

**PALMER LAKE, COLORADO
ORDINANCE NO. 20 OF 2018**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE REPEALING ORDINANCE 13 OF 2017, AMENDING THE TOWN OF PALMER LAKE MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 14.17 CONCERNING EXTERIOR LIGHTING TO PROTECT THE NIGHT SKY AND MINIMIZE IMPACTS ON ADJACENT PROPERTY OWNERS, SETTING THE PENALTY FOR VIOLATIONS THEREOF, AND AMENDING SECTION 17.72.030 CONCERNING THE POWERS OF THE BOARD OF ADJUSTMENT

WHEREAS, THE TOWN OF PALMER LAKE (THE "TOWN") IS A COLORADO MUNICIPAL CORPORATION AUTHORIZED TO ADOPT THIS ORDINANCE PURSUANT TO (1) THE LOCAL GOVERNMENT LAND USE CONTROL ENABLING ACT, ARTICLE 20 OF TITLE 29, C.R.S.; (2) PART 3 OF ARTICLE 23 OF TITLE 31, C.R.S. (CONCERNING MUNICIPAL ZONING POWERS); (3) SECTION 31-15-103, C.R.S. (CONCERNING MUNICIPAL POLICE POWERS); AND (4) SECTION 31-15-401, C.R.S.(CONCERNING MUNICIPAL POLICE POWERS); AND

WHEREAS, THE WELFARE AND ENJOYMENT OF THE TOWN IS ASSOCIATED WITH ITS SMALL-TOWN CHARACTER; AND

WHEREAS, PRESERVING AND PROTECTING THE NIGHT SKY ENHANCES THE USE AND ENJOYMENT OF PROPERTY THROUGH THE USE OF APPROPRIATE LIGHTING PRACTICES; AND

WHEREAS, IN ADOPTING THIS ORDINANCE, THE TOWN BOARD OF TRUSTEES DESIRES TO (1) PROVIDE FOR ADEQUATE LIGHT FOR SAFETY AND SECURITY; (2) PROMOTE EFFICIENT AND COST EFFECTIVE LIGHTING AND ENERGY CONSERVATION; (3) PROHIBIT LIGHT POLLUTION, LIGHT TRESPASS, GLARE, AND OFFENSIVE LIGHT SOURCES; (4) PROVIDE AN ENVIRONMENTALLY SENSITIVE NIGHTTIME ENVIRONMENT THAT INCLUDES THE ABILITY TO VIEW THE STARS AGAINST A DARK SKY; (5) PREVENT INAPPROPRIATE, POORLY DESIGNED OR POORLY INSTALLED OUTDOOR LIGHTING; AND (6) ESTABLISH A PROGRAM TO REMOVE OR REPLACE LIGHT FIXTURES THAT VIOLATE THE REQUIREMENTS OF THIS ORDINANCE; AND

WHEREAS, ON BALANCE, THE BURDENS CREATED TO INDIVIDUAL PROPERTY OWNERS BY THE PROVISIONS OF THIS ORDINANCE REQUIRING THE EVENTUAL ELIMINATING OF NONCONFORMING LIGHTING FIXTURES ARE GREATLY OUTWEIGHED BY THE BENEFITS THAT WILL BE PROVIDED TO ALL OF THE CITIZENS OF AND THE MANY VISITORS TO THE TOWN AND AREAS THAT ARE

IN CLOSE PROXIMITY TO THE TOWN IN THAT THE VALUE OF THE FIXTURES REQUIRED TO BE REPLACED BY THIS ORDINANCE ARE COMPARATIVELY SMALL AND, ON BALANCE, THE BURDEN PLACED ON PROPERTY OWNERS IS MINIMAL AS COMPARED TO THE SUBSTANTIAL BENEFITS GAINED BY SUCH REPLACEMENT, WHICH WILL RESULT IN SUBSTANTIAL DECREASE OF UNNECESSARY LIGHT TRESPASS AND LIGHT POLLUTION.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:

Section 1. Ordinance 13 of 2017 is hereby repealed.

Section 2. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 3: Title 14 of the Palmer Lake Municipal Code shall be amended by the addition a new Chapter 14.17 which shall read as follows in its entirety:

CHAPTER 14.17
EXTERIOR LIGHTING REGULATIONS

Sections:

14.17.010	Title
14.17.020	Definitions
14.17.030	Applicability; Compliance Date
14.17.040	Prohibited Lighting; Exemptions
14.17.050	Lighting Standards
14.17.060	Relief Procedures
14.17.070	Violations; Penalties; Enforcement

14.17.010 Title.

This Chapter shall be known and may be cited as the "Town of Palmer Lake Exterior Lighting Regulations."

14.17.020 Definitions.

When used in this Chapter, the following words, terms, and phrases, and their derivations shall have the meanings provided in this Section, except where the context clearly indicates a different meaning.

"Emergency Lighting" means temporary lighting used by a police department, fire department, or other governmental entity required for public safety in the reasonable determination of public safety officials with authority.

“Foot-Candle” means a unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot.

“Glare” means a harsh uncomfortably bright light.

“Holiday lighting” means seasonal lighting using typical low-wattage lamps outlining a building or structure, or decorative string lighting in trees, commonly associated with the winter holiday season which begins Thanksgiving of each year and ends January 15th of the following year.

“Laser light” means a device that emits light through a process of optical amplification based on the stimulated emission of electromagnetic radiation.

“Light trespass” means any form of shining light emanating from a fixture that penetrates property other than that on which it is placed by more than 0.04 foot-candles at the property line.

“Motion sensor” means a mechanism for controlling illumination by turning lights on when activated by motion and remaining on during activity for a maximum of thirty minutes following the last detection of motion.

“Photocell” means a mechanism that is activated by the nonpresence of sunlight (and has the effect of illuminating a property all night).

“Prohibited bulbs” means any metal halide bulbs, fluorescent bulbs, or LED bulbs with correlated color temperature of 3000k or above.

“Searchlight” means a device, consisting of a light source and a reflecting surface behind it that projects a powerful beam of light in a particular direction. Search light does not include a powerful flashlight or emergency lighting.

“Shielded fixture” means a light fixture that has an opaque (a) shield, (b) housing or (c) shade over the bulb or lamp such that light is not emitted through the top or the sides of the shield, housing or shade and is emitted downward only and not past the property line of the property on which the fixture exists.

14.17.030 Applicability; Compliance Date.

A. Unless exempt under 14.17.040(B), the provisions of this Chapter shall apply to all newly installed commercial and residential exterior light fixtures.

B. Unless exempt under Section 14.17.040(B), the provisions of this Chapter shall apply to all exterior light fixtures lawfully installed prior to the effective date of the ordinance but that do not comply with the requirements of this Chapter such that such fixtures may continue to be used and maintained, but shall be brought into compliance with the requirements of this Chapter as follows:

(1) All non-compliant light fixtures requiring only an adjustment (to include a change of bulbs) to meet the requirements of this Chapter shall be brought into compliance with the requirements of this Chapter by January 15, 2019; and

(2) All non-compliant light fixtures which require replacement to meet the requirements of this Chapter shall be brought into compliance with the requirements of this Chapter by May 31, 2019.

14.17.040 Prohibited Lighting; Exemptions.

(A) Unless exempted under Subsection (B), the following are prohibited on all properties within the Town:

(1) The lighting of any light fixtures that do not meet the lighting standards set forth in Sections 14.17.050.

(2) Searchlights.

(3) Laser lights.

(4) Lights not approved in any Town-approved lighting plan for any property.

(B) Exemptions. The provisions of this Chapter shall not apply to the following:

(1) Lighting of or on residential structures conditioned on such lighting not causing light trespass or nuisance from glare.

(2) Emergency lighting.

(3) Holiday lighting conditioned on such lighting not causing light trespass or nuisance from glare.

(4) Lighting of the historic star on Sundance Mountain at such times as determined by the Town Board of Trustees.

(5) Lighting of national, state or local municipal flags (and not other flags) when lit with a maximum of two fixtures of not more than eighty (80) watts each conditioned on such lighting not causing light trespass or nuisance from glare.

(6) Lighting of a sign in accordance with the requirements of the Palmer Lake Code.

(7) Lighting by Town of Town fields or other recreational facilities conditioned on lighting of the playing area being extinguished by 10:00 p.m. or within one half hour after the conclusion of the final event of the day, whichever is later with the remainder of

the facility lighting, except for reasons of security, being extinguished at 10:00 p.m. or within one hour after the event, whichever is later.

14.17.050 Lighting Standards.

- (A) Light fixtures must be shielded fixtures.
- (B) Light from any property shall not cause light trespass.
- (C) No prohibited bulbs as defined in this Chapter may be lit. Yellow light sources such as high-pressure sodium, phosphor-converted amber light emitting diode, low-pressure sodium, narrow-band amber bulbs are suggested.
- (D) Total lumens for a property will be limited to a maximum of 25,000 lumens per acre.
- (E) Signage illumination: All signage shall comply with all applicable provisions of this Code.
- (F) Security lighting: Security lighting must be directed downward toward designated areas and use the lowest possible illumination to effectively allow surveillance. The use of motion sensors, timers, photocells or other means to activate lighting during times when it is needed is encouraged to conserve energy and provide safety and promote compatibility between different land uses.

14.17.060 Relief Procedures.

The Board of Adjustment may grant a temporary or permanent variance with or without conditions from any requirement of this Chapter, in accordance with the governing provisions and procedures set forth in Title 17 of this Code, and only upon finding that:

- (A) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the property, the strict application of the exterior lighting regulations would result in peculiar and undue practical difficulties for, or peculiar and unnecessary hardship on, the property owner; and
- (B) the variance, if granted, will not adversely affect the adjacent property or neighborhood; and
- (C) the variance, if granted, is the minimal variance that will afford the relief with the least modification possible of the exterior lighting regulations; and

(D) any circumstances justifying a variance were not created by the owner of the property; and

(E) the variance will not alter the essential character of the district in which the property is located for which the variance is sought; and

(F) the variance will not adversely affect the public health, safety or welfare.

14.17.070 Violations; Penalties; Enforcement

(A) The Town shall review all exterior lighting plans for compliance with this Chapter and has the right to inspect all installations of exterior lighting for compliance.

(B) Prosecution for a first violation of this Chapter will follow after the Town has issued a courtesy only notice to the property owner by hand delivery or by US mail addressed to the address of the violation with a request that the violation be removed or remediated within 30 days of the date the notice is delivered or placed in the mail. No such notice will be provided for any allegations of a second violation at such address.

(C) The penalty for violation of any portion of this Chapter shall be:

1. First violation: A minimum fine of \$50 per non-compliant light fixture.

2. Second and subsequent violations: A minimum fine of \$100 per non-compliant light fixture.

(D) Each and every day that a violation continues shall be a separate offense.

Section 4. Amendment of Section 17.72.030 Concerning the Powers of the Board of Adjustment. Section 17.72.030, governing the powers and duties of the Board of Adjustment, is hereby amended to renumber current subsection (C) to subsection (D) and adding a new subsection (C) to read as follows in its entirety:

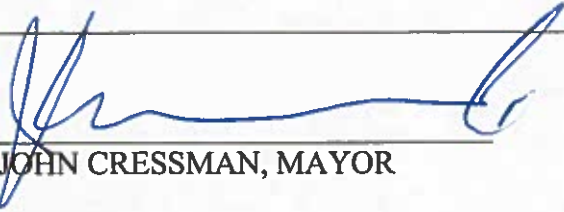
(C) To hear and determine whether to grant a variance from the requirements of Chapter 14.17 governing lighting.

Section 5. Severability. It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake, Colorado that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.


Section 6. Publication and Effective Date. The Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published by title only in a newspaper of general circulation and in full on the Town official web site. This Ordinance

shall become effective thirty (30) days after the date of such publication.

ORDINANCE PASSED, APPROVED AND ADOPTED ON THIS 8TH DAY OF
NOVEMBER, 2018 BY A VOTE OF 7 FOR AND 0 AGAINST.



JOHN CRESSMAN, MAYOR

ATTEST:


VERLA BRUNER, TOWN CLERK