

ARTICLE 15-4

ANNEXATION

Section 15-4-1. Title. This Article shall be known and may be cited as the Town Annexation Ordinance.

Section 15-4-2. Definitions. As used in this Article unless the context otherwise requires the terms as defined by the Colorado General Assembly at C.R.S. 31-12-101 et seq. shall apply.

Section 15-4-3. Legal Requirements. The Town of Crested Butte, Colorado may exercise all statutory powers, all powers express and inherent in its Home Rule Charter, all powers as a Home Rule Municipality and all other powers it may lawfully assume. This Article shall be interpreted so as to extend such exercise of powers as is reasonable and necessary for the public welfare.

Section 15-4-4. Summary of Procedures for Annexation. Annexation to the Town of Crested Butte, Colorado requires a four-step process: (rev. Ord 19, 1996)

- A. Preliminary Annexation Request to Town Staff and Review by Town Council.
- B. Annexation Petition or, if necessary, Annexation Election Petition to Town Council.
- C. Town Staff Review of Final Application Submittals.
- D. Formal Annexation Application and Zoning Review by Town Council.

Provided, however that any applicant may request a non-binding pre-application conference with Town Staff and non-binding review by BOZAR and/or the Town Council. The purpose of such pre-application conference and review shall be to allow an applicant non-binding information regarding general annexation attitudes and requirements and to prevent unnecessary expenditures for preparation of annexation applications which may not be consistent with Town policies and requirements. Upon request by any applicant, and approval by the Town Council, the steps set forth in A and B, above, may be combined in such a fashion as may be approved by the Town.

Section 15-4-5. Preliminary Annexation Application. The applicant shall submit ten (10) copies of the Preliminary Annexation Application to the Town Clerk in conformity with the following requirements prior to approval:

- A. A petition for Annexation containing allegations that all requirements as provided under Colorado Revised Statutes for Annexation can or will be met prior to submission for final annexation and further including the following information:
 1. The names and mailing addresses of all landowners in the proposed area to be annexed.
 2. The legal description of the land owned by each signer to the petition proposed for annexation.
 3. Each signature shall be witnessed or acknowledged to verify said signature.
- B. An Annexation Map that shall contain the following information:
 1. A written legal description of the boundaries of the area proposed to be annexed.

2. A map showing the boundary of the area proposed to be annexed.
 3. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks.
 4. The boundary of the area proposed to be annexed, and next to it a drawing of the contiguous boundary of the Town of Crested Butte and the dimensions of the boundaries.
- C. A vicinity map showing the relationship of the area to be annexed and the existing Town limits.
- D. A preliminary master plan for proposed land use and requested zoning of the area to be annexed.
- E. The land area in acres.
- F. The name, mailing address and phone number of the Applicants, the Applicant's Attorney, and Engineer.
- G. The scale of the maps shall not be less than one inch (1") equals one hundred feet (100'). Maps shall include true north point, the name of the annexation, township, range, principal meridian section and quarter section, block and lot numbers. The dimensions of the maps shall be twenty-four inches (24") by thirty-six inches (36").

Section 15-4-6. Procedure. (rev. Ord. 19, 1996)

- A. Preliminary meeting with Town Staff.
1. Applicants for annexation shall hold a pre-conference meeting with the Town Manager and such other members of the Town Staff as the Town Manager shall determine necessary for such meeting.
 2. Full preliminary submission requirements shall be submitted at least seven (7) days in advance of the scheduled meeting. (See Section 15-4-5).
 3. Town Staff shall review the preliminary submission materials with the Applicant for general scope and conditions which might affect the annexation and shall present a staff report to the Town Council, and BOZAR if deemed appropriate by the Town Manager or Town Council.
 4. The Town Staff, following the preliminary review, shall place the preliminary annexation request on the next regularly scheduled Town Council meeting agenda.
- B. Preliminary Review by the Town Council.
1. The Town Council shall review the preliminary annexation submission materials and the Town Staff report at its meeting with the applicant.
 2. At the meeting with the Applicant, the Town Council shall make a decision on the preliminary annexation request, unless another meeting is mutually agreed upon between the Town Council and the Applicant. The Town Council may either approve, approve with conditions, or deny the preliminary annexation request. If approved, the Applicant is authorized to proceed with submission of the annexation petition, or annexation election petition, in accordance with the approval and any conditions imposed on the approval.

If Steps A and B are combined, as set forth in Section 15-4-4., and if the Town Council approves, or approves with conditions, the preliminary annexation plan, and if the petition is found to be in compliance with the Municipal Annexation Act of 1965, as amended, the Applicant may proceed by submitting a formal annexation application in accordance with the approval and any conditions imposed on the approval.

Section 15-4-7. Submission of Annexation or Annexation Election Petition to Town Council.

A. Submission Requirements and Fees.

1. Submission Requirements. Submission requirements shall be the same as those required in Section 15-4-5 of this Article.
2. Fee Schedule for Annexation. The fee for annexation proposals shall be \$1,000.00 or \$50.00 per acre, whichever is greater. Such fee shall be paid to the Town of Crested Butte after a preliminary annexation recommendation has been given by the Town Council and prior to any further consideration of such proposal. Said fees are non-refundable.

B. Procedure.

1. Annexation Petition Procedure.
 - a) The Applicant shall file the petition for annexation with the Town Clerk along with payment of the required fees (see Section 15-4-7A).
 - b) The Town Clerk shall place the petition for annexation on the Town Council agenda. The annexation petition shall be reviewed by the Town Council and approved, approved with conditions, or denied, in conformance with the Municipal Annexation Act of 1965, as amended. (rev. Ord 19, 1996)
2. Annexation Election Procedure. The requirements for annexation elections shall be the same as those specified in the Colorado State laws known as "The Municipal Annexation Act of 1965," as amended.

Section 15-4-8. Formal Annexation Application and Zoning Review Town Council. Sketch Plan submittals required under Section 15-3-6.C. of the Code shall be filed at this time to initiate subdivision review. Submittals for final annexation shall also constitute part of the subdivision sketch plan submittals and shall be considered by the Town Planning Commission when making a decision on the subdivision sketch plan. The annexation submittals may need to be modified to reflect changes occurring during the subdivision review process. No final action will be taken by the Town Council on the annexation request until the final subdivision plat is ready for final review and approval by the Town. (rev. Ord 19, 1996)

A. Final Submission Requirements. The applicant shall submit ten (10) copies containing the following information to the Town Clerk:

1. An Annexation Map appropriate for recording in the real property records of Gunnison County of the property proposed for annexation, which shall include the boundaries of the proposed annexation property and a legal description thereof, shall also include: (rev. Ord 19, 1996)
 - a) Proposed name of area to be annexed.

- b) Date of preparation.
- c) Written and graph scale.
- d) North arrow.
- e) Designation of proposed zoning.
- f) Street layouts including general dimensions.
- g) Contour intervals of not more than 10'.
- h) Scale no smaller than 1" = 100'.

2. A vicinity sketch of immediate adjacent properties at the same scale as the sketch plan indicating:

- a) Land uses.
- b) Residential densities.
- c) Streets.
- d) Water courses.
- e) Utilities.
- f) Easements.
- g) Any other major factor in and adjacent to the tract of land.
- h) Existing zoning of all adjacent properties.

3. Written Report. A written report containing the following information:

- a) A statement indicating how this particular annexation fits within the general development plan of the Town, including appropriateness under the Crested Butte Water Management Plan.
- b) Estimates of current population, assessed property value, and the costs of providing public services such as fire, trash, street maintenance, etc.
- c) The name or names of the special districts providing services, that would be affected by the annexation. If the unincorporated area to be annexed is part of a special district or county service area whose responsibilities are to be assumed by the municipality, a statement shall be required indicating what steps have been taken to insure a smooth transition in the delivery of services.
- d) At the option of the municipality, a statement and plan showing that sufficient water, free of encumbrances, will be given to the Town to offset the potential population of the annexed property.

e) A statement and timetable of how the applicant will develop and finance the extension of services (water, sewer, electricity, gas).

f) A statement and description of what land areas are to be set aside for public use, and/or what equivalent in money will be paid, and/or what other types of public benefit are to be provided such as employee housing, parking and transportation structures, utility zones, and/or water rights within a contracted period of time.

g) Impact Analysis - For a parcel of land to be considered for annexation, the applicant will be required to do an impact analysis.

(i) General Information:

*Gross acreage of annexation.

*Approximate number and type of units.

*Acreage of streets and parking.

*Acreage and percentage of open space to be created analyzed as to the amount to be deeded or dedicated to the Town, and the amount to be retained in private ownership. Potential maintenance costs to the Town are to be estimated.

*Density ratio: Number of units compared to net acreage (gross acreage less streets, parking, and open space).

(ii) Population Impact:

*Projected addition to the Town's population both permanent and transient.

*Age group composition of the population.

*Projected population by dwelling unit type.

*Impact on school, police, and fire districts to be reviewed by the School Board, Police and Fire Departments.

(iii) Traffic Impacts:

*Projected vehicle trips to enter or depart the site daily and peak hour average.

*Projected community wide impact.

*Impact related to existing street segment capacities within the zone district.

*Projected maintenance costs on new and existing streets.

*Public transportation ties.

(iv) Utilities Impact:

*Projected demand for culinary water year-round average and seasonal peaks.

*Impact on existing water and sewer capacity and the potential need for additional facilities.

*Potential electric power demand.

*Potential garbage and solid waste generation costs.

(v) Environmental Analysis:

*Soil Capabilities types and bearing capabilities.

*Geologic Hazard areas.

*High ground water tables.

*Steep slopes and potential erosion problems.

*Flood prone areas.

*Effects on existing fish, wildlife and vegetation.

*Aesthetic consideration.

*Wetlands designations.

4. Final Annexation Agreement. A copy of the proposed final annexation agreement with the Town. Said agreement shall include, without limitation, those agreements guaranteeing public benefit to the Town, the Applicant's plans for phasing development of the annexation property, agreements concerning streets and trails, water and sewer, drainage, environmental testing, utilities, public lands dedications, zoning, affordable housing, capital expansion recovery fees, and all other agreements between the Town and the Applicant. (rev. Ord 19, 1996)

B. Procedure.

1. Final Plan Meetings With Town Staff.

a) If the petition for annexation is found to be in substantial compliance by the Town Council, the Applicant shall have prepared the final submission requirements. The final submission requirements shall be submitted at least seven (7) days prior to the first final plan meeting with the Town staff (see Section 15-4-8A).

b) Upon receipt of the final submission requirements, the Town Manager shall schedule a meeting with the Applicant.

c) The Town Manager shall have thirty (30) days from the receipt of the final submission requirement in which to negotiate with the Applicant concerning public benefits, public improvements, and other annexation matters. A written letter shall be sent to the applicant within seven (7) days after the first scheduled staff meeting, indicating any additional information or offers of public benefit that are required, or that the application is satisfactory for the Town Council review.

d) If the application is found to be satisfactory by the Town staff or if the thirty (30) day period has elapsed, the Town staff shall schedule the application for a final annexation and zoning decision on the next Town Council agenda.

e) Applicant and Town Manager may mutually agree to extend the time limits required by this provision.

2. Criteria for Annexation Decision. The following criteria shall be considered before recommending favorably on an annexation request:

a) That the Master Plan for the use of the area to be annexed is acceptable.

b) That the open spaces have a workable program established for maintenance and up-keep and are coordinated with the Town's open space program when possible.

c) That the proposed annexation is necessary or desirable and will contribute to the general well-being of the community.

d) That the proposed annexation will in no way be detrimental to the health, safety, or general welfare of persons residing within the corporate boundaries or injurious to property or improvements in the vicinity.

e) That the proposal is in harmony with the intent of Town zoning ordinances and policies adopted by the Town.

- f) Unless otherwise agreed to by the Town, that the extension of services will be financed totally by the Applicant.
- g) That revenue and/or public benefit to be gained from the Town's portion of increased tax base is equal to or greater than the cost of services required.
- h) That the advantages to the Town outweigh the disadvantages.
- i) That the annexed area has a logical extension of road systems, and of public transportation systems, consistent with the Town's Land Use Plan. (rev. Ord 19, 1996)
- j) That the extension of water and sewer lines would be feasible in the area.
- k) That the Applicant has agreed to update any geological hazard, flood plain and other applicable mapping for the area to be annexed. The update work shall be done by a qualified person of the Town's choosing and shall be paid for by the applicant.
- l) That the proposal is consistent with the Town's Land Use Plan. (rev Ord 19, 1996)

Section 15-4-9. Final Annexation and Zoning Review - Town Council.

A. Submission Requirements.

1. Submission requirements shall be the same as those required in Sections 15-4-7.A. and 15-4-8.A. of this Article, said submissions shall reflect changes made during the preliminary annexation proceedings and the Town's subdivision review process. (rev Ord 19, 1996)
2. Performance Guarantee. The applicant shall post such performance guarantees in the form of bonds or letters of credit as the Town Council shall require to assure the completion of public improvements. The amount of this performance guarantee may be raised or lowered by the Town Manager at his or her discretion when a change of circumstances reasonably compels such change.

B. Procedures.

1. At a regular or special meeting, the proposed ordinance shall be introduced according to the Code.
2. After the first reading of the annexation and zoning ordinance, a public hearing shall be set not earlier than fifteen (15) days after the first reading.
3. After the public hearing of the proposed annexation and zoning ordinance(s), the Town Council may vote on final approval of the annexation and zoning ordinance(s). The Town Council shall vote on final approval of the annexation and zoning ordinance(s) within forty-five (45) days of the first reading of said ordinance(s).
4. The zoning ordinance shall take effect immediately after the annexation ordinance takes effect, if both are passed all in accordance with the Code.
5. The applicant shall reimburse the Town, within 15 days of written request, for the expense of recording all of the appropriate annexation documents with the Clerk and Recorder of Gunnison County, Colorado. (rev. Ord 19, 1996)

ARTICLE 15-5

USE OF RECREATIONAL LANDS (Created by Ordinance No. 16, Series 1998)

Section 15-5-1. Title. This Article shall be known and can be cited as the Crested Butte Recreational Land Use Regulation.

Section 15-5-2. Intent and Purpose. It is the intent of this Article to establish rules and regulations concerning the use of lands owned by the Town, conservation easements conveyed to the Town, or trail or other recreational easements, licenses or corridors conveyed to the Town for recreational and/or other purposes.

Section 15-5-3. Rules and Regulations Governing the Use of the Green Lake Trail. The following rules and regulations shall govern the public use of the Green Lake Trail:

- A. The trail shall be used only for pedestrian, non-motorized bicycling, and cross-country skiing.
- B. No motorized vehicles, horses or pack animals shall be permitted on the trail.
- C. Where the trail crosses private property, all dogs must be restrained by a leash, rope or other similar device physically connecting the dog to the owner or other person.
- D. All users must stay on the posted trail and avoid trespassing upon the private land over which the trail crosses.
- E. No user of the trail shall litter or otherwise leave trash or other debris on or near the trail.
- F. No user shall damage trees, shrubbery or other natural features, or signs or other constructed improvements while using the trail.
- G. Bicyclists shall yield the right-of-way to pedestrians on the trail.
- H. All users shall obey temporary closure signs and directives.

Section 15-5-4. Violation and Penalties. Any person engaging in any activity not in compliance with these regulations shall have committed a misdemeanor and shall be fined an amount not to exceed \$1,000 for each such offense or by imprisonment not exceeding one year, or both. Nothing herein shall limit the Town from seeking any other remedies that may be provided by law, including restitution, or payment of costs and reasonable attorney's fees for enforcement.

ARTICLE 15-6

WATER MANAGEMENT PLAN

Section 15-6-1 Title. This Article shall be known and may be cited as the Crested Butte Water Management Plan.

Section 15-6-2. Intent and Purpose. It is the intent of this Article to establish long-term policies, goals and directives for the Town in the form of rules and regulations to be updated from time to time as

needed concerning management of the Town's water, its water rights and the uses to be made of that water in furtherance of the Town's obligations to its citizens and visitors.

Section 15-6-3. Content. The Crested Butte Water Management Plan shall consist of the following:

A. A listing of all present rights held by the Town, the priorities of such rights, conflicts and possible challenges to said rights, and a brief description of the physical components which presently are utilized to making use of said rights.

B. A step by step plan for increasing the use of present water rights, including the establishment of a capital improvement program, priorities for extension of the present water system, utilization of untreated as well as treated water, and cost estimates which establish the feasibility for any program of development of present water rights.

C. Establishment of a program to increase present water rights to meet future needs to the Town. This portion of the plan should address issues of annexation, alternatives to present water rights should the present sources become polluted or otherwise unavailable to the Town, and cooperative development of unappropriated or otherwise under utilized water in the Upper East River Valley.

D. Population and growth projections for the Town and region which utilize various sources of available information to give the Town alternatives as to population growth, water usage projections, and such other future projections which may affect the Town's water and water rights.

E. The Plan should incorporate engineering reports and data concerning the feasibility of expansion of the Town's physical plant and system, cost projections, and such other information that engineering concerns may impart to the Town's planning process.

E. The above listing of information to be contained in the Water Management Plan is intended to be used as base information and not as limiting factors.

Section 15-6-4. Adoption. The Crested Butte Water Management Plan shall be adopted by the Town Council of the Town of Crested Butte, Colorado by Resolution in the form of Rules and Regulations. Future amendments and updates to said Rules and Regulations shall also be passed on by the Town Council by Resolution from time to time as the need arises. Said Rules and Regulations shall be promulgated in a manner to carry out and implement the intent of this Ordinance.

ARTICLE 15-7
LIGHTING REGULATIONS
(Added by Ord. 7, 2005 §1)

Section 15-7-1. Title. This Article shall be known and may be cited as the Crested Butte Lighting Ordinance. (Ord. 7, 2005 §1)

Section 15-7-2. Intent and Purpose. It is the intent of this Article to establish rules, regulations and penalties for the violation of such rules and regulations, for the reduction and restriction of unnecessary and excessive stray light as given off by exterior lighting sources on commercial and residential buildings during the nighttime hours. The excessive stray light emitted from exterior lighting sources within the Town constitutes a form of visual pollution that interferes with the enjoyment of the

nighttime visual environment for persons in and out of the boundaries of the Town of Crested Butte. (Ord. 7, 2005 §1)

Section 15-7-3. Definitions. For the purpose of this Article, the use of a plural form shall not necessarily imply that more than the singular is suggested, condoned or allowed, and certain words and phrases shall be defined as follows:

Color Rendering Index (CRI). A method for describing the effect of a light source on the color appearance of objects being illuminated, with 100 representing the reference condition and is the CRI of natural outdoor light or a 100-watt incandescent bulb. In general, a lower CRI indicates that some colors may appear unnatural when illuminated by a lamp.

Correlated Color Temperature (CCT). A description of the color appearance of a light source in terms of warmth or coolness, as measured on the Kelvin scale (K). As the temperature rises, the color appearance shifts from yellow to blue. Lamps with a low CCT (3000K or less) have a yellow-white color appearance and are generally described as "warm." Lamps with a high CCT (4000K and higher) have a blue-white color appearance and are described as "cool."

Full Cut Off Light Fixture. A light fixture so designed that no light rays are directly emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report. As a practical matter, the light source cannot be seen when viewed on a plane horizontal with the bottom of the shade or shield.

High Intensity Discharge (HID) Lamp. A term for a lamp or light source characterized by an arc tube which encloses various gases and metal salts operating at relatively high pressures and temperatures. Common HID lamps are mercury vapor, metal halide and high-pressure sodium.

Light Emitting Diode (L.E.D.). A light source where light is produced by passing an electric current through a semi-conductor diode. Intensity and color may change as a function of the energy level and type of semi-conductor material used. (Ord. 7, 2005 §1)

Section 15-7-4. General Lighting Regulations. The following regulations shall apply to all lighting within the Town of Crested Butte, unless otherwise indicated:

- A. No building, structure or vegetation within the Town of Crested Butte shall be lighted or illuminated in any fashion without the prior approval, on record, of the Board of Zoning and Architectural Review.
- B. No High Intensity Discharge lights may be utilized in any exterior application within the Town.
- C. No lights or lamps with a Correlated Color Temperature of higher than 3400 K or a Color Rendering Index of lower than 70 may be utilized on any exterior within the Town. (Ord. 7, 2005 §1)

Section 15-7-5. Residential Lighting Regulations. The following residential lighting regulations apply to all residential property, owned or rented, single-family or multi-family, within the Town, regardless of zone district:

- A. All exterior lighting, including motion-sensitive lighting, will 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.

B. Lights that blink, flash, rotate, move or change in intensity or color and "wall washer" lights are prohibited with or without cut-off design.

C. Exterior lighting fixtures will 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 adjacent to the lighting 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.

D. Temporary, ornamental lighting shall be allowed from November 15 to January 15, and in all other times, for periods not to exceed seventy-two (72) hours. Such lighting shall be deemed temporary if it is not of such permanent electrical wiring as would be deemed permanent under any applicable electrical code enforceable within the Town of Crested Butte. (Ord. 7, 2005 §1)

Section 15-7-6. Commercial Lighting Regulations. The following commercial lighting regulations apply to all property located within the "C" Commercial District, the "B1" Business District, the "B2" Business District, the "B3" Business District, the "T" Tourist District, the "P" Public District, and in those areas of Planned Unit Developments utilized for commercial purposes:

A. 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.

B. Lights which blink, flash, rotate, move or change in color or intensity are prohibited.

C. 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.

D. Temporary, ornamental lighting shall be allowed from November 15 to April 15. Such lighting shall be deemed temporary if it is not of such permanent electrical wiring as would be deemed permanent under any applicable electrical code enforceable within the Town of Crested Butte.

E. Rope lights or L.E.D. lights that do not conform to Section 15-7-5.A. are prohibited, unless they are temporary, ornamental lighting otherwise permitted.

F. The illumination of signs shall comply with Section 15-2-23 of the Town Code. (Ord. 7, 2005 §1)

Section 15-7-7. Street, Parking and Security Lighting. The requirements for street, parking and security lighting set forth in this Section, except where specifically exempted, apply to all zoning districts within the Town.

A. All street, parking and security lights will utilize 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.

B. Lighting fixtures shall be mounted no higher than twenty-five (25) feet above a parking or street surface. (Ord. 7, 2005 §1)

Section 15-7-8. Exemptions and Nonconforming Fixtures. The following exterior light fixtures shall be exempt from the regulations contained in this Article:

A. Publicly provided street lighting installed or planned by the Town or previously approved lighting that has been approved for parking lot lighting of a type specifically designed to comport with the historic character of the street or area.

B. 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 allowed.

C. Fixtures which are a part of an official traffic control device.

D. Lights and lighting devices which are a part of a Town event or public gathering, so long as the event or gathering is of a temporary nature and licensed or permitted under other provisions of the Town Code.

E. Lights which highlight theatre marquees, if approved for appropriateness by the Board of Zoning and Architectural Review.

F. Historic light fixtures which are part of a historic property and add to the historic character of the property. Such determination shall be made by the Building Official or his/her designee.

G. Lights which illuminate public outdoor recreation facilities. Such lighting shall be designed to minimize light pollution.

H. Other fixtures which, by their nature, use and design, present a compelling argument for the promotion of public health, safety and welfare as determined by the Building Official and the Chief Marshall of the Town. (Ord. 7, 2005 §1)

Section 15-7-9. Effective Dates of Compliance. Exterior light fixtures not otherwise exempted which do not comply with the regulations set forth in this Article shall be replaced or otherwise brought into compliance as follows:

A. All new construction shall be designed and constructed with full cut-off fixtures which shall be reflected in the designs presented to the Board of Zoning and Architectural Review, and subject to the provisions of the Town's building permitting and inspection process. The Board may request such cut sheets and specifications as are necessary to determine compliance. Approval of plans does not constitute approval of nonconforming fixtures.

B. Construction on existing structures, both commercial and residential, in the form of remodel, rehabilitation and restoration, such that a building permit is required, shall replace or install full cut-off exterior lighting fixtures so as to comply with the regulations herein.

C. Existing commercial buildings not undergoing a permitted construction project that fully addresses exterior lighting standards and compliance shall replace noncompliant exterior fixtures with full cut-off fixtures and otherwise comply with the regulations herein by July 31, 2010. The burden of replacement and compliance shall fall to the building owner or owners.

D. Existing residential buildings and associated units within buildings, not undergoing a permitted construction project that fully addresses exterior lighting standards and compliance, shall replace noncompliant exterior lighting fixtures with full cut-off fixtures, and otherwise comply with the outdoor lighting regulations herein by July 31, 2010. The burden of replacement and compliance shall fall to the property owner.

E. Any other structure bearing noncompliant exterior lighting fixtures shall either be brought into compliance by the replacement of noncompliant fixtures with full cut-off fixtures, or brought into compliance through the removal or deactivation of noncompliant fixtures by July 31, 2010. The burden of replacement, removal or deactivation shall fall to the owner of the structure in question.

F. The regulations set forth above regarding restrictions on the use of temporary, ornamental lighting shall be effective as of the effective date of the ordinance codified herein. (Ord. 7, 2005 §1)

Section 15-7-10. Enforcement and Penalty. The violation of any of the regulations contained herein shall be deemed by the Town as a Public Nuisance under Article 9.1 of the Town Code, and such nuisances may be abated or prosecuted in accordance with the procedures established therein. (Ord. 7, 2005 §1)