespass. Light falling across a property line onto another lot or parcel of land or onto a public right-of-way. The presence of light trespass shall be determined in accordance with Section 7 of this Ordinance.

1 e. Luminaire. A complete lighting unit consisting of one or more lamps,
2 the lamp holder, any reflector or lens, and any other components or
3 accessories.

4 f. Outdoor Luminaire. Outdoor luminaires, whether permanent or
5 portable, including general light fixtures, searchlights, spotlights, and
6 floodlights; and the light cast by such fixtures.

7 Section 5. STANDARD. All outdoor luminaires in shall be located, adequately
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11 from the provisions of this Ordinance when properly installed and in compliance with all County
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14 emergency personnel.
- 15 b. Luminaires used to illuminate public streets, street signs and sidewalks.
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- 17 d. Luminaires authorized by a provision of state or federal law as long as that
18 lighting conforms to the requirements of the state or federal law.
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20 than 30 days in a 12-month period and is off between the hours of 11:00
21 p.m. and sunrise.
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23 as kerosene lanterns, and gas lamps).
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27 party's property. A "complaining party" may be either an owner or occupant of private property or a
28 public entity.

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4 existing on the effective date of this Ordinance that do not meet the requirements as set forth herein shall
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8 into compliance; or
- 9 b. Within six (6) months of the effective date of this Ordinance, in all other
10 cases.

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12 standards of Section 6 shall be brought into compliance in any of the following ways:

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19 Enforcement Departments shall have the primary responsibility for enforcing this Ordinance.

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21 provision of this Ordinance once or twice within a one hundred and eighty (180) day period shall be
22 guilty of an infraction. Any person who violates any provision of this Ordinance more than twice within
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24 committed or allowed to continue shall constitute a separate offense and shall be punishable as such.
25 Penalties shall not exceed the following amounts.

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b. For the second violation within a one hundred and eighty (180) day period the minimum mandatory fine shall be two hundred and fifty dollars (\$250).

c. For any further violations within a one hundred and eighty (180) day period the minimum mandatory fine shall be five hundred dollars (\$500) or imprisonment in the County jail for a period not exceeding six (6) months, or both.

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Section 16. EFFECTIVE DATE. This Ordinance shall take effect 30 days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman, Board of Supervisors

ATTEST:
CLERK OF THE BOARD

By: _____
Deputy
(SEAL)

APPROVED AS TO FORM
October 12, 2011

By: 
BRUCE FORDON
Deputy County Counsel

BGF:mdk
10/06/11
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