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ORDINANCE NO.

**An ordinance of San Bernardino County, State of California,
to repeal and add Chapter 83.07 of Division 3 of Title 8 of the
San Bernardino County Code, relating to light trespass.**

The Board of Supervisors of the County of San Bernardino, State of California,
ordains as follows:

SECTION 1. The Board of Supervisors of San Bernardino County finds that:

(a) Chapter 83.07 of Division 3 of Title 8 of the San Bernardino County Code currently sets forth the development standards for outdoor lighting by regulating glare. The Board of Supervisors finds that updated lighting standards are needed in order to more effectively prevent and regulate light trespass from one property onto another and to minimize light pollution in order to preserve views of the night sky, particularly in the Mountain and Desert regions of San Bernardino County where dark skies are fundamentally connected to community identities and local economies. This ordinance protects and promotes the public health, safety, welfare and quality of life of the citizens of the unincorporated San Bernardino County by establishing updated regulations and a process for review of outdoor lighting in order to accomplish the purposes and goals stated herein.

(b) Properly noticed public hearings have been held before the Planning Commission and the Board of Supervisors of San Bernardino County pursuant to the State Planning and Zoning Law and the San Bernardino County Code.

(c) The Board of Supervisors finds that there is no possibility that this ordinance may have a significant effect on the environment, and accordingly, finds that the ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of Regulations, Section 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061, subdivision (b)(3) (there is no

1 possibility the activity in question may have a significant effect on the environment).

2
3 SECTION 2. Chapter 83.07 of Division 3 of Title 8 of the San Bernardino County
4 Code is repealed.

5
6 SECTION 3. Chapter 83.07 is added to Division 3 of Title 8 of the San Bernardino
7 County Code to read as follows:

8 **CHAPTER 83.07: LIGHT TRESPASS**

9 **Section**

10 **83.07.010 Title.**

11 **83.07.020 Purpose.**

12 **83.07.030 Definitions.**

13 **83.07.040 Applicability.**

14 **83.07.050 Valley Requirements.**

15 **83.07.060 Mountain and Desert Requirements.**

16 **83.07.070 Conflicts with Other Laws.**

17 **83.07.080 Application of Ordinance to Legal Non-conforming Lighting.**

18 **83.07.090 Enforcement and Penalties.**

19
20 **83.07.010 Title.**

21 This chapter shall be known as the "San Bernardino County Light Trespass
22 Ordinance."

23 **83.07.020 Purpose.**

24 The purpose of this chapter is to implement the goals and policies of the
25 Countywide Plan and to protect and promote the public health, safety, welfare, and quality
26 of life of the citizens and visitors of the County by establishing regulations and a process
27 for review of outdoor lighting in order to accomplish the following:

28 (a) Minimize direct glare and prevent excessive lighting, thereby minimizing

1 light trespass and pollution caused by inappropriate or misaligned light fixtures, and
2 promoting common courtesy among neighbors.

3 (b) Assist in the overall efforts by the County to preserve the night sky and
4 thereby help preserve the County's rural quality of life and the scenic value of this
5 desirable visual resource.

6 (c) Promote wildlife habitation and migration by minimizing light trespass and
7 pollution into and adjacent to habitat areas.

8 (d) Provide sufficient lighting where it is needed to promote safety and security
9 on public and private property.

10 (e) Allow flexibility in the style of outdoor lighting.

11 (f) Provide standards for efficient and moderate use of lighting which balance
12 energy use and economic impact.

13 (g) Provide lighting standards that can evolve according to advancements in
14 technology.

15 (h) Promote lighting practices and systems which conserve energy, decrease
16 dependence on fossil fuels and limit greenhouse gas emissions consistent with the
17 California Global Warming Solutions Act and other applicable state and federal laws.

18 **83.07.030 Definitions.**

19 The definitions in this section are intended to apply to this chapter only. Any term
20 or phrase which is not specifically defined herein shall have the definition as provided by
21 Division 10 of the Development Code or elsewhere within the County Code. The following
22 words and phrases are defined as follows:

23 **“Directional lighting”** means methods of directing light downward, rather than
24 upward or outward, with the intention of directing light where it is needed.

25 **“Foot-candle”** (abbreviated ‘fc’) means a unit of illuminance defined as one lumen
26 per square foot. One foot-candle is approximately equal to 10.76 lux.

27 **“Fully shielded”** means a light fixture constructed and installed in such a manner
28 that all light emitted, either directly from the lamp or a diffusing element, or indirectly by

1 reflection or refraction from any part of the fixture, is projected below the horizontal plane
2 through the fixture's lowest light-emitting part.

3 **“Glare”** means light or illuminance entering the eye directly from a light fixture or
4 indirectly from reflective surfaces that causes visual discomfort, reduced visibility to a
5 reasonable person, or is in violation of this chapter.

6 **“Illuminance”** means the intensity of light falling upon or hitting a given surface,
7 and is measured in units of foot-candles or lux.

8 **“Kelvin”** means the measure of the color temperature of a light source. Warmer
9 temperatures are a lower number, and cooler temperatures are a higher number.

10 **“Lamp”** means, in generic terms, a source of optical radiation (i.e., "light"), often
11 called a "bulb" or "tube." Examples include incandescent, fluorescent, high-intensity
12 discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light-emitting
13 diode (LED) modules and arrays.

14 **“Light pollution”** means the unintended, adverse and/or obstructive effects from
15 the use of outdoor light.

16 **“Light source”** means a light emitting portion of the luminaire and any diffusing
17 elements and surfaces intended to reflect or refract light emitted from the lamp individually
18 or collectively. Examples include a lamp, bulb, lens, highly reflective surface, or frosted
19 glass.

20 **“Light trespass”** means artificial light or illuminance that falls beyond the property
21 that it is located on.

22 **“Lumen”** means the unit of measure used to quantify the amount of visible light
23 produced by a lamp or emitted from a light fixture (as distinct from "watt," a measure of
24 power consumption).

25 **“Lux”** (abbreviated 'lx') means the unit of illuminance defined as one lumen per
26 square meter. One lux is approximately equal to 0.093 foot-candle.

27 **“Outdoor light fixtures”** means outdoor electrically powered illuminating devices,
28 lamps and similar devices, including solar powered lights, and all parts used to distribute

1 the light and/or protect the lamp, permanently installed or portable; synonymous with
2 "luminaires."

3 **"Seasonal lighting"** means temporary lighting displays installed and operated on
4 a property, typically in connection with holidays or traditions. Lighting shall not be
5 considered seasonal if the lighting display is installed or operated more than 30 days prior
6 to a holiday or tradition, or more than 30 days after the holiday or tradition.

7 **"Sky glow"** means the brightening of the nighttime sky that results from scattering
8 and reflection of artificial light by air molecules, moisture and dust particles in the
9 atmosphere. Sky glow is caused by light directed or reflected upwards or sideways.

10 **"String lights"** means outdoor light fixtures or light source connected by free-
11 strung wires or inside of tubing resulting in several or many points of light that are
12 unshielded or partly shielded light sources.

13 **83.07.040 Applicability.**

14 (a) *Application.* Except as provided in subdivision (c), the provision of this
15 chapter shall apply to all outdoor lighting in the Valley region, as specified in section
16 83.07.050, and Mountain and Desert regions, as specified in Section 83.07.060. All
17 outdoor light fixtures installed after the effective date of this ordinance shall comply with
18 this chapter.

19 (b) *Non-conforming Lighting.* Except as provided in subdivision (c), all outdoor
20 light fixtures installed prior to the effective date of this ordinance are subject to the
21 compliance period set forth in Section 83.07.080. Notwithstanding the compliance period,
22 the following requirements shall be complied with immediately:

23 (1) Outdoor light fixtures that have the ability to be redirected, shall be
24 directed downward so as to minimize sky glow, glare and light trespass onto adjacent
25 properties; and

26 (2) Outdoor light fixtures that have adjustable dimmers with color
27 temperature that exceeds 3,000 Kelvin shall be dimmed to 3,000 Kelvin or lower to
28 minimize glare and light trespass onto adjacent properties.

1 (c) *Exempt Lighting and Activities.* The following lighting and activities are not
2 regulated by this chapter:

- 3 (1) Indoor lighting.
- 4 (2) Lighting within the public right-of-way for the principal purpose of
5 illuminating public streets or traffic control.
- 6 (3) Lighting solely used to illuminate signs for which a permit has been
7 received.
- 8 (4) Lighting solely used to illuminate address signs.
- 9 (5) Construction or emergency lighting provided such lighting is
10 temporary, necessary, and is discontinued immediately upon completion of the
11 construction work or termination of the emergency.
- 12 (6) Aircraft navigation lights such as those attached to radio/television
13 towers and regulated by federal or state standards.
- 14 (7) Short-term lighting associated with activities authorized by a valid
15 temporary use permit, special event permit or film permit during the duration of the permit.
- 16 (8) Outdoor lighting fixtures on facilities or lands owned, operated, or
17 controlled by the United States Government or State of California.
- 18 (9) Short-term lighting associated with recreational facilities for outdoor
19 sport and recreational use. Recreational facilities shall not be illuminated unless the
20 facilities are being utilized. The illumination shall be turned off no later than 11:00 p.m.
21 or one hour after termination of the event and/or use, whichever occurs last.
- 22 (10) Seasonal lighting.
- 23 (11) Outdoor lighting, or other facility lighting, for industrial facilities that
24 conduct outdoor operations after sunset and before sunrise pursuant to a valid use permit,
25 or other land use entitlement, or otherwise applicable law.

26 **83.07.050 Valley Requirements.**

27 This section provides standards for outdoor lighting in the Valley region of the
28 County.

1 (a) *Light Trespass from Commercial or Industrial Use – Prohibited.* Outdoor
2 lighting of commercial or industrial land uses shall be fully shielded to preclude light
3 pollution or light trespass in excess of the maximum allowed foot-candles allowed by
4 subdivision (b) on any of the following:

- 5 (1) An abutting residential land use zoning district;
- 6 (2) A residential parcel; or
- 7 (3) Public right-of-way.

8 (b) *Maximum Allowed Foot-candles.* Direct or indirect light from any light
9 source shall not cause light trespass exceeding five-tenths foot-candles when measured
10 at the property line of a residential land use zoning district, residential parcel, or public
11 right-of-way. Light levels shall be measured with a light meter, following the standard
12 spectral luminous efficiency curve adopted by the International Commission on
13 Illumination (CIE).

14 **83.07.060 Mountain and Desert Requirements.**

15 This section provides standards for outdoor lighting in the Mountain and Desert
16 regions of the County.

17 (a) *Shielding Required.* All outdoor light fixtures shall be fully shielded, installed
18 and maintained in such a manner that the shielding does not permit light trespass in
19 excess of amounts set forth in subdivision (f).

20 (b) *Light Pollution Standards.* Light pollution and trespass shall be minimized
21 through the use of directional lighting, fixture location, height and the use of shielding
22 and/or motion sensors and timers in such a manner that the light source does not permit
23 light trespass in excess of amounts set forth in subdivision (f).

24 (c) *Automated Controls.* Automated control systems, such as motion sensors
25 and timers, shall be used to meet curfew requirements set forth in subdivision (d).
26 Photocells or photo controls shall be used to extinguish all outdoor lighting automatically
27 when sufficient daylight is available. Automated controls should be fully programmable
28 and supported by battery or similar backup.

1 (d) *Dark Sky Curfew.* All outdoor lighting shall be extinguished by 11:00 p.m.,
2 close of business, or when people are no longer present in exterior areas, whichever is
3 later, except for the following:

4 (1) Lighting used for entry and exit points of a structure, parking areas,
5 driveways and driveway ingress/egress points; or

6 (2) Lighting activated by a motion sensor that extinguishes no later than
7 five minutes after activation.

8 (e) *Lighting Color.* The correlated color temperature of all outdoor lighting shall
9 be 3,000 Kelvin or less except for seasonal lighting.

10 (f) *Allowable Light Trespass.* Outdoor lighting shall not cause light trespass
11 exceeding one-tenths foot-candles measured with a light meter oriented vertically or
12 horizontally either at the property line of the adjacent property or measured from some
13 other point on the property where light trespass may be reasonably determined to occur
14 due to differences in property or improvement elevations.

15 (g) *Blinking, Flashing, or High Intensity Lighting.* Permanently installed lighting
16 that blinks, flashes or is of high intensity or brightness that causes a light trespass is
17 prohibited.

18 (h) *Residential String Lights.* Notwithstanding anything to the contrary, string
19 lights may be allowed in outside dining areas, entertainment areas or used as landscape
20 lighting in connection with a residential dwelling or use provided that all of the following
21 conditions are met:

22 (1) The correlated color temperature of the light sources does not
23 exceed 3,000 Kelvin; and

24 (2) The emission of no individual lamp in the string exceeds forty initial
25 lumens, and the aggregate total of lumen output of such string lights used as outdoor light
26 fixtures does not exceed 4,000 lumens.

27 **83.07.070 Conflicts with Other Laws.**

28 (a) *Conflicts.* In the event the provisions in this chapter conflict with federal or

1 state law, this section shall be applied in a manner intended to carry out all provisions of
2 law to the maximum extent feasible. When there is an irreconcilable conflict between the
3 provisions of this chapter and the requirements of federal or state law, the provisions of
4 federal or state law shall prevail over the provisions contained in this chapter only to the
5 extent necessary to avoid a violation of those laws.

6 (b) *Minimum Lighting Standards.* This chapter provides for minimum outdoor
7 lighting standards. In order to further minimize light pollution and light trespass, nothing
8 in this chapter shall prohibit the County from imposing standards that are more restrictive
9 as a condition of approval for a discretionary land use. Nor shall this chapter prohibit a
10 declaration of covenants, conditions and restrictions for private enforcement from further
11 restricting lighting so long as it meets the minimum standards detailed in this chapter.

12 **83.07.080 Application of Ordinance to Legal Non-conforming Lighting.**

13 (a) *Compliance Period.* Notwithstanding the provisions in Chapter 84.17
14 (Nonconforming Uses and Structures), a property owner shall comply with the
15 requirements of this chapter by the compliance deadlines set forth in paragraphs (1) or
16 (2). Any non-compliant lighting still in place after the compliance deadline shall remain
17 extinguished at all times, except for lighting provided for security or safety purposes.

18 (1) Outdoor lighting in commercial and industrial land use zoning
19 districts shall comply within 18 months from the effective date of this ordinance.

20 (2) Outdoor lighting in all remaining land use zoning districts shall
21 comply within 24 months from the effective date of this ordinance.

22 (b) *Extension.* Notwithstanding subdivision (a), a property owner may submit
23 a written request to the Director for an extension of the deadline, which shall clearly detail
24 why an extension is needed. Upon demonstration of good cause for providing a property
25 owner additional time to comply with the requirements of this section, the Director may
26 extend the property owner's time to comply and/or may require a plan for compliance that
27 requires partial compliance in advance of full compliance. For purposes of this section,
28 the term "good cause" shall mean a significant financial or other hardship which warrants

1 an extension or conditional extension of the time limit for compliance established herein.
2 In no instance shall the Director issue an extension of the compliance period in excess of
3 one year. The decision of the Director shall be appealable pursuant to the same
4 provisions and procedures as set forth in subdivision (a) of Section 81.02.020.

5 (c) *Change of Use.* If a property with non-compliant lighting changes use after
6 the effective date, then all outdoor lighting shall be brought into compliance with this
7 chapter, either by the property owner or tenant before the new use begins.

8 **83.07.090 Enforcement and Penalties.**

9 Any violation of the provisions of this chapter by any person shall be punishable in
10 accordance with the provisions of Chapter 86.09 (Enforcement) of this Development
11 Code and Chapter 2 (Violations and Enforcement) of Division 1 of Title 1 of the County
12 Code.

13
14 SECTION 4. The Board of Supervisors declares that it would have adopted this
15 ordinance and each section, sentence, clause, phrase, or portion of it, irrespective of the
16 fact that any one or more sections, subsections, clauses, phrases or portions of it be
17 declared invalid or unconstitutional. If for any reason any portion of this ordinance is
18 declared invalid or unconstitutional, then all other provisions of it shall remain valid and
19 enforceable.

20
21 SECTION 5. This ordinance shall take effect thirty (30) days from the date of
22 adoption.

23
24 _____
25 CURT HAGMAN, Chairman
26 Board of Supervisors
27
28

1 Approved as to Form:

2 STEVEN O'NEILL
3 Interim County Counsel

4

5 By: _____

6 JOLENA E. GRIDER
7 Deputy County Counsel

8 Date: _____

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