

**ORDINANCE NO. 17**  
**SERIES 2012**  
**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 17 OF**  
**THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE NEW**  
**REGULATIONS REGARDING CERTAIN FORMS OF LIGHTING**

WHEREAS, the Town of Crested Butte, Colorado (the “Town”) is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and the laws of the State of Colorado;

WHEREAS, the Crested Butte Municipal Code (the “Code”) contains certain regulations regarding the installation and use of certain forms of lighting;

WHEREAS, the Town staff has studied the use of certain forms of lighting in Crested Butte and has found that the Town’s regulations require revisions in order to address such lighting;

WHEREAS, in connection with the Town staff’s findings that the Town’s regulations regarding lighting require revisions, the Town staff has recommend to the Town Council that the Code be amended accordingly;

WHEREAS, the Town Council finds that the Town staff’s study of lighting in Crested Butte indicates that the Code requires revisions in order to more adequately address the installation and use of certain forms of lighting in Crested Butte;

WHEREAS, the regulation of the installation and use of lighting in Crested Butte represents an important governmental concern; and

WHEREAS, the Town Council has determined that the below amendments to the Code represent important new requirements imposed on the installation and use of lighting in Crested Butte, and are, therefore, in the best interest of the health, safety and welfare of the residents and visitors of Crested Butte.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

**Section 1. Amending Section 16-17-20.** Section 16-17-20 of the Code is hereby amended by adding the following new defined terms thereto:

*“Architectural element lighting* means exterior lighting that accents certain horizontal features of a building or other structure such as parapets, belly bands or eaves.

*Exterior dining lighting* means lighting that illuminates bistro or outside seating areas and access to such.

*Lumens* means a measurement of the total amount of visible light emitted by a source.

*Temporary ornamental lighting* means exterior holiday-type lighting. Such lighting shall be deemed temporary in nature only if it does not contain permanent electrical wiring as would be deemed permanent under any applicable electrical code enforceable within the Town.”

**Section 2. Amending Section 16-17-50.** Section 16-17-50 of the Code is hereby deleted in its entirety and replaced with the following new section which shall read as follows:

**“Sec. 16-17-50. Commercial lighting regulations.**

The following commercial lighting regulations apply to all property located within the “C” Commercial District, “B1” Business District, “B2” Business District, “B3” Business District, “B4” Business District, “T” Tourist District and “P” Public District. All such lighting shall be approved by the Board with the exception of temporary ornamental lighting.

(1) All exterior lighting shall be provided by full cut-off fixtures that by design have a cut-off angle of not more than ninety (90) degrees, properly installed so as to maintain the full cut-off angle of ninety (90) degrees. Fixtures which are shielded by a structural element so as to meet the intent of a full cut-off fixture shall be considered to be in compliance.

(2) Lights which blink, flash, rotate, move or change in color or intensity are prohibited.

(3) Exterior lighting fixtures will be mounted no higher than twelve (12) feet above the flooring, deck, walkway, driveway, parking area or other occupied area, or the highest grade point of the ground surface immediately adjacent to 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.

(4) Temporary ornamental lighting shall be permitted from November 15 to April 15 only. The installation of temporary ornamental lighting shall not require prior approval of the Board. The owner of the property affected by any such temporary ornamental lighting shall cause such lighting to be reasonably maintained such that such lighting is safe and tasteful, with any burned out bulbs being replaced reasonably promptly. Temporary ornamental lighting may not be located on public property. Temporary ornamental lighting shall not be utilized within five feet of the interior of transparent windows and doors outside of the permitted dates.

(5) Rope lights or L.E.D. lights that do not conform to Paragraph 16-17-40(1) above are prohibited, unless they are temporary ornamental lighting otherwise permitted hereunder.

(6) The illumination of signs shall comply with Article 18 of this Chapter.

(7) Architectural element lighting shall be clear or white in nature and shall not flash or strobe. Such lighting shall be uniform in spacing with lights no less than twelve (12) inches apart. Architectural element lighting may only be placed horizontally on one horizontal street-side architectural element of a building or structure, must consist of only one strand of lights and may not be placed vertically on corners or on windows or doors. Buildings that are located at the intersection of two streets or a street and an alley may have a string of lights on each street frontage. Each light source or lamp may not exceed 300 lumens. All Subject to the foregoing, all architectural element lighting in place as of December 17, 2012 need not obtain the approval of the Board. The owner of the property affected by any such architectural element lighting shall cause any such lighting to be reasonably maintained such that such lighting is safe and tasteful, with any burned-out bulbs being replaced in a timely fashion.

(8) Exterior dining lighting shall be installed in compliance with the Town Code, including, without limitation, the National Electric Code (NEC) as adopted by the Town. All such lighting shall be operated only during business hours and those days when exterior dining is being utilized. Solar and battery powered exterior dining table light fixtures shall not be subject to the NEC. Exterior dining lighting may not be located on public property and may only illuminate dining areas and access to the same. Such lighting must comply with Section 16-17-50 (1)-(3). Each light source may not exceed 1600 lumens.”

**Section 3. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 4. Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the effective date hereof.

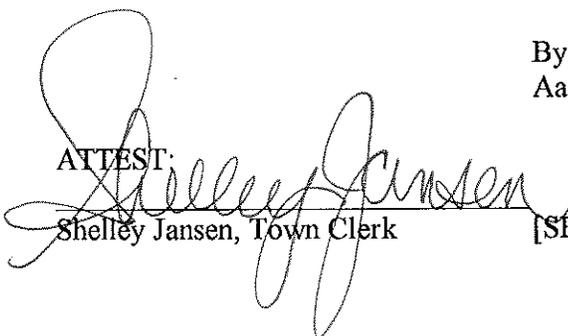
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 3<sup>rd</sup> DAY OF DECEMBER, 2012.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 17 DAY OF DECEMBER, 2012.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Aaron J. Huckstep, Mayor

ATTEST:

  
Shelley Jansen, Town Clerk

[SEAL]

