

# ORDINANCE NO. 24-OR0151-1

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 39 OF THE OCEANSIDE CITY CODE TO ESTABLISH OUTDOOR LIGHTING STANDARDS FOR RESIDENTIAL DWELLINGS AND MULTI-FAMILY DEVELOPMENTS WITH THREE OR LESS UNITS**

WHEREAS, Chapter 39 of the Oceanside City Code contains provisions to restrict the permitted use of certain light fixtures emitting into the night sky undesirable light rays which have a detrimental effect on astronomical observation and research;

WHEREAS, City Code Section 39.9(e) specifies that all residential homes shall be exempt from the provision of Chapter 39 except for multi-family developments over three (3) units;

WHEREAS, improper lighting fixtures on residential properties may cause light spillage or excessive glare on adjacent properties, resulting in a nuisance for surrounding residents;

WHEREAS, the exemption of residential homes from requirements of Article 39 for residential homes limits the City from adequately enforcing nuisance lighting in residential neighborhoods;

WHEREAS, the City intends to establish to outdoor lighting standards for residential dwellings and multi-family developments of three units or less to prevent light trespass and nuisance lighting in residential neighborhoods; and

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Sec. 39.5. – General Requirements – of Chapter 39 of the Oceanside City Code is hereby amended to add the following section (d):

(d) *Lighting fixtures for residential dwellings and multi-family developments with three or less units shall be maintained in a manner that prevents light trespass on adjoining residential properties as follows:*

*(1) All outdoor lighting fixtures shall be shielded or angled below the horizontal plane of the fixture so that no direct illumination occurs beyond the property on which the lighting is located.*

1           (2) *Security lighting, landscape lighting, or architectural accent lighting, that is*  
2 *properly directed and shielded or angled in accordance with section 39.5(d)(1), may be*  
3 *operated at all hours of the night.*

4           (3) *Any lighting that produces light trespass on adjacent properties shall be*  
5 *deemed a nuisance and in violation of this chapter.*

6           (4) *For the purposes of this section, light trespass means light emitted by an*  
7 *outdoor lighting fixture, security lighting landscape lighting or architectural accent that*  
8 *directly illuminates beyond the property on which the fixture is installed.*

9           (5) *Residential dwellings and multi-family developments with three or less units*  
10 *are only subject to the provisions of section 39.3 (Approved materials and methods of*  
11 *installation), this section 39.5(d) and section 39.11 (Violations and penalties). No additional*  
12 *provisions of this chapter shall apply unless otherwise required by law.*

13         SECTION 2. Sec. 39.9 – Permanent Exemptions – of Chapter 39 of the Oceanside City  
14 Code is hereby amended to strikeout and delete Subsection 39.9(e).

15         SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this  
16 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)  
17 days after its passage in a newspaper of general circulation published in the City of Oceanside.

18         SECTION 4. Severability.

19         If any section, sentence, clause or phrase of this Ordinance is for any reason held to be  
20 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision  
21 shall not affect the validity of the remaining portions of this Ordinance. The City Council  
22 hereby declares that it would have passed this ordinance and adopted this Ordinance and each  
23 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more  
24 sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

25         SECTION 5. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day  
26 from and after its adoption.

1 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
2 California, held on the 10th day of April, 2024 and, thereafter,  
3 PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside  
4 California, held on the 24th day of April, 2024, by the following vote:

5 AYES: Sanchez, Keim, Joyce, Robinson, Weiss

6 NAYS: None

7 ABSENT: None

8 ABSTAIN: None

9 /s/ Esther C. Sanchez  
10 MAYOR OF THE CITY OF OCEANSIDE

11 ATTEST:

APPROVED AS TO FORM:

12  
13 /s/ Zeb Navarro  
14 CITY CLERK

/s/ John Mullen  
CITY ATTORNEY