

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, ADDING CHAPTER 18.74 OUTDOOR LIGHTING TO THE INYO COUNTY CODE.

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

SECTION ONE: Chapter 18.74 shall be added to the Inyo County Code to read as follows:

Chapter 18.74 Outdoor Lighting

- 18.74.010. Purpose and Application.**
- 18.74.020. Definitions.**
- 18.74.030. Applicability.**
- 18.74.040. Exemptions.**
- 18.74.050. General Requirements.**
- 18.74.060. Outdoor Lighting Plans.**
- 18.74.070. Prohibitions.**
- 18.74.080. Signs.**
- 18.74.090. Outdoor Performance, Sport and Recreation Facilities.**
- 18.74.100. Energy Conservation.**
- 18.74.110. Violations and Penalties.**

18.74.010 Purpose and application.

The purpose of this chapter is to provide regulations for outdoor lighting within Inyo County in order to:

1. Provide a safe and pleasant nighttime environment for residents and visitors;
2. Eliminate nuisances caused by unnecessary light intensity, direct glare, and light trespass;
3. Protect the ability to view the night sky by restricting the upward projection of light;
4. Remove existing nonconforming outdoor lighting that violates this chapter;
5. Promote lighting practices and systems that conserve energy;
6. Protect sensitive areas and nocturnal species that can be harmed by unregulated nighttime lighting.

These general provisions serve as specific development standards to be applied in addition to the basic provisions within each zoning district in the County and the California Uniform Building Code.

18.74.020 Definitions. The following terms have the following meanings in this chapter:

1. "Fixture" means a complete lighting unit including the lamp and parts designed to distribute the light, position and protect the lamp, and connect the lamp to a power source - also referred to as a "luminaire."
2. "Foot-candle (fc)" means a unit of measurement for the total amount of light cast on a surface (illuminance). One foot-candle is equivalent to the illuminance produced by a source of one candle at a distance of one foot.
3. "Full Cutoff Fixture" means a lighting fixture designed such that no light, either directly from the bulb or indirectly from the fixture, is emitted at or above a horizontal plane running through the lowest point on the fixture.
4. "Glare" means strong and dazzling light and/or direct and unshielded light striking the eye to result in visual discomfort and reduced visual performance.
5. "Lamp" means an artificial light source installed in the socket portion of the fixture, to be distinguished from the whole assembly - commonly referred to as a "bulb."
6. "Light Pollution" means any adverse effect of artificial light sources including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uncontrolled up-lighting, or any artificial light that diminishes the ability to view the night sky.
7. "Light Trespass" means artificial light or illuminance that falls beyond the property it is located on, generally light from one property that shines onto another property or the public right of way. The amount of trespass shall be expressed in foot-candles (fc) as measured with a light meter and shall be limited to no more than 0.5 fc at the property line on which the light is located. Field measurements to determine light trespass compliance shall not include the effect of light produced by street lights.
8. "Lumen" means the unit used to quantify the amount of light energy produced by a lamp. For example, a 40-watt incandescent lamp produces approximately 400 lumens, while a 35-watt high-pressure sodium lamp produces about 2,300 lumens.
9. "Outdoor Lighting Fixture" means any temporary or permanent lighting fixture that is installed, located, or used in such a manner to provide illumination of objects or activities outside. Outdoor lighting fixtures include all fixtures mounted to the exterior of a structure, poles, bollards, or other freestanding structures, or placed so as to provide direct illumination on any exterior area or activity.
10. "Shielding" means a barrier around or within a fixture that helps conceal the lamp and control light distribution. A fixture that is "fully shielded" incorporates a solid barrier, emits no light rays above the horizontal plane and effectively obscures visibility of the lamp. A fixture that is "partially shielded" may allow some light to pass through a semi-translucent barrier, and/or may allow visibility of the lamp from certain perspectives.
11. "Temporary Lighting" means lighting that is intended to be used for a special event for up to ten days.

18.74.030 Applicability.

1. New Outdoor Lighting. All outdoor lighting fixtures installed after the effective date of this chapter shall conform to the requirements established by this chapter.
2. Existing Outdoor Lighting. All existing outdoor lighting fixtures installed prior to the effective date of this chapter shall be addressed as follows:
 - a) All existing outdoor lighting fixtures located on a property that is part of an application for a Conditional Use Permit; Subdivision approval; Lone Pine Design Review; or, a building permit for any new structure, or new or modified exterior light fixtures, or any addition(s) of gross floor area, seating capacity, or parking spaces (either with a single addition or cumulative additions), shall meet the requirements of this chapter for the entire property. Such applications are required to include an outdoor lighting plan pursuant to section 18.74.060. Conformity shall occur prior to final inspection, or final map recordation when applicable.
 - b) Existing nonconforming outdoor lighting fixtures that were not regulated by previous development codes shall be allowed continued use, except that the lighting shall not be structurally altered so as to extend its useful life, aside from regular maintenance. If the Planning or Public Works Director determines that a nonconforming lighting fixture results in light pollution or light trespass, the Director may require the light to either be shielded, filtered, redirected, replaced with a less intense light source or otherwise modified (including removal if necessary) to eliminate the light pollution or light trespass.

18.74.040 Exemptions.

The following are exempt from the provisions of this chapter:

1. Seasonal displays using multiple low-wattage bulbs (approximately 15 lumens or less), provided that they do not constitute a fire hazard, create a nuisance, and are maintained in a safe condition.
2. Vehicular lights and all temporary emergency lighting needed by law enforcement, Fire Protection Districts, or other emergency services.
3. All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
4. All lighting required by state or federal regulatory agencies.
5. Illuminated address signs at no more than 15 lumens.
6. Night time illumination of United States and State of California flags shall be limited to lighting the area of the flag without trespass and any up-lighting shall be at a temperature of no more than 3,000-kelvins.

The Planning or Public Works Director may authorize minor deviations when proposed outdoor lighting does not conflict with the purposes of this chapter. An application for such a deviation must be made in writing and include an outdoor lighting plan pursuant to sections 18.74.050 and 18.74.060. Temporary lighting for special events shall also be reviewed in this manner.

18.74.050 General Requirements.

The following general standards apply to all non-exempt outdoor lighting fixtures:

1. Nuisance prevention. All outdoor lighting fixtures shall be designed, located, installed, aimed downward or toward structures, retrofitted if necessary, and maintained in order to prevent glare, light trespass, and light pollution.
2. Maintenance. Fixtures and lighting systems shall be in good working order and maintained in a manner that serves the original design intent of the system.
3. Fixture Types. All new outdoor lighting, including landscape lighting, shall use full cutoff luminaires with the light source downcast and fully shielded with no light emitted above the horizontal plane, with the following exceptions:
 - a) Fixtures that have a maximum output of 100 lumens (equivalent to one 10-watt incandescent bulb) or less, regardless of the number of bulbs, such as for string party or yard lights, may be left unshielded provided the bulb surfaces are obscured from off-site visibility with a semi-translucent or frosted glass that has an opaque top to prevent the light from shining directly up. However, partial or full shielding is preferred to control light output in all situations.
 - b) Fixtures that have a maximum output of 600 lumens (equivalent to one 40-watt incandescent bulb) or less shall be partially or totally shielded using a solid or semi-translucent barrier, provided that the lamp is not visible from off site, no direct glare is produced, and the fixture has an opaque top to keep light from shining directly up; e.g., a low output-style wall pack.
 - c) Floodlights that do not meet the definition of “full cutoff” may be used if permanently directed downward, if no light is projected above the horizontal plane, and if and fitted with external shielding to prevent glare and off-site light trespass. Unshielded floodlights are prohibited.
4. Accent Lighting. Residential accent lighting shall be limited to street address illumination. LED-type accent lighting is preferred. Commercial accent lighting may be permitted in conjunction with a sign permit. Limited architectural features may be illuminated by up-lighting, provided that the light is effectively contained by the structure, the lamps are low intensity to produce a subtle lighting effect, and no glare or light trespass is produced. For statues, public art, or other objects of interest that cannot be illuminated with down-lighting, upward lighting may be used only in the form of one narrow-cone spotlight that confines the illumination to the object of interest.

The provisions of this chapter are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed herein, provided that the Planning or Public Works Director has approved any such alternative. An alternative proposal may be approved if it provides at least approximate equivalence to the applicable specific requirements of this chapter or if it is otherwise satisfactory and complies with the intent of this chapter.

Inyo County reserves the right to further restrict outdoor lighting including, but not limited to, pole height and level of illumination, when it is deemed in the public interest consistent with the purpose of this chapter.

18.74.060 Outdoor Lighting Plans.

An outdoor lighting plan shall be submitted, as appropriate, in conjunction with an application for: a Conditional Use Permit; Subdivision approval; Lone Pine Design Review; Zoning or General Plan designation amendments; or, a Building Permit for any new structure, or new or modified exterior light fixtures, or any addition(s) of gross floor area, seating capacity, or parking spaces (either with a single addition or cumulative additions). An outdoor lighting plan is required for all new outdoor lighting installations on residential, commercial, industrial, public and institutional properties. The Planning or Public Works Director may request outdoor lighting plans from applicants for other types of projects due to project location, size, or proposed use, as necessary. An outdoor lighting plan shall include at least the following:

- a) Manufacturer specification sheets, cut-sheets, or other manufacturer-provided information for all proposed outdoor lighting fixtures to show fixture diagrams and light output levels;
- b) The proposed location, mounting height, and aiming point of all outdoor lighting fixtures (a site plan is preferred); and
- c) If building elevations are proposed for illumination, drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.

If needed to review the proposed outdoor lighting fixture installation, the Planning or Public Works Director may require additional information following the initial outdoor lighting plan submittal, including but not limited to a written narrative to demonstrate the objectives of the lighting, Photometric data, Color Rendering Index (CRI) of all lamps and other descriptive information on the fixtures, computer-generated photometric grid showing foot-candle readings every 10 feet within the property or site and 10 feet beyond the property lines (an iso-foot-candle contour line-style plan may be acceptable), and/or landscaping information to describe potential screening.

The Planning or Public Works Director may approve, deny, or require modifications to any outdoor lighting plan in order to meet the purpose of this chapter.

18.74.070 Prohibitions.

1. The installation of any new fixture not in conformance to this chapter is prohibited.
2. No outdoor lighting fixtures shall be installed, aimed, or directed to produce light that constitutes light pollution or trespass into neighboring properties or the public right of way.

3. No outdoor lighting fixture may be installed or maintained in such a manner to cause glare visible from off the property.
4. No outdoor lighting fixture may be operated in such a manner as to constitute a hazard or danger to persons, or to safe vehicular travel.
5. Blinking, flashing, moving, revolving, flickering, changing-intensity, and changing-color lights and internally illuminated signs are prohibited unless permitted pursuant to Inyo County Code Chapter 18.75.
6. The installation of new mercury vapor and/or low-pressure sodium lamps is prohibited.
7. Search lights, laser source lights, or any similar high-intensity light is prohibited except in emergencies by police and fire personnel or at their direction, or for approved temporary lighting.
8. Streetlights shall be down directed with complete horizontal shielding of the reflective surface and no higher than 17 feet from the bottom of the shielded fixture surface with a maximum of 5fc of light at the surface. Greater height may be granted by the County Public Works Director for safety or adopted minimum highway standards.

18.74.080 Signs.

All outdoor lighting for commercial signs installed and maintained pursuant to Chapter 18.75 shall conform to the provisions of this chapter.

18.74.090 Outdoor Performance, Sport and Recreation Facilities.

Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no light trespass is produced.

The main lighting shall be turned off as soon as possible following the end of an event. Where feasible, a low-level lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance, and other closing activities.

18.74.100 Energy Conservation.

All outdoor lighting fixtures shall conform to the requirements of Title 24 the California Energy Code.

18.74.110 Violations and Penalties.

It shall be unlawful to install or operate any outdoor lighting fixture in violation of this chapter. Any person violating any provisions of this chapter may be subject to the provisions of the Inyo County Code Title 22. In addition, any outdoor lighting fixture erected or maintained contrary to the provisions of this chapter may be declared to be a public nuisance subject to the procedures set forth Title 22. Such remedies are in addition to and may be sought or imposed concurrently with any other remedy provided by law, regulation or ordinance.