

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 2 - SERIES 2010**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE TOWN OF MINTURN MUNICIPAL CODE BY REPEALING AND REENACTING SECTION 16-17-180 AS IT PERTAINS TO EXTERIOR ILLUMINATION STANDARDS WITHIN THE TOWN OF MINTURN.**

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, STATE OF COLORADO, THAT:**

Section 1. Amendment. Minturn Municipal Code, Section 16-17-180 is repealed and reenacted as follows:

**Section 16-17-180. Exterior Illumination Standards**

a) *Purpose and Intent.* The purpose of this article is to establish rules and regulations governing the installation of outdoor lighting in the Town of Minturn. These regulations are intended to:

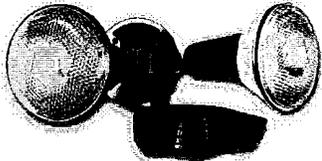
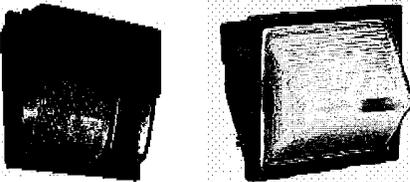
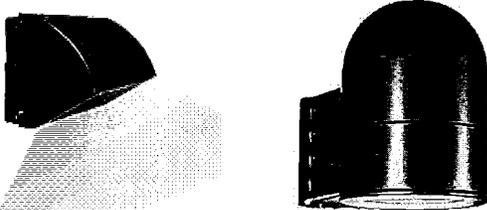
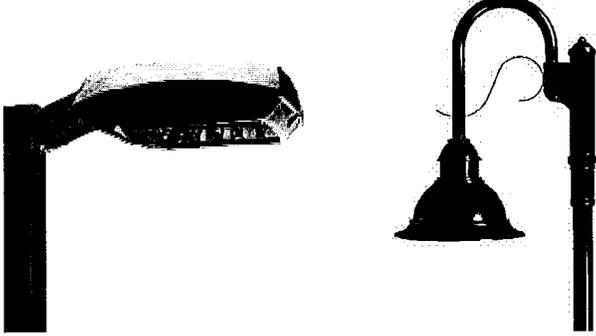
- Promote appropriate light for safety and security;
- Help preserve the small town character;
- Prevent inappropriate and poorly designed or installed outdoor lighting;
- Reduce glaring and offensive light sources;
- Reduce nighttime light pollution and protect the night sky;
- Provide clear guidance pertaining to exterior light fixtures for developers and homeowners;
- Phase out existing nonconforming fixtures that are in violation of this Article, including those owned by the Town of Minturn.

b) *Definitions.* For the purpose of this article, the following definitions shall apply:

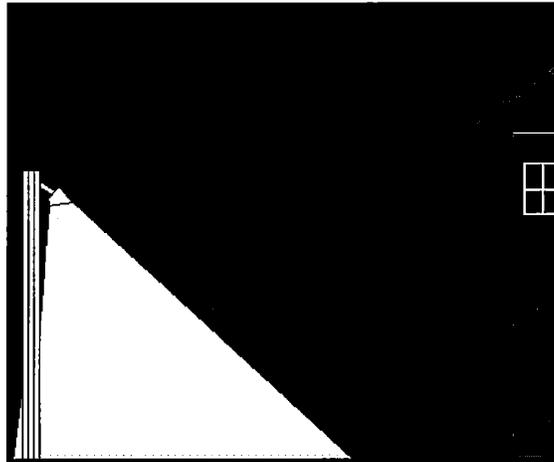
- *Exterior Lighting.* Permanent lighting that is installed, located, or used in such a manner to cause light rays to shine outdoors.
- *Full cut-off fixture.* A light fixture designed and installed where no direct light (as opposed to scattered light) is emitted at or above a horizontal plane running through the lowest point on the fixture.
- *Glare.* Intense light that results in discomfort and/or a reduction of visual performance and visibility.
- *Holiday / Ornamental Lighting.* Festoon type lights, ~~limited to small individual bulbs on a string, where the output per bulb is no greater than 15 lumens.~~
- *Light Pollution.* Any manmade light that diminishes the ability to view the night sky.
- *Light trespass.* Light falling on the property of another or the public right-of-way, when it is not required to do so.

- c) *Applicability.* These lighting standards shall be applicable to all new construction in the Town of Minturn. Additionally, residents and business owners are required to replace all non conforming exterior light fixtures when a building permit is issued for any exterior project with a permit valuation greater than or equal to \$1,500. Businesses owners and residents with non conforming fixtures are encouraged to comply with these regulations when replacing older fixtures.
- d) *General Outdoor Lighting Regulations.* The following regulations shall apply to all properties located within the Town:
- All exterior lighting shall be shielded such that the source of illumination is not visible from the property line, thereby reducing glare and interference with boundary streets and adjacent properties. Light fixtures near adjacent property may require special shielding devices to prevent light trespass.
  - All lighting shall conform with the definition for a full cut-off fixture.
  - All exterior lighting or illumination shall be designed, located, placed and shielded to be architecturally and aesthetically in keeping with the buildings and surroundings, should create minimum visual impact on any other lot, tract, or parcel in the Town, shall not directly illuminate adjoining lots, tracts, parcels or rights-of-way, including alleys, and shall comply with this Article.
  - Flood lights and security lights shall be restricted as follows:
    1. The point light source shall not be visible from neighboring lots or streets.
    2. The light must comply with the definition of a full cut-off fixture, be down directed and screened from adjacent properties in a manner that prevents light trespass.
  - Motion sensor lights may be permitted, but only where the sensor is triggered by motion within the owner's property lines.
  - Exterior lighting fixtures shall be mounted no higher than ten (10) feet above the flooring, deck, walkway, driveway or other occupied area, or highest grade point of the ground surface immediately below the light fixture. The height of the fixture shall be the vertical distance from the surface directly below the centerline of the fixture to the lowest direct light emitting part of the fixture. For mixed-use and commercial buildings, the height may be extended to fifteen (15) feet.

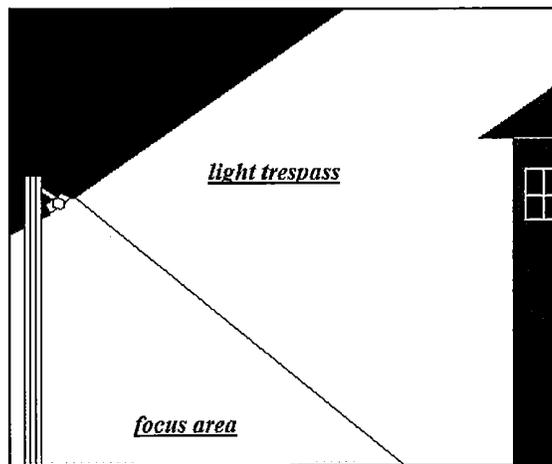
- Exterior fluorescent tube lighting shall be prohibited in all cases.
- e) *Lighting Plan Required.* To ensure that all new construction complies with the lighting standards, a lighting plan shall be submitted for all new construction in the Town of Minturn. A lighting plan for residential projects can be reviewed by the planner and building official and processed administratively prior to the issuance of a certificate of occupancy. However, a lighting plan shall be submitted at the time of application for all mixed-use and commercial projects and shall be approved by the Planning Commission. The lighting plan shall include the following information:
1. The type and luminous intensity of each light source and wattage (e.g. incandescent, halogen, high-pressure sodium, etc.).
  2. Fixture location and height above grade of each light fixture.
  3. Shielding and all mounting details.
  4. A specification sheet or photo of each light fixture.
  5. Other information deemed necessary to document compliance with the provisions of the lighting regulations.
- f) *Exemptions.* The following exterior light fixtures shall be exempt from the regulations contained in this Article:
- Illumination of the United States flag, provided that such lighting does not interfere with the vision of drivers or pedestrians, or otherwise create an unsafe condition for the public. No more than two (2) lights per pole are permitted.
  - Lights and lighting devices which are part of a Town event or public gathering, so long as the event or gathering is of temporary nature.
  - Holiday / Ornamental lighting.
  - Construction lighting used for the purpose of illuminating construction work activities provided that the illumination source is directed internally towards the project site and is turned off each night when work is halted.
  - Any light source that is used by an emergency service provider.
- g) *Enforcement and Penalty.* The violations of any of the regulations contained herein shall be deemed by the Town as a public nuisance and such nuisances may be abated or prosecuted in accordance with the procedures established within the Minturn Municipal Code.
- h) *Figures and Diagrams.* The following figures illustrate examples of acceptable and unacceptable types of outdoor lighting fixtures. Note that even those types of fixtures shown as “acceptable” must be installed and aimed properly to comply with this chapter.

| Unacceptable   | Acceptable   |
|--|--|
| <p data-bbox="191 275 300 302">Spotlights</p>           |    |
| <p data-bbox="191 527 342 554">Wall Mounted</p>         |    |
| <p data-bbox="191 791 310 819">Decorative</p>          |   |
| <p data-bbox="191 1152 354 1180">Street Lighting</p>  |  |

Properly shielded fixture with no light trespass:



Light trespass from an unshielded fixture:



Section 2. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Mintum, Colorado hereby declares it would have passed this ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

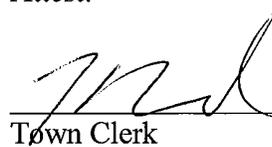
Section 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

Section 4. The repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this Ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision or any Ordinance previously repealed or superseded unless expressly stated herein.

**INTRODUCED, READ BY TITLE IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 17th DAY OF March, 2010.** A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado on the **7th** day of **April 2010**, at **7:00 p.m.** at the Minturn Town Center, 302 Pine Street, Minturn, Colorado.

Attest:

  
Mayor

  
Town Clerk



**INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 7th DAY OF April, 2010.**

Attest:

  
Mayor

  
Town Clerk

