

**ORDINANCE NO. 2002 - 15**

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to outdoor lighting on public and private property; adding a new Chapter 15.34 to the Bainbridge Island Municipal Code; amending Section 1.26.010; and repealing Section 16.08.080 of the Bainbridge Island Municipal Code.

WHEREAS, the City has determined that the provisions contained in this Ordinance will protect the historical legacy of the night sky, and provide enjoyment of the night sky in the City for future generations; and

WHEREAS, the City has determined that the provisions contained in this Ordinance are intended to encourage through the regulation of the types, kinds, construction, installation, and uses of outdoor electrically powered illuminating devices, lighting practices, and lighting systems that reduce costs and conserve energy and resources, and help protect natural resources; and

WHEREAS, the City wishes to maintain safety, health, security, and productivity, while enhancing nighttime enjoyment of property within its jurisdiction; and

WHEREAS, the City has determined that the provisions contained in this Ordinance will encourage awareness by improving access to the City's lighting codes, through code coordination and consolidation into one Ordinance; now therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON,  
DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 15.34 is added to the Bainbridge Island Municipal Code as follows:

**Chapter 15.34**

**OUTDOOR LIGHTING ON PUBLIC AND PRIVATE PROPERTY**

15.34.010 Purpose

15.34.020 Definitions

15.34.030 Applicability

15.34.040 Exemptions - Decision Criteria

15.34.050 General Standards

15.34.060 Further Restrictions

15.34.070 Submittals

15.34.080 Penalties for Violations

15.34.090 Severability

15.34.100 Figures

**15.34.010 Purpose.** The purpose of this Chapter is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources. The provisions of this Chapter are intended to control glare and light trespass. It is the intent of this Chapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment.

**15.34.020 Definitions.** The following terms have the following definitions for purposes of this Chapter:

- A. "Accent lighting" means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.
- B. "Cut-off angle" (of a luminaire) means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.
- C. "Director" means the Director of the Department of Planning and Community Development.
- D. "Fixture" (also called a "Luminaire") means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
- E. "Foot-candle" means a measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one Lumen/ft<sup>2</sup>. As an example, a typical 60-watt incandescent lamp (840 lumens) produces an illuminance of 0.1 foot-candles at a distance of about 25 feet.
- F. "Fossil fuel light" means any outdoor lighting fixture producing light directly by the combustion of natural gas or other fossil fuel.
- G. "Lamp" means the light-producing source installed in the socket portion of a luminaire.
- H. "Light pollution" means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
- I. "Light trespass" means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or indirectly shines beyond the property on which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line.

- J. "Luminaire" - see definition for "Fixture. "
- K. "Outdoor lighting fixture" means a luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.
- L. "Shielding" means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.
- M. "Spotlight" means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**15.34.030 Applicability.**

- A. All outdoor lighting fixtures installed on private and public property shall comply with this Chapter. This Chapter does not apply to interior lighting; provided, that if it is determined by the Director that any interior lighting emitting light outside of the building or structure in which it is located creates a light trespass, the interior lighting shall be subject to the requirements of this Chapter. Types of outdoor lighting to which this Chapter applies include, but are not limited to lighting for:

1. Building and structures including, but not limited to, overhangs and canopies.
2. Recreational areas.
3. Parking lot lighting.
4. Landscape lighting.
5. Lighting on docks and piers, unless otherwise regulated by BIMC 16.12
6. Street lighting.

B. The City's Department of Planning and Community Development shall administer and enforce this Chapter.

C. In the event of a conflict between the requirements of this Chapter and any other requirement of the Bainbridge Island Municipal Code the more restrictive requirement shall apply.

**15.34.040 Exemptions.**

- A. The following are exempt from the provisions of this Chapter:

1. Traffic control signals and devices.
2. Street lights installed prior to the effective date of this Chapter, provided that when a street light fixture becomes inoperable, any replacement street light fixture shall be subject to the provisions of this Chapter.

3. Temporary emergency lighting (i.e. fire, police, repair workers) or warning lights.
4. Moving vehicle lights.
5. Navigation lights (i.e. radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the Bainbridge Island Municipal Code requires lighting that cannot comply with this Chapter. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute.
6. Seasonal decorations do not have to be shielded, provided that they do not have a brightness of more than 0.1 foot-candles at the property line on which they are installed.
7. Outdoor lighting approved by the Director for temporary or periodic events (e.g. fairs, nighttime construction).
8. Internally and externally illuminated signs regulated by BIMC 15.08.
9. Fossil fuel lights.
10. Existing lights in use before 9:00 p.m., provided that no more than .1 foot-candle of direct light shines off the subject property, as measured at the property line.

**15.34.050 General Standards.** The following general standards shall apply to all non-exempt outdoor lighting fixtures and accent lighting:

- A. All light trespass is prohibited.
- B. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward. Examples of acceptable and unacceptable light pollution control shielding are shown in Figures 1 through 4 in BIMC 15.34.100. The shield must mask the direct horizontal surface of the light source. The light must be aimed to insure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.
- C. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that there is no light trespass (See Figure 3 in BIMC 15.34.100).
- D. Outdoor lighting fixtures and accent lighting shall not directly illuminate public waterways such as Puget Sound, even if the tidelands are

privately owned, unless it is a navigational light subject to state or federal regulations.

E. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties (See Figure 4 in BIMC 15.34.100). Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge.

F. Spot lighting on landscaping and foliage shall be limited to 150 watts incandescent (2220 lumens output).

#### 15.34.60 **Prohibited**

A. The following fixtures (luminaires) are prohibited:

1. Searchlights for any other purpose other than temporary emergency lighting.
2. Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected above the horizontal plane.
3. Quartz lamps
4. Mercury vapor lamps

B. The City reserves the right to further restrict outdoor lighting including, but not limited to, pole height, and level of illumination, when it is deemed to be in the best public interest consistent with the purpose of this Chapter.

**15.34.070 Submittals.** All building permit applications including the installation of outdoor lighting fixtures shall provide evidence of compliance with the requirements of this Chapter on a form provided by the Department of Planning and Community Development.

**15.34.080 Penalties for violation.** Any violation of the provisions of this Chapter shall constitute a civil infraction, enforceable pursuant to BIMC 1.26, Code Enforcement.

**15.34.090 Severability.** If any clause, sentence, paragraph, section or part of this Chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances.

**Section 15.34.100 Figures of acceptable shielding and direction of outdoor light fixtures.** The following four figures illustrate acceptable and unacceptable outdoor lighting fixtures in the City.

Figure 1: Wall mounted lights.

Figure 2: Free standing outdoor lighting fixtures.

Figure 3: Outdoor lighting fixtures - Street and lot light cut-off at property line.

Figure 4: Accent lighting.

Figure 1. Wall mounted lights.

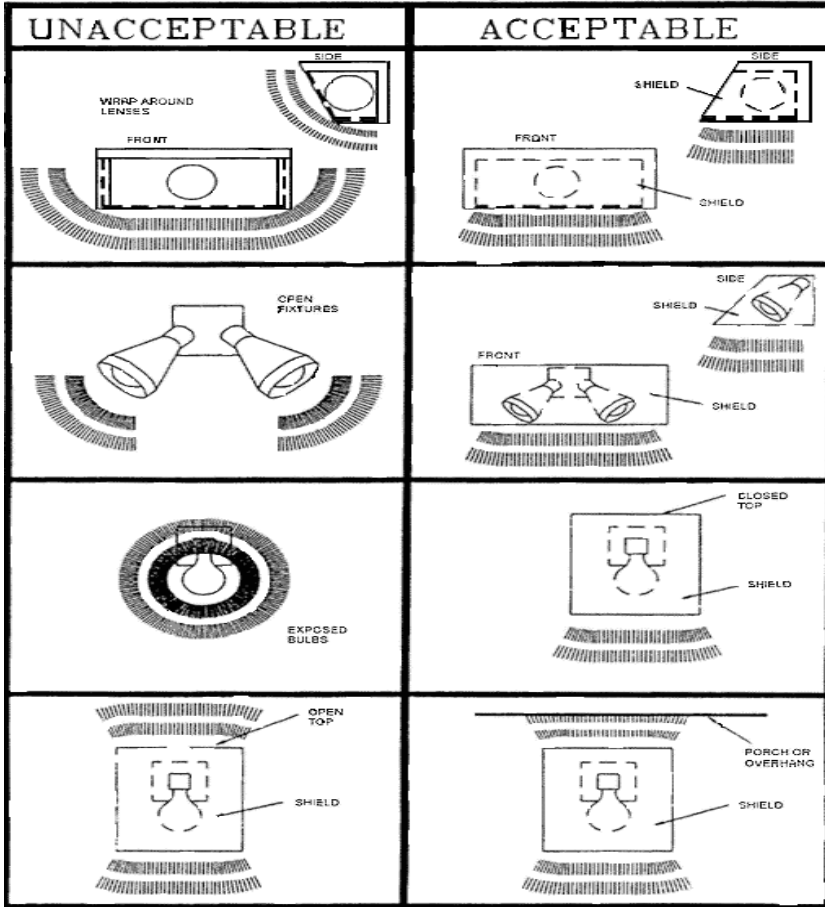


Figure 2. Free standing outdoor lighting fixtures.

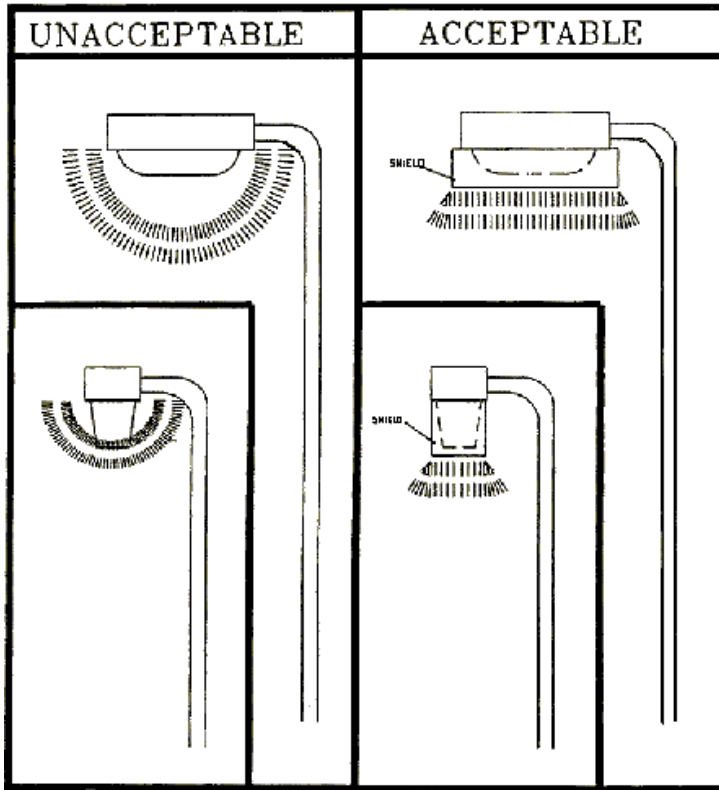


Figure 3. Outdoor lighting fixtures - Street and lot light cut-off at property line.

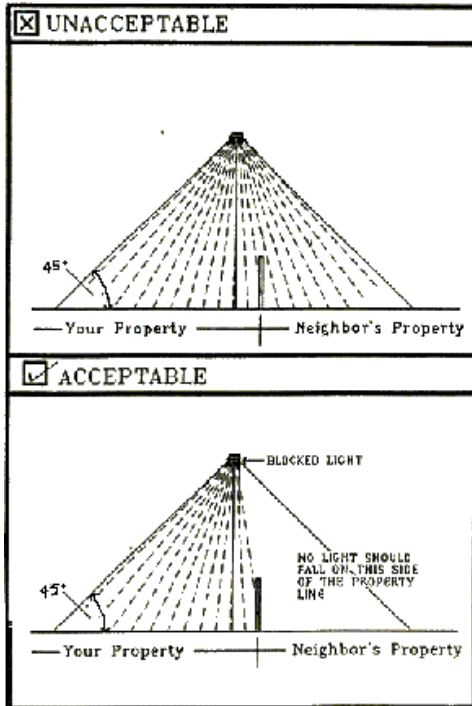
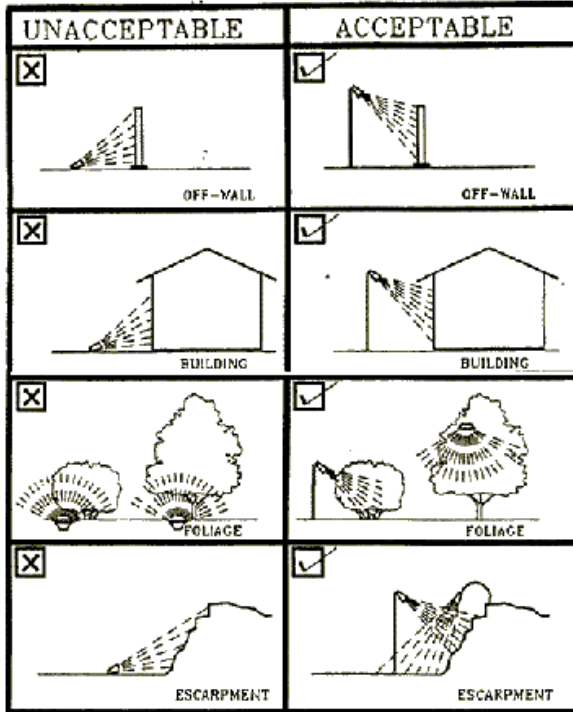


Figure 4. Accent lighting.



Section 2. BIMC 16.08.080 is repealed.

Section 3. Section 1.26.010 of the Bainbridge Island Municipal; Code is amended to read as follows:

**1.26.010 Applicability of chapter.** The provisions of this chapter shall apply to enforcement of Title 18 and Chapters 16.20, 16.22, 15.34 and 15.04 of this code, with the exception of Sections 15.04.090 and 15.04.110 and the Uniform Fire Code adopted by reference in Section 15.04.020. For purposes of this chapter, such titles and chapters shall be referred to as "the applicable chapters and titles of this code."

Section 4. This ordinance shall be effective on January 1, 2003.

PASSED by the City Council this 14th day of August, 2002.

APPROVED by the Mayor this 15th day of August, 2002.

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Darlene Kordonowy, Mayor

ATTEST/AUTHENTICATE:

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Susan P. Kasper, City Clerk

APPROVED AS TO FORM:

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Rod P. Kaseguma, City Attorney

FILED WITH THE CITY CLERK :

PASSED BY THE CITY COUNCIL : August 14, 2002

PUBLISHED : August 21, 2002

EFFECTIVE DATE : January 1, 2003

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