



To: Mayor and Council
From: Scot Hunn, Planning Director
Date: November 15, 2024
Agenda Item: Town of Minturn Exterior and Holiday Lighting Regulations

Staff has been asked to facilitate a discussion related to the Town's holiday/exterior lighting regulations and guidelines.

At their regular meeting of August 21, 2024, the Council discussed the recently implemented Minturn Water Tank seasonal lighting improvements and voted to approve on first reading Ordinance No. 19, Series 2024 - an ordinance amending the Town's exterior lighting exemptions to allow for seasonal uplighting of the water tank for Town purposes. During deliberations, the Council discussed revisions to the ordinance to add daily time limits for holiday/ornamental lighting, but ultimately voted to approve on first reading without any revisions.

At the same meeting, the Council discussed the Town's exterior lighting policies including the Town's "dark sky" lighting requirements, holiday lighting (the definition of holiday lighting as well as whether the Town should enforce time limits on holiday lighting displays), and the differences between temporary holiday lighting, ornamental lighting, and *permanent* exterior lighting.

Following the Council's action to approve Ordinance No. 19, Series 2024 on first reading, with no changes, Council directed staff to facilitate a general discussion related to the Town's existing outdoor lighting regulations to:

- Clarify the intent of the Town's dark or "night" sky exterior lighting regulations.
- Separate the Town's exterior lighting regulations (for permanent fixtures) from the Town's allowance for temporary, holiday/ornamental lighting.
- Discuss potential code changes to the Code to update the Town's definition of "holiday" lighting and to consider time limits on holiday lighting displays.

Dark or "Night" Sky Lighting Regulations

During the Council's deliberation on August 21st, a question was asked about the Town's dark or "night" sky ordinance: how the Town's existing requirements for dark sky compliant lighting related to holiday lighting, and whether the Town was enforcing these requirements.

Section 16-17-180 - *Exterior illumination standards*, of the Minturn Municipal Code provides the following statement of purpose and definitions:

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

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

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

Exterior lighting means permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors.

Full cut-off fixture means 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 means intense light that results in discomfort and/or a reduction of visual performance and visibility.

Holiday/ornamental lighting means festoon-type lights.

Light pollution means any manmade light that diminishes the ability to view the night sky.

Light trespass means 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. Additionally, residents and business owners are required to replace all nonconforming exterior light fixtures when a building permit is issued for any exterior project with a permit valuation greater than or equal to one thousand five hundred dollars (\$1,500.00). Business owners and residents with nonconforming 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:*

- (1) *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.*
- (2) *All lighting shall conform with the definition for a full cut-off fixture.*
- (3) *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.*

- (4) Floodlights and security lights shall be restricted as follows:
 - a. The point light source shall not be visible from neighboring lots or streets.
 - b. 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.
- (5) Motion sensor lights may be permitted, but only where the sensor is triggered by motion within the owner's property lines.
- (6) 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.
- (7) Exterior fluorescent tube lighting shall be prohibited in all cases.

The Code is clear in its intent to “Reduce nighttime light pollution and protect the night sky” and to reduce or limit glare, light pollution, light trespass, while specifically defining and requiring a “Full cut-off fixture” (which fixtures are generally synonymous with dark or “night” sky light fixtures) **for all new, permanent exterior lighting** and any exterior remodels over a certain dollar amount.

Importantly, the Code also permits exemptions for “Holiday/ornamental lighting.”

Holiday/Ornamental Lighting

Under Section 16-17-180(f) - *Exemptions*, “holiday” or “ornamental” lighting is exempt from the general outdoor lighting regulations.

The definition of “Holiday/ornamental lighting” is tied to “festoon-type lights.” Unfortunately, the Code does not define “Festoon-type lights.” Below are images of typical festoon-type lights.



A similar search of the internet produces the images of holiday lighting below.



Staff suggests that Minturn’s definition of “Holiday/ornamental lighting” is deficient for the following reasons: festoon lighting – sometimes referred to as “café lights – is distinct in its design and use for permanent or semi-permanent installations meant to illuminate outdoor spaces like patios, walkways, plazas and other gathering areas. Meanwhile, holiday lighting is intended for temporary installations – typically adorning structures, yards or individual landscaping – in celebration of specific holidays.

Therefore, to define holiday/ornamental lighting as the same thing as festoon lighting is problematic.

New Definitions Needed

The Town’s definition of “Holiday/ornamental lighting” refers to “festoon” lighting. However, that term is not defined in the Minturn Municipal Code and as discussed above, holiday lighting and festoon lighting are distinct.

Staff researched other jurisdictions’ definitions of exempt holiday lighting and offer the following examples for consideration as updates to the Town of Minturn’s definition:

Holiday (seasonal) lighting. Temporary festive lighting intended to celebrate the winter season and the Thanksgiving, Christmas and New Year's holidays.

Staff Comment: This definition from the Town of Avon is specific to the “winter” season; it could be expanded to include other holidays or be modified to include the words “including but not limited to” or “such as” to describe the holidays where lighting is acceptable or expected.

Seasonal lighting. Temporary seasonal lighting for holidays, which may use bare, low-watt bulbs equivalent of a ten-watt incandescent bulb or less.

Staff Comment: This definition from the Town of Eagle does not attempt to define or list which holidays are acceptable or expected but does include helpful language such as “temporary seasonal” to differentiate between permanent and temporary. This definition also gets specific with regard to the type of light bulb – something that would be difficult to enforce.

Winter holiday lighting which is of a temporary nature and which is illuminated only between November 1 and April 15 of each year. Other holiday lighting temporary in nature may request exemption from the Town.

Staff Comment: This definition from the Town of Gypsum specifically singles out “Winter” holiday lighting from other holiday lighting and sets the timeframes when winter holiday lighting can be exempted. This does not seem to be something that would fit Minturn’s needs or reflect how the community uses outdoor lighting throughout the year, and requiring a property owner to request approval for holiday lighting at other times of year would be problematic. Also, staff generally recommends against include regulations (in this case time limits) within a definition.

Staff recommends that the Town consider amending Section 16-17-180 to amend its definition of “Holiday/ornamental lighting” as follows:

Holiday/ornamental lighting means ~~festoon-type lights~~ seasonal lighting of a temporary nature intended to celebrate recognized holidays occurring throughout the calendar year and which may include low-level lighting such as festoon lighting, holiday light stringers, or similar.

At the direction of Council, staff can also provide additional definitions and clarity within Section 16-17-180 for “festoon-type” lighting.

Time Limits

During their regular meeting of August 21st, the Council discussed adding provisions to the Code to limit the times of day (and possibly time of year) when outdoor holiday lighting may be displayed or turned on.

One proposal discussed was to set daily time limits allowing for illumination of outdoor lighting displays from dusk until 10:30pm; another proposal would allow lighting in daylight hours but require lighting to be turned off at 10:30pm.

Staff recommends that Section 16-17-180(f) – *Exemptions*, of the Code be amended to include the following changes:

(f) Exemptions. The following exterior light fixtures shall be exempt from the regulations contained in this Article:

- (1) 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.
- (2) Lights and lighting devices which are part of a Town event, Town display, or public gathering, so long as the event, display, or gathering is of a temporary, seasonal, or periodic nature.

- (3) ~~Holiday/ornamental lighting.~~ provided that such lighting is temporary in nature; is displayed in correspondence with recognized holidays; and is not illuminated between the hours of 10:30 P.M. (MST) and dawn.
- (4) 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.
- (5) Any light source that is used by an emergency service provider.