

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



FROM: Supervisor John Tavaglione

SUBMITTAL DATE: October 25, 2011

SUBJECT: Riverside County Ordinance No. 915 Regulating Outdoor Lighting

RECOMMENDED MOTION: That the Board of Supervisors :

1. Introduce and set for public hearing Ordinance No. 915, an Ordinance of the County of Riverside Regulating Outdoor Lighting;
2. Authorize the Clerk of the Board to place an advertisement for a public hearing in the appropriate local publications; and
3. Upon the close of the public hearing, adopt Ordinance No. 915.

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 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.

(continued on Page 2)



John Tavaglione, Supervisor
Second District

Prev. Agn. Ref.	District: Second	Agenda Number:
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3.2

FORM APPROVED COUNTY COUNSEL
BY  DATE 10/25/11
BRUCE G. FORDON

The Honorable Board of Supervisors
Re: Riverside County Ordinance No. 915 Regulating Outdoor Lighting.
October 25, 2011

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

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ORDINANCE NO. 915

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
REGULATING OUTDOOR LIGHTING

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

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

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

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

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

- 18 a. Adequately shielded. Shielding of an outdoor luminaire by opaque
19 components or materials, such that light rays are limited to the parcel of
20 origin and the light source is not visible from another property or public
21 right-of-way.
- 22 b. Glare. Light emitting from an outdoor luminaire that causes reduced
23 vision or momentary blindness.
- 24 c. Light source (lamp). An electrical bulb, tube, diode, or other device that
25 produces artificial light or illumination.
- 26 d. Light trespass. Light falling across a property line onto another lot or
27 parcel of land or onto a public right-of-way. The presence of light trespass
28 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
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 public streets, street signs and sidewalks.
- 16 c. Luminaires used to illuminate authorized public and private monuments.
- 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.
- 19 e. Luminaires used for a holiday decoration, provided it is used for no more
20 than 30 days in a 12-month period and is off between the hours of 11:00
21 p.m. and sunrise.
- 22 f. Luminaires producing light directly by the combustion of fossil fuels (such
23 as kerosene lanterns, and gas lamps).
- 24 g. Neon luminaires.

25 Section 7. DETERMINATION OF LIGHT TRESPASS. A determination of light
26 trespass shall be made by observation of the allegedly non-conforming luminaire from the complaining
27 party's property. A "complaining party" may be either an owner or occupant of private property or a
28 public entity.

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

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

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

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

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

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

20 Section 12. VIOLATIONS AND PENALTIES. Any person who violates any
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
23 a one hundred and eighty (180) day period shall be guilty of a misdemeanor. Each day a violation is
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.

- 26 a. For the first violation within a one hundred and eighty (180) day period
27 the minimum mandatory fine shall be one hundred dollars (\$100).

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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.

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

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

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

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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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