

ORDINANCE NO. 30

Series 2010

AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING EXTERIOR LIGHTING

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 9-12-6 of the Breckenridge Town Code is amended by the addition of a new subsection (C), which shall read in its entirety as follows:

C. All legal nonconforming decorative and bistro lighting may continue to be used and maintained after the adoption of the ordinance codified in this chapter, but shall be brought into compliance with the requirements of this chapter upon the first to occur of:

1. A determination by the director that the legal nonconforming fixture constitutes a public hazard or nuisance; or
2. April 30, 2012.

Section 2. The definition of "Holiday Lighting" set forth in Section 9-12-7 of the Breckenridge Town Code is deleted.

Section 3. The definition of "Bistro Lights" in Section 9-12-7 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

**BISTRO LIGHTS:** A display of small white or clear bulbs on a string or tubes used to call attention and provide light and ambiance to an outdoor dining/bar area designated by the site plan. Bistro lights shall consist only of light-emitting diode (LED) bulbs. "Warm" or "soft" LED bulbs are preferred.

Section 4. Section 9-12-7 of the Breckenridge Town Code is amended by the addition of a new definition of "Decorative Lighting", which shall read in its entirety as follows:

**DECORATIVE LIGHTING:** Decorative string lighting that outlines a building or structure; or decorative string lighting in trees; or decorative string lighting between commercial or mixed use buildings or to a post or structure forming a canopy over a walkway. Decorative lighting shall consist only of light-emitting diode (LED) bulbs. "Warm" or "soft" LED bulbs are preferred.

Section 5. Section 9-12-8(B) of the Breckenridge Town Code is amended so as to read in its entirety as follows:

B. Decorative Lighting: In all Lighting Zones decorative lighting is permitted only from Nov. 1 through end of ski season at Breckenridge Ski Resort. At all other times decorative lighting is unlawful.

Section 6. Section 9-12-9 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

9-12-9: PROHIBITED LIGHTING: The following are prohibited within the Town:

- A. an unshielded fixture or lamp for outdoor lighting;
- B. a searchlight;
- C. a laser light;
- D. a semi-opaque or transparent backlit canopy or awning; and
- E. any lighting that does not comply with the requirements of this chapter.

Section 7. Section 9-12-11(A)(4) of the Breckenridge Town Code is amended so as to read in its entirety as follows:

Bistro lighting is permitted at an outdoor dining/bar area designated by the site plan to provide light and ambiance. Bistro lighting includes a temporary arrangement of lighting bulbs or tubing from May 1 through October 31 of the same year. At all other times bistro lighting is unlawful.

Section 8. Section 9-12-12 of the Breckenridge Town Code is amended by the addition of a new subsection 7, which shall read in its entirety as follows:

7. Decorative and Bistro Lighting: Decorative and bistro lighting shall not blink all at once, flash, or rotate, nor create a hazard or nuisance from glare. Decorative and bistro lighting shall be maintained in good working condition at all times.

Section 9. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.


Section 10. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 11. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

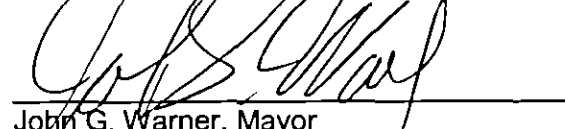
Section 12. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 24<sup>th</sup> day of August, 2010. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 14<sup>th</sup> day of September, 2010, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

  
Mary Jean Loufek, CMC, Town Clerk

TOWN OF BRECKENRIDGE


  
John G. Warner, Mayor

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 3, 2010.


The public hearing on this ordinance was held on September 14, 2010.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL WITH AMENDMENTS ON THE TOWN'S WEBSITE this 14th day of September, 2010. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

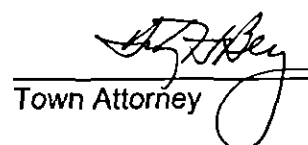
ATTEST:

  
Mary Jean Loufek, CMC, Town Clerk

TOWN OF BRECKENRIDGE

  
John G. Warner, Mayor

APPROVED IN FORM

  
Town Attorney

9/14/10  
Date

This Ordinance was published on the Town of Breckenridge website on September 16, September 17, September 18, September 19 and September 20, 2010. This ordinance shall become effective on October 20, 2010.