
HOUSE BILL 1069

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By Representatives Hunt, Kagi, Nelson, VanDeWege, Hasegawa, Williams, Dunshee, McCoy, Appleton, Lias, Takko, Simpson, Darneille, Rolfes, Dickerson, Kenney, White, and Chase

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1 AN ACT Relating to light pollution; amending RCW 19.27.020,
2 19.27.031, and 47.42.062; adding a new section to chapter 70.95M RCW;
3 and adding a new chapter to Title 70 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The increased use of ineffective and
6 inefficient exterior lighting in Washington has generated unnecessary
7 light pollution and wasteful energy consumption. With the application
8 of the best technology available, Washington will be able to reduce sky
9 glow, create substantial reductions in energy consumption, and protect
10 the nighttime environment.

11 Light pollution may be greatly reduced by using properly designed
12 light fixtures that direct light downward, are properly installed, and
13 avoid glare and light trespass. This lighting is known as fully
14 shielded luminaires. With improved optical control and reflector
15 design, modern fully shielded luminaires deliver the same amount of
16 light to the ground as older wasteful designs but use less power, thus
17 reducing the amount of energy used, which saves money and reduces the
18 quantity of greenhouse gases released into the environment.

1 Therefore, it is the intent of the legislature to require the best
2 technology available in all exterior lighting in order to reduce energy
3 consumption and protect our night sky.

4 **Sec. 2.** RCW 19.27.020 and 1985 c 360 s 6 are each amended to read
5 as follows:

6 The purpose of this chapter is to promote the health, safety, and
7 welfare of the occupants or users of buildings and structures and the
8 general public by the provision of building codes throughout the state.
9 Accordingly, this chapter is designed to effectuate the following
10 purposes, objectives, and standards:

11 (1) To require minimum performance standards and requirements for
12 construction and construction materials, consistent with accepted
13 standards of engineering, fire, and life safety.

14 (2) To require standards and requirements in terms of performance
15 and nationally accepted standards.

16 (3) To permit the use of modern technical methods, devices, and
17 improvements.

18 (4) To eliminate restrictive, obsolete, conflicting, duplicating,
19 and unnecessary regulations and requirements which could unnecessarily
20 increase construction costs or retard the use of new materials and
21 methods of installation or provide unwarranted preferential treatment
22 to types or classes of materials or products or methods of
23 construction.

24 (5) To provide for standards and specifications for making
25 buildings and facilities accessible to and usable by ~~((physically
26 disabled persons))~~ individuals with disabilities.

27 (6) To provide for standards and specifications for requiring the
28 best technology available in all exterior lighting in order to reduce
29 energy consumption and reduce light pollution.

30 (7) To consolidate within each authorized enforcement jurisdiction,
31 the administration and enforcement of building codes.

32 **Sec. 3.** RCW 19.27.031 and 2003 c 291 s 2 are each amended to read
33 as follows:

34 Except as otherwise provided in this chapter, there shall be in
35 effect in all counties and cities the state building code which shall
36 consist of the following codes which are hereby adopted by reference:

1 (1)(a) The International Building Code, published by the
2 International Code Council(~~(+)~~), Inc.;

3 (b) The International Residential Code, published by the
4 International Code Council, Inc.;

5 (2) The International Mechanical Code, published by the
6 International Code Council(~~(+)~~), Inc., except that the standards for
7 liquified petroleum gas installations shall be NFPA 58 (Storage and
8 Handling of Liquified Petroleum Gases) and ANSI Z223.1/NFPA 54
9 (National Fuel Gas Code);

10 (3) The International Fire Code, published by the International
11 Code Council(~~(+)~~), Inc., including those standards of the National
12 Fire Protection Association specifically referenced in the
13 International Fire Code: PROVIDED, That, notwithstanding any wording
14 in this code, participants in religious ceremonies shall not be
15 precluded from carrying hand-held candles;

16 (4) Except as provided in RCW 19.27.170, the Uniform Plumbing Code
17 and Uniform Plumbing Code Standards, published by the International
18 Association of Plumbing and Mechanical Officials: PROVIDED, That any
19 provisions of such code affecting sewers or fuel gas piping are not
20 adopted; (~~and~~)

21 (5) The rules adopted by the council establishing standards for
22 making buildings and facilities accessible to and usable by (~~the~~
23 ~~physically disabled~~) individuals with disabilities or elderly persons
24 as provided in RCW 70.92.100 through 70.92.160; and

25 (6) The rules adopted by the state building code council
26 establishing standards for requiring the best technology available in
27 all exterior lighting in order to reduce energy consumption and reduce
28 light pollution as provided in sections 4 through 12 of this act.

29 In case of conflict among the codes enumerated in subsections (1),
30 (2), (3), and (4) of this section, the first named code shall govern
31 over those following.

32 The codes enumerated in this section shall be adopted by the
33 council as provided in RCW 19.27.074. The council shall solicit input
34 from first responders to ensure that firefighter safety issues are
35 addressed during the code adoption process.

36 The council may issue opinions relating to the codes at the request
37 of a local official charged with the duty to enforce the enumerated
38 codes.

1 NEW SECTION. **Sec. 4.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires otherwise.

3 (1) "Council" means the state building code council established in
4 RCW 19.27.070.

5 (2) "Fully shielded" means an outdoor lighting fixture that is
6 installed and shielded in such a manner that all light rays emitted by
7 the fixture, either directly from the lamp or indirectly from the
8 fixture, are projected below a horizontal plane running through the
9 lowest point on the fixture where light is emitted.

10 (3) "Lamp" means the component of a luminaire that produces actual
11 light.

12 (4) "LED" means light emitting diodes.

13 (5) "Luminaire" means a complete lighting system, which includes a
14 lamp or lamps and a fixture.

15 (6) "Mercury vapor lamp" means a high intensity discharge lamp in
16 which the major portion of the light is produced by radiation from
17 mercury operating at a partial pressure in excess of 100,000 Pa
18 (approximately 1 atm).

19 (7) "Outdoor lighting" means nighttime illumination of an outside
20 area or object by any human-made device located outdoors that produces
21 light by any means.

22 (8) "Outdoor lighting fixture" means outdoor electrically powered
23 illuminating devices, outdoor lighting or reflective surfaces, lamps,
24 and similar devices that are permanently installed or portable and used
25 for illumination, decoration, or advertisement. These devices include
26 search, spot, and floodlights at or on the following:

- 27 (a) Buildings and structures;
- 28 (b) Recreational areas;
- 29 (c) Parking and display lot lighting;
- 30 (d) Landscape lighting;
- 31 (e) Billboards and other signs;
- 32 (f) Street lighting;
- 33 (g) Product display area lighting; and
- 34 (h) Building overhangs and open canopies.

35 (9) "Person" means an individual, a tenant, a lessee, an owner, or
36 any commercial entity, including a firm, business, partnership, joint
37 venture, government entity, or corporation.

1 (10) "Temporary outdoor lighting" means the specific illumination
2 of an outside area of objects by any human-made device located outdoors
3 that produces light by any means for a period of less than thirty days,
4 with at least one hundred eighty days passing before it is used again.

5 NEW SECTION. **Sec. 5.** The council, in consultation with the
6 department of ecology, shall adopt by rule minimum standards for
7 requiring the best technology available in all exterior lighting in
8 order to reduce energy consumption and reduce light pollution. The
9 council shall incorporate sections 6 through 12 of this act as part of
10 the minimum standards adopted.

11 NEW SECTION. **Sec. 6.** (1) All new public and private outdoor
12 lighting installed after July 1, 2010, in Washington must conform to
13 the requirements of this chapter. All other public and private outdoor
14 lighting must conform to the requirements of this chapter by July 1,
15 2020.

16 (2) Nothing in this chapter prevents the application or adoption of
17 local regulations restricting light pollution that are equal to or more
18 stringent than the requirements of this chapter.

19 NEW SECTION. **Sec. 7.** The provisions of this chapter do not apply
20 to:

21 (1) Temporary lighting required for construction projects and
22 related to road construction and repair, installation of sewer and
23 water facilities, and other public infrastructure;

24 (2) Temporary emergency lighting used by police, fire departments,
25 or other emergency services;

26 (3) Hazard warning luminaires required by federal law and federal
27 regulatory agencies, if the luminaires are red and as close as possible
28 to the minimum required lumen output for the task under federal law;

29 (4) Seasonal and decorative lighting displays that use multiple low
30 wattage bulbs;

31 (5) Navigation lights used for marine and aviation safety;

32 (6) Historical buildings that meet the requirements of RCW
33 19.27.120.

1 NEW SECTION. **Sec. 8.** (1) Any new or replacement outdoor lighting
2 fixture must be a fully shielded luminaire if the rated output of the
3 outdoor lighting fixture is greater than one thousand eight hundred
4 lumens.

5 (2) Where practicable, lighting must include timers, dimmers, and
6 sensors to reduce overall energy consumption.

7 NEW SECTION. **Sec. 9.** (1) Outdoor lighting may not be used for
8 public or private outdoor recreational facilities, including but not
9 limited to football fields, soccer fields, baseball fields, softball
10 fields, tennis courts, race tracks, ski slopes, or show areas unless
11 the following conditions are met:

12 (a) Lighting for parking lots and other areas surrounding the
13 recreational facility comply with this chapter;

14 (b) The fixtures used for event lighting are fully shielded; and

15 (c) The event is scheduled to complete all activity before or as
16 near to 10:00 p.m. as practical.

17 (2) A person may not illuminate a playing field, court, slope, or
18 track after 11:00 p.m. except to conclude a scheduled event that was in
19 progress before 11:00 p.m. and if circumstances prevented the event
20 from concluding before 11:00 p.m.

21 NEW SECTION. **Sec. 10.** (1) Outdoor lighting may not be used for
22 lighting outdoor display lots, including automobile sales or rentals,
23 recreational vehicle sales, or building material sales unless the
24 following conditions are met:

25 (a) Lighting of parking lots and other areas surrounding the
26 display lot comply with this chapter;

27 (b) Fixtures used for display lighting are fully shielded; and

28 (c) Display lot lighting is turned off within thirty minutes after
29 closing the business.

30 (2) A person may not fully illuminate a display lot after 10:00
31 p.m., but security lighting may be used after 10:00 p.m.

32 NEW SECTION. **Sec. 11.** A new section is added to chapter 70.95M
33 RCW to read as follows:

34 (1) A person may not install, sell, offer to sell, lease, or

1 purchase a mercury vapor fixture, lamp, or other device for outdoor
2 lighting use.

3 (2) Mercury vapor lamps or fixtures used for outdoor lighting must
4 be removed by July 1, 2010.

5 NEW SECTION. **Sec. 12.** In addition to the restrictions under RCW
6 47.42.062(4), an outdoor lighting fixture used to illuminate outdoor
7 advertising signs, including street signs and directive signs, must be
8 fully shielded and mounted on top of the sign structure.

9 **Sec. 13.** RCW 47.42.062 and 1975 1st ex.s. c 271 s 3 are each
10 amended to read as follows:

11 Signs within six hundred and sixty feet of the nearest edge of the
12 right-of-way which are visible from the main traveled way of the
13 primary system within commercial and industrial areas and whose size,
14 lighting, and spacing are consistent with the customary use of property
15 for the effective display of outdoor advertising as set forth in this
16 section may be erected and maintained: PROVIDED, That this section
17 shall not serve to restrict type 3 signs located along any portion of
18 the primary system within an incorporated city or town or within any
19 commercial or industrial area.

20 (1) General: Signs shall not be erected or maintained which (a)
21 imitate or resemble any official traffic sign, signal, or device; (b)
22 are erected or maintained upon trees or painted or drawn upon rocks or
23 other natural features and which are structurally unsafe or in
24 disrepair; or (c) have any visible moving parts.

25 (2) Size of signs:

26 (a) The maximum area for any one sign shall be six hundred seventy-
27 two square feet with a maximum height of twenty-five feet and maximum
28 length of fifty feet inclusive of any border and trim but excluding the
29 base or apron, supports and other structural members: PROVIDED, That
30 cut-outs and extensions may add up to twenty percent of additional sign
31 area.

32 (b) For the purposes of this subsection, double-faced, back-to-
33 back, or V-type signs shall be considered as two signs.

34 (c) Signs which exceed three hundred twenty-five square feet in
35 area may not be double-faced (abutting and facing the same direction).

36 (3) Spacing of signs:

1 (a) Signs may not be located in such a manner as to obscure, or
2 otherwise physically interfere with the effectiveness of an official
3 traffic sign, signal, or device, obstruct or physically interfere with
4 the driver's view of approaching, merging, or intersecting traffic.

5 (b) On limited access highways established pursuant to chapter
6 47.52 RCW no two signs shall be spaced less than one thousand feet
7 apart, and no sign may be located within three thousand feet of the
8 center of an interchange, a safety rest area, or information center, or
9 within one thousand feet of an intersection at grade. Double-faced
10 signs shall be prohibited. Not more than a total of five sign
11 structures shall be permitted on both sides of the highway per mile.

12 (c) On noncontrolled access highways inside the boundaries of
13 incorporated cities and towns not more than a total of four sign
14 structures on both sides of the highway within a space of six hundred
15 sixty feet shall be permitted with a minimum of one hundred feet
16 between sign structures. In no event, however, shall more than four
17 sign structures be permitted between platted intersecting streets or
18 highways. On noncontrolled access highways outside the boundaries of
19 incorporated cities and towns minimum spacing between sign structures
20 on each side of the highway shall be five hundred feet.

21 (d) For the purposes of this subsection, a back-to-back sign and a
22 V-type sign shall be considered one sign structure.

23 (e) Official signs, and signs advertising activities conducted on
24 the property on which they are located shall not be considered in
25 determining compliance with the above spacing requirements. The
26 minimum space between structures shall be measured along the nearest
27 edge of the pavement between points directly opposite the signs along
28 each side of the highway and shall apply to signs located on the same
29 side of the highway.

30 (4) Lighting: Signs may be illuminated, subject to the following
31 restrictions:

32 (a) Signs which contain, include, or are illuminated by any
33 flashing, intermittent, or moving light or lights are prohibited,
34 except those giving public service information such as time, date,
35 temperature, weather, or similar information.

36 (b) Signs which are not effectively shielded as to prevent beams or
37 rays of light from being directed at any portion of the traveled ways
38 of the highway and which are of such intensity or brilliance as to

1 cause glare or to impair the vision of the driver of any motor vehicle,
2 or which otherwise interfere with any driver's operation of a motor
3 vehicle are prohibited.

4 (c) No sign shall be so illuminated that it interferes with the
5 effectiveness of, or obscures an official traffic sign, device, or
6 signal.

7 (d) Signs must be fully shielded and mounted on top of the sign
8 structure.

9 (e) All such lighting shall be subject to any other provisions
10 relating to lighting of signs presently applicable to all highways
11 under the jurisdiction of the state.

12 NEW SECTION. **Sec. 14.** Sections 1, 4 through 10, and 12 of this
13 act constitute a new chapter in Title 70 RCW.

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