ORDINANCE NO. 780

An Ordinance relating to war-time control of illumination in the City of Kent, providing for aid to the Federal Government in the enforcement thereof, and defining offenses and prescribing penalties.

WHEREAS, Proclamation No. 13 of the Commander, Headquarters Western Defense Command and Fourth Army, which is based upon Public Law No. 503, 77th Congress, approved March 31, 1943, requires extinguishment and control as therein and herein provided for illumination within the City of Kent and requests local agencies to aid in the enforcement thereof; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT DO ORDAIN AS FOLLOWS:

SECTION 1. That at all times from sunset to sunrise illumination within the City of Kent shall be extinguished and controlled in compliance with those provisions of Public Proclamation No. 13 of the Commander, Headquarters Western Defense Command and Fourth Army, which read as follows:

"(a) SIGNS, FLOODLIGHTING, DISPLAY AND INTERIOR LIGHTING. Illuminated signs and ornamental lighting of every description which are located out-of-doors, and floodlighting which illuminates buildings or signs (including but not limited to all exterior advertising signs, billboards, display lighting, theatre marquee signs, illuminated poster panels, and building outline lighting, and all interior light sources (as hereinafter defined) which emit direct rays above the horizontal out-of-doors, shall be extinguished. The words, 'light sources', as used herein shall be construed and are intended to mean and include any light generating elements and the bright portion of any reflector, lens, luminaire, transparency, or other equipment associated herewith for the control or diffusion of light. This Section 1 (a) shall not apply to illumination for industrial or protective purposes except to the extent provided for in Section 1 (b) hereof.
"(b) ILLUMINATION OF OUTDOOR AREAS; STREET AND HIGHWAY LIGHTS. Illumination of outdoor areas and industrial and protective illumination, shall be controlled as follows:

(1) Except as provided in Section 1 (b) (2) hereof, illumination on outdoor areas (including but not limited to automobile service station yards, outdoor parking areas, recreation areas and outdoor structures and roofs) shall not exceed one foot candle at any point when measured on a horizontal plane at any level of such outdoor areas, and all outdoor light sources shall be shielded so that no direct rays from the light source are emitted above the horizontal. All interior lighting of every description shall be reduced or controlled so that it does not contribute more than one foot candle of illumination upon any outdoor area. All street and highway lights shall be shielded so that each light source emits no more than ten percent of its total lamp lumens at angles above the horizontal. Provided the foregoing requirements are met, any further reduction or extinguishment of street or highway illumination which would unnecessarily aggravate traffic hazards is not required.

(2) Variations from the foregoing requirements shall be permitted in the case of illumination for industrial and protective purposes, and from industrial processes, whether interior or exterior, but not including street or highway lights, only when and to the extent that it is necessary to vary from such requirements in order to achieve and maintain maximum efficiency; but only with the written approval of the Ninth Regional Civilian Defense Board, obtained in advance.

"(c) TRAFFIC SIGNS AND SIGNALS. Illuminated signs and signals which are authorized or maintained by governmental authority for the purpose of controlling or directing street or highway traffic shall be shielded so that no direct rays from the light source are emitted above the horizontal in respect to lights mounted ten feet or more above the ground, or above an
angle of more than six degrees above the horizontal in respect to lights mounted less than ten feet but not more than three feet above the ground, or above an angle of more than twelve degrees above the horizontal in respect to lights mounted less than three feet above the ground. Relative variations in the upward limit of light are permissible to compensate for grades.

"(d) NAVIGATION AND RAILROAD LIGHTS. Authorized lights necessary to facilitate air or water navigation, authorized railroad signal lights, and the headlights of railroad locomotives when in motion, are hereby excepted from all the provisions of this proclamation."

SECTION 2. PENALTIES.

Any violation of, or failure to comply with any provision of this Ordinance shall be punishable by a fine not exceeding Three Hundred Dollars ($300.00) or by imprisonment in the City Jail not exceeding ninety (90) days or by both such fine and imprisonment.

SECTION 3. The City of Kent hereby recognizes the civil and military necessity for the concurrent enforcement of the provisions of this Ordinance, by the City of Kent and the Federal Government.

SECTION 4. The United States is now at war and this city by the provisions of said Public Proclamation No. 13 is located in a military of restricted lighting and illumination established as a matter of military necessity in order to minimize the danger of enemy attack and to provide maximum protection for war utilities, war materials and war premises. By reason of the immediate threat of enemy attack, compliance with the provisions of said Proclamation No. 13 is essential for the maximum protection of the lives and property of the people of the City of Kent.
It is also necessary for the maximum protection of the lives and property of the people of the City of Kent that any other or future (if any) public proclamation of the Commander, Headquarters Western Defense Command and Fourth Army, relative to war-time illumination in the City of Kent, shall be enforced during the entire period of such proclamation; by reason thereof, any violation, or failure to comply with, any provision of such other or future (if any) proclamation, of the Commander, Headquarters of Western Defense Command and Fourth Army, relative to war-time illumination, during the effective period thereof, is hereby declared to be a misdemeanor and shall be punishable by a fine of not exceeding $300.00 or by imprisonment in the City Jail not exceeding 90 days, or by both such fine and imprisonment.

SECTION 5. If any provision of this Ordinance shall be held to be invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

INTRODUCED: December 21, 1942
PASSED: January 8, 1943
APPROVED: December 31, 1943

[Signature]
Mayor

[Signature]
City Clerk

[Signature]
City Attorney
ORDINANCE
No. 730

Regulating Dem-Act

Regulating Black Outs

REPEALED
BY ORD. 2005