

ORDINANCE 2010-01 DARK SKY

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD AMENDING ORDINANCE 367-87 BY ADDING ARTICLE VI, DARK SKY.

Be it ordained by the Common Council of the City of Port Orford that Ordinance 367-87 and the Port Orford Municipal code, Title 15, Signs, be amended and added to by the following:

Item E. Shielding, No. 1. has suggested changes which are highlighted. To be approved or denied before vote on this Ordinance.

ARTICLE VI DARK SKY

15.16.270 Outdoor Lighting

- A. Purpose. The purpose of this provision is to make outdoor lighting used for residential, commercial and public areas appropriate to the need, and to minimize light from shining skyward or offsite onto adjacent public rights of way or private properties. Nothing in this ordinance should be interpreted to restrict the amount of lighting necessary for safe and efficient operations. Further, it is to encourage through regulation of type, kinds, construction and uses of outdoor illumination devices, lighting practices and systems to conserve energy without decreasing safety, utility, security and productivity while enhancing nighttime (dark skies) enjoyment of property within the city of Port Orford.
- B. Definitions. The “IES” (Illuminating Engineering Society of North America) Lighting Handbook, most recent edition and the City of Port Orford Development Code and Building Code shall be used for the definition of terms used in this Ordinance but not defined herein. In the case where a definition of a term is found to be in conflict with a definition or term in any other ordinance, “IES” Handbook or regulation, the more restrictive definition will apply.

Capped. “Capped” applies to residential porch lights of 60 watts or less or the incandescent equivalent and means the fixture has a cover over the top but doesn’t mean the entire horizontal portion of the lamp or bulb must be covered.

Full Cutoff. “Full Cutoff” means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane.

Fixture. “Fixture” means the assembly that holds the lamp or bulb in a lighting system.

Glare. “Glare” means stray unshielded light striking the eye that may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; (d) reduction of visual performance.

Installed. “Installed” means initial installation of outdoor lighting fixtures, poles, electrical wiring and related mounting equipment following the effective date of this Ordinance. Projects with approved

construction plans prior to the effective date of this Ordinance are excluded from compliance with the ordinance in the initial installation only.

Lamp or bulb. "Lamp or bulb" means the light producing source installed in the socket portion of a fixture.

Recessed. "Recessed" means When a light is built into a structure or portion of a structure such that the light is fully cut off and no part of the lamp or bulb extends or protrudes beyond the underside of a structure or portion of a structure.

Replacement. "Replacement" means the installation of a new lighting fixture in place of an existing fixture, and/or the installation of a new lighting housing or head to an existing pole, bracket, wall, tree or other structure. Replacement does NOT mean the changing of light bulbs or lamps in a fixture for the same or lower wattage bulbs.

Safety / security. "Safety / Security" means (a) sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) the use of full cutoff light fixtures above doors, loading areas, building access points and safety areas.

Shielding. "Shielding" means an externally applied device such as a shroud or hood of metal, wood, opaque plastic or opaque glass so that light emitted by the fixture is directed downward below the horizontal plane onto the site and does not shine direct illumination skyward or onto adjacent or nearby property.

Unshielded. "Unshielded" means light fixtures lacking any means to restrict the emitted light to below the horizontal plane or to shine or glare skyward or onto adjacent or nearby property.

Uplighted. "Uplighted" means a shielded light fixture usually installed on the ground or permanently mounted to an architectural element, tree or other structure that has the light from the fixture directed in a contained distribution pattern above the horizontal plane to illuminate an adjacent or nearby building element, sign, shrub, tree or other landscaping.

- C. Submittals. All applications for building permits or land use planning review which include installation of outdoor lighting fixtures shall comply with the provisions of this Ordinance. The Planning Director and/or the City Administrator shall have the authority to request additional information in order to achieve the purposes of this Ordinance. The applicant shall, by signing the permit application, agree to comply with the provisions of this Ordinance, a copy of which shall be provided with the application packet.
- D. Requirements for Installation. Except as exempted by provision of this Ordinance, as of the date of adoption of this Ordinance, the installation of outdoor lighting fixtures shall be subject to the provisions of this ordinance.

E. Shielding. All nonexempt lighting fixtures subject to this Ordinance shall be designed as a full cutoff fixture or have a shielding or recessed method to direct light emissions down onto the site and minimize illumination or glare onto adjacent properties or skyward.

1. Any and all franchised or leased mercury vapor style security lights serviced by Coos Curry Electric Cooperative Inc., or privately operated in the public, private, or commercial sectors, inside the city limits of Port Orford must be retro-fitted with skycaps or replaced with a full cutoff fixture, or decommissioned within 18 months after the effective date of this Ordinance.
2. All externally lit commercial signs should shine from the top and point down toward the ground. Signs with uplighting must be shielded so that illumination or glare onto adjacent properties or skyward is minimized.
3. All outdoor fixtures, except porch lights, using lights of more than 60 watts, (or the incandescent equivalent of 60 watts) such as but not limited to, entrance lights, walkway lights and driveway lights must be shielded, recessed, capped or under a canopy.
4. Porch lights installed adjacent to entry doors are encouraged to use as low wattage as possible to accomplish the purpose of the light.

F. Commercial Business Lighting. Nothing in this ordinance should be interpreted to restrict lighting necessary to conduct business in a safe and efficient manner. Businesses are encouraged to turn off parking lot lights, building lights, signs, landscaping lights and other similar exterior lighting features, except for lights necessary for personal and building safety during the hours that the business is closed.

G. Prohibitions.

1. Laser Light Source. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
2. Searchlights. The use of searchlights for purposes other than public safety or emergencies is prohibited.
3. Blinking & Flashing Lights. All blinking and flashing lights except for traffic control fixtures, public safety or emergencies are prohibited.

H. EXEMPTIONS.

1. Nonconformance.

- a. Outdoor light fixtures, except Mercury Vapor lights, lawfully installed prior to and operable on the effective date of the requirements codified in this Ordinance are exempt from such requirements **except as follows:**
- b. Strings of decorative lights less than 15 watts (or the incandescent equivalent of 15 watts) per individual bulb are exempt from the requirements of this Ordinance.

c. Carnivals, fairs and temporary events that require the use of outdoor lighting require a city permit. Permanent installations at dedicated sites must conform to the requirements of this Ordinance.

d. Lighting for a properly displayed U.S. flag is exempt.

e. Temporary exemptions as granted by the City of Port Orford.

f. Construction lighting necessary for an allowed use is exempt except that permanent installations at dedicated sites must conform to the requirements of this Ordinance.

I. Enforcement, Abatement & Penalties. Lighting disputes should be settled between the parties whenever possible. Education and voluntary compliance are encouraged. As a last resort, non conformance with this Ordinance will be enforced according to the Port Orford Municipal Code Chapter 8.04, NUISANCES.

In all other respects, Ordinance 367-87 shall remain the same and in full force and effect.

The forgoing ordinance was enacted by the Common Council of the City of Port Orford this 18th day of February 2010, by the following vote:

Yes: S.Luhr, C. Clancy, T. Pogwizd, B. McArdle, J. Hewitt, D. Smith

No: None

Abstain: None

Passed: 6 to 0 Failed:

John Hewitt
President of the *City Council of Port Orford*
Curry County Oregon

ATTEST:

Beverley Manes
City Recorder of the *City of Port Orford*
Curry County Oregon