

TOWN OF NUCLA, COUNTY OF MONTROSE, STATE OF COLORADO OUTDOOR LIGHTING CODE

ORDINANCE NO. 2020-003

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NUCLA, REGULATING OUTDOOR LIGHTING FIXTURES; PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THE ORDINANCE; PROVIDING SAVINGS, REPEALER, AND SEVERABILITY CLAUSES; FULFILLING PROPER NOTICE AND MEETING; SPECIFYING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town COUNCIL for the Town of Nucla (The Town) has determined that the adoption of the following policy will be in the best interest of the Towns inhabitants and will promote the health, safety, prosperity, security, and general welfare of the Towns inhabitants.

NOW, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF NUCLA, COUNTY OF MONTROSE, STATE OF COLORADO:

1. Title

This Chapter may be cited as the "Nucla Outdoor Lighting Ordinance."

2. Findings

The Nucla Town COUNCIL hereby finds and determines that:

- 2.1. The welfare and enjoyment of the Town is associated with its character, including its nighttime ambience;
- 2.2. Preserving and protecting the night sky enhances the use and enjoyment of property using appropriate lighting practices;
- 2.3. The Town values the practice of energy conservation, and because of the Town's devotion to energy conservation, emphasis on responsible lighting practices is desired to decrease the human impact on the environment; and
- 2.4. Lighting systems should be designed, constructed, and installed to: (1) preserve the Town's existing character; (2) minimize impacts on adjacent property owners; (3) control glare and light trespass; (4) conserve energy; (5) maintain safety and security of people and wildlife; and (6) maintain the view of the stars in the night sky.

3. Purpose

- 3.1. The purposes of this Chapter are to:

- 3.1.1. Minimize light pollution and glare resulting from the use of outdoor lighting;

3.1.2. Protect residents from unwanted light that would enter homes and businesses at night;

3.1.3. Provide adequate light for the safe performance of outdoor tasks at night;

3.1.4. Enable planning for lighting at the design stage with appropriate design guidelines before lighting becomes a statutory nuisance;

3.1.5. Promote efficient and cost-effective lighting and to conserve energy;

3.1.6. Encourage preservation, to the greatest practical extent, of natural nighttime darkness;

3.1.7. Provide an environmentally sensitive nighttime environment that includes the ability to view the stars against a dark sky;

3.1.8. Prevent inappropriate, poorly designed or installed outdoor lighting; and

3.1.9. Encourage quality outdoor lighting design.

3.2. Materials and methods of installation. This Chapter is not intended to prohibit the use of any design, material or method of prescribed installation not specifically prescribed by this Chapter, provided such alternative produces the results required herein.

4. Authority

4.1. Jurisdiction. The Nucla Board of Trustees hereby finds, determines and declares that it has the power to adopt this Chapter pursuant to:

4.1.1. C.R.S. 31-15-601; C.R.S. 31-15-602, C.R.S. 29-20-104

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

5.1. General Terms

5.1.1. And means that all connected items or provisions shall apply.

5.1.2. And/or means that any of the connected items or provisions, in singular or in combination, apply.

5.1.3. Applicant means the person or entity that submits an application for the issuance of any permit.

5.1.4. Application means a written application for the issuance of any permit.

5.1.5. COUNCIL means the Nucla Town COUNCIL.

5.1.6. Either...or means that the connected items or provi-

sions shall apply singly, but not in combination.

5.1.7. May means that the action is always discretionary and not mandatory.

5.1.8. Or means that the connected items or provisions may apply singly or in any combination.

5.1.9. Person means any human being, firm, organization or agency recognized as having privileges and obligations. It is inclusive of both natural persons and juridical persons, such as corporations.

5.1.10. Shall means that the action is always mandatory and is not discretionary.

5.1.11. Town means the incorporated Town of Nucla.

5.2. Lighting-Specific Terms

5.2.1. Adaptive controls. Mechanical or electronic devices, when used in the context of outdoor lighting systems, in-tended to actively regulate the switching, duration, and/or intensity of light emitted by such systems. Examples of adaptive controls include timers, dimmers and motion-sensing switches.

5.2.2. Correlated Color Temperature (CCT). A measure of the color properties of light emitted by lamps, being equal to the temperature, expressed in kelvins (K), of a blackbody whose spectrum best approximates the spectrum of the light source in question. CCT values are typically provided in lighting manufacturer data sheets.

5.2.3. Electronic display. Any illuminated sign of an informative or advertising nature, whether on or off premise, and operable at night, whose content is made visible to the viewer by means of luminous elements under active electronic control and therefore subject to alteration in order to vary the content of the message. Electronic displays may be either static or dynamic in terms of light color and intensity.

5.2.4. Emergency lighting: Temporary lighting required for public safety in the reasonable determination of public safety officials.

5.2.5. Externally illuminated sign. Any sign or display, whether on- or off-premise, whose information content is made visible to the viewer at night by means of conventional luminaires mounted at some distance above, below, or otherwise away from the surface containing the information or message intended to be consumed by the viewer. For the purposes of this Chapter, such signs are regulated as lighting and are thus subject to all of its provisions unless otherwise specifically exempted.

5.2.6. Fossil fuel lighting: Lighting whose emissions are produced by the combustion of fossil fuels such as natural gas and propane are permitted so long as the light source is completely enclosed in a suitable housing such as a lantern.

5.2.7. Fully Shielded: An outdoor luminaire constructed so that in its installed position all of the light emitted by the luminaire is projected below the horizontal plane passing through the lowest light-emitting part of the luminaire. Figure 1 shows the correct configuration of a fully shielded luminaire, indicating the ninety (90) degree angle between the horizontal plane passing through the lowest light emitting part of the luminaire and the nadir, defined as the local vertical pointing toward the center of the Earth.

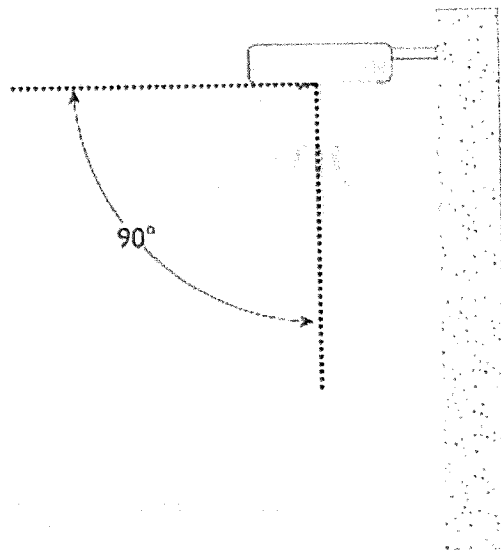


Figure 1.

5.2.8. Holiday lighting: Low-intensity string lights, whose luminous output does not exceed fifty (50) lumens per linear foot, and fully-shielded floodlights, whose luminous output does not exceed one thousand (1,000) lumens and which are aimed and oriented in such a way as to not directly emit any light into the night sky, operated only during prescribed periods of time during the calendar year.

5.2.9. Illuminance. The total luminous flux incident on a surface per unit area. Illuminance is a measure of the light received by or on a surface. The SI unit of illuminance is lumens per square meter ($\text{cd} \cdot \text{sr} \cdot \text{m}^{-2}$), also known as a lux

- 5.2.10. Illuminating Engineering Society of North America (IESNA): A recognized authoritative body on the science and application of lighting that publishes and promotes recommended practices for a variety of specific lighting applications.
- 5.2.11. Initial lumens: The number of lumens of light emitted by a luminaire when the lamp is new, not accounting for any depreciation due to the age of the lamp or environmental conditions that may be detrimental to its performance.
- 5.2.12. Internally illuminated sign. Any sign or display, whether on- or off-premise, consisting of translucent surfaces whose message is designed to be made visible at night by means of lamps or other light sources concealed within such surfaces. Sometimes referred to as "cabinet signs".
- 5.2.13. Lamp: The bulb or other light-emitting portion of a luminaire, not inclusive of any reflective or refractive optics used to direct light.
- 5.2.14. Laser. Any form of intense, strongly-focused, monochromatic light produced by stimulated emission of radiation.
- 5.2.15. Light pollution: Any unintended, adverse and/or obtrusive effect of the use of outdoor light at night.
- 5.2.16. Light Trespass: A condition in which artificial light emitted from a luminaire on one property, not inclusive of light incidentally scattered or reflected from adjacent surfaces, is directed in such a manner that it is visible from any other property. For the purposes of this chapter, light trespass is declared to be a form of public nuisance.
- 5.2.17. Lumen: The SI unit of luminous flux, equal to the amount of light emitted per second into a unit solid angle of one steradian from a uniform source of one candela.
- 5.2.18. Luminaire: A complete lighting assembly, consisting of a lamp, housing, optic(s), and other structural elements, but not including any mounting pole or surface.
- 5.2.19. Luminance: The amount of light that passes through, is emitted, or reflected, from a particular area, and that falls within a given solid angle. Luminance is a measure of light emitted by or from a surface. The SI unit of luminance is candela per square meter (cd/m^2), also known as a "nit."
- 5.2.20. Net acre. An acre of any land parcel that is developed, consisting of structures and/or hardscape. The net acreage of a parcel is the gross acreage of that parcel less any acres that are considered undeveloped.

- 5.2.21. Outdoor sports lighting (OSL) means lighting equipment designed and installed specifically to illuminate outdoor fields used for the practice and play of any outdoor sport or similar recreation activity. This term refers only to lighting directed toward, and intended to facilitate, play or recreation on outdoor surfaces, or to illuminate spectator viewing stands, but not for illumination of any other part of a connected or adjacent property.
- 5.2.22. Publicly owned lighting means outdoor lighting equipment owned, operated, and/or maintained by the Town and that is situated either on Town-owned property or in a public right of way. This term is inclusive of street lighting when owned by the Town.
- 5.2.23. Scotopic-to-Photopic (S/P) Ratio: The ratio of the number of scotopic lumens to photopic lumens emitted by a lamp, where scotopic and photopic lumens are the apparent number of lumens emitted by a lamp in the respective visual regimes, found by multiplying the lamp's spectral power distribution by the scotopic luminous efficiency function and the photopic luminous efficiency function, respectively. S/P ratio values are typically provided in lighting manufacturer data sheets.
- 5.2.24. Searchlight: Any high-intensity light source whose emission pattern is confined to a narrow beam and whose intended purpose is to draw attention to the locations at which products or services are sold. Sometimes referred to as a "skybeam".
- 5.2.25. Spectral Power: The radiant power emitted by a luminous source at each wavelength, or band of wavelengths, in the visible spectrum.
- 5.2.26. Temporary lighting: Non-permanent lighting installations installed and operated for a duration not to exceed thirty (30) days, and whose use is regulated in Section 13 of this chapter.
- 5.3. Use of dates. Consecutive calendar days shall be used when calculating the number of days in a time period specified in this Chapter. In the event a time period starts or ends on a Saturday, Sunday or holiday observed by the Town, the time period shall commence or end on the next consecutive business day. Appeal and notice periods shall commence on the next business day from the date a notice or appeal is issued.

6. Applicability

6.1. General applicability. All exterior lighting installed after the effective date of this Chapter, in all zoning districts in the Town, shall be in conformance with the requirements established by this Chapter and any other applicable ordinances. The provisions of this chapter shall apply to all new development of real property that involves:

6.1.1. New construction for which a development permit is required;

6.1.2. Remodeling of an existing building or structure for which a development permit is required; provided, however, that compliance with the requirements of this Chapter is required for a remodel of an existing building or structure only with respect to the remodeled portion of the existing building or structure; or

6.1.3. Installation of new outdoor luminaires for any purpose.

6.2. Amortization of non-conforming installations. All commercial and residential outdoor lighting luminaires that were lawfully installed prior to the effective date of this chapter, but that do not comply with the requirements of this chapter, are declared to be legal non-conforming luminaires. All legal non-conforming luminaires may continue to be used and maintained after the adoption of this Chapter, but shall be brought into compliance with its requirements upon the first to occur of any of the following:

6.2.1. An application for a Town Building design review, conditional use, subdivision permit, or building permit;

6.2.2. A change of use of the property;

6.2.3. Any renovation to the property equal to or exceeding twenty (20) percent of its assessed value;

6.2.4. More than fifty (50) percent of the total appraised value of a structure, as determined from the records of the county's appraisal district, is destroyed;

6.2.5. A determination by the Inspector that the legal non-conforming luminaire constitutes a public hazard or nuisance;

6.2.6. A certificate of occupancy is issued for a property previously determined by the INSPECTOR to be abandoned for at least six (6) months;

6.2.7. The replacement of any legal non-conforming luminaire with new lighting equipment, not inclusive of lamps or similar consumable parts; or

6.2.8. Ten (10) years after the effective date of this chapter. Conformity shall occur prior to issuance of a certificate of occupancy, final inspection or final plat recordation, when applicable. For other permits, the applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.

6.3. Lighting Plans Required. All applications for design review, conditional use, subdivision and/or building permits shall include lighting plans showing location, type, height, CCT, lumen output and amount of all proposed and existing luminaires. The applicant shall provide sufficient information to verify that lighting conforms to the provisions of this Chapter. The Inspector shall have the authority to request additional information in order to achieve the purposes of this chapter.

6.4. Application of Chapter. In case of conflict between any of the provisions of this Chapter, the most restrictive shall apply.

7. Establishment of lighting zones

One Lighting Zone is established, causing development standards to remain the same at any location within the Town. Lighting Zone are shown in the map Figure 3

The Lighting Zone shall be as follows:

7.1. LZ1: Low ambient lighting. Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

8. Main provisions

8.1. Compliance with building codes. All outdoor lighting luminaires installed in conformance with this Chapter shall comply with all applicable Town Building Codes in effect at the time of installation under appropriate permit and inspection.¹¹

8.2. Shielding. Unless exempted elsewhere in this section, all luminaires whose initial lumens exceed the following values shall be fully shielded:

8.2.2. LZ1: Five hundred (500) lumens.

See Figure 2 for examples of shielded and unshielded luminaires.

8.3. Maximum allowed amounts of unshielded lighting. On no parcel shall the amount of allowed unshielded lighting exceed, in

the aggregate, the following values per net acre according to lighting zone:

8.3.2 LZ1 One Thousand (1000) Lumens

8.3.A.1 Lumens Caps. The lumen per acre values are an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task. Lumen per net acre values exclude governmental owned street lights used for illumination of public right-of-way and outdoor recreation facilities

- 1) Non residential property. Total outdoor light output installed on any non residential property shall not exceed 15,000 lumens per net acre in any contiguous illuminated area.
- 2) Residential property. Total outdoor light output installed on any residential property shall not exceed 5000 lumens per net acre in any contiguous illuminated area.

8.4. Spectrum management. The emission of light by all luminaires in all lighting zones shall be controlled in terms of spectral output according to at least one of the following conditions:

8.4.1. The correlated color temperature of the light shall not exceed 2700 Kelvins, AND/OR

8.4.2. No more than 25% of the total spectral power shall be emitted at wavelengths less than 550 nanometers (nm), AND/OR

8.4.3. The S/P ratio of allowed lighting shall not exceed 1.3.

8.5. Allowed illuminance values. Illuminances resulting from all lighting installations shall conform to the edition of the recommended practices of the IESNA current at the time of installation. Designs shall ensure that resulting illuminances neither fall below the IESNA-recommended minimum value for the specific application involved nor exceed the recommended maximum value. Permit applications for lighting installations shall include photometric calculations and/or models demonstrating achievement of the required illuminance values on target surfaces.

8.6. Light trespass prohibited. No luminaire installed within Town limits shall create conditions of light trespass.

8.7. General curfew. In all non-residential zones, all exterior lighting shall be extinguished by 11 P.M. or within one (1) hour of the end of normal business hours, whichever occurs later. Businesses whose normal operating hours are twenty-four (24) hours per day are exempt from this provision.

8.8. Outdoor sports lighting (OSL). The following provisions shall apply exclusively to facilities built to host outdoor athletic events.

8.8.1. Purpose. Field lighting shall be provided exclusively

for illumination of the surface of play and adjacent viewing stands, and not for any other application, such as lighting a parking lot.

8.8.2. Class of play. The design and installation of lighting for outdoor sports and similar activities shall follow the illuminance and uniformity guidelines of the IESNA¹² according to the appropriate class of play.¹³

8.8.3. Shielding. OSL shall be exempt from the general shielding requirement of this section, although site plans must demonstrate that shielding is implemented to the greatest practical extent.

8.8.4. Illuminance levels. Illuminance levels provided by OSL systems shall be adjustable according to task, allowing for IESNA-recommended values during active play as well as for lower output during other times, such as when field maintenance is being actively performed.

8.8.5. Curfew. All OSL must be extinguished by 11 P.M. or within one hour of the end of active play, whichever is later. The OSL system shall be fitted with mechanical or electronic timers to prevent lights being left on accidentally overnight by enabling them to be automatically extinguished.

8.8.6. Off-site impacts. Impacts of OSL to any other properties shall be limited to the greatest practical extent possible. The maintained vertical illuminance at the property line shall not exceed 10 lux at any time.

8.9. Illuminated Signs. Notwithstanding the requirements of any other Town Ordinance regulating the use of outdoor signs, whether on- or off-premises, all of the following restrictions shall apply:

8.9.1. Top-down lighting. Externally illuminated signs shall be lit only from the top of the sign, with fully shielded luminaires designed and installed to prevent light from spilling beyond the physical edges of the sign.

8.9.2. Internally illuminated signs shall be subject to all of the following requirements:

8.9.2.1. Curfew. Light sources shall be extinguished completely after 11 P.M. or at the end of normal business hours, whichever is later, and remain off until one (1) hour before sunrise.

8.9.2.2. Luminance levels. Luminance levels during permitted operating hours shall not exceed 100 nits. For

electronic displays, this figure is as measured under conditions of a full white display.

8.9.2.3. Size limit. The luminous surface area of an individual sign shall not exceed 200 square feet (18.6 square meters).

8.9.2.4. Message dwell time. Messages appearing on electronic displays shall not be displayed for less than thirty (30) seconds, and shall require no longer than 0.25 seconds to transition from one message to another. Moving and/or flashing text or images are prohibited.

8.9.2.5. Permitted location. Signs shall not be placed within one thousand (1,000) feet (300 meters) of another off-premise sign on the same side of an arterial street or highway, regardless of face orientation, or within one thousand (1,000) feet (300 meters) of a residential area.

8.10. Service Station Canopies. All luminaires mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize only flat lenses or windows. Shielding must be provided by the luminaire itself, and not by surrounding structures such as canopy edges. Illuminance values shall neither fall below IESNA-recommended minimum values, nor exceed the recommended maximum values.

8.11. Flagpoles. Property owners are encouraged to not illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset. If flags are illuminated at night, lighting of up to a total of two (2) flags per property is permitted with the following conditions:

8.11.1. The flags must either be the flag of the United States of America or the flag of the State of Colorado in order for illumination to be permitted.

8.11.2. If nighttime illumination is used, flagpoles with a height greater than 20 feet above ground level shall be illuminated only from above. This may be achieved by utilizing a luminaire attached to the top of the flagpole or a luminaire mounted above the top of the flag pole on a structure within fifteen (15) feet of the flag pole and must comply with all sections of this Chapter. The total light output from any luminaire mounted on top of or above a flag pole shall not exceed 800 initial lumens.

8.11.3. Flag poles with a height equal to or less than twenty (20) feet above ground level may be illuminated from below. If ground-level illumination is used, flagpoles may be illuminated with up to two (2) spot type luminaires, utiliz-

ing shields or diffusers to reduce glare, whose maximum combined lumen output is 75 lumens per linear foot of pole height, measured from the level of the luminaire above grade to the top of the flagpole. Luminaires are to be mounted so that their lenses are perpendicular to the flag pole and the light output points directly toward the flag(s).

9. Prohibitions

The use of the following types of outdoor lighting are prohibited, except as specifically exempted here or elsewhere in this Chapter:

- 9.1. Outdoor floodlighting by projection of light above the horizontal plane running through the lowest light-emitting portion of a luminaire with respect to grade.
- 9.2. Searchlights, skybeams, and similar lighting, except as required by response personnel during emergency conditions.
- 9.3. Lasers.
- 9.4. Any light that dynamically varies its output by intermittently fading, flashing, blinking, or rotating. This type of lighting includes strobe lighting.
- 9.5. Any luminaire that uses mercury vapor lamps.

10. Exemptions

The following are exempt from compliance with all provisions of this Chapter, except as noted:

- 10.1. Publicly owned lighting, subject to the requirements of Section 11.
- 10.2. Holiday lighting is permitted for decorative purposes between November 15 of one calendar year and January 15 of the following calendar year. The total quantity of light meeting this definition permitted is not limited, but excessive displays are liable to be declared public nuisances. All holiday Lighting must be fully extinguished each night by 11 P.M. during the allowed period.
- 10.3. String, festoon, and similar lighting, provided that the emission of no individual lamp exceeds fifty (50) initial lumens, and no installation of such lighting exceeds, in the aggregate, three thousand (3,000) lumens.
- 10.4. Underwater lighting of swimming pools and similar water features.
- 10.5. Fossil fuel lighting. Open fires are not permitted at any time within Town limits.

- 10.6. Lighting required by law to be installed on motor vehicles.
- 10.7. Emergency lighting, only for as long as emergency conditions so identified by qualified personnel continue to exist. This includes temporary lighting illuminating the activities of law enforcement, fire and other emergency services, as well as building egress lighting whose electric power is provided by either battery or generator.
- 10.8. Lighting employed during repairs of roads, utilities and similar infrastructure, including unshielded lighting, provided that such lighting is deployed, positioned and aimed such that the resulting glare is not directed toward any roadway or highway.
- 10.9. Any form of lighting whose use is mandated or otherwise governed by any legal jurisdiction higher than that of the Town.
- 10.10. Temporary lighting required to save life, limb or property from imminent peril, provided that use persists only during the hours of the peril.
- 10.11. Temporary lighting allowed under the permitting process described in Section 13.

11. Publicly owned lighting

- 11.1. Warranting. New installations of outdoor lighting will only be installed on public properties and rights-of-way upon determination by the Town Manager that a public safety hazard exists in the area to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting and not through some other passive means, such as reflectorized roadway paint or markers.
- 11.2. Curfew. All lighting not adaptively controlled must be fully extinguished by 11 P.M., or within one hour of the end of occupancy of the structure or area to be lit, whichever is later.
- 11.3. Adaptive controlling. All new installations of outdoor lighting on public properties and rights of way must be regulated with adaptive controls such that the lighting of areas is restricted to times, places and amounts required for safe occupancy.

12. Plan submission and review

- 12.1. Applications. Any individual applying for a compliance review number or building permit under this Chapter intending to install outdoor lighting shall, as part of said application, submit evidence that the proposed installation will comply with this section. All other individuals intending to install out

door lighting luminaires shall submit an application to the Building Inspector providing evidence that the proposed installation will comply with this section.

12.2. Contents of Application or Submission. The applicant may obtain from Building Inspector a document that lists all of the items that comprise a proper and complete outdoor lighting submittal. The submittal shall contain, but shall not necessarily be limited to, the following:

12.2.1. Plans indicating the location on the premises, and the type of illuminating devices, luminaires, lamps, supports, other devices, etc.

12.2.2. Description of the illuminating devices, luminaires, lamps, supports and other devices, etc. This description may include but is not limited to manufacturer data sheets, drawings and photometrics (including sections where required).

12.3. Sufficiency of plans. The above required plans and descriptions shall be sufficiently complete to enable the Planning Director to readily determine whether compliance with the requirements of this chapter will be secured. If such plans and descriptions cannot enable this determination, by reason of the nature or configuration of the devices, luminaires or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized lab.

12.4. Issuance of Permit. Upon compliance with the requirements of this Chapter, the Building Inspector shall issue a permit for installation of the outdoor lighting luminaires, to be installed as approved. In the event the application is part of the building application under the zoning regulations, the issuance of the building permit will be made if the applicant is in compliance with this Chapter as well as the other requirements for issuance under the zoning regulations.

12.5. Amendment to Permit. Should the applicant desire to substitute outdoor luminaires or lamps after a permit has been issued, the applicant must submit all changes to the planning director for approval with adequate information to assure compliance with this chapter.

13. Temporary permitting

13.1. Lighting allowed by temporary exemption. Temporary lighting that does not conform to the provisions of this Chapter may be approved at the discretion of the Building Inspector subject to submission of an acceptable Outdoor Lighting Permit.

13.2. Permit term and renewal. Permits issued shall be valid for no more than thirty (30) calendar days and subject to no more than one renewal, at the discretion of the ~~Planning~~ Building *nee*

Inspector, for an additional thirty (30) calendar days.

13.3. Conversion to permanent status. Any lighting allowed through by permit that remains installed after sixty (60) calendar days from the issue date of the permit is declared permanent, and is immediately subject to all of the provisions of this Chapter.

13.4. Permit contents. A request for temporary exemption to any provision of this Chapter shall contain minimally the following listed information:

13.4.1. Specific exemptions requested;

13.4.2. Previous temporary exemptions, if any;

13.4.3. Duration of time requested exemption;

13.4.4. Type and use of exterior light involved;

13.4.5. Type and initial lumens of proposed lamps;

13.4.6. A plan with proposed luminaire locations; and

13.4.7. Manufacturer data sheets for proposed luminaires.

13.5. In addition to the above data, the Building Inspector may request any additional information which would enable a reasonable evaluation of the request for temporary exemption.

14. Enforcement

14.1. Administrative guidance. The Town of Nucla is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this Chapter.

14.2. Violations. It shall be unlawful to install or operate any outdoor lighting luminaire in violation of any provision of this Chapter. Any person violating any provision of this Chapter shall be guilty of a misdemeanor. Each and every day during which the illegal erection, maintenance and use of such non-conforming lighting continues shall be considered to constitute a separate offense.

14.3. Primary relief. General penalties provided in Chapter 8 of the Nucla Code of Ordinances shall apply to violations hereof. The Town shall also have the right to bring a civil action to enforce the provisions of this Chapter and to seek remedies as allowed by law, including, but not limited to injunctive relief, monetary damages; or other relief as directed by a court with jurisdiction over the matter.

14.4. Alternative relief.

14.4.1. Civil penalties. In lieu of criminal prosecution, a civil penalty up to \$50.00 per day may be assessed when it is shown that the defendant was actually notified of the provisions of this Chapter and committed acts in violation of this Chapter or failed to take action necessary for compliance with this Chapter; and other available relief.

14.4.2. Stop work orders. In the event work is not being performed in accordance with this Chapter, the Town may issue a stop work order and all work shall immediately cease on the entire project for which a permit is issued. No further work shall be undertaken on the project if a stop work order is in effect.

15. Severability

If any provision of this ordinance, or the application hereof to any person or circumstance, is held invalid, all other provisions and applications of this ordinance that can be given effect without defeating the purpose or objective of the provisions will be considered as remaining valid. To this end, the provisions of this ordinance are declared to be severable.

16. Repealer

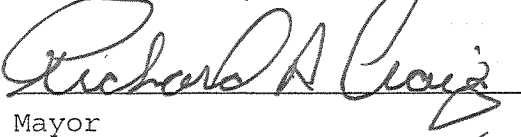
All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Introduced to the Board of Trustees on May 13, 2020 and May 27, 2020
Published in the San Miguel Basin Forum on May 28, 2020 and June 4, 2020
Public Hearing and 1st reading June 10, 2020, 2nd reading and adoption June 24, 2020.

The effective date of this ordinance as provided by the Board of Trustees shall be 30 days from the date of adoption.

Adopted the 24th day of June, 2020

Town of Nucla, Colorado


Mayor

Attest:

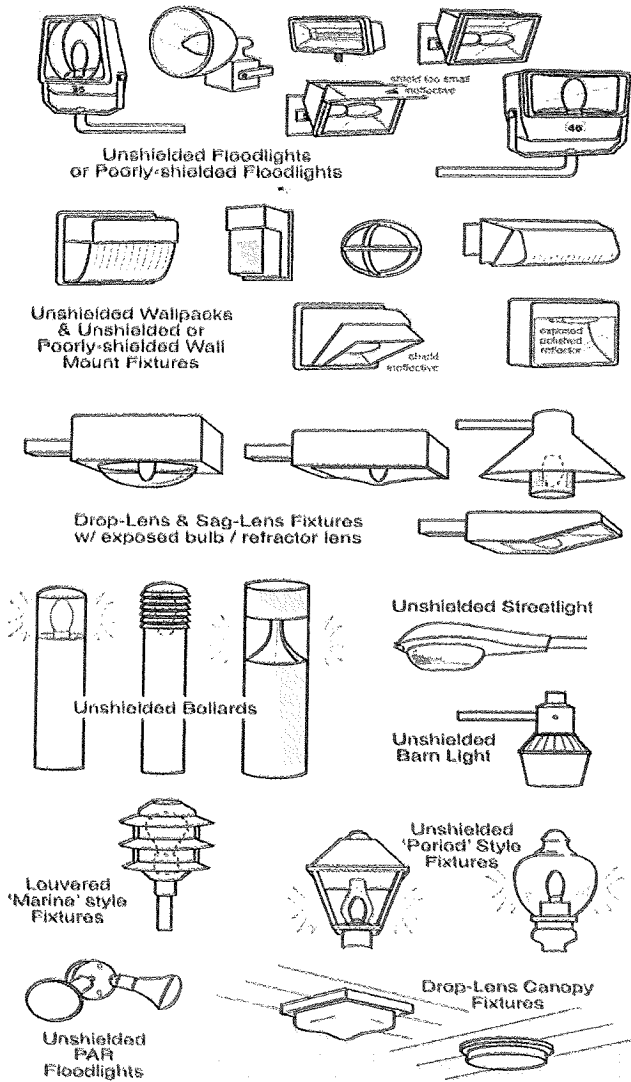

Melissa L. Lampshire Town Clerk

Figure 2

Examples of Acceptable & Unacceptable Lighting Fixtures

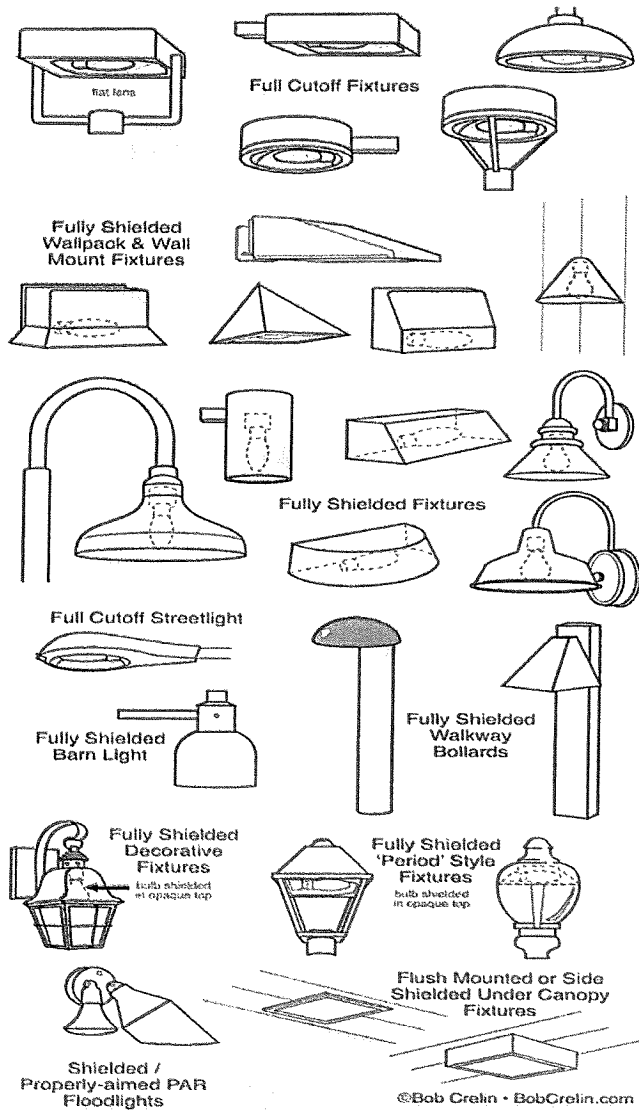
Unacceptable/Not Compliant

Fixtures that produce glare and light trespass



Acceptable/Compliant

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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Figure 3 Nucla LZ1

