

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2020-11

**AN ORDINANCE OF THE TOWN OF BLUE RIVER, COLORADO
AMENDING CHAPTER 16 OF THE TOWN CODE CONCERNING OUTDOOR
LIGHTING**

WHEREAS, pursuant to Article 23, Title 31 of the Colorado Revised Statutes, the Town of Blue River (“Town”) has authority to regulate the development of land within the Town for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, pursuant to Ordinance No. 18-5, the Town adopted Design Standards to guide the design and aesthetics of new development within the Town and the Town’s Design Standards address exterior and landscape lighting; and

WHEREAS, the Town Board of Trustees desires to amend the Design Standards to implement reasonable lighting standards in an effort to protect the natural mountain environment and enhance the quality of residential neighborhoods and the quiet enjoyment of owners; and

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, ORDAINS:

Section 1. Amendment of Section 16-15-10 of the Town Code. Chapter 16, Section 16-15-10 shall be amended by the deletion of the term “Architectural” from subsections (a) and (b) so that subsection (a) and (b) of such section reads as follows:

- (a) The Design Guidelines, originally promulgated August 2015 and updated December 2018, by the Town of Blue River, Colorado, is hereby adopted by reference as if fully set out in this Article.
- (b) No person at any time shall construct, reconstruct, refinish, alter or maintain any improvement upon any property within the Town of Blue River, or make any change in the natural or existing surface, drainage or plant life thereof, without compliance with the Design Guidelines, as adopted and as they may be amended.

Section 2. Amendment of Design Guidelines adopted by Ordinance No. 18-5. The Design Guidelines adopted by the Town by Ordinance No. 18-5 are hereby amended by the repeal of Section VII (D) pertaining to Exterior and Landscape Lighting which section (D) shall read in full as follows

D. Exterior and Landscape Lighting.

- 1. Purpose. The purpose of this section is to provide regulations for outdoor lighting that will: (i) minimize adverse impacts of human-made light sources that cause light trespass and obtrusive light onto neighboring development and vacant land; (ii) curtail light pollution, reduce skyglow and improve the nighttime environment; and (iii) help protect the well-being of humans, wildlife, vegetation, the overall ecosystem and natural environment from the adverse effects of human-made artificial night lighting.

2. Definitions.

- a. *Fully shielded* means that the lighting fixture is constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane of the fixture.
- b. *Lamp* means a bulb, element, or device used to convert electricity into light, consisting of a source of illumination (e.g. an electric filament or one or more LEDs) enclosed within a transparent or translucent shell, typically but not always having a rounded shape and designed to be fitted into a luminaire.
- c. *Light pollution* means the adverse effect of man-made light, including but not limited to glare, or light trespass due to excessive or unnecessary lighting, or artificial light that unnecessarily diminishes the ability to view the night sky or its disruptive to flora and fauna.
- d. *Light trespass* means light projected across property lines or into the public right-of-way when it is not required or permitted to do so.
- e. *Luminaire* means a fixture designed to direct, control, distribute or emit light whether powered by an external electric energy source, photovoltaic source, or battery.
- f. *Outdoor* means at any location outside of the interior walls of a structure or away from any structure.
- g. *Unshielded fixture* means a lighting fixture which, as designed or installed, emits all or part of the light above the lowest part of the light source.
- h. *Up-lighting* or *up-light* means the placement and use of a luminaire to direct light in an upward fashion.

3. Applicability, nonconformities, and exemptions.

- a. **Applicability and Nonconformities.** Except as described below, all luminaires and lamps installed or replaced after August 1, 2020, shall comply with these requirements. This includes, but is not limited to, new luminaires, replacement luminaires, or lamps whether attached to structures, poles, the earth, or any other location. Luminaires and lamps installed prior to August 1, 2020, shall be deemed nonconforming and lawfully permitted until such time that the luminaire or lamp is repaired or replaced. It shall be a presumption in any enforcement of this section that the luminaire or lamp was installed after August 1, 2020, which presumption shall be the obligation of the owner of property to provide sufficient evidence that a luminaire or lamp is exempt from the requirements of this Section VII(D).

- b. Exemptions. The following are not regulated by this section:
 - i. Lighting installed by local or state government within the public right-of-way or easement for the principal purpose of illuminating roads and highways or providing for traffic safety and direction.
 - ii. One luminaire for each residential property using light of less than sixty (60) watts designed to illuminate a property address sign.
 - iii. Temporary lighting for construction sites for the purpose of safety.
 - iv. Temporary seasonal or holiday lighting provided that individual lamps are less than 25 lumens (by way of example, a C7 medium sized colored (not clear) holiday light produces less than 25 lumens).
 - v. Lighting that is only used under emergency conditions.
 - vi. Lighting expressly required by law or regulation or authorized by special permit or site plan approval issued by the Town.

4. General Requirements.

- a. All outdoor luminaires shall be fully shielded so that the light produced by the luminaire does not trespass on neighboring properties. A practical way to determine if a luminaire will conform to this provision is to not allow light to escape above a horizontal plane running through the lowest point of the luminaire and that the lamp element of the luminaire is not visible when viewed from above or from the side of the luminaire.
- b. A luminaire shall be placed and shielded as to prevent the light emitted by the luminaire from being cast beyond the property lines of the light source.
- c. All metal halide and fluorescent fixtures shall be fully filtered and enclosed with glass, acrylic, or translucent enclosures so that the lamp of the luminaire is not directly visible from any location.
- d. Luminaires using mercury vapor lamps or lighting source are prohibited.
- e. Spotlights and other types of security lighting (floodlights) shall be designed and located to prevent view of the floodlight's lamp or lighting source except where the view is made directly from the area intended to be illuminated. Floodlights shall not cast light outside of the property boundaries of the floodlight source. All floodlights shall be controlled through a motion detection mechanism calibrated to not illuminate due to the motion of branches caused by wind or weather and not to illuminate longer than five (5) minutes when activated.
- f. Uplighting of building facades, landscaping features, trees, vegetation or to draw visual attention is prohibited.

- g. Blinking, flashing, rotating or moving lights are prohibited.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 5. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 6 Effective Date. The provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED AND READ at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the ____ day of _____, 2020.

AMENDED ON SECOND READING, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the ____ day of _____, 2020.

Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

Published in the Summit County Journal _____, 2020.