COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Praisner

AN ACT to:

(1) establish outdoor lighting standards, including standards relating to shielding, aiming, efficacy, color rendition, power density, illuminance, luminance, controls, and off-site spill;
(2) require a person to obtain approval of a lighting plan from the Department of Permitting Services before applying to the Planning Board for site plan approval or to the Board of Appeals for a special exception;
(3) require applicants for certain types of building permits, electrical permits, and use and occupancy permits to submit a lighting plan to the Department of Permitting Services for approval;
(4) create certain exemptions;
(5) authorize the Director of the Department of Permitting Services to grant certain types of modifications;
(6) establish certain penalties;
(7) establish a compliance deadline for existing outdoor lighting; and
(8) generally amend the law relating to outdoor lighting in the County.

By amending
Montgomery County Code
Chapter 2, Administration
Section 2-112

By adding
Montgomery County Code
Chapter 29B, Light Control

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 2-112 is amended as follows:

2-112. Jurisdiction.

* * *

(c) The Board has the following appellate jurisdiction.

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Sec. 2. Chapter 29B, Light Control is added as follows:

Chapter 29B, Light Control

29B-1. Short Title.

This Chapter may be cited as the Montgomery County Light Control Law

29B-2. Policy.

This Chapter is intended to reduce excessive, inefficient, improperly aimed, and poorly shielded outdoor light that harms the public health and welfare by degrading the nighttime visual environment, impairing the use and enjoyment of property, creating safety hazards relating to glare, and wasting energy.

29B-3. Definitions.

In this Chapter, the following words have the meanings indicated.

“Building” has the meaning stated in Section 59-A-2.1.

“Building permit” means a building permit issued by the Department under Chapter 8.

“Candela” means a standard unit of light intensity in a specific direction, equal to 1 lumen per steridian.

“Color rendering index” means a method for describing the effect of a light source on the color appearance of objects compared to a reference light of the same color temperature.
“Department” means the Department of Permitting Services.

“Director” means the Director of the Department of Permitting Services or the Director’s designee.

“Efficacy” means the amount of lumens produced by a lamp or light source per unit of power, expressed in lumens per watt.

“Electrical equipment” has the meaning stated in Section 17-11.

“Electrical permit” means an electrical permit issued by the Department under Chapter 17.

“Enforcement officer” means a person authorized under Section 29B-9 to enforce this Chapter.

“Footcandle” means a unit of illuminance equal to 1 lumen per square foot. This is the illuminance provided by a light source of 1 candela at a distance of 1 foot.

“Full-cutoff” or “full-cutoff light fixture” means a light fixture that is designed to block the amount of light emitted from the fixture at certain angles in compliance with the IESNA “full-cutoff” or “full cut-off light fixture” standard or another equivalent standard identified in regulations.

“IECC” means the version of the International Energy Conservation Code adopted by the County under Section 8-13.

“IESNA” means the Illuminating Engineering Society of North America.

“Illuminance” means the amount of light falling on a unit area of surface (luminous flux per unit area), measured in footcandles.

“Initial light output” means the amount of light emitted by an outdoor light fixture when it is new, as identified in the manufacturer’s specifications.

“Lighting plan” means a lighting plan required by Section 29B-6.

“Lighting professional” means:

(1) a professional engineer who is licensed by the State; or
(2) an individual who has successfully completed the lighting certification exam conducted by the National Council on Qualifications for the Lighting Profession or an equivalent exam identified in regulations.

“Luminance” means the amount of light emitted by an outdoor light fixture or reflected by a surface, measured in candelas per square foot.

“Low wattage fluorescent light” means a fluorescent light of 25 watts or less.

“Low wattage incandescent light” means a halogen light of 75 watts or less or a non-halogen incandescent light of 100 watts or less.

“Lumen” means 1 unit of luminous flux. This unit is used to measure the amount of light emitted from a light source. One lumen is equal to the amount of light emitted by a light source of 1 spherical candela that falls on a 1 square-foot surface located 1 foot away.

“Luminaire” means a complete lighting assembly, including any lamp, housing, reflector, lens, or shield.

“Off-site spill” means light that falls beyond the boundary of the property on which a light fixture is located.

“Outdoor display area” means an area where products or services are sold or displayed.

“Outdoor light fixture” means any permanent, temporary, or portable luminaire used outdoors, including any light fixture used to illuminate:

(1) a building or structure;
(2) a driveway;
(3) a parking facility;
(4) an outdoor display area;
(5) an outdoor performance area.
(6) a recreational area or facility;

(7) a road;

(8) a sidewalk or path;

(9) a sign; or

(10) a yard, park, or landscape.

“Outdoor lighting system” means the outdoor light fixture or outdoor light fixtures, and any accompanying accessories, used to illuminate a particular building, structure, or area.

“Parking facility” has the meaning stated in Section 59-A-2.1.

“Planning Board” means the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.

“Planning Director” means the Director of the Montgomery County Department of Planning.

“Power density” means the amount of electricity used to generate light per unit of area, expressed in watts per square feet.

“Recreational area or facility” means an outdoor building, structure, or area designed for active recreation, whether publicly or privately owned, including a baseball diamond, basketball court, soccer field, football field, golf course, tennis court, swimming pool, or other area or facility identified in regulations.

“Sign” has the meaning stated in Section 59-A-2.1.

“Site plan” means a site plan or amendment to a site plan approved by the Planning Board under Division 59-D-3.

“Special exception” means a special exception or amendment to a special exception approved by the Board of Appeals under Division 59-G.

“Structure” has the meaning stated in Section 59-A-2.1
“Total light output” means the total initial light output, measured in lumens, of an outdoor lighting system.

**29B-4. Scope.**

This Chapter applies to all outdoor light fixtures and outdoor lighting systems in the County, except when a different requirement or standard is expressly required by State law.

**29B-5. Standards.**

(a) **Shielding and aiming.**

(1) An outdoor light fixture with a total light output greater than 2,000 lumens must:

(A) be a full cut-off fixture and installed and maintained level, without any upward or sideward tilt unless necessary to prevent off-site spill; and

(B) comply with any other shielding or aiming requirement specified in regulations.

(2) An outdoor light fixture with a total light output of 2,000 lumens or less that is not a full cut-off fixture must:

(A) have a downward aim that does not exceed 45 degrees from vertical; and

(B) comply with any other shielding or aiming requirement specified in regulations.

(b) **Efficacy.** An outdoor light fixture must have an efficacy equal to the greater of:

(1) 60 lumens per watt;

(2) the efficacy required by the IECC, if applicable; or

(3) the efficacy established in regulations based on nationally recognized standards or best practices.
(c) **Color rendition.** An outdoor light fixture must have a color rendering index of at least 20.

(d) **Power density.** An outdoor lighting system must have a power density equal to the lesser of the power density:

1. required by the IECC, if applicable; or
2. established in regulations based on nationally recognized standards or best practices.

(e) **Illuminance.**

1. The County Executive must adopt regulations that set illuminance standards for:
   
   (A) buildings;
   (B) driveways;
   (C) parking facilities;
   (D) recreational areas and facilities;
   (E) roads;
   (F) sidewalks and paths;
   (G) signs;
   (H) outdoor display areas;
   (I) outdoor performance areas;
   (J) yards, parks, and landscapes; and
   (K) any other particular type of building, structure, or area, if the County Executive finds that an illuminance standard would further the policy described in Section 29B-2.

2. The illuminance standards set by regulation must be based on:

   (A) the use of the building, structure, or area that is illuminated;
   (B) IESNA recommended practices;
(C) other nationally recognized standards or best practices; and

(D) any other criteria identified in regulations that would further the policy described in Section 29B-2.

(f) **Luminance.** The County Executive must adopt regulations that set limits on luminance for signs and building facades based on IESNA recommended practices and other nationally recognized standards and best practices.

(g) **Controls.**

(1) An outdoor light fixture must be turned off during daylight hours.

(2) The County Executive may adopt regulations based on the criteria listed in subsection (i) that require an outdoor light fixture outdoor lighting system to:

(A) automatically turn off at specified times;

(B) automatically lower lighting levels at specified times;

(C) be controlled by a motion sensor; or

(D) use any other control that the County Executive finds necessary to serve the policy described in Section 29B-2.

(h) **Off-site spill.** The County Executive must adopt regulations based on the criteria listed in subsection (g) that set limits on off-site spill from an outdoor lighting system.

(i) **Regulations.** Regulations adopted under subsection (f) regarding lighting controls or subsection (g) regarding off-site spill must be based on:

(1) the use of the building, structure, or area that is illuminated;

(2) the level of ambient brightness in the surrounding area;
(3) IESNA recommended practices;

(4) other nationally recognized standards or best practices; and

(5) any other relevant criteria identified in regulations that would further the policy described in Section 29B-2.

(i) More stringent zoning requirements. If Chapter 59 establishes a lighting standard that is more stringent than a standard established under this Section, an outdoor lighting system must comply with the standard established in Chapter 59.

29B-6. Site plans, special exceptions, building permits, use and occupancy permits, and electrical permits; lighting plans.

(a) Site plans. Except as provided in subsection (d), a person must obtain the Director’s approval of a lighting plan before applying to the Planning Board for site plan approval under Division 59-D-3.

(b) Special exceptions. Except as provided in subsection (d), a person must obtain the Director’s approval of a lighting plan before applying to the Board of Appeals for a special exception under Division 59-G-1.

(c) Permits. A person must obtain the Director’s approval of a lighting plan before the Director issues any of the following permits:

(1) a building permit for a building or structure that includes an outdoor lighting system;

(2) a use and occupancy permit for a building or structure that includes an outdoor lighting system; and

(3) an electrical permit for electrical equipment that includes an outdoor lighting system.

(d) Exemption. A person need not obtain the Director’s approval of a lighting plan before applying to the Planning Board for site plan...
approval or the Board of Appeals for a special exception if the combined total light output of the outdoor lighting system for the building, structure, or area that is the subject of the application is less than 7000 lumens.

(e) Contents of lighting plan.

(1) If the combined total light output of the outdoor lighting system for the building, structure, or area that is the subject of the application is 14,000 lumens or less, a lighting plan must include:

(A) the number and type of outdoor light fixtures;

(B) a diagram showing the location and height of each outdoor light fixture;

(C) the manufacturer’s specifications for each outdoor light fixture; and

(D) any other information that the Director finds necessary to determine whether a lighting plan complies with this Chapter.

(2) If the combined total light output of the outdoor lighting system for the building, structure, or area that is the subject of the application is greater than 14,000 lumens, a lighting plan must be certified by a lighting professional and include:

(A) the number and type of outdoor light fixtures;

(B) a diagram showing the location and height of each outdoor light fixture;

(C) the manufacturer’s specifications for each outdoor light fixture

(D) the size of each illuminated building, structure, or area;
(E) for each illuminated building, structure, or area, the efficacy and power density of the outdoor lighting system;

(F) for each illuminated building, structure, or area, the level of illuminance and off-site spill; and

(G) any other information that the Director finds necessary to determine whether a lighting plan complies with this Chapter.

(f) **Conditional approval of lighting plan.** If the Director finds that a lighting plan for a site plan or special exception complies with this Chapter, the Director must:

(1) approve the lighting plan subject to approval by the Planning Board or Board of Appeals; and

(2) issue a written approval clearly indicating that approval of the lighting plan by the Planning Board or Board of Appeals is a condition of the Director’s approval.

(g) **Lighting plan amendments.** If the Planning Board or Board of Appeals requires that a lighting plan approved by the Director be changed before approving a site plan or special exception, the applicant must obtain the Director’s approval of a lighting plan amendment that implements the required change before the Planning Board or Board of Appeals approves the site plan or special exception.

(h) **Condition of permits.** The Department must require compliance with this Chapter as a condition of any building permit, use and occupancy permit, or electrical permit.

29B-7. **Exemptions.**
The following types of lighting are exempt from the requirements of this Chapter:

(1) an outdoor lighting system that consists solely of low wattage incandescent lights or low wattage fluorescent lights if the total light output of the system is 7,000 lumens or less;

(2) an emergency light used by or at the direction of police, fire protection, medical personnel, or correctional officers;

(3) an outdoor lighting system used to illuminate an airport or correctional facility; and

(4) any other outdoor lighting system exempted in regulations.

29B-8. Modifications.

(a) Authorized. The Director may allow an applicant to modify a requirement of this Chapter if the applicant shows that:

(1) compliance would be impractical and unduly burdensome;

(2) the public interest would be served by the modification;

(3) the modification is consistent with the intent of this Chapter;

and

(4) the modification would not cause excessive glare or off-site spill on adjacent property or the surrounding area.

(b) 30 days or less.

(1) The Director may allow an applicant to modify a requirement of this Chapter for up to 30 days without holding a public hearing.

(2) The Director must not renew a modification granted under this subsection.

(c) More than 30 days. The Director may allow an applicant to modify a requirement of this Chapter for longer than 30 days only after
providing notice as required by subsection (d) and holding a public
hearing as required by subsection (e).

(d) Notice.

(1) Within 10 days after the Director receives an application for a
modification, the Director must mail written notice of the
application to adjacent property owners and, in the Director’s
discretion, any other interested person.

(2) The written notice must contain:

(A) the name of the applicant, the case number, and the date,
time, and place of the hearing;

(B) a description of the requested modification;

(C) a statement indicating that the complete application is
available for inspection at the Department;

(D) the address, telephone number, and business hours of the
Department; and

(E) an explanation of any requirements for written or oral
testimony at the hearing.

(e) Hearing.

(1) The Director must hold a hearing on a modification application
no sooner than 30 days after mailing the notice required by
subsection (d).

(2) If the Director finds that an emergency poses an immediate
threat to the public health, safety, or interest, the Director may
reduce the notice period required by paragraph (1).

(3) The Director must issue a decision within 30 days after:

(A) the hearing; or
(B) if the Director holds the record open after the hearing, the close of the record.

(f) Signs. At least 30 days before the hearing, and for 30 days after the Director issues a decision on the application, the applicant must provide notice of the hearing by posting a conspicuous sign that conforms to design, content, size, and location requirements set by regulation.

(g) Conditions. If the Director allows a modification, the Director must require the applicant to use the best technology and strategy reasonably available to mitigate the adverse affects of any outdoor lighting system that does not comply with this Chapter.


(a) Generally. The Director must enforce this Chapter.

(b) Concurrent authority. The County Executive may delegate concurrent authority to enforce this Chapter to the Police Department, any other Executive department, or any applicable municipal agency in any municipality in which this Chapter applies.

29B-10. Complaints.

(a) Written complaint. Any person may file a written complaint with the Department alleging that an outdoor lighting system does not comply with this Chapter.

(b) Contents. A complaint must be in writing and contain:

(1) the name and address of the complainant;

(2) the address and, if known, the name of the owner of the building, structure, or area that allegedly does not comply with this Chapter; and

(3) a description of the alleged violation.
(c) **Inspection.** Within 30 days after receiving a complaint, the Department must inspect the building, structure, or area to determine the validity of the complaint.

(d) **Notice of violation and corrective order.**

(1) If the Department finds that a building, structure, or area does not comply with this Chapter, the Department must issue a notice of violation and corrective order.

(2) The notice of violation must identify the Section of this Chapter that has been violated and the date, nature, and extent of the violation.

(3) The corrective order must describe the action required to correct the violation and direct the owner to correct the violation within a specified period.

(e) **Notice to complainant.** Within 14 days after inspection, the Director must mail the results of the inspection to the complainant, including a copy of any notice of violation and corrective order.

(f) **Re-inspection.** When the time to correct a violation ends, the Department must re-inspect the building, structure, or area to determine whether the violation has been corrected.

(g) **Additional authority.** The authority granted by this Section is in addition to any authority granted to the Director under Chapter 8 regarding building permits and use and occupancy permits, Chapter 17 regarding electrical permits, or Division 59-G-1 regarding special exceptions.

**29B-11. Penalties and injunctive relief.**

(a) **Penalties.** A violation of this Chapter is a Class A civil violation.

Each day a violation continues is a separate offense.
(b) Injunctive relief. The Department may seek injunctive or other appropriate judicial relief to stop or prevent any continuing violation of this Chapter.

29B-12. Appeals.

A person aggrieved by a final decision of the Director regarding a lighting plan under Section 29B-6 or a modification under Section 29B-8 may appeal the decision to the Board of Appeals, under the procedures specified in Section 2-113, within 30 days after the Director issues the decision.

29B-13. Regulations

The County Executive must adopt regulations under method (2) as necessary to administer this Chapter. Those regulations must:

(a) set standards for shielding, aiming, efficacy, color rendition, power density, illuminance, luminance, controls, and off-site spill that are consistent with Section 29B-5;

(b) identify any outdoor lighting system that is exempt from this Chapter under Section 29B-7, in addition to those that are listed in Section 29B-7;

(c) set standards for the design, content, size, and location of the sign that must be posted by an applicant before a public hearing on a modification under Section 29B-8;

(d) set fees sufficient to offset the cost of administering this Chapter; and

(e) identify equipment and techniques that must be used to measure compliance.

Sec. 3. Applicability; initial regulations.

(a) Chapter 29B, as added by this Act, applies to any building permit, use and occupancy permit, electrical permit, special exception, or site plan for which an application is filed on or after January 1, 2008.
(b) Any outdoor light fixture or outdoor lighting system lawfully installed before and operable on January 1, 2008 that does not comply with Chapter 29B, as added by this Act, must be brought into compliance by January 1, 2013.

(c) By September 15, 2007, the County Executive must adopt, and submit to the Council under County Code Section 2A-15, regulations that meet the requirements of Section 29B-13, as added by this Act.

Approved:

Marilyn Praisner, President, County Council

Isiah Leggett, County Executive

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council