

CITY OF OJAI
ORDINANCE NO. _____

***AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OJAI, CALIFORNIA ADDING A NEW
ARTICLE 16.5, ENTITLED “EXTERIOR LIGHTING
STANDARDS,” TO CHAPTER 2 OF TITLE 10 OF THE
OJAI MUNICIPAL CODE***

WHEREAS, Ojai is a community with a very special environment, both natural and manmade, and the qualities of both must be respected so the uniqueness of Ojai can flourish without inappropriate changes; and

WHEREAS, Ojai is both a tourist destination and a residential town, the creation of a desirable living, working, and business environment that is responsive to residents will also provide a destination of interest to visitors; and

WHEREAS, the safety and welfare of pedestrians, cyclists, and motorists depend upon the reduction of glare and the establishment of consistent and well-defined levels of lighting, proper direction and use of light, minimizing energy waste on unnecessary and indiscriminate illumination; and

WHEREAS, policies within the General Plan’s Open Space Element recognize the need to protect the scenic, aesthetic, and visual character of the community; and

WHEREAS, establishing a set of standards for outdoor lighting will assist residents, business owners, and developers with guidelines by which to follow; and

WHEREAS, Ojai is a community which recognizes the need to preserve its character, aesthetic value, and the unique quality of life by preserving and enhancing the ability to view the night sky.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. A new Article 16.5 is hereby added to Title 10, Chapter 2 of the Ojai Municipal Code to read as follows:

“ARTICLE 16.5. EXTERIOR LIGHTING STANDARDS

“Sec. 10-2.16.501. Purpose.

The general purpose of this article is to protect and promote the public health, safety and welfare, the quality of life and the ability to view the night sky, by establishing regulations and a process of review for exterior lighting in order to accomplish the following:

- (a) To save energy in an attempt to ensure the City’s sustainability;
- (b) To protect against direct glare and excessive lighting, thereby minimizing light pollution caused by inappropriate or misaligned light fixtures;
- (c) To provide safe roadways for motorists, cyclists and pedestrians;
- (d) To protect and reclaim the ability to view the night sky and thereby help preserve the quality of life and the tourist experience of this desirable visual resource;
- (e) To prevent light trespass in all areas of the City and neighboring areas;
- (f) To promote efficient and cost effective lighting;
- (g) To ensure that sufficient lighting can be provided where needed to promote safety and security;
- (h) To allow for flexibility in the style of lighting fixtures;
- (i) To provide lighting guidelines for efficient and moderate use; and
- (j) To provide appropriate lighting according to current technology, evolving advancements, energy use, and economic needs.

Sec. 10-2.16.502. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings designated in this section:

- (a) **Community Development Department/Director** shall mean the Community Development Director of the city or his/her representative.
- (b) **Fully shielded** shall mean a light fixture constructed and installed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixture's lowest light-emitting part.
- (c) **Glare** shall mean light entering the eye directly from a light fixture or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
- (d) **Installed** shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of the ordinance codified in this article. A project with an approved building permit prior to the effective date of said ordinance is excluded from compliance with the Article for the initial installation only.
- (e) **“IES” or “IESNA”** Illuminating Engineering Society of North America. The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.
- (f) **Light pollution** shall mean any adverse effect of artificial light including, but not limited to, glare, light trespass, sky-glow, energy waste, compromised safety and security, and impacts on the nocturnal environment, including light sources that are left on when they no longer serve a useful function.
- (g) **Light trespass** shall mean light that falls beyond the property it is intended to illuminate.
- (h) **Non-essential lighting** shall mean lighting that is not necessary for an intended purpose after the purpose has been served. Does not include any lighting used for safety and/or public circulation purposes.
- (i) **Outdoor light fixtures** shall mean outdoor electrically powered illuminating devices, outdoor light or reflective or refractive surfaces, lamps and similar devices including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot, and flood lights for:
- (1) Buildings and structures, including canopies and overhangs;
 - (2) Recreation facilities;
 - (3) Bike paths, greenbelts and parks;
 - (4) Parking lot lighting;

- (5) Landscape lighting;
- (6) Signs (advertising and other);
- (7) Street lighting;
- (8) Display and service areas; and
- (9) Walkway lighting.

(j) **Outdoor recreation facility** shall mean an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball and softball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

(k) **Public Works Director** shall mean the public works director of the city or his/her representative.

(l) **Sky glow** shall mean the brightening of the nighttime sky that result from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky-glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

(m) **Uplighting** shall mean any artificial light source that distributes light above an imaginary horizontal plane passing through the lowest light emitting point of the light fixture.

Sec. 10-2.16.503 Applicability.

(a) All outdoor light fixtures installed, modified, or replaced after the effective date of the ordinance codified in this article and thereafter maintained upon private property, public property, or public right-of-way that requires a building or planning permit shall be fully shielded. In addition, light trespass and glare shall be reduced to the maximum level feasible through the use of shielding and directional lighting methods, including, but not limited to, fixture location and height, motion sensors and timers installed if needed to comply.

(b) When development or redevelopment, exceeds twenty-five percent of the existing square footage of the building being altered or added, then all outdoor lighting shall be reviewed and brought into compliance with this article.

Sec. 10-2.16.504 General Requirements.

(a) All outdoor light fixtures shall be installed and maintained in such a manner that the shielding does not permit light trespass beyond the property boundary. Further any fixed objects that reflect or diffract light, such as windows, mirrors, or other reflective objects must not permit light trespass.

- (b) All non-essential outdoor light fixtures including illuminated signs shall be off after business hours and/or when not in use for the intended purpose, with additional methods of motion sensors and timers installed if needed to comply.
- (c) Externally illuminated signs and building identification shall use top mounted light fixtures which shine light downward and are fully shielded.
- (d) Outdoor light fixtures used for outdoor recreational facilities:
 - 1. Shall be fully shielded except when such shielding would cause impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and directional lighting methods shall be utilized to limit light pollution, glare and light trespass to a reasonable level, as determined by the Community Development Director, without diminishing the performance standards of the intended recreational activity.
 - 2. Illumination from recreational facility light fixtures shall be shielded to minimize glare extending toward roadways where impairment of motorist vision might cause a hazard.
 - 3. That are not required to be shielded, as noted above, shall not be illuminated between 10 PM and sunrise, except to complete a specific organized recreational event, in progress.
- (e) If a property or use with non-conforming lights is abandoned for a continuous period of 180 days then all outdoor lighting shall be reviewed and brought into compliance with this article before a new use is approved.
- (f) In addition to the provisions in this article, all outdoor light fixtures shall be installed in conformity with all other applicable provisions of this municipal code.

Sec. 10-2.16.505 Exemptions.

The following are exempt from the provision of this article:

- (a) All outdoor light fixtures existing and legally installed prior to the effective date of the ordinance codified in this article, provided, however, that no replacement, structural alteration, or restoration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this article.
- (b) All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as, kerosene lanterns or gas lamps.
- (c) Temporary lights used for holiday decorations. Holiday lights must not be installed prior to 45 days before and removed no later than 15 days after the applicable holiday.

- (d) Construction or emergency lighting provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
- (e) Lighting for public roadways for traffic control such as signals and other devices.
- (f) Vehicular lights and all temporary emergency lighting needed by the Fire and Police Departments, or other emergency services.
- (g) Navigation lights such as radio/television towers.
- (h) School District sites and/or other governmental facilities which are otherwise exempt from local regulations.
- (i) Any facility or equipment which is subject to preemptive State or Federal standards for illumination levels.

Sec. 10-2.16.506 Director's Exemption.

(a) In accordance with Section 10-2.104(b)(3)(A)(xi) of the Municipal Code, a person may submit a written request to the Community Development Director for an administrative exemption from the requirements of this article. The request shall state fully the circumstances and conditions relied upon as grounds for an administrative exemption and shall be accompanied by adequate plans and a legal description of the property involved. In addition, the request shall contain at a minimum the following information:

- (1) Name, address, and telephone number of the applicant;
- (2) Location of the outdoor light fixture(s) for which the exemption is being requested;
- (3) The nature of the circumstances which necessitate the administrative exemption request;
- (4) Use of the outdoor light fixture(s) involved;
- (5) Type of outdoor light fixture to be used, including total light output and character of the shielding, if any; and
- (6) Such other data and information as may be required by the Director as appropriate.

(b) The Community Development Director may grant an administrative exemption from the provisions of this article when it appears from the facts contained in the application, and from any other relevant information available that all of the following conclusions can be reached:

(1) There are special circumstances or conditions applying to the land, buildings, or outdoor light fixtures for which the administrative exemption 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;

(2) The aforesaid circumstances or conditions are such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land, buildings or outdoor light fixtures and that the administrative exemption is the minimum exemption that will accomplish this purpose; and

(3) The granting of the administrative exemption will generally be in harmony with the purpose and intent of this article and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(c) If the request for an administrative exemption is approved by such determination shall be made in writing and a record kept which shall be open to the public.

Sec. 10-2.16.507 Temporary exemption.

(a) The Community Development Director may grant a temporary exemption, as defined herein, for such activities, including, but not limited to circuses, fairs, carnivals, sporting events, and promotional activities, if he/she finds the following:

(1) The purpose for which the lighting is proposed is not intended to extend beyond thirty days;

(2) The proposed lighting is designed in such a manner as to minimize light pollution as much as feasible; and

(3) The proposed lighting will comply with the general intent of this article.

(b) The application for a temporary exemption shall include the following information:

(1) Name and address of applicant and property owner;

(2) Location of proposed fixture(s);

(3) Type, wattage and light output of lamp(s);

(4) Type and shielding of proposed fixture(s);

(5) Intended use of lighting;

(6) Duration of time for requested exemption;

- (7) The nature of the exemption;
- (8) Such other information as the Community Development Director may request.

(c) The Community Development Director shall rule on the application within 10 business days from the date of submission of the request and notify the applicant in writing of his/her decision.

(d) The Community Development Director may grant one renewal of the application for up to an additional thirty days if it finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest. The Community Development Director is not authorized to grant more than one thirty-day temporary exemption and one renewal for up to a thirty-day period for the same property within one twelve-month period.

Sec. 10-2.16.508 Appeals.

All appeals of decisions applicable to this article shall be made pursuant to Article 30 and within the times set forth therein for the filing of such appeals.

Sec. 10-2.16.509 Enforcement.

The Community Development Director is hereby empowered and directed to administer and enforce the provisions of this article. The Public Works Director is hereby empowered and directed to administer and enforce the provisions of this article relating to outdoor light control for street lighting, bike paths, and public parking lots.

Sec . 10-2.16.510 Violations and penalties.

(a) Any lighting affixed, altered, constructed, converted, enlarged, erected, installed, maintained, relocated or set up contrary to the provisions of this article shall be unlawful and a public nuisance, which nuisance may be abated in compliance with the provisions of Title 5 Chapter 6 of this Code and Article 35 (Sections 10-2.3501 through 10-2.3510) and the cost of abatement may be made a special assessment against the land upon which the lighting is located. The City may remedy any violation of this article pursuant to the procedures set forth in Title 1 of Chapter 6 of this Code.

(b) The Community Development Director is authorized and directed to investigate all purported violations of any of the provisions of this article. If a violation is determined to exist or to be impending, the Director is authorized and directed to take the measures as deemed necessary and expedient to enforce and secure compliance with the provisions of this article, including the signing of complaints and other legal documents. Where any lighting installation is undertaken contrary to the provisions of this article, the Director may order the work stopped by notice in writing served on any person engaged in the doing or causing of the work to be done and the person shall stop the work until authorized by the Director to proceed.

(c) The Community Development Director, as charged with the enforcement of this article, acting in good faith and without malice toward the City, shall not be rendered personally liable and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of the duties directly related to enforcement.

(d) Any suit brought against the Community Development Director, because of the act or omission, shall be defended by the City Attorney until the final termination of the proceeding.

(e) The Community Development Director may request, and shall receive as far as may be necessary in the discharge of the duties directly related to enforcement, the assistance and cooperation of other City officials.

(f) With the consent of the owner or occupier of any structure or premises, or under an inspection warrant issued in compliance with state law (Section 1822.50 through 1822.57 of the Code of Civil Procedure) and upon prior notice to the owner of any lighting which is not in compliance with this article, the Community Development Director may enter at a reasonable time any structure or premises in the City to perform any duty imposed by this article.

(g) If the Community Development Director is unable to otherwise enforce the provisions of this article, the matter may be referred to the City Attorney for appropriate legal action, civil or criminal, or both.

(h) Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating any provision of this article shall be guilty of a misdemeanor or an infraction at the discretion of City authorities as provided in Section 1-2.03 of this Code and, upon conviction thereof, shall be subject to the penalties provided in Title 1 of Chapter 2 of this Code. The person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this article is allowed, committed or continued by the person, firm or corporation and shall be punishable as provided in this subsection.

(i) The remedies provided for in this article shall be cumulative and not exclusive in compliance with Article 35 (Sections 10-2.3501 through 10-2.3510) of this chapter.”

SECTION 2. Title 10, Chapter 2 of the Ojai Municipal Code, Sec. 10-2.104 (b)(3)(A) is amended by addition of subsection (xi) to read as follows:

(xi) Administrative Exemption from Exterior Lighting Standards in compliance with Article 16.5 of this chapter.

SECTION 3. Title 10, Chapter 2 of the Ojai Municipal Code, Sec. 10-2.806 (b) & (c) are amended to read as follows:

(b) All lighting of landscaping, parking areas, structures, or similar facilities shall be in compliance with Article 16.5 of this Chapter.;

~~(1) Architecturally integrated with the character of adjacent structure(s);~~

~~(2) Directed downward and shielded so that all light and glare is confined within the boundaries of the subject parcel;~~

~~(3) Installed so that lights not blink, flash, or be of unusually high intensity or brightness; and~~

~~(4) Appropriate in height, intensity, and scale to the uses they are serving.~~

(c) Notwithstanding the limitation contained in Article 16.5 Tivoli lights (e.g., small accent string lights) may be installed on structures and within the landscaped areas, subject to the approval of the Director or Commission through the design review process (Article 20 of this chapter).

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 5. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 6. .This Ordinance shall become effective on the thirty-first (31st) day after its passage.

CITY OF OJAI, CALIFORNIA

By _____
Betsy Clapp, Mayor

STATE OF CALIFORNIA)
)
COUNTY OF VENTURA)
)
CITY OF OJAI)

I, Rhonda K. Basore, City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on _____ and adopted at a regular meeting held on _____ by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rhonda K. Basore
City Clerk for the City of Ojai