

Desert Hot Springs Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Chapter 17.40 PROPERTY DEVELOPMENT STANDARDS](#)**17.40.170 Outdoor lighting standards.**

A. Intent and Purpose. This section is intended to provide standards for outdoor lighting so as to maintain ambient lighting levels as low as possible in order to enhance the City's community character and charm and maintain dark skies; provide for good visibility while maintaining minimum glare and spillage onto other properties or into the sky; and maintain safety, utility, security and productivity while enhancing nighttime enjoyment of property and the night skies.

B. Applicability. All outdoor artificial lighting devices shall be installed and operated in accordance with the provisions of this section, plus any Uniform Building or Uniform Electrical Codes, NEC codes, NFPA codes or any other code presently or subsequently administered or adopted by the City. Any language contained therein which may conflict with this section shall be construed in a manner that is consistent with this section.

C. Alternative Materials and Methods of Installation. The provisions of this section are not intended to prevent the use of any material or method of installation not specifically prescribed by this section provided any such alternative has been approved by the Building Official. Any alternative method must meet the following:

1. The proposed design, material or method provides protection that is equivalent to the protection specified in this section; and
2. The proposed alternative method otherwise complies with the intent of this section.

D. Definitions. For the purposes of this section, certain terms are defined as follows:

1. "Display lighting" means a beam of light projected into the sky.
2. "Individual" means any private individual, tenant, lessee, owner, or any commercial entity including, but not limited to, companies, partnerships, joint ventures or corporations.
3. "Installed" means the initial installation of outdoor light fixtures defined in this section following the effective date of the ordinance codified in this section.
4. "Outdoor lighting wure" means outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for:
 - a. Buildings and structures.
 - b. Recreational areas.
 - c. Parking lot lighting.
 - d. Landscape lighting.
 - e. Billboards and signs.
 - f. Street lighting.
 - g. General area and yard lighting.

E. General Requirements.

1. **Shielding.** All exterior illuminating devices, except those exempt from this section and those regulated by subsection F of this section shall be fully or partially shielded as required in Table 17.40.170 of this section.
 - a. "Fully shielded" means the fixture shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted, thus preventing the emission of light above the horizontal.
 - b. "Partially shielded" means the fixture shall be shielded in such a manner that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing the emission of light rays above the horizontal.
2. **Filtration.** Those outdoor light fixtures requiring a filter per Table 17.40.170, shall be equipped with a filter consisting of a glass, acrylic or translucent enclosure. Quartz glass does not meet this requirement.
3. **Requirements for Shielding and Filtering.** The requirements for shielding and filtering light emission from outdoor light fixtures shall be as set forth in Table 17.40.170.

TABLE 17.40.170
REQUIREMENTS FOR SHIELDING AND FILTERING OF OUTDOOR LIGHTING
 (see also footnotes following table)

Fixture Lamp Type	Shielding Requirement	Filtering Requirement
Low pressure sodium ⁽¹⁾	Partially	None
High pressure sodium	Fully	None
Metal halide ⁽²⁾	Fully	Yes
Fluorescent	Fully ⁽³⁾	Yes ⁽⁴⁾
Quartz ⁽⁵⁾	Fully	None
Incandescent, greater than 160 watts	Fully	None
Incandescent, 160 watts or less	None	None
Mercury vapor	Fully ⁽⁶⁾	Yes
Fossil fuel	None	None
Glass tubes filled with neon, argon or krypton	None	None
Other sources	As required by the Building Official	As required by the Building Official

⁽¹⁾ This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.

⁽²⁾ Metal halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing hours if before 11:00 p.m.) unless fully shielded. Metal halide lamps shall be in enclosed luminaries.

⁽³⁾ Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.

⁽⁴⁾ Warm white and natural lamps are preferred to minimize detrimental effects.

- (5) For the purposes of this section, quartz lamps shall not be considered an incandescent light source.
- (6) Recommended for existing mercury vapor fixtures. The installation of new mercury fixtures is prohibited.

F. Prohibited Lighting.

1. Outdoor Building/Landscaping Illumination. The unshielded outdoor illumination of any building, landscaping, signing, or other purpose is prohibited except with incandescent fixtures less than 160 watts, fossil fuels, and/or glass tubes (see Table 17.40.170 in this section).
2. New Mercury Vapor Installations. The installation of mercury vapor fixtures is prohibited. All existing mercury vapor lights installed shall be fully shielded.
3. Illuminated Awnings. The use of lighting inside a transparent or translucent ground or wall mounted awning is prohibited.

G. Procedures for Compliance.

1. Applications.

- a. Any individual intending to install outdoor lighting fixtures (other than incandescent lights of 160 watts or less) shall submit an application to the Building Department providing evidence that the proposed work will comply with this section.
- b. Any individual applying for a building permit and intending to install outdoor lighting fixtures (other than incandescent lights of 160 watts or less) shall, as a part of the application, submit such evidence as may be requested to assure that the proposed work complies with this section.
- c. Utility companies, lighting or improvement districts entering into a duly approved contract with the City in which they agree to comply with the provisions of this section shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.

2. Contents of Application. The application shall contain, but shall not necessarily be limited to, the following:

- a. Plans indicating the location on the premises, the height of the supports and fixtures, and the type of illuminating devices, fixtures, lamps, supports and other devices.
- b. Description of the illuminating devices, fixtures, lamps, supports, shielding, filtering and other devices. This description may include but is not limited to, wattage, lighting output, manufacturer's catalog cuts, and drawings (including sections where required).
- c. The above required plans and descriptions shall be sufficiently complete to enable the Building Official to readily determine whether compliance with the requirements of this section will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

3. Issuance of a Permit. Upon the determination that the installation will be in compliance with the requirements of this section, the Building Official shall issue a permit for installation of the outdoor lighting fixtures, to be installed per the approved application.

4. Appeals. Appeal procedures contained in Chapter 17.104, Hearings and Appeals, applicable to decisions of the Director, shall apply to decisions of the Building Official.

5. Amendment to Permit. Should the applicant desire to substitute outdoor light fixtures or lamps after a permit has been issued, the applicant must submit all changes to the Building Official for approval. Such application for amendment shall contain adequate information to assure compliance with this section.

H. Exemptions.

1. Nonconforming Fixtures. All outdoor light fixtures existing and fully and legally installed, prior to September 1, 2002, may indefinitely remain in use as nonconforming structures provided that no change in use, replacement, structural alteration, or restoration of outdoor light fixtures, other than bulb replacement, is made unless such change conforms to the regulations of this section.
2. Fossil Fuel Light. Light fixtures using fossil fuel (i.e., light produced directly or indirectly from the combustion of natural gas or other utility type fossil fuel) are exempt from the requirements of this section.
3. Government Facilities. Those facilities and lands owned and operated or protected by the federal government, the State of California, the County of Riverside, the Palm Springs Unified School District or the City of Desert Hot Springs are exempted by law from all requirements of this section. Voluntary compliance with the intent of this section at those facilities is encouraged.
4. Recreational Facilities. The illumination of outdoor recreational facilities, public and private, is exempt from the requirements of this section with the following limitations:
 - a. The light fixtures for outdoor recreational facilities shall meet the shielding requirements in Table 17.40.170 of this section.
 - b. No such outdoor recreational facility shall be illuminated by nonconforming means after 10:00 p.m. except to conclude a specific recreation or sporting event or any other activity conducted at a ballpark, outdoor amphitheater, arena, or similar facility in progress prior to 10:00 p.m.

I. Temporary and Special Exemptions.

1. Request for Temporary Exemptions. Any individual may submit application for a minor use permit, on a form prepared by the Community Development Department, to the Building Official for a temporary exemption to the requirements of this section. Such exemptions shall be valid for 30 days. The request for temporary exemption shall contain, at a minimum, the following information:
 - a. Specific exemptions and justification for the exemptions requested;
 - b. Type, use and hours of operation of the exterior light involved;
 - c. Duration of time for the requested exemption;
 - d. Type of lamp and calculated lumens;
 - e. Total wattage of the lamp or lamps;
 - f. Proposed location and height of exterior lights;
 - g. Physical size of the exterior lights and the type of shielding and/or filtering provided;
 - h. Previous temporary exemptions, if any.
2. Special Exemption. The Community Development Director may grant a special exemption to the requirements of Table 17.40.170 in this section only by approval of a minor exception permit which includes, in addition to the findings required in Section 17.116.040 of the Zoning Ordinance, a written finding that there are extreme geographic or geometric conditions warranting the

exemption and that there are no conforming fixtures that will otherwise suffice. The request for a special exemption shall contain, at a minimum, the information specified in subsections (1)(1)(a) through (g) of this section.

3. Additional Information. In addition to the information required in subsection (1)(1) of this section, the Building Official or Community Development Director may request any additional information which would enable the Building Official or Community Development Director to make a reasonable evaluation of the request for temporary exemption or special exemption.

4. Appeal of a Temporary Exemption or Special Exemption. The Building Official or Community Development Director, within 5 days from the date of the properly completed request for an exemption, shall approve or reject in writing the request. If rejected, the individual making the request shall have the right to appeal to the Planning Commission for the City of Desert Hot Springs, for review pursuant to the procedures applicable to any other appeal of a decision of the Building Official or Director.

5. Extension of Time for a Temporary Exemption. Any individual requesting a temporary exemption for a period greater than 30 days, or an extension beyond the original 30-day period for a temporary exemption, shall apply to the Planning Commission for an extension. The extension request shall contain (in addition to other permit requirements), the information specified in subsection G of this section.

J. Display Lighting Use. With the approval of the City Council, searchlights and laser lights may be used. This type of lighting shall comply with the following requirements:

1. Permits shall be issued for grand openings only or in conjunction with an entertainment event or similar activity. A grand opening shall commemorate an initial building or project opening, a change in ownership of an existing business, or remodel/enlargement of over 50% of the floor area or a new business in an existing building.
2. The only uses allowed to apply for this permit are: shopping centers with not less than 50,000 square feet of leased area, hotel with 50 rooms or more or automobile dealerships that sell new cars.
3. The application for a permit must be received 30 days prior to the event commencing.
4. Hours of operation shall be limited from dusk to 10:00 p.m.
5. Use of the display light(s) is limited to a maximum period of 10 days per calendar year.
6. Approval of the Federal Aviation Agency, if required, shall be obtained prior to each event.

K. Public Nuisance. Any light fixture installed after December 1, 2002 which violates the provisions of this section constitutes an infraction and a public nuisance and shall be abated. (Prior code § 159.20.030 (14))

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