

ORDINANCE NUMBER O- 16522 (NEW SERIES)

ADOPTED ON OCT 28 1985

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF  
THE SAN DIEGO MUNICIPAL CODE BY ADDING  
DIVISION 13, SECTIONS 101.1300 THROUGH  
101.1309, RELATING TO LIGHT POLLUTION.

BE IT ORDAINED, by the Council of The City of San Diego, as  
follows:

Section 1. That Chapter X, Article 1, of the San Diego  
Municipal Code be and the same is hereby amended by adding  
Division 13, Sections 101.1300 through 101.1309, to read as  
follows:

DIVISION 13

LIGHT POLLUTION LAW

SEC. 101.1300 CITATION

This Division may be cited as The City of San Diego  
Light Pollution Law.

SEC. 101.1301 DECLARATION OF NECESSITY

WHEREAS, the regulation of the use of outdoor light  
fixtures can substantially reduce light pollution; and

WHEREAS, it is pleasing to the senses and intellect  
of man to be able to gaze at the night sky and see the  
planets, comets, stars and galaxies with a minimum of  
interference from light pollution; and

WHEREAS, many residents of the City of San Diego  
enjoy gazing into the night sky but are handicapped in  
such enjoyment because light pollution; and

WHEREAS, many residents of the City of San Diego enjoy amateur astronomy but are handicapped in such enjoyment because of light pollution; and

WHEREAS, Palomar Observatory and Mount Laguna Observatory are valuable astronomical research facilities which are engaged in the study of planets, comets, stars and galaxies and such studies have had and will continue to have a profound effect on mankind; and

WHEREAS, the City of San Diego's standing in the international public and private scientific communities would be severely damaged if Palomar Observatory and Mount Laguna Observatory were rendered useless or severely handicapped because of light pollution; and

WHEREAS, the regulation of the use of outdoor light fixtures can result in conservation of electrical energy and thus reduce the use of fossil fuels which produce much of such energy; and

WHEREAS, a number of other jurisdictions in California and Arizona regulate the use of outdoor light fixtures for the purpose of minimizing light pollution and conserving energy;

NOW, THEREFORE, this Council hereby finds and declares that the sky is an important aspect of our environment and that it is necessary, essential, a public purpose and municipal affair for the City to regulate the use of outdoor light fixtures in the City of San Diego to minimize light pollution which has a

detrimental effect on the environment, astronomical research, amateur astronomy, and enjoyment of the night sky, and causes unnecessary illumination of adjacent properties; and in order to conserve electrical energy.

SEC. 101.1302 PURPOSE AND INTENT

It is the purpose and intent of this Division to minimize light pollution for the enjoyment of the citizens of the City of San Diego, the benefit of amateur astronomers within the City of San Diego, the astronomical research of Palomar Observatory and Mount Laguna Observatory thereby fostering the potential of the City of San Diego with regard to public and private scientific research and development and to conserve energy by:

1. Using fixtures with good optical control to distribute light in the most effective and efficient manner;
2. Using minimum amount of light to meet the lighting criteria;
3. Using shielded outdoor light fixtures where required and wherever else feasible;
4. Using low pressure sodium outdoor light fixtures where required and wherever else feasible;
5. Energizing light fixtures only when necessary, by means of automatic timing devices; and
6. Requiring that certain outdoor light fixtures be turned off between 11:00 p.m. and sunrise.

SEC. 101.1303 DEFINITIONS

A. Automatic timing device - a device which automatically turns on and off outdoor light fixtures or circuits. Photo-controls are not considered automatic timing devices for purposes of this Division.

B. Light Pollution - artificial light which causes a detrimental effect on the environment, astronomical research, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

C. Luminous tube lighting - gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

D. Outdoor light fixtures - an illuminating device which is permanently installed outdoors, including, but not limited to, devices used to illuminate on and off premises signs.

E. Shielding - a technique or method of construction which causes light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the fixtures.

SEC. 101.1304 GENERAL REQUIREMENTS

A. Outdoor light fixtures installed after the effective date of this Division and thereafter maintained upon private property within commercial, industrial or multi-family zones shall comply with the following:

1. Where color rendition is required for commercial and industrial purposes, such as in sales, assembly and repair areas, the outdoor light fixtures shall be shielded, be equipped with automatic timing devices and utilize only the minimum amount of light necessary;

2. Where used for security purposes or to illuminate walkways, roadways, equipment yards and parking lots, only shielded low-pressure sodium outdoor light fixtures shall be utilized; and

3. Where used for on or off premises signs or for decorative effects or recreational facilities, such as for building, landscape or ballfield illumination, the outdoor light fixtures shall be equipped with automatic timing devices and where feasible, be shielded and/or focused to minimize light pollution.

B. All outdoor light fixtures, existing or hereafter installed and maintained upon private property within commercial, industrial or multi-family zones shall be turned off between 11:00 p.m. and sunrise except when used for:

1. Commercial and industrial uses, such as in sales, assembly and repair areas, where such use continues after 11:00 p.m. but only for so long as such use continues;

2. Security purposes or to illuminate walkways, roadways, equipment yards and parking lots; and

3. Recreational use that continues after 11:00 p.m. but only for so long as such use continues.

C. All illuminated on premises signs and searchlighting for advertising purposes shall be turned off between 11:00 p.m. and sunrise, except that on premises signs may be illuminated while the business facility on the premises is open to the public. All illuminated off premises signs shall be turned off between 12:00 midnight and sunrise.

D. In addition to the provisions of this Division all outdoor light fixtures shall be installed in conformity with all other applicable provisions of this Municipal Code.

SEC. 101.1305 APPROVED MATERIALS AND METHODS OF INSTALLATION

A. The provisions of this Division are not intended to prevent the use of any design, material or method of installation, even if not specifically prescribed by this Division, provided such alternate has been approved by the Building Official.

B. The Building Official is hereby authorized to provide interpretations or to determine the intent and meaning of any provision of this Division. Such determinations shall be made in writing and a record kept which shall be open to the public.

C. The Building Official may find other uses of outdoor light fixtures to be similar in character to the uses enumerated in SEC. 101.1304. Such written finding shall be filed in the office of the City Clerk.

SEC. 101.1306 EXEMPTIONS

A. All outdoor light fixtures existing and legally installed prior to the effective date of this Division are exempt from the requirements of this Division, except for the provisions of SEC. 101.1304 B. and SEC. 101.1304 C., unless work is proposed so as to replace 50 percent or more of the existing outdoor light fixtures, or to increase to the extent of 50 percent or more the number of outdoor light fixtures on the premises. In such case, both the proposed and the existing outdoor light fixtures shall conform to the provisions of this Division.

B. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this Division.

C. All outdoor light fixtures which are luminous tube lighting are exempt from the requirements of this Division.

D. All outdoor light fixtures with an initial total lamp source lumens of 4,050 or less shall be exempt from the requirements of this Division.

E. All outdoor light fixtures on facilities or lands owned, operated, controlled or protected by the United States Government, State of California, County of San Diego, City of San Diego, or other public entity or public agency not subject to City of San Diego ordinances are exempt from requirements of this Division. Voluntary compliance with the intent of this Division at those facilities is encouraged.

SEC. 101.1307 ADMINISTRATIVE EXEMPTION

A. Any person may submit a written request to the Building Official for an administrative exemption from the requirements of this Division. 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 fixtures for which the exemption is requested;
3. The nature of the circumstances which necessitate the administrative exemption;
4. Use of the outdoor light fixtures involved;
5. Type of outdoor light fixture to be used, including total lumen output and character of the shielding, if any; and



6. Such other data and information as may be required by the Building Official.

B. The Building Official may grant an administrative exemption from the provisions of this Division when it appears from the facts contained in the application, and from any other relevant information available to the Building Official 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 Division would deprive the applicant of the reasonable use of the land, buildings or outdoor light fixtures and that the administrative exemption granted by the Building Official is the minimum exemption that will accomplish this purpose; and

3. The granting of the administrative exemption will generally be in harmony with the declaration of necessity and purpose and intent of

this Division and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will not adversely effect the Progress Guide and General Plan of The City of San Diego.

C. If the request for an administrative exemption is approved by the Building Official, such determination shall be made in writing and a record kept which shall be open to the public.

D. Any decision made under this Section may be appealed to the Board of Zoning Appeals pursuant to the provisions of SEC. 101.0504 of the Municipal Code except that the decision of the Board of Zoning Appeals shall be final.

#### SEC. 101.1308 CONFLICTS

Where any provision of the statutes, codes or laws of the United States of American or the State of California conflict with any provision of this Division, the most restrictive shall apply unless otherwise required by law.

#### SEC. 101.1309 VIOLATION

A. It shall be unlawful for any person to violate any of the provisions of this Division.

B. Any violation of this Division shall be subject to the penalties as set forth in SEC. 11.12 of the Municipal Code.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its adoption and

notwithstanding any other provision in this ordinance to the contrary, no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the effective date of this ordinance.

Section 3. Within three years of the effective date of this ordinance the City Manager and the Director of the Planning Department shall review the effectiveness of this ordinance and report their findings and recommendations to the Council.

APPROVED: John W. Witt, City Attorney

By Thomas F. Steinke  
Thomas F. Steinke  
Deputy City Attorney

TFS:ta:241  
7/8/85  
REV. 1 - 10/2/85  
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1985 OCT -2 PM 2:18  
SAN DIEGO, CALIF.

01458

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, 1985, by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible	
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Maybell S. Portner*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

**OCT 14 1985**

**OCT 28 1985**

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Maybell S. Portner*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-16522** Adopted **OCT 28 1985**

OCT 28 1985

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_ ,  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible	
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Maybell E. Peltier Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 14 1985

OCT 28 1985

\_\_\_\_\_ , and on \_\_\_\_\_ .

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Maybell E. Peltier Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16522 Adopted OCT 28 1985

CERTIFICATE OF PUBLICATION

THE CITY OF SAN DIEGO  
OFFICE OF THE CITY CLERK  
202 "C" STREET  
12TH FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF  
THE SAN DIEGO MUNICIPAL CODE

**ORDINANCE NUMBER O-16522 (New Series)**  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 16, SECTIONS 101.1500 THROUGH 101.1505, RELATING TO LIGHT POLLUTION.  
This Ordinance regulates outdoor light fixtures, as defined in municipal industrial and multi-family zones. New installations of outdoor light fixtures are regulated in the following manner:  
1. Perimeter lot, walkway, roadway, equipment yard and security lighting will be required to utilize shielded, low-pressure sodium fixtures.  
2. Outdoor sales, assembly or repair areas, where color rendition is necessary, will be required to utilize shielded fixtures and be equipped with automatic timing devices; and  
3. Lighting fixtures used for signs, decorative purposes, or recreational activities, would be required to be shielded when feasible and used to minimize light pollution and be equipped with automatic timing devices.  
Fluorescent tube lighting and low wattage fixtures are exempted, and there are provisions for administrative exemptions for unusual situations.  
In addition, most outdoor lighting, both new and existing, is required to be turned off from 11:00 p.m. to sunrise. Exemptions are provided for security lighting and commercial and recreational lighting which continues past 11:00 p.m.  
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 C Street, San Diego, CA 92101.  
Enacted and adopted on OCTOBER 14, 1985.  
Passed and adopted by the Council of The City of San Diego on OCTOBER 28, 1985.  
ATTESTED BY:  
GERALD HEDGECOCK  
Mayor of The City of San Diego, California  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.  
MAYDELL L. PONTECORVO,  
City Clerk  
Nov. 17, 1985

I, Gerald F. Blair, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-16522 (new Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

November 11, 1985

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 11th day of Nov., 1985.

Gerald F. Blair  
(Signature)

$3\frac{5}{8} \times 2 \times 9.76 = 70.76$