

## CHAPTER 18.39

### OUTDOOR LIGHT

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#### **18.39.010: Purpose:**

(1) Good outdoor lighting at night benefits everyone. It increases safety, enhances Kennewick's nighttime character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. There is a need for a lighting ordinance, which recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and complement the character of Kennewick. Appropriately regulated, and properly installed, outdoor lighting will contribute to the public safety and welfare of the City's residents.

(2) This Chapter is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass into public spaces and private property, promote energy conservation, protect the nighttime character of the desert sky, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor lighting fixtures can illuminate. (Ord. 5180 Sec. 1, 2007)

#### **18.39.020: Definitions:**

(1) "Direct Light" means light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

(2) "Emergency Lighting" means lighting activated to aid in the evacuation of a building or site during an emergency.

(3) "Fixture" means the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

(4) "Flood or Spot light" means any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

(5) "Glare" means light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

(6) “Height of Luminaire” means the height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

(7) “Indirect Light” means direct light that has been reflected or has scattered off of other surfaces.

(8) “Individual” means any private individual, tenant, lessee, owner or any commercial entity, including, but not limited to, companies, partnerships, joint ventures or corporations.

(9) “Installed” means the initial installation of outdoor light fixtures, as defined herein, made subsequent to the enactment of this Chapter and shall not pertain or apply to those outdoor light fixtures existing at the time of the enactment of this Chapter, the maintenance or replacement of existing fixtures with like or similar fixtures, the installation of additional fixtures in an existing system with similar type to conform to existing fixture, or those outdoor light fixtures for streetlighting projects on order or in stock at the time of enactment of this Chapter.

(10) “Lamp” means the component of a luminaire that produces the actual light.

(11) “Light Trespass” means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

(12) “Luminaire” means a complete lighting system, and includes a lamp or lamps and a fixture.

(13) “Outdoor Lighting” means the night-time illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

(14) “Outdoor Light Fixtures” include, but are not limited to, lighting for billboards, streetlights, shopping center parking area lights, externally or internally illuminated onsite or business advertising signs and area-type lighting. (Ord. 5180 Sec. 1, 2007)

### **18.39.030: General Requirements:**

(1) Uplight Shielding. Unless otherwise provided for in this Chapter, all outdoor light fixtures, installed after the enactment of this Chapter, shall be fully shielded in such a manner that the center of light source shall be level or above the edge of the light fixture so that direct light emitted above the horizontal is minimized. All outdoor lighting fixtures, in lieu of shields, shall be equipped with refractors, which minimize any direct light emitted above the horizontal.

(2) Directed or “Good Neighbor” Shielding. All outdoor light fixtures shall be shielded in a manner that directs light downward and limits direct line of sight of a fixture’s lamp to the property upon which the fixture is installed, unless excluded by section 18.39.050.

(3) Light pole height. Light poles may not exceed the height of the nearest streetlight. Sports complex light poles are not subject to this requirement.

(4) Parking areas: Parking areas must be illuminated.

(5) Amortization of non-conforming outdoor light fixtures and lighting shall be as follows:

(a) Any lighting required by this Chapter or any luminaire that modifies, or replaces a grandfathered luminaire, or any luminaire that is moved, must meet the standards of this Chapter.

(b) Section 5 is specific to the fixture being modified or moved.

- (c) Replacement of a bulb or ballast does not trigger compliance with this Chapter.
- (d) A change of land or building use requires compliance with this Chapter.
- (e) Property improvements greater than twenty percent of the assessed value of a property and structure requires compliance with this Chapter.
- (6) Operation of one solid color, single beam searchlight is allowed for community events, and for events for a period of three days not to exceed one time per year with the written approval of the Director. Nonconforming searchlights must be in compliance with this Chapter within one year of the date of adoption. Searchlights are not permitted for commercial advertising. Searchlights may not be operated during periods of fog, and shall not be operated between 10 p.m. and sunrise.
- (7) Private streetlights owned by property owners associations or similar groups must be shielded in accord with KMC Section 18.39.030(1).
- (8) Bridge, flag, fountain, statue, monument, and similar public artwork and feature lighting is permitted provided such lighting does not cause the spilling of direct light to other properties or public ways.
- (9) Building accent and landscaping lighting is permitted provided the light is targeted at the feature to be illuminated, and reflected light is the only upward lighting that occurs. (Ord. 5180 Sec. 1, 2007)

**18.39.040: Acts Declared Unlawful:** It is unlawful for any individual to engage in the following activities:

- (1) The illumination after midnight of an outdoor public recreation facility unless a specific recreational activity is already in progress.
- (2) The outside illumination of any buildings, public or private, by floodlight projected above the horizontal, between midnight and sunrise, provided, that this prohibition shall not apply to any emergency lighting as may be required by any public agency engaged in the performance of their duties.
- (3) The illumination of outdoor signs by floodlighting projected above the horizontal between midnight and sunrise. (Ord. 5180 Sec. 1, 2007)

**18.39.050: Exclusions:**

- (1) Outdoor light fixtures of all types within the City limits of Kennewick existing prior to the effective date of November 12, 1973.
- (2) Private residential outdoor illumination of less than 1,800 lumens.
- (3) Light produced directly by the combustion of natural gas or other fuels.
- (4) Signs in which light is produced by glass tubing filled with neon, argon, and/or krypton.
- (5) Seasonal decorations illuminated no longer than 60 consecutive calendar days.
- (6) Security lights of any wattage that are controlled by motion sensor switch and which do not remain on longer than 10 minutes after activation.
- (7) Signs of the type constructed of translucent materials and wholly illuminated from within which are in compliance with Section 18.39.030. (Ord. 5180 Sec. 1, 2007)

**18.39.060: Conflict with Other Statutes:** Where a provision of the Kennewick Municipal Code, the Revised Code of Washington, or the United States Code, requires for the purpose of health, welfare or public safety a lighting requirement contrary to the provision of this

Chapter, said provision shall prevail over any or all requirements of this Chapter. (Ord. 5180 Sec. 1, 2007)

**18.39.070: Limitation of Actions:** Any action brought under the provisions of this Chapter must be commenced within one year after the date the violation occurred. (Ord. 5180 Sec. 1, 2007)