

ORDINANCE NO. 1

SERIES 2001

November 21, 2000: Introduced as Council Bill No. 20 Series of 2001 by John Love, seconded by Doug Tisdale, and considered by the title only on first reading. Passed unanimously.

January 2, 2001: Considered in full text on second reading. Passed unanimously. Designated as Ordinance No. 1, Series 2001.

**AN ORDINANCE AMENDING SECTION 4-1-2-4(C) OF THE CITY CODE FOR THE CITY OF CHERRY HILLS VILLAGE PERTAINING TO NUISANCES INVOLVING ARTIFICIAL LIGHTING.**

WHEREAS, the City of Cherry Hills Village is authorized to regulate the use of property and nuisances within the City; and

WHEREAS, the residents of the City generally enjoy a rural or semi-rural environment in which intensive artificial lighting may adversely impact the peaceful and comfortable enjoyment of owners of property; and

WHEREAS, the City desires to amend its existing nuisance provisions to better address the conditions under which artificial lighting will be classified and considered a nuisance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:**

Section 1. Subsection (C) of Section 4-1-2-4 of the City Code for the City of Cherry Hills Village is hereby amended to read as follows:

(C) Lights: Any flood lights, spotlights or other source of artificial lights or illumination shall be deemed a nuisance where all three of the following conditions are met: used in such a manner as essentially to interfere with the comfortable enjoyment of life or property by others, shall be deemed a nuisance.

(1) The City received a complaint that a source of lighting or illumination interferes with a person's enjoyment of his or her property and the City contacted the owner or occupant of the property upon which the source of the lighting or illumination is located in an effort to resolve or remedy the complaint; and


(2) an owner or occupant of property neighboring the property upon which the source of the lighting or illumination is located submits a written complaint to the City stating that the lighting or illumination interferes with the owner's or occupant's enjoyment of his or her property; and

(3) the light or illumination produces, generates, or discharges light at a level exceeding 0.2 foot-candles above the ambient light level when measured at ground level at the property line of the property upon which the source of the lighting or illumination is located.

This subsection (C) shall not apply to public street lighting, authorized traffic control devices, or lighting necessary for the installation, repair, or maintenance of public streets and public improvements by the City of Cherry Hills Village, the Colorado Department of Transportation, or other governmental agency.

Section 2. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance, which can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable.

Adopted as Ordinance No. 1 Series 2000, by the City Council of the City of Cherry Hills Village, Colorado this 2nd day of January, 2001.

  
John F. Welborn, Mayor

ATTEST:   
Darlene French, City Clerk

ABJ053

