

**ORDINANCE NO. 2019-06**

**AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO REPEALING AND REPLACING CHAPTER 6, SECTION 5 OF THE RIDGWAY MUNICIPAL CODE REGARDING OUTDOOR LIGHTING REGULATIONS.**

**WHEREAS**, The Town of Ridgway established dark skies-oriented regulations for outdoor lighting via Ordinance 3-1997; and

**WHEREAS**, the Ridgway Town Council amended the Outdoor Lighting Regulations by Ordinance 4-2017 that provide for appropriate illumination of public art on public property that respects the “dark skies” desire of the community while providing for some illumination of public art in public places; and

**WHEREAS**, the 2019 Ridgway Master Plan contains the following:

Policy ENV-4.4 Dark Skies: Continue to prioritize efforts to reduce light pollution and enhance the appearance of the night sky.

Action ENV-4f: Continue to protect our dark skies as a valuable community resource; and

**WHEREAS**, glare and light pollution can result in safety concerns, diminish the ability to view the night sky, and impact community character; and

**WHEREAS**, the Ridgway Town Council desires to pursue certification through the International Dark-Sky Association to become an International Dark Sky Community; and

**WHEREAS**, the Ridgway Planning Commission reviewed previous drafts of edits to the Outdoor Lighting Regulations at the March 5<sup>th</sup>, June 25<sup>th</sup>, and July 30<sup>th</sup>, 2019 meetings which provided opportunity for public feedback and input; and

**WHEREAS**, the Town of Ridgway has invested, and continues to invest, in protecting the important dark sky resource.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO**, as follows:

**SECTION 1. RIDGWAY MUNICIPAL CODE CHAPTER 6, SECTION 5 IS REPEALED AND REPLACED AS FOLLOWS:**

### 6-5-1 GENERAL PROVISIONS.

(A) All non-exempt outdoor light fixtures and illuminating devices permanently or temporarily installed outdoors, including but not limited to devices to illuminate signs, shall meet the following requirements:

(1) They shall be shielded so no light rays are emitted at angles which will allow the light to pass directly off of the premises appurtenant to the fixture.

(2) They shall be shielded so that all light rays are emitted by the installed fixture at angles below the horizontal plane.

(3) All fixtures designed to illuminate signs or structures shall be mounted above the area of the sign or structure to be illuminated.

(4) Blinking, flashing, rotating or moving lights are prohibited.

(5) Correlated color temperature (CCT) is limited to 3000 kelvin per fixture.

(6) The following lumen limits are established to prevent over lighting and are not intended to be achieved. Each site should use the lowest amount of lumens needed for the site to provide for safety and functionality.

(a) Single-Family Residential Sites shall be limited to 5,100 lumens. Single-Family Residential Sites that include an accessory dwelling unit shall be limited to 6,500 lumens. Each lighting fixture shall be limited to 850 lumens.

(b) Multi-Family Residential Sites, Mixed-Use Sites, and Non-Residential Sites shall be limited to 25,000 lumens per net acre plus 2,000 lumens per unit beyond the first. Each lighting fixture shall be limited to 1,500 lumens.

(7) Lighting for all non-residential uses shall be extinguished one hour after close of business unless there is a public safety hazard that is best mitigated by the use of lighting. Lighting intended for security purposes shall use Adaptive Controls.

(8) If any of the above are in conflict with the Town building codes, adopted pursuant to RMC 6-1, the regulations of the adopted building code shall apply.

(B) The following are exempt from the provisions of Subsection (A).

(1) Lights used to illuminate athletic fields or other community special event areas. Such lights shall be turned off one hour after the conclusion of the event and should be designed or placed to minimize light falling beyond the area in use.

- (2) Signs which are illuminated by interior light sources, such as neon signs, provided such signs are lit only during the property owner's business hours.
- (3) Official traffic control devices and lights owned and operated by or pursuant to proper authority of the United States of America, the State of Colorado or any of their agencies, and such other lights as are specifically required by federal or state law.
- (4) Official traffic control lights owned and operated by the Town of Ridgway.
- (5) Repealed by Ordinance 16-2006
- (6) Lawful vehicle lights.
- (7) Repealed by Ordinance 10-2007
- (8) Holiday lights. Holiday lights should only be in use from November 15 to January 31.
- (9) Repealed by Ordinance 2-2002
- (10) Artwork that is outdoors and on public property. Such artwork shall receive a permit by the Town of Ridgway prior to installation. Such artwork shall be public and accessible to all people and may be illuminated, pursuant to the following:
  - (a) Artwork shall not contain lighting that exceeds 500 lumens within the entire structure, nor more than 2500 degrees kelvin.
  - (b) All public art that is illuminated shall include a dimmer and timer to aid the compliance with the Dark Skies Association's Outdoor Lighting Requirements, and shall have the ability to be automatically turned off. In any event such lighting shall be automatically turned off by 10 p.m. nightly.
  - (c) No structure may contain lighting that is cast upward or outward, but may be diffused in a way such that the lighting emits a soft glow.
  - (d) All structures shall be lit internally.
  - (e) All illuminated public art is subject to review and approval by Town staff for compliance with these regulations.

(C) Public Outdoor Lighting

- (1) New public lighting, owned and operated by the Town of Ridgway, including street lights, walkway lights, external buildings lights, holiday lights, and other lights to ensure safety, shall be allowed as recommended by the Town Manager **in situations where a public health hazard exists which can only be mitigated by artificial light at night** and shall be in compliance with Subsection (A).
- (2) Adaptive Controls or curfews shall be employed in all new public outdoor lighting installations.
- (3) All Town owned lighting shall comply with the requirements of Section 6-5 within five years from the effective date of this ordinance.

#### **6-5-2 NONCONFORMING LIGHTS.**

(A) Lights which were lawfully existing and in use at the time they became nonconforming with the requirements of this Section 6-5 by virtue of the initial adoption of this Section, subsequent amendment to this Section or by annexation into the Town, may continue to be used and operated subject to the limitations of this Section.

- (B) The right to operate a lawful nonconforming light shall terminate upon any of the following:
- (1) Replacement of the light fixture.
  - (2) Non-use of the light fixture for a period of six months.
  - (3) Repealed by Ordinance 16-2006
  - (4) Damage to the light fixture so that the cost of repair is 50% or more of the cost to replace it with a conforming fixture.
- (C) The right to exceed the lumen limits established in RMC 6-5-1 as a lawful nonconforming site shall terminate upon any of the following:
- (1) Replacement of 50% or more of the light fixtures on the site.
  - (2) Damage to the light fixtures so that the cost of repair is 50% or more of the cost to replace them with conforming fixtures.
- (D) No alteration may be made to lighting on a site which would increase the amount or degree of the nonconformity.

#### **6-5-3 ADMINISTRATION AND ENFORCEMENT.**

(A) The provisions of this Section shall be administered by the building official or other authorized Town officer or employee.

(B) It shall be unlawful to violate any provision of this Section.

(C) Any continuing violation of this Section is hereby declared to be nuisance, which may be abated by the Town in any lawful manner, or enjoined by a court of competent jurisdiction.

(D) No building permit or occupancy permit shall be issued for work which has noncomplying light fixtures.

#### **6-5-4 APPEALS AND VARIANCES.**

(A) Any person aggrieved by an interpretation of this Section or decision of the Town made in the administration of this Section, may appeal the interpretation or decision to the Board of Appeals pursuant to the review procedure of Section 6-1-5 of the Ridgway Municipal Code upon payment of a \$250.00 application fee.

(B) (1) Any person may apply for a variance to the Planning Commission from the provisions of this Section upon payment of the \$250.00 application fee in accordance with the review procedure of Section 7-3-18 of the Ridgway Municipal Code.

(2) The Planning Commission may grant a variance only upon a determination that the following criteria are met:

(a) The variance will be consistent with the public health, safety and welfare.

(b) The variance is justified by unreasonable hardship not created by the activities of the applicant or strict compliance is unfeasible.

(c) The variance will be substantially consistent with the purposes of this Section to avoid nuisances to others, preserve the ability to observe the night sky, conserve energy, reduce glare, promote traffic and pedestrian safety, preserve the small town character of Ridgway and promote the Town's master plan.

(d) The variance will not compromise any Dark Skies Certification, if such certification is in place at the time the variance is requested.

#### **6-5-5 PURPOSE**

To protect the dark sky resource, maintain nighttime visibility, minimize light pollution and glare, promote energy conservation, promote traffic and pedestrian safety, help mitigate wildlife sleep and mitigation related issues, and preserve the small-town character of the Town.

## **6-5-6      DEFINITIONS**

- (A) Adaptive Controls: devices such as timers, motion-sensors and light-sensitive switches used to actively regulate the emission of light from light fixtures.
- (B) Mixed-Use Site: an undivided or combination of undivided lots under one or more ownership or lease agreement used for a mixture of commercial, industrial, institutional, and residential uses.
- (C) Multi-Family Residential Site: an undivided or combination of undivided lots under one or more ownership or lease arrangements occupied by multiple dwelling units.
- (D) Non-Residential Site: an undivided or combination of undivided lots under one or more ownership or lease agreement used for commercial, industrial, or institutional uses.
- (E) Single-Family Residential Site: an undivided or combination of undivided lots under one ownership occupied by a single-family residential structure and related accessory structures.

\* \* \*

## **SECTION 2. ORDINANCE EFFECT**

All Ordinances of the Town, or parts thereof, inconsistent or in conflict with this Ordinance are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

## **SECTION 3. SEVERABILITY**

The Provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

## **SECTION 4. EFFECTIVE DATE.**

This Ordinance shall take effect 30 days after adoption.

## **SECTION 5. PUBLIC HEARING.**

A public hearing on this Ordinance was held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, in the Town Council Chambers, 201 N. Railroad Street, Ridgway, CO 81432.

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Ridgway, Colorado, on the 14<sup>th</sup> day of August, 2019.**

**TOWN OF RIDGWAY, COLORADO, A HOME  
RULE MUNICIPALITY**

By: \_\_\_\_\_  
JOHN CLARK, Mayor

**ATTEST:**

\_\_\_\_\_  
PAM KRAFT, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Ridgway, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**TOWN OF RIDGWAY, COLORADO, A HOME  
RULE MUNICIPALITY**

By: \_\_\_\_\_  
JOHN CLARK, Mayor

**ATTEST:**

\_\_\_\_\_  
PAM KRAFT, Town Clerk

**Approved as to Form:**

\_\_\_\_\_  
BO JAMES NERLIN, Town Attorney