

ORDINANCE NO. 888-2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BARSTOW, CALIFORNIA AMENDING CHAPTER 19.45 "OUTDOOR LIGHTING" OF THE BARSTOW MUNICIPAL CODE REGULATING OUTDOOR LIGHTING

WHEREAS, the City of Barstow has an existing outdoor lighting ordinance regulating outdoor lighting under the Barstow Municipal Code that does not adequately address current needs and desires of the City;

WHEREAS, the existing outdoor lighting ordinance in Chapter 19.45 of the Barstow Municipal Code limits the types of exterior lighting that the City may require of a developer, does not adequately address light trespass, light pollution, recreational uses and enforcement;

WHEREAS, the City desires to update its outdoor lighting ordinance as follows.

NOW, THEREFORE, the City Council of the City of Barstow does hereby ordain as follows:

Section 1. Municipal Code Chapter Amendment. Chapter 19.45 of the Barstow Municipal Code is amended as set forth in Exhibit "A", attached hereto and incorporated by reference herein.

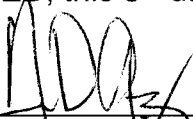
Section 2. California Environmental Quality Act. This ordinance is not a "project" subject to the California Environmental Quality Act (CEQA). "Project" does not include "general policy and procedure making" or "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment" pursuant to CEQA Guidelines § 15378(b).

Section 3. Continuations of Provisions. To the extent the provisions of the Barstow Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they existed prior to the adoption of this Ordinance, those provisions shall be construed as continuations of, and not amendments of, the earlier provisions.

Section 4. Severability. If any provision, section, paragraph, sentence or word of this Ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

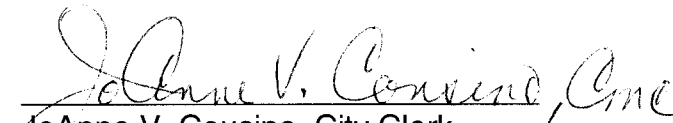
Section 5. Effective Date. The City Clerk shall cause this Ordinance to be published in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the City Council.

PASSED, APPROVED AND ADOPTED, this 3rd day of October, 2011.

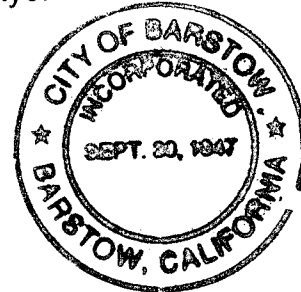


Joe D. Gomez, Mayor

ATTEST:

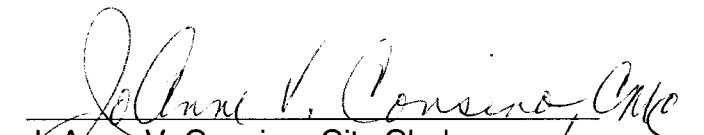


JoAnne V. Cousino, City Clerk



I, JoAnne V. Cousino, City Clerk of the City of Barstow, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Barstow held on the 19th day of September, 2011, and was adopted at the regular meeting of the City Council of the City of Barstow on the 3rd day of October, 2011 by the following vote:

Ayes: Council Members Silva, Saenz, Hailey and Mayor Gomez
Noes: None
Absent: Mayor Pro Tem Hackbarth-McIntyre
Abstain: None



JoAnne V. Cousino, City Clerk

Exhibit A

Chapter 19.45

OUTDOOR LIGHTING

Sections:

- 19.45.010 Purpose.
- 19.45.015 Definitions.
- 19.45.020 General requirements.
- 19.45.030 Applicability.
- 19.45.035 Light trespass and control of glare.
- 19.45.040 Parking areas.
- 19.45.045 Pedestrian walkways/business entrance/teller machines.
- 19.45.047 Recreational facilities.
- 19.45.050 Luminaries.
- 19.45.060 Prohibitions.
- 19.45.070 Lamp type.
- 19.45.080 Photosensors.
- 19.45.090 Photometrics required.
- 19.45.100 Retrofitting/maintenance.
- 19.45.110 Exempt lighting.
- 19.45.120 Light protection.
- 19.45.130 Outdoor lighting design guidelines.
- 19.45.140 Enforcement.

19.45.010 Purpose.

Good outdoor lighting at night benefits everyone. It increases safety, enhances the City's night time character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. There is a need for a lighting ordinance that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and compliment the City's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Barstow.

This ordinance is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the City of Barstow. All businesses, residential, and community driveways, sidewalk and property luminaires should be installed with the idea of being a "good neighbor", with attempts to keep unnecessary direct light from shining onto abutting properties, structures or streets.

It is also the purpose of this chapter to provide energy-efficient lighting that will allow for the safe maneuvering of vehicles and pedestrians within parking areas and walkways for multiple-family residential, office, commercial and industrial developments without adversely impacting adjacent properties. This chapter is not intended to restrict the type of lighting in single-family dwellings that may be provided for security purposes provided it does not cause a nuisance for the adjacent properties.

19.45.015 Definitions.

For the purposes of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood or Spot light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully-shielded lights: outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Glare: Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grandfathered luminaires: Luminaires not conforming to this code that were in place at the time this code was voted into effect. When an ordinance "grandfathers" a luminaire, it means that such already-existing outdoor lighting does not need to be changed unless a specified period of time is identified for adherence to the code, or as identified in Section 19.45.100 of this Chapter.

Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off of other surfaces.

Lamp: The component of a luminaire that produces the actual light.

Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen: A unit of luminous flux. One footcandle is one lumen per square foot.

For the purposes of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

Luminaire: This is a complete lighting system, and includes a lamp or lamps and a fixture.

Outdoor Lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Temporary outdoor lighting: The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

19.45.020 General requirements.

It shall be the responsibility of city staff to review outside lighting plans for all development affected by this ordinance in accordance with the attached guidelines. This shall be completed through the design review process. (Ord. 693 § 1 (part), 1993)

19.45.030 Applicability.

This chapter shall apply to all new or additions to existing single-family residential, multiple-family residential, office, commercial and industrial structures in excess of five thousand dollars in valuation. Existing developments noted above currently not utilizing energy efficient lamps shall be subject to the requirements listed under Section 19.45.100. (Ord. 693 § 1 (part), 1993)

19.45.035 Light trespass and control of glare.

All outdoor lighting shall be designed to minimize the trespass of light onto adjacent properties, walkways, residential buildings, hospitals and other uses that may be sensitive to light. In addition, all lighting shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.

No lighting shall be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways.

19.45.040 Parking areas.

- A. All lighting allowed by this chapter must be fully shielded and focused to minimize spillover onto adjacent properties.
- B. All lighting shall be designed to minimize light pollution into the night sky as identified in Section 19.45.035 above.
- C. All lighting shall be arranged so there will be no more than two footcandles per square foot.
- D. Height of light standards shall be determined by utilizing the information identified within the zoning designation, specific plan or redevelopment guidelines of the affected area. (Ord. 693 § 1 (part), 1993)

19.45.045 Pedestrian walkways/business entrance/teller machines

Pedestrian walkways shall be illuminated to no less than 0.5 and no more than 1 footcandle for safety purposes. Business entrances shall be illuminated to no less than 0.5 and no more than 2 footcandle. Illumination of teller machines shall

be no less than 10 footcandles and the light must be able to extend outward by 5 feet to provide for pedestrian security.

19.45.047 Recreational facilities.

Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

- A. All fixtures used for event lighting shall be fully shielded as defined in 19.45.035 of this Code, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
- B. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m. This exemption is a 24 hour event raising donations for a non-profit organization, including but not limited to the American Cancer Society. In such event, lighting shall be reduced after 11:00 p.m. to minimize glare onto adjacent properties.

19.45.050 Luminaries.

Luminaries shall include adequate shielding as determined by Sections 19.45.035 and 19.45.090 of this code, or as approved by the Building Official. (Ord. 693 § 1 (part), 1993)

19.45.060 Prohibitions.

The following light sources are not permitted to illuminate parking areas:

- A. Flashing.
- B. Flood lights.
- C. Fluorescent.
- D. Incandescent.
- E. Lights utilizing fossil fuels (kerosene, gas, etc.).
- F. Low pressure sodium.
- G. Metal halide.
- H. Quartz.
- I. Spot lights.
- J. Search lights.
- K. Temporary outdoor lighting except as follows:
 - 1. Temporary outdoor lighting may be permitted in conjunction with a temporary use permit provided that the temporary lighting is approved by the Building Official and the lighting is consistent with Section 19.45.035 of this Chapter.
 - 2. Temporary lighting for the emergency repair of any utility, structure, facility, infrastructure, etc. that is necessary for the safety of the

public. Said lighting shall, whenever possible, be directed in such a manner as to minimize the direct beam into traffic or residences.

3. As required or necessary for any local, state or federally declared emergency.

Any exceptions shall be subject to review and approval by the Barstow planning commission. (Ord. 693 § 1 (part), 1993)

19.45.070 Lamp type.

All lamp types proposed shall be energy efficient or as approved by the Barstow planning commission. Lamps shall provide sufficient illumination that is no less than 0.5 footcandles, and no more than 2 footcandles, throughout the entire parking lot. The business entrance and pedestrian access shall be illuminated as identified under Section 19.45.045 above, unless specified differently elsewhere in the Municipal Code. (Ord. 693 § 1 (part), 1993)

Lamps used for the purpose of illuminating the exterior of a building shall be subdued to minimize any reflectivity (from windows, other hard, shiny surfaces) and glare. Lighting shall not include any color filter or lens, or other coating to color the light other than that of the type of lamp used (i.e., high-pressure sodium is typically yellow-white, low-pressure sodium is yellow, LED is typically white, etc.) except as approved by the planning commission with the application of a development permit.

19.45.080 Photosensors.

All parking areas shall be illuminated during normal business hours. Businesses shall provide no less than 0.5 and no more than 1 footcandle of illumination within the parking areas for safety and security purposes after their normal business hours. The use of photosensors, timers, etc. is encouraged to automatically turn off all lighting during the day. (Ord. 693 § 1 (part), 1993)

19.45.090 Photometrics required.

A photometric plan may be required at the discretion of the Building Official for any project meeting the criteria identified under Section 19.45.030 of this chapter, except single-family residential. Said plans shall be submitted to and approved by city staff. (Ord. 693 § 1 (part), 1993)

19.45.100 Retrofitting/maintenance.

Lamps shall be replaced and cleaned as necessary. Any project identified under Section 19.45.030 currently not utilizing energy efficient lamps shall replace exhausted lamps with energy efficient lamps provided no change in ballasts is required. All new lamps shall provide uniform color and intensity. (Ord. 693 § 1 (part), 1993) All outdoor lighting shall be maintained in an operational condition. Failure to maintain said lights will result in enforcement actions identified under Section 19.45.130 of this Chapter.

19.45.110 Exempt lighting.

The following light sources shall be exempt when located within parking areas:

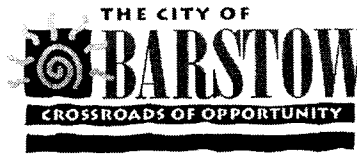
- A. Holiday decorations.
- B. Landscape lighting.
- C. Walkway lighting. (Ord. 693 § I (part). 1993)

19.45.120 Light protection.

All permitted light fixtures shall include a cover and gasket to prevent the entrance of dirt. In extremely dirty environments, filtered fixtures should be considered. (Ord. 693 § 1 (part), 1993)

19.45.130 Enforcement.

- A. Compliance with this chapter shall be subject to review and approval by the city prior to issuance of any certificate of occupancy.
- B. Any violation or failure to comply with any of the provisions of this chapter shall constitute sufficient grounds for refusal of a permit and/or license. (Ord. 693 § I (part), 1993)
- C. Failure to maintain the lighting consistent with this Code may result in administrative citations and enforcement actions pursuant to Chapter 6.30 of the Barstow Municipal Code.



AGENDA MATTER:
SECOND READING – ORDINANCE NO. 888-2011 ADOPTING AN ORDINANCE THAT AMENDS CHAPTER 19.45 OUTDOOR LIGHTING OF THE BARSTOW MUNICIPAL CODE (BMC)

EXECUTIVE SUMMARY:
 On September 19, 2011, the City Council introduced Ordinance No. 888-2011 that amends Chapter 19.45 "Outdoor Lighting" of the Barstow Municipal Code.

DISCUSSION:
 On September 12, 2011 the Planning Commission adopted Resolution No. 533 recommending the Council amend Chapter 19.45 of the Barstow Municipal Code (file PORA-11-0002) to address lighting standards and to allow for the use of energy efficient lighting as technology changes, and also minimize lighting nuisances (including light pollution into the night skies as well as glare onto adjacent properties).

On September 19, 2011 the Council introduced Ordinance No. 888-2011 to amend Chapter 19.45 "Outdoor Lighting." A second reading is required prior to adoption of the ordinance.

*cc: Hailey (Silva) 4-0-1-0 Approved
 (Hackbarth McIntyre absent)*

FISCAL IMPACT: None.

RECOMMENDED ACTION:
 Adopt Ordinance No. 888-2011, amending Chapter 19.45 "Outdoor Lighting," read by title only and waive the full reading.

| PROPOSED BY | FUNDS BUDGETED | FUNDS AVAILABLE | MEETING DATE |
|---------------------|-----------------|-----------------------------|-----------------|
| Michael Massimini | N/A | N/A | October 3, 2011 |
| C.M. APPROVAL | AMOUNT REQUIRED | CATEGORY | ITEM NUMBER |
| Charles C. Mitchell | N/A | CEDD Planning Department | 5 |