

**CHAPTER 19.81
OUTDOOR LIGHTING
“DARK SKIES ORDINANCE”**

**Implementation in Non-Commercial/Industrial Districts
(i.e., outside of CO, CH, C-1, C-2, M-1, M-2, M-3)**

APPLICABILITY (Reference 19.81.030)

NEW OUTDOOR LIGHTING

All new temporary or permanent outdoor lighting fixtures that is both permitted and installed on and after the effective date of this chapter (12/8/11) shall conform to the requirements established by this chapter.

EXISTING OUTDOOR LIGHTING

All existing outdoor lighting fixtures installed prior to the effective date of this chapter (12/8/11) shall be addressed as follows:

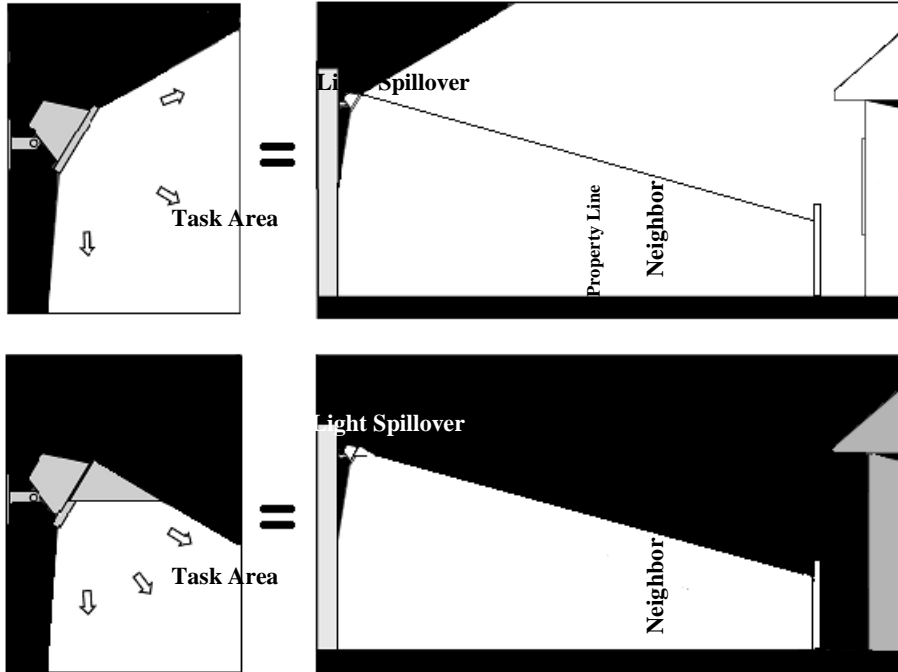
1. **Legal, nonconforming:** All outdoor light fixtures (including the existing wattage/lumen use and the resulting light illumination patterns) which are existing and legally installed prior to the date of adoption of this chapter are legal, nonconforming uses and are exempt from the requirements of this chapter. When existing legal, nonconforming fixtures are replaced, fixture replacement shall be in compliance with this chapter, except that the light illumination pattern that existed prior to fixture replacement may remain. This compliance requirement does not apply to bulb/lamp replacement or routine maintenance of the light fixture.
2. **Additions or Alterations to Property:** When an addition of fifty percent (50%) or more in terms of additional dwelling units, gross floor area, cumulative seating capacity, parking spaces, either with a single addition or with cumulative additions occurs on any property, all existing nonconforming lighting fixtures on the entire property shall be made to comply with the requirements of this chapter to the extent it does not restrict the illumination pattern that existed prior to fixture replacement. Additionally, all new outdoor lighting fixtures shall meet the requirements of this chapter.

GENERAL REQUIREMENTS (Reference 19.81.040)

SHIELDING

All outdoor lighting fixtures which utilize 100 watts or more (based on an incandescent bulb), or emit 1,600 lumens or more per fixture, shall be fully shielded per the definition listed in this chapter, unless the fixture is exempted by this chapter. All floodlights which utilize less than 100 watts per fixture must be at least partially shielded to reduce light spillover onto adjacent properties.

Additionally, the light source (bulb) within all lighting fixtures shall be oriented downward to prevent direct uplighting, except as permitted by Section 19.81.040.F.



PROHIBITED LIGHT SOURCE TYPES

The following exterior light source types shall be prohibited in and within twenty-five (25) feet of all residential zone districts (E, R-1, R-2, and R-3): metal halide, mercury vapor, and quartz.

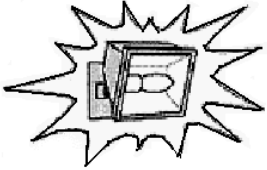



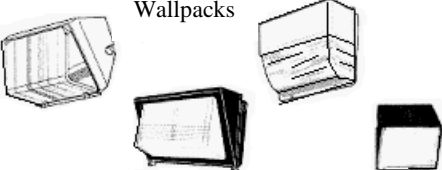

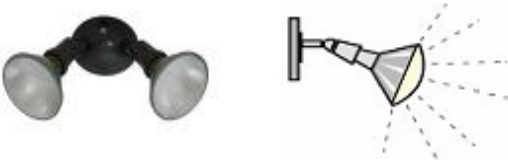



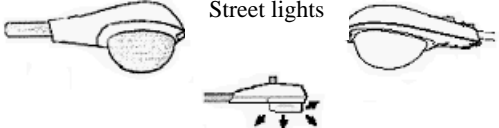
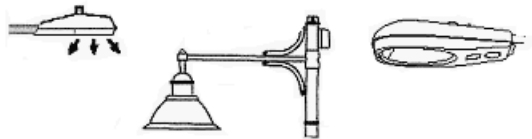
FIXTURE HEIGHT

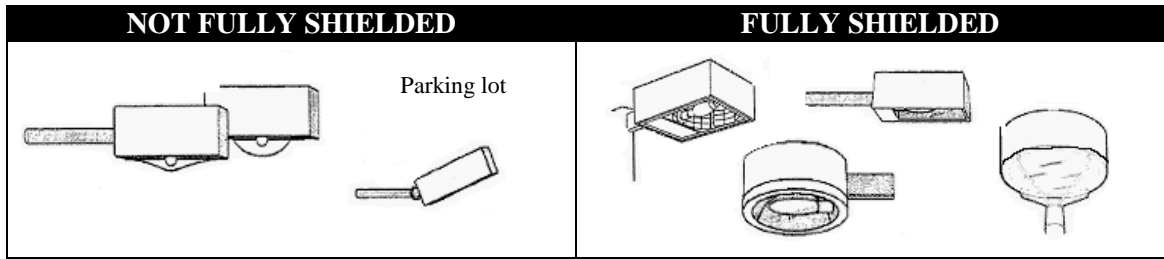
All light fixtures that are mounted on a building or structure (attached lighting) and all lighting fixtures that are not attached (freestanding lighting) shall conform to the mounting height limitations as listed in the table below (Reference complete Table 19.81.050.C.1). Maximum fixture height shall be measured from the finished interior grade of the mounting area to the top point of the lighting fixture.

Fixture Height		
	Residential Zones (E, R-1, R-2, R-3) and any light fixture installed within 25 feet of an existing single- family residence	Non-Residential Zone
Freestanding Lighting	20 feet tall	30 feet tall
Attached Lighting	Shall not exceed height of structure	Shall not exceed height of structure

FIXTURE TYPES

The following figures illustrate examples of fully shielded and not fully shielded outdoor lighting fixtures. Note: Even those types of fixtures shown as fully shielded must be installed and aimed properly to comply with this chapter.

NOT FULLY SHIELDED	FULLY SHIELDED
 <p data-bbox="414 653 722 682">Unshielded Causes Glare</p>	 <p data-bbox="966 653 1323 682">Fully Shielded Reduces Glare</p>
<p data-bbox="487 703 609 730">Floodlights</p> 	 <p data-bbox="868 840 1412 892">Fixtures must be properly angled and mounted to ensure that light is not emitted above the horizontal plane</p>
<p data-bbox="446 913 552 940">Wallpacks</p> 	
	
 <p data-bbox="292 1585 844 1612">Fixtures utilizing less than 100-watts do not require full shielding</p>	 <p data-bbox="1242 1543 1404 1575">Shield Example</p>
<p data-bbox="511 1648 633 1675">Street lights</p> 	



UPLIGHTING AND LIGHTING AIMED AGAINST STRUCTURES OR LANDSCAPING

Direct upward lighting and lighting aimed against structures shall be prohibited except as follows:

1. **Accent lighting of architectural features:** Architectural features may be illuminated by vertical uplighting, provided that no glare or off-site light spillover is produced. Lamps used for this type of accent lighting shall be low intensity to produce a subtle lighting effect and shall utilize less than 100 watts and shall emit less than 1,600 lumens per fixture.
2. **Accent lighting of other objects:** For statues, public art, or other objects of interest where the light cannot be effectively contained by the structure and where objects cannot be illuminated with down lighting, upward lighting may be used in the form of narrow-cone spotlights that utilize less than 100 watts and emit less than 1,600 lumens and confine the illumination to the object of interest. Unrestricted uplighting of a displayed United States Flag or the State of California State Flag shall be permitted.



Example of a narrow-cone spotlight

3. **All other lighting aimed against structures:** An outdoor lighting fixture may be aimed against a structure only if: (1) the light is effectively contained by the structure; (2) no glare is visible from off site; and (3) the fixture is fully shielded so that none of the light which is emitted above the horizontal plane crosses over the property line of the parcel where the subject light is located.
4. **Low voltage landscape light:** Low voltage landscape lighting such as that used to illuminate fountains, shrubbery, trees, walkways, etc., shall be permitted provided that such lighting is limited to fixtures utilizing a maximum of 60 watts (or 750 lumens, whichever is or less), per fixture, the fixture is not mounted to poles or buildings, and the fixture is shielded to eliminate glare and light spillover onto adjacent properties.

NEW ON-SITE OUTDOOR ADVERTISING SIGNS

New off-site outdoor advertising signs installed after the effective date of this chapter (12/8/11) and which include externally mounted light fixtures shall be subject to the following:

The externally mounted light fixtures shall be mounted to the top of the advertising structure, shall be oriented downward and shall be fully shielded, except for fixtures utilizing less than 100 watts and emitting less than 1,600 lumens per fixture. Externally mounted light bulbs or lighting tubes that are not filled with neon, argon, or krypton shall not be visible from any portion of an adjacent public right-of-way or adjoining property. Internally illuminated signs shall be exempt from this chapter and shall be regulated as set forth by Chapter 19.84 (Signs) of the Kern County Zoning Ordinance.

HOURS OF OPERATION (CURFEW) AND SECURITY LIGHTING

1. Outdoor light fixtures located anywhere within a residential zone district (E, R-1, R-2, R-3) or within any other zone district where the new fixture is located within 25 feet of an existing single-family residence, shall adhere to the following:
 - a. Lighting fixtures (such as carriage lights, under-eave lights and porch lights) that utilize less than 100 watts and emit less than 1,600 lumens per fixture and that do not project light above the horizontal plane shall not be subject to an illumination curfew.
 - b. Security lighting fixtures that utilize 100 watts or more (or emit 1,600 lumens or more) shall be controlled by a motion-sensor device if used after 11:00 p.m., and the fixture shall only be illuminated when activated by the device. The motion sensor device shall be programmed so that the fixture remains illuminated for no more than ten (10) minutes if activated by the device. Each fixture shall conform to all other provisions of this chapter, including shielding requirements.
 - c. All other non-exempt outdoor lighting fixtures shall be turned off between the hours of 11:00 p.m. and sunrise.
2. Outdoor lighting fixtures located outside of a residential zone district (E, R-1, R-2, R-3), or located more than 25 feet from any existing single-family residence within any other zone district shall adhere to the following:
 - a. All lighting fixtures shall be subject to the shielding provisions as listed in Section 19.81.040 of this chapter.
 - b. Lighting fixtures listed under this provision shall not be subject to an illumination curfew.

EXEMPTIONS (Reference 19.81.050)

The following are permanently exempt from the provisions of this chapter:

1. Outdoor lighting specifically approved in conjunction with a discretionary permit.

2. Federal and State Facilities: Outdoor light fixtures on, in, or in connection with facilities and land owned or operated by the government of the United States of America or the State of California; however, these agencies are encouraged to comply with the provisions of this ordinance.
3. Airports and Other Lighting Required by the Federal Aviation Administration: Outdoor lighting for public and private airports and any other uses that are regulated by the Federal Aviation Administration.
4. Correctional Institutions: Outdoor lighting for federal, State, and County-owned or operated correctional institutions; however, voluntary compliance with the intent and provisions of this chapter is encouraged.
5. Emergency Light: Temporary emergency lighting needed by the sheriff's department, police department, fire department, public utility, rescue operation or in conjunction with any other emergency service.
6. Temporary Construction: All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
7. Internally Illuminated Signs: All internally illuminated signs, including those used for on-site and off-site advertising purposes. Such signs are regulated by the provisions of Chapter 19.84 (Signs) of the Kern County Zoning Ordinance.
8. Neon, Argon, or Krypton: All fixtures illuminated solely by neon, argon, or krypton.
9. United States Flag and State of California Flag: Lighting used to illuminate a properly displayed United States Flag and/or the State of California Flag.
10. Lighting Required by Building Codes or other Regulations: Communication towers, exit signs, lighting for stairs/ramps, lighting for points of ingress/egress to buildings, and all other illumination required by air navigation safety provisions, building codes, OSHA standards, and other permitting requirements from State or federal agencies.
11. Fossil Fuel Light: All outdoor light fixtures producing light directly by the combustion of fossil fuels (such as kerosene lanterns, gas lamps, etc.)
12. Street Lighting: Lighting equipment within a public or private right-of-way or easement for the principal purpose of illuminating streets, roadways, and/or other areas open to transport by vehicle or pedestrian traffic.
13. Seasonal Displays: Displays using multiple low wattage bulbs or lasers, provided that they do not constitute a fire hazard, create a nuisance, and are maintained in a safe condition. Such displays shall not be illuminated for more than forty-five (45) days per calendar year.
14. Water Features: Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.

15. Oil and Gas Exploration and Production: Outdoor lighting in association with oil and gas exploration and production operations and related facilities shall be exempt from this chapter and are regulated by the provisions of Chapter 19.98 of the Kern County Zoning Ordinance.
16. Temporary Event Lighting: Temporary lighting for special events that does not conform to this chapter shall be reviewed as part of an application for a Temporary Event Permit (TEP), pursuant to Chapter 19.08.340 of the Kern County Zoning Ordinance. Any temporary lighting exemption approved via the TEP process shall be utilized for a period of time that exceeds a combined total of twelve (12) combined days on any one (1) parcel during a calendar year. Exemptions are renewable for a period of not more than twelve (12) additional combined days. Requests for renewal of a temporary exemption shall be processed in the same manner as the original request. No outdoor light fixtures shall be exempted from this chapter for more than twenty-four (24) days combined during a calendar year.
17. Steeples: Lighting used to illumination the tall ornamental tower that forms the superstructure of a church, temple, office building, etc., shall be exempt from this chapter.
18. Temporary Agricultural Activities: Lighting used to illuminate temporary agricultural activities such as harvesting on property zoned A (Exclusive Agriculture) or A-1 (Limited Agriculture) and lasting no more than twelve (12) consecutive days and no more than twenty four (24) combined days on any one parcel during a calendar year.

PERSONS SEEKING AN EXCEPTION TO THIS CHAPTER (reference 19.81.080)

Any person desiring to install or operate an outdoor lighting fixture in such a manner that is not permitted by this chapter may apply for relief from the regulation in question. **(Contact Planning Staff)**

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