

ORDINANCE NO. 90

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND REENACTING CHAPTER 8.70 OF TITLE 8 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE RELATING TO REGULATIONS FOR OUTDOOR LIGHTING AND NIGHT SKY PROTECTION

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. MUNICIPAL CODE AMENDED.

1.1 Chapter 8.70 of Title 8 of the Town of Yucca Valley Municipal Code is hereby amended in its entirety to read as follows:

“CHAPTER 8.70 OUTDOOR LIGHTING

Sections

8.70.010	Purpose and Intent
8.70.020	Definitions
8.70.030	Outdoor Lighting Fixtures
8.70.040	Exemptions
8.70.050	Administration and Enforcement
8.70.060	Penalties

8.70.010 Purpose and Intent. It is the purpose and intent of this Chapter to establish regulations and standards which will assist in substantially reducing light pollution which can be generated from commercial and residential lighting fixtures and devices; to minimize light pollution which has a detrimental effect on the environment and the enjoyment of the night sky, to reduce and minimize lighting practices which cause unnecessary illumination of adjacent properties; and to implement the Yucca Valley General Plan, Community Design Element, Policy 12, Program 12.A and Program 12.B

8.70.020 Definitions. For the purpose of this Chapter the following terms, phrases, words and their definitions shall have the meaning given herein. Words used in the present tense include the future, words in the plural number include the singular number, and the words in the singular number include the plural number. Words not defined shall be given their common and ordinary meaning.

(a) "Fully Shielded" means any outdoor lighting fixtures shielded or constructed so that light rays are only emitted by the installed fixtures at angles below a horizontal plane passing through the lowest point of the light source and so not to direct light or light trespass onto adjacent property.

(b) "Night Sky" is a clear sky, with visible stars, despite necessary or desired

illumination of private and public property.

(c) “Fixture” means the assembly that holds the lamp and may include an assembly housing, a mounting bracket or pole socket, lamp holder, ballast, a reflector or mirror and a refractor or lens.

(d) “Freestanding Lighting” means a light fixture which is not attached to a building.

(e) “Attached Lighting” means a light fixture that is attached to a building.

(f) “Pedestrian Lighting” means freestanding lighting fixtures not exceeding a height of thirty-six (36) inches from ground grade level.

(g) “Architectural Lighting” means lighting which is either directed towards a residence with the intent of highlighting an architectural feature or a light fixture which is architecturally ornamental in nature or purpose.

(h) “Light Trespass” means nuisance glare from any lighting onto neighboring property that interferes with viewing of night sky or eliminates the ability to have darkness on the adjacent property or shines into neighboring windows and all or any areas on neighboring properties or structures. Quantitative measurement of light trespass shall be with a standard yard stick (3 ft x 1 ½ in.). The yard stick shall be placed at the building setback line in the complainants yard. The yard stick shall be in contact with the ground and in a vertical position. The enforcement personnel shall then determine if a shadow is cast by the light source. The light source, yard stick, and shadow must be in alignment. Measurements shall not be taken when there is a moon in the night sky.

(I) “New Construction” means new lighting fixtures and/or new building(s) with outdoor lighting.

8.70.030 Outdoor Lighting Fixtures.

(a) Single Family and Multi-family Residential Land Use Districts: The following standards are applicable to all structures located within single family and multi-family residential land use districts as identified on the official Yucca Valley Zoning District map.

(1) Existing Structures located in Single Family and Multi-Family Residential Land Use Districts:

(A) Existing outdoor lighting fixtures installed or constructed on developed properties located in any residential land use district, as identified on the official Yucca Valley Zoning Map, and which properties are used for residential purposes, which are non-conforming 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.

(B) Should it be determined that a non-conforming lighting fixture results in light trespass the Town may require the light to either be shielded, filtered, redirected, replaced with a less intense light source, removed or a combination thereof to eliminate light trespass.

(2) New construction and new lighting in single family residential and multifamily residential land use districts.

(A) Any new construction and or new lighting located in any residential land use district, as identified on the Yucca Valley Zoning Map and which properties are used for residential purposes, unless exempt shall be fully shielded or recessed in such a manner as to preclude adverse impacts to adjacent property as a result of light trespass, or to any member of the public who may be traveling on adjacent roadways or right-of-way.

(b) Commercial and Industrial Land Use Districts: The following standards are applicable to all structures located within commercial and industrial land use districts as identified on the official Yucca Valley Zoning District map.

(1) Existing structures located in commercial and industrial Land Use Districts:

(A) Existing outdoor lighting fixtures installed or constructed on developed properties located in any commercial or industrial land use district, as identified on the Yucca Valley Zoning Map, and which properties are used for any commercial or industrial purpose, which are non-conforming 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.

(B) Should it be determined that a non-conforming lighting fixture results in light trespass the Town may require the light to either be shielded, filtered, redirected, replaced with a less intense light source, removed or a combination thereof to eliminate light trespass.

(1) In those cases where light trespass exists and has been determined to be a nuisance, the Director may grant additional time for the property owner to remedy the light trespass where a hardship exists and the following findings can be made. Hardship shall mean that there is a degree of difficulty in accessibility to the fixture, financial difficulty or cost of correcting the light trespass, degree of light trespass, or other similar issues.

(a) There are special circumstances or conditions applying to the land, building, or outdoor light fixtures for which temporary administrative relief is sought, which circumstances or conditions are peculiar to such land, buildings, or outdoor light fixtures and do not apply generally to the land, buildings or outdoor light fixtures in the neighborhood.

(b) The granting of the temporary administrative relief will generally be in harmony with the intent of this Chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(2) The Director shall make a determination within five (5) business days from the date of the submission of the request and notify the applicant in writing of his/her decision. Temporary relief shall not exceed a period of 90 days. The Director's determination may be appealed to the Planning Commission within 10 days of the decision. Should additional time be required the request shall be forwarded to the Planning Commission for review and consideration through the Temporary Use Permit process and requirements.

(3) The Director may forward the request to the Planning Commission based upon the degree of light trespass, costs of correcting the light trespass or other similar issues.

(C) Fifty percent of all non-conforming lighting fixtures within parking lots or within open lot sale areas shall be turned off within one hour after closing or between the hours of 11:00 p.m. and dawn, whichever occurs first.

(1) In those cases where turning off fifty percent of the nonconforming lighting fixtures would constitute a hardship, the Director may grant an administrative exemption based on the following findings:

(a) There are special circumstances or conditions applying to the land, building, or outdoor light fixtures for which temporary administrative relief is sought, which circumstances or conditions are peculiar to such land, buildings, or outdoor light fixtures and do not apply generally to the land, buildings or outdoor light fixtures in the neighborhood;

(b) The strict application of this Chapter would deprive

the applicant reasonable use of the land, buildings, or outdoor fixtures;

(c) The granting of the temporary administrative relief will generally be in harmony with the intent of this Chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(2) The Director shall make a determination within five (5) business days from the date of the submission of the request and notify the applicant in writing of his/her decision. Temporary relief shall not exceed a period of 90 days. The Director's determination may be appealed to the Planning Commission within 10 days of the decision. Should additional time be required the request shall be forwarded to the Planning Commission for review and consideration through the Temporary Use Permit process and requirements.

(3) The Director may forward the request to the Planning Commission based upon the degree of light trespass, costs of correcting the light trespass or other similar issues.

(2) New construction and new lighting in commercial and industrial land use districts:

(A) Any new construction located in any commercial or industrial land use district, as identified on the Yucca Valley Zoning Map, and which properties are used for commercial and industrial purposes, unless exempt shall be fully shielded or recessed in such a manner as to preclude adverse impacts to adjacent property as a result of light trespass, or to any member of the public who may be traveling on adjacent roadways or right-of-way.

(c) Recreation Facilities, both public and private. The following standards are applicable to all structures.

(1) There shall be no illumination of private recreational facilities between the hours of 11:00 p.m. and sunrise.

(2) There shall be no illumination of public recreational facilities unless the facilities are being utilized. The illumination must be turned off no later than 11:00 p.m. or one hour after the termination of the event and/or use, whichever occurs first.

(d) Off-Site Signs (Billboards) and Exterior Illuminated On-Site Sign

(1) Lighting fixtures used to illuminate any new off-site sign and exterior illuminated on-site signs shall be mounted on the top of the sign structure and

shall comply with the shielding requirements of this Chapter.

8.70.040 Exemptions. The following outdoor lighting fixtures are exempt from the requirements of this Chapter:

- (a) Fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps.
- (b) All neon outdoor lighting fixtures.
- (c) All outdoor lighting fixtures on facilities or lands owned, operated, or controlled, by the United States Government, State of California, County of San Bernardino, Morongo Unified School District, Southern California Edison or any other public entity or public agency, not including the Town of Yucca Valley. Voluntary compliance at those facilities is encouraged.
- (d) Emergency lighting operated by a public utility or agency during the course of repairing or replacing damaged facilities.
- (e) Emergency lighting and fixtures necessary to conduct rescue operations, provide emergency medical treatment or address any other emergency situations.
- (f) Provided there is no light trespass, or the lighting fixtures are regulated by motion detector, lighting fixtures within five (5) feet of an entrance or exit door and/or alcove of a dwelling unit, not exceeding a height of eight (8) feet and a wattage exceeding 75 watts.
- (g) Internally illuminated signs.
- (h) Holiday lighting fixture displays.
- (I) Architectural lighting whether it is freestanding or attached to a building which does not exceed an intensity of 40 watts.
- (j) Pedestrian lighting which does not have an intensity greater than 40 watts.
- (k) Vertical lighting for a properly displayed U.S. flag which does not exceed an intensity of 140 watts.

8.70.050 Administration and Enforcement. The Director of the Community Development Department, or his or her designee, shall administer and enforce the provisions of this Chapter. Any person who wishes to appeal any order, decision, or determination made by the Director shall do so in accordance with this Code.

All existing exterior lighting fixtures, poles, or sources shall comply with the requirements for permits as specified in the Uniform Building Code and/or the National Electric Code.

From time to time, the Community Development Director may recommend, and the Town Council may adopt by resolution, as deemed necessary, rules and regulations to implement the provisions of this section. Such rules and regulations shall have force of law and failure to comply shall be considered a violation of the provisions of this section. The rules and regulations to be adopted shall be implemented with the following intent:

- (1) Maintain the health and safety of persons and property within the Town;
- (2) Avoid undue disruption of persons and traffic within the affected areas of Town.

8.70.060 Penalties. It shall be unlawful for any person to violate any of the provisions of this Chapter.

(a) Any person who violates the provisions of this Chapter shall receive a correction notice for the first violation for each given year. The notice shall specify the nature of the offense, the date of occurrence and required correction as established by this Chapter.

(b) Any person subsequently violating or causing or permitting the violation of any of the provisions of this Chapter within one given year shall be guilty of an infraction which shall be punishable in accordance with Sections 1.01.200 through 1.01.250 of the Yucca Valley Municipal Code.”

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor attested by the Town Clerk this ____ day of _____, 1998.

MAYOR

ATTEST:

Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Town Attorney

Town Manager

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March, 1998 TC