

**PALMER LAKE, COLORADO
ORDINANCE NO. 13 OF 2017**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE AMENDING THE TOWN OF PALMER LAKE MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 14.17 CONCERNING THE DESIGN, CONSTRUCTION AND INSTALLATION OF LIGHTING TO PROTECT THE NIGHT SKY AND MINIMIZE IMPACTS ON ADJACENT PROPERTY OWNERS, AND 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 BY STATE LAW TO ADOPT THIS ORDINANCE, INCLUDING, BUT NOT LIMITED 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 ADEQUATE LIGHT FOR SAFETY AND SECURITY; (2) PROMOTE EFFICIENT AND COST EFFECTIVE LIGHTING AND CONSERVE ENERGY; (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 INSTALLED OUTDOOR LIGHTING; AND (6) ESTABLISH A PROGRAM TO REMOVE OR REPLACE LIGHT FIXTURES THAT VIOLATE THE REQUIREMENTS OF THIS ORDINANCE; AND

WHEREAS, INDIVIDUAL POLE AND BUILDING MOUNTED FIXTURES AND LIGHTING SYSTEMS SHOULD BE DESIGNED, CONSTRUCTED, AND INSTALLED TO:

- (A) PRESERVE THE TOWN'S SMALL TOWN CHARACTER;
- (B) MINIMIZE IMPACTS ON ADJACENT PROPERTY OWNERS;

- (C) PROHIBIT GLARE AND LIGHT TRESPASS;
- (D) CONSERVE ENERGY;
- (E) MAINTAIN SAFETY AND SECURITY OF PEOPLE AND WILDLIFE; AND
- (F) MAINTAIN THE VIEW OF THE STARS IN THE NIGHT SKY; 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, GIVEN THE VALUE OF SUCH FIXTURES AS COMPARED TO THE SUBSTANTIAL BENEFITS GAINED BY SUCH REPLACEMENT, WHICH IS A SUBSTANTIAL DECREASE OF UNNECESSARY LIGHT TRESPASS AND LIGHT POLLUTION; AND

WHEREAS, THE REQUIRED PERIOD FOR THE EVENTUAL ELIMINATION OF NONCONFORMING LIGHTING FIXTURES CONTAINED IN THIS ORDINANCE IS 30 DAYS FOR FIXTURES THAT REQUIRE ADJUSTMENT AND 180 DAYS FOR FIXTURES THAT REQUIRE REPLACEMENT; AND

WHEREAS, IF A PROPERTY OWNER FINDS THIS TIME PERIOD FOR EVENTUAL ELIMINATION OF NONCONFORMING LIGHTING FIXTURES UNATTAINABLE, THE PROPERTY OWNER MAY SEEK RELIEF FROM THE BOARD OF ADJUSTMENT.

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

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2: 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	Applicability; Compliance Date
14.17.030	Definitions
14.17.040	Exemptions
14.17.050	Prohibited Lighting
14.17.060	Lighting Standards

- 14.17.070 Lighting Standards for Specific Uses
- 14.17.080 Relief Procedures
- 14.17.090 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 Applicability; Compliance Date.

(A) The provisions of this Chapter shall apply to all new development of real property which involves the installation of new exterior light fixtures.

(B) In addition, all commercial and residential outdoor lighting fixtures that were lawfully installed prior to the effective date of the ordinance enacting this Chapter but that do not comply with the requirements of this Chapter 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 meet the requirements of this Chapter shall be brought into compliance with the requirements of this Chapter within 30 days of the effective date of the ordinance enacting this Chapter; 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 within 180 days of the effective date of the ordinance enacting this Chapter.

14.17.030 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.

"Full cut off fixture" means a full cut off light fixture as defined by the Illuminating Engineers Society of North America (IESNA) with housing or shade that shields direct

view of the light source (the bulb) so that, through proper design, fixture placement, and/or shade adjustment light trespass may be precluded.

“Glare” means a harsh uncomfortably bright light.

“Holiday lighting” means outline lighting on a building or structure, or decorative string lighting in trees, commonly associated with the winter holiday season which begins November 1st of each year.

“Illuminating Engineering Society of North America” (or “IESNA”) means the professional society of lighting engineers, including those from manufacturing companies and others professionally involved in lighting.

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

“Light pollution” means any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the night sky; interferes with astronomical observation; or interferes with the natural functioning of nocturnal native wildlife.

“Light trespass” means any form of shining light emanating from a fixture that penetrates property other than that for which it is intended and permitted by more than 0.1 foot candle.

“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).

“Public art” means artwork created and placed on a site in connection with the Town’s public art program.

“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.

“Security lighting” means a light used either commercially or residentially for protection of goods or property.

“Unshielded fixture” means a light fixture that either has no shield over the lamp or is shielded in such a manner that the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal plane without limitation.

14.17.040 Exemptions.

The provisions of this Chapter shall not apply to the following:

- (A) Emergency lighting.
- (B) Holiday lighting: Temporary holiday lighting is permitted conditioned on such lighting not blinking all at once, flashing, or rotating, or creating a hazard or nuisance from glare.
- (C) Lighting of the Star on Sundance Mountain: The historic star is lit between Thanksgiving and New Year's Day, on designated holidays, and for special acknowledgement as determined by the Town Board of Trustees.
- (D) Landscape lighting: Lighting used on trees, gardens and other landscaping features that does not trespass on property other than that for which it is intended
- (E) Lighting of Flags: The lighting of national, state or local municipal flags is permitted when lit with a maximum of two fixtures of not more than eighty watts each. This exemption shall not apply to any other type of flag.
- (F) Lighting of Public Art: The lighting of public art is permitted with a maximum of two fixtures of not more than sixty watts each.
- (G) Architectural Accent Lighting: Lighting to accent an architectural element that is aimed or shielded to prevent lighting of the night sky with a maximum of one fixture of not more than 40 watts.
- (H) Sign Lighting: The lighting of a sign when done in accordance with the requirements of the Palmer Lake Code.

14.17.050 Prohibited Lighting.

The following are prohibited within the Town:

- (A) Unshielded fixtures or lamps for outdoor lighting;
- (B) Searchlights;
- (C) Laser lights; and
- (D) Semi-opaque or transparent backlit canopies or awnings.

14.17.060 Lighting Standards.

(A) Light fixtures shall be arranged and positioned such that the light sources are concealed and fully shielded so that no direct light or reflection creates a nuisance or hazard to any adjacent ownership or right-of-way and that up-light, spill-light, glare, and unnecessary diffusion are minimized. Light fixtures, except as otherwise permitted herein, are required to be full cutoff as defined by the Illuminating Engineers Society of North America. The cut-off angle of an exterior light source shall not exceed 90 degrees. Full cut-off fixtures may not be tilted or aimed in a manner that results in light distribution above the horizontal plane. The use of semi-cutoff or cutoff (as opposed to full cutoff) fixtures shall be permitted to illuminate areas other than parking lots, provided the pole or mounting point is no more than 10' in height and the maximum lumen output does not exceed 1800 lumens per lamp.

(B) Maximum on-site lighting levels shall not exceed 10 foot candles, except for loading and unloading platforms where the maximum lighting level shall be 20 foot candles.

(C) Light levels measured at the property line of the development site adjacent to residential property or public right of way shall not exceed 0.1 foot candles as a direct result of the on-site lighting. All light fixtures mounted within 15' of any residential property line of the site shall be classified as IES Type II or Type III, or fixture demonstrated to provide similar distribution patterns and shielding properties. Fixtures shall be fitted with "house side shield" reflectors on the sides facing the residential property line.

(D) Light fixtures associated with canopies, including but not limited to fuel islands, seasonal outdoor sales areas, shopping malls, theaters, bank drive-thrus, and hotels shall be full cutoff or mounted so that the bottom of the lens is recessed or flush with the bottom surface of the canopy. All light emitted from the canopy shall be substantially confined to the ground directly beneath the perimeter of the canopy. No lighting of any kind, except as permitted by sign regulations, shall be allowed on the top or sides of a canopy. The design of the canopy in terms of height above grade, and the spacing between the fixtures within the canopy, shall be such that the illuminance level under the canopy does not exceed 20 foot-candles.

(E) Photometric plan of estimated foot-candle levels with maximum and average illumination are required for parking lots with ten or more parking spaces. Emitted light shall not be greater than 0.1 (zero point one) foot-candle at the property line, except at site entry points if determined by the Planning Commission to be necessary for safety. Cutsheets for all exterior light fixtures shall also be submitted with the photometric plan.

(F) The following shall be the maximum fixture height as measured from finished grade:

- Residential 15 feet
- Commercial 18 feet
- Pedestrian Pathways 10 feet
- Upper-Story Decks 7 feet above deck

(G) Lamp type. Energy efficient lamps are encouraged, including use of compact fluorescent or LED lamps.

(H) Lamps shall be color corrected to be less than 3500K color temperature.

14.17.070 Lighting Standards for Specific Uses.

(A) Security lighting: Security lighting should use the lowest possible illumination to effectively allow surveillance, be shielded, and directed downward toward designated areas. 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. However, photocells are permitted only at primary entrances and where the light source is fully shielded. Security light intensity shall be a maximum of ten footcandles. Security lights are not exempt from the light trespassing rules as defined in this ordinance.

(B) Architectural accent lighting: Fixtures must be fully shielded and downcast. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping or art shall be located, aimed and shielded so that light is directed downward onto those features. Up-lighting is permitted if the illumination is effectively contained within an overhanging architectural element and is no more than forty (40) watts.

(C) Recreational facilities: Lighting for fields, courts or tracks shall not exceed maximum luminance criteria as defined by the Illuminating Engineering Society of North America. Exterior sports arenas with exterior luminaries for the playing area shall be extinguished by 10:00 p.m. or within one half hour after the conclusion of the final event of the day, whichever is later. The remainder of the facility lighting, except for reasons of security, shall be extinguished at 10:00 p.m. or within one hour after the event, whichever is later.

(D) Signage illumination: All signage shall comply with Chapters 14.50 of the Town Code. Signage utilizing lighting shall have fixtures mounted to the top of the sign structure aimed downward onto the sign from above. Fixtures shall be fully shielded so that light is directed only onto the sign facade and not aimed at the sky, adjacent streets, roads or properties.

14.17.080 Relief Procedures.

The Board of Adjustment may grant a variance from any requirement of this Chapter, upon written request by a developer or owner of property following a public hearing, and only upon finding that: (i) a strict application of such requirement would, when regarded as a whole, result in confiscation of the property, or (ii) that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal or requirement. No variance shall have the effect of nullifying the intent and purpose of these

regulations. The Board of Adjustment shall not approve a variance under this section unless it makes findings based upon the evidence presented to it in each specific case that:

(A) The granting of the variance, exception or waiver of condition will not be detrimental to the public health, safety, or welfare or injurious to other property;

(B) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

(C) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

14.17.090 Violations; Penalties; Enforcement.

(A) The Town Administrator shall review all exterior lighting plans for compliance with this Chapter and has the right to inspect all installations involving outside 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 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 plus court costs.

(2) The fine for second and subsequent violations shall be a minimum fine of \$100 per non-compliant light fixture plus court costs.

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

Section 3. 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 4. 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 5. 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 publication

ORDINANCE PASSED, APPROVED AND ADOPTED ON THIS ___ DAY OF ____, 2017 BY A VOTE OF 7 FOR AND 0 AGAINST.



JOHN CRESSMAN, MAYOR

ATTEST:


TARA BERRETH, TOWN CLERK



AFFIDAVIT OF PUBLICATION

**STATE OF COLORADO
COUNTY OF EL PASO**

I, Mary Heifner, being first duly sworn, deposes and says that she is the Legal Sales Representative of THE COLORADO SPRINGS GAZETTE, LLC., a corporation, the publishers of a daily public newspaper, which is printed and published daily in whole at the city of Colorado Springs in the County of El Paso, and the State of Colorado, and which is called The Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit, July 25, 2017

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

Mary Heifner

Mary Heifner
Legal Sales Representative

Subscribed and sworn to me this July 25, 2017, at said City of Colorado Springs, El Paso County, Colorado. My commission expires October 24, 2020.

Lori A. Curry

Lori A. Curry
Notary Public

The Gazette

PALMER LAKE, COLORADO ORDINANCE NO. 10 OF 2017 AN ORDINANCE VACATING A PORTION OF LARGO AVENUE BETWEEN ROSITA AVENUE AND VERANO AVENUE, PALMER LAKE, COLORADO
PALMER LAKE, COLORADO ORDINANCE NO 11 OF 2017 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF ADDITIONAL LICENSES FOR ALL MARIJUANA FACILITIES AND DECLARING AN EMERGENCY
PALMER LAKE, COLORADO ORDINANCE NO. 12 OF 2017 AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE CONCERNING FIRE PROTECTION, MAKING IT UNLAWFUL TO DISPOSE OF POTENTIAL FIRE CAUSING MATERIAL AND IMPOSING THE PENALTY FOR VIOLATIONS
PALMER LAKE, COLORADO ORDINANCE NO. 14 OF 2017 AN ORDINANCE APPROVING THE VACATION AND REPLAT OF LOTS LOCATED AT 512 AND 534 GLEN AVENUE AND ADJUSTING LOT LINES IN THE BLAKE SUBDIVISION FILING TWO.
PALMER LAKE, COLORADO ORDINANCE NO. 13 OF 2017 AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE AMENDING THE TOWN OF PALMER LAKE MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 14.17 CONCERNING THE DESIGN, CONSTRUCTION AND INSTALLATION OF LIGHTING TO PROTECT THE NIGHT SKY AND MINIMIZE IMPACTS ON ADJACENT PROPERTY OWNERS, AND SETTING THE PENALTY FOR VIOLATIONS THEREOF, AND AMENDING SECTION 17.72.030 CONCERNING THE POWERS OF THE BOARD OF ADJUSTMENT Published in CS Gazette July 25, 2017

**LORI CURRY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164040648
MY COMMISSION EXPIRES 10/24/2020**