

1 [Office Building After-Hours Lighting.]

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3 **Ordinance amending the San Francisco Environment Code by adding a new Chapter 9**
4 **to conserve electricity by prohibiting commercial buildings from lighting unoccupied**
5 **interior spaces after business hours; and to make environmental findings.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are *strikethrough italics Times New Roman*.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. Findings

11 1. The state of our environment is of paramount importance, and given the abdication
12 of the federal government in this area in fighting global warming, the City and County of San
13 Francisco has a duty to protect our environment.

14 2. It is estimated that almost half of the electricity used in a typical office building is
15 used to keep lights on, and that commercial establishments account for about half of the
16 lighting energy used in the United States.

17 3. Not only are lights typically left on in buildings when occupants leave an office
18 during the middle of the day, but the night skylines of all U.S. cities are filled with lights from
19 countless empty offices, and San Francisco is no exception.

20 4. Simply instructing office workers to turn lights off voluntarily has not been an
21 effective environmental strategy, since many workers forget to do so, and cleaning crews
22 often turn lights on again.

23 5. In recent years, there has been a rapid development in lighting control technologies
24 that turn lights off automatically when the last person leaves an office.

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1 6. These technologies not only have a positive impact on the environment by reducing
2 greenhouse gas emissions, but also save significant sums of money by reducing utility bills,
3 while simultaneously ensuring the security of office buildings.

4 7. Additionally, in San Francisco, there are significant rebates for buildings that invest
5 in lighting controls. While PG&E estimates that the typical payback period for an investment
6 in lighting control technology is 2 to 2.5 years, many buildings do not take advantage of these
7 rebate programs due to the lack of awareness of such programs.

8 8. Given the business terms of many commercial leases, in which commercial
9 landlords pass along electricity costs to commercial tenants, and commercial tenants have no
10 direct contractual relationship with an electric utility, many parties lack direct economic
11 incentives to invest in lighting controls.

12 9. As San Francisco has joined cities around the world in turning off lights for one hour
13 on March 29th as part of the international Earth Hour event, the City and County of San
14 Francisco should lead the way in encouraging office buildings to turn lights off and to
15 implement lighting controls.

16 Section 2. The San Francisco Environment Code is hereby amended by adding a new
17 Chapter 9, to read as follows:

18 **SEC. 900. SHORT TITLE.**

19 *This Ordinance shall be entitled the "Office Building After Hours Lighting Ordinance."*

20 **SEC. 901. DEFINITIONS.**

21 *The following terms shall have the meanings set forth below.*

22 *(a) "After Hours" means the earlier of (1) one hour after the conclusion of a person's*
23 *published or posted business hours until one hour prior to the occupant's published or posted business*
24 *hours, or (2) _____ PM until _____ AM.*

1 (b) “Commercial Building” means any privately owned building that is occupancy group B,
2 M or S as defined in the San Francisco Building Code that is located in any C-3 District within the City
3 and County of San Francisco.

4 (c) “Director” means the Director of the Department of the Environment or his or her
5 designee.

6 (d) “Exit Sign” means a sign located and illuminated as required by the Building Code.

7 (e) “Luminaire” means an interior or exterior complete lighting unit, including internally
8 or externally illuminated signs, consisting of the lamp and the parts designed to distribute the light, to
9 protect the lamp, and to connect the lamp to the power supply, but not including illuminated utilization
10 equipment or exit signs as defined herein.

11 (f) “Occupancy Sensor Control Device” means a device that automatically turns off a
12 luminaire or series of luminaires no more than 30 minutes after it senses that the area is vacated.

13 (g) “Published or posted business hours” means the regular hours that the business is open
14 to the public as stated in any printed or electronic media at the direction of, or with the approval of, the
15 business proprietor(s), including but not limited to hours included in a business or professional
16 directory, advertisement, business card, or lobby or entry sign.

17 (h) “Path of Travel lighting” means any lighting required to be provided for emergency
18 purposes by the San Francisco Building Code.

19 (i) “Person” means an individual, trust, firm, joint stock company, corporation,
20 partnership or association that owns or controls a commercial building or a tenancy in a commercial
21 building.

22 (j) “Unoccupied Space” means any interior area in a commercial building with no person
23 physically present except for interior areas fitted with luminaires controlled by an occupancy sensor
24 control device that does not control an area in the building of more than 250 square feet.

1 (k) “Utilization Equipment” means commercial, retail or industrial equipment, including
2 but not limited to, refrigeration equipment, fully enclosed retail display cases, vending machines,
3 printing equipment or conveyors, which uses light bulbs, lamps or tubes as an integrated part of such
4 equipment. “Utilization Equipment” shall not include furniture or workstations.

5 **SEC. 902. AFTER HOURS LIGHTING PROHIBITED.**

6 (a) No person may illuminate any unoccupied space in a commercial building after hours
7 except for exit signs, path of travel lighting and utilization equipment lighting.

8 (b) Each floor of a commercial building where after hours lighting is displayed in violation
9 of this Section 902 constitutes a separate violation. Each day that after hours lighting is displayed in
10 violation of this Section 902 constitutes a separate violation.

11 (c) No later than six months after the effective date of this Ordinance, each person who
12 owns a commercial building shall submit the following information to the City on a form and in a
13 manner specified by the Department of the Environment:

14 (i) the locations, if any, in the commercial building where operational occupancy
15 sensor control devices control luminaires; and

16 (ii) the identity and business hours of each tenant or owner-occupant in the
17 commercial building with business hours between _____ PM and _____ AM.

18 **SEC. 903. ENFORCEMENT.**

19 (a) Beginning twelve months after the effective date of this Ordinance, the Director shall
20 issue a written warning to any person he or she determines is violating Section 902. If, after issuing a
21 written warning, the Director finds that person continues to violate Section 902, the Director may apply
22 for or impose the various sanctions provided in Section 903(b) and (c).

23 (b) Any person who violates the provisions of Section 902 of this Ordinance shall be guilty
24 of an infraction. If charged as an infraction, upon conviction thereof, said person shall be punished for
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1 the first offense by a fine of not more than \$50.00 for a first violation; not more than \$100.00 for a
2 second violation in the same year; and not more than \$250.00 for each subsequent violation in the
3 same year.

4 (c) In the event that the City adopts an ordinance creating a procedure for the City
5 Administrator to impose and review Administrative Penalties pursuant to California Government Code
6 Section 53069.4, the Director may refer violations to the City Administrator for investigation and/or
7 enforcement. In such case, the City Administrator may impose Administrative Penalties for violation of
8 this Ordinance as follows: (1) in an amount not exceeding \$50.00 for the first violation, (2) in an
9 amount not exceeding \$100.00 for the second violation, and (3) in an amount not exceeding \$150.00 for
10 each subsequent violation in any given year.

11 **SEC 904. RULES.**

12 The Director, upon recommendation of the Commission on the Environment after a public
13 hearing, shall adopt, and may amend, reasonable rules, guidelines and forms for implementing the
14 provisions and intent of this Ordinance.

15 **SEC. 905. REPORT TO THE BOARD OF SUPERVISORS.**

16 No later than eighteen months after the effective date of this Ordinance, the Director, in
17 consultation with the City Administrator and with input from members of the public, shall submit to the
18 Board of Supervisors a written report recommending changes, if any, to this Ordinance, including the
19 impact of this Ordinance on energy usage and whether the prohibition against illuminating unoccupied
20 spaces not regulated by occupancy sensor control devices after hours in commercial buildings should
21 be extended to other types of buildings, as supported by the report.

22 **SEC 906. OPERATIVE DATE.**

23 This Ordinance shall take effect and be in full force from and after its effective date.

24 **SEC. 907. UNDERTAKING FOR THE GENERAL WELFARE.**

1 In undertaking the enforcement of this Ordinance, the City and County of San Francisco is
2 assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on
3 its officers an employees, an obligation for breach of which it is liable in money damages to any person
4 who claims that such breach proximately caused injury.

5 **SEC. 908. SEVERABILITY.**

6 If any provisions or clause of this Ordinance or the application thereof to any person or
7 circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent
8 jurisdiction, such invalidity shall not affect other provisions, and clauses of this Ordinance are
9 declared to be severable.

10 Section 3. The Planning Department has determined that the actions contemplated in
11 this Ordinance are in compliance with the California Environmental Quality Act (California
12 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of
13 the Board of Supervisors in File No. _____ and is incorporated herein by reference.

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15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: _____
18 CATHARINE BARNES
19 Deputy City Attorney
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