

**CITY OF OJAI
ORDINANCE NO. 825**

***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 the exercising of common courtesy among neighbors; 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. Environmental Determination. The City Council determines that the following findings reflect the independent judgment of the City Council. The City Council finds that Text Amendment TA 12-02 is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines 15378, 15061(b)(3), 15183, and Public Resources Code Section 21083.3(e) for the following reasons:

(a) Under CEQA Guidelines Section 15061(b)(3), CEQA review is not required because there is no possibility that this text amendment to the zoning regulations may have a significant effect upon the environment.

(b) Under CEQA Guidelines Section 15378, the proposed amendment is not a project under CEQA because it will not cause a “direct physical change in the environment” or a “reasonably foreseeable indirect physical change in the environment” because it does not authorize any specific development activity or promote new construction or growth.

(c) Any potential indirect physical change in the environment is speculative and not reasonably foreseeable.

(d) Under CEQA Guidelines Section 15183 and Public Resources Code Section 21083.3(e), the proposed amendments are not inconsistent with all adopted Elements of the General Plan.

SECTION 2 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, and promoting common courtesy among neighbors;
- (c) To provide safe roadways and pathways 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 pollution 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:

Community Development Department/Director shall mean the Community Development Director of the city or his/her representative.

Directional Lighting Methods: Direction of light downward, rather than upward or outward, with the intention of directing light where it is needed. Downward lighting also prevents unnecessary and unwanted light trespass to adjacent areas and properties.

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.

Glare shall mean light entering the eye directly from a light fixture or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

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.

“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.

Light pollution shall mean the material adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, 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. The determination of what is a material adverse effect may be made based on exceedance of quantitative thresholds determined by the City in this Ordinance.

Light trespass shall mean light that falls beyond the property it is intended to illuminate. Permissible levels of light trespass shall be limited to those specific, quantitative thresholds of light intensity set forth in Section 10-2.16.504 (i) of this Article.

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, security, and/or public circulation purposes.

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 or general illumination. 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) Street lighting;
- (7) Display and service areas; and
- (8) Walkway lighting.

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.

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

Residential Entrance Light or Porch Light shall mean lighting of low-lumen intensity installed above or near a front, back, or side entrance to a residence. In this definition, a low-lumen light is a light of no more than 450 lumens (40 watt incandescent, 9-13 watt compact fluorescent, or 4-5 watt LED).

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.

Uplighting shall mean any artificial light source that distributes light above a horizontal plane passing through the lowest light emitting point of the light fixture.

Sec. 10-2.16.503 Applicability.

(a) All outdoor light fixtures maintained upon private property, public property, or public right-of-way installed, modified, or replaced requiring a building or planning permit after the effective date of the ordinance codified in this article shall be fully shielded. In addition, light pollution shall be reduced to the maximum level feasible through the use of directional lighting, fixture location and height, as well as motion sensors and timers to control non-essential lighting.

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

(c) Signs are not subject to this Article. Regulations for lighting of signs are set forth in the City's Sign Standards (Article 16 of Chapter 2 of Title 10 of the City Municipal Code).

(d) Any outdoor light fixtures existing as of the effective date of this ordinance that provide for directed light shall be directed downward so as to eliminate or reduce glare and light trespass onto adjacent properties. In addition, such pre-existing lighting is encouraged to be modified or retrofitted to be fully shielded to eliminate glare and light trespass.

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 in excess of those amounts set forth in subsection (i), below. Further any fixed objects that reflect or diffract light, such as windows, mirrors, or other reflective surfaces must not permit light pollution.

(b) All non-essential outdoor light fixtures shall be turned off after business hours (in the case of non-residential properties) and/or when not in use for the intended purpose. Automated control methods such as motion sensors and timers, shall be utilized if needed to comply.

(c) (Reserved).

(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.

Residential Zones – Single-Family (AG, R-O-4 thru R-O, and R-1)	
Horizontal-plane limit	0.1 foot-candles at property lines
Vertical-plane limit	0.1 foot-candles at property lines
Residential Zones – Multi-Family (including VMU) outside of Downtown Business District (R-2, R-3, and VMU)	
Horizontal-plane limit	0.2 foot-candles at property lines
Vertical-plane limit	0.2 foot-candles at property lines
Non-Residential Zones (but including VMU) within the Downtown Business District	
Horizontal-plane limit	1.0 foot-candles at 15 feet beyond property lines
Vertical-plane limit	1.0 foot-candles at 15 feet beyond property lines
Non-Residential Zones outside of Downtown Business District	
Horizontal-plane limit	0.25 foot-candles at property lines*
Vertical-plane limit	0.25 foot-candles at property lines*
<i>Notes:</i>	
<i>* with an allowance of up to 0.5 foot-candles on a case by case basis, subject to approval by the Planning Commission as part of a Design Review Permit.</i>	

Sec. 10-2.16.505 Exemptions.

The following are exempt from the provision of this article:

- (a) All outdoor light fixtures existing prior to the effective date of the ordinance codified in this article, provided, however, that no replacement or structural alteration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this article.
- (b) 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.
- (c) 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.
- (d) Lighting for public roadways for traffic control such as signals and other devices.
- (e) Vehicular lights and all temporary emergency lighting needed by the Fire and Police Departments, or other emergency services.
- (f) Navigation lights such as radio/television towers.
- (g) School District sites and/or other governmental facilities which are otherwise exempt from local regulations.

(h) Any facility or equipment which is subject to preemptive State or Federal standards for illumination levels.

(i) Outdoor lighting for a designated Historic Landmark, provided the Historic Preservation Commission determines that:

(1) Strict applications of the requirements of this article would be inconsistent with and injurious to preservation of the historical character of the Historic Landmark either as a result of necessary modifications to the structure or unavailability of compliant lighting fixtures; or,

(2) The cost of meeting the requirements of this article would not be feasible while retaining the historic character of the Historic Landmark; and,

(3) The granting of the 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.

(j) Security lights of no more than 2,600 lumens (150 watt incandescent or equivalent) per light, as long as these are: 1) fully shielded, and 2) controlled by a motion-sensor or timer switch that does not keep the light(s) on for longer than 12 minutes after activation.

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, such determination shall be made in writing with notice of the determination mailed to property owners within 300 feet of the subject property, and a record kept which shall be open to the public. An administrative exemption would be subject to a 15-day appeal period, with the appeal body the Planning Commission, in accordance with Article 30 of this Chapter.

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.

(i) The remedies provided for in this article shall be cumulative and not exclusive in compliance with Article 35

SECTION 3. 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 4. Title 10, Chapter 2 of the Ojai Municipal Code, Sec. 10-2.806 (b) is 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 (Section 10-2.16.501 et seq.). In addition, for all such lighting, lights shall not blink or flash.

SECTION 5. 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 6. 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 7. This Ordinance shall become effective on the thirty-first (31st) day after its passage.

CITY OF OJAI, CALIFORNIA

By 

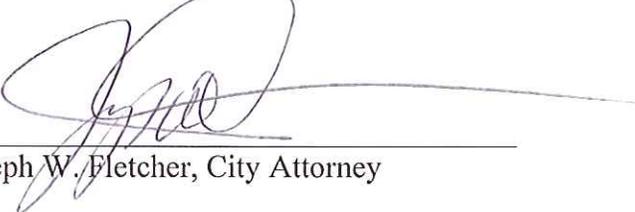
Paul Blatz, Mayor

ATTEST:



Rhonda K. Basore, City Clerk

APPROVED AS TO FORM:



Joseph W. Fletcher, City Attorney

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 August 13, 2013 and adopted at a regular meeting held on August 27, 2013 by the following vote:

AYES: Blatz, Clapp, Lara, Smith, Strobel
NOES: None
ABSTAIN: None
ABSENT: None



Rhonda K. Basore
City Clerk for the City of Ojai