



Town Council Agenda Report

Date: August 25, 2020 Item No. 8
To: Honorable Mayor and Town Council
Subject: DISCUSSION OF LIGHTING REGULATIONS
From: Douglas Robertson, Town Manager
Submitted by: Lori Lamson, Assistant Town Manager
Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Receive and provide direction.

SUMMARY:

On July 28, 2020 the Town Council requested a future agenda item to discuss the regulations pertaining to lighting of residential property. Recently, issues regarding the lack of regulations in the Municipal Code regarding light pollution and the nuisance of light glare between residential properties has been brought to the attention of staff and the Town Council.

BACKGROUND:

The background and previous discussions regarding light pollution date back to the beginning of the Town's incorporation. The 1991 General Plan included a provision about protection of the "Dark Sky" by limiting the amount and size of lights poles within commercial, industrial and rights of way within the Town.

In 1993, Ordinance No. 115 established Chapter 8.30 in the Municipal Code establishing regulations for outdoor lighting. In 2002 light standards for commercial use was added to the Development Code consistent with this policy. Under Section 9.70 "Performance Standards" for new development, light fixtures in non-single-family residential areas were required to be directed down and limited on the height of the pole. This Section replaced Chapter 8.30 of the Municipal Code that was repealed in 1999.

At the time of the repeal of Chapter 8.30 "Outdoor Lighting", the General Plan was not modified or updated regarding the provision referring to a "Dark Sky". Subsequently, in the 2009 General Plan Comprehensive Update, the reference to a "Dark Sky Policy" was removed for consistency with the previous actions of repealing Chapter 8.30. Staff has discovered that there are still sections of the Development Code that refer to a Dark Sky Policy that currently does not exist. The current provisions under the Performance Standards, pertain only to new development and do not address lighting nuisances in existing single family residential neighborhoods.

Staff reports back in 1999 and 2002 reference that the “Public Nuisance” Section of the Municipal Code would allow Code Enforcement the ability to regulate light nuisances between any two property owners. We now know, through legal interpretation and court proceedings, we cannot regulate light nuisances between two properties through the currently language regarding public nuisances.

So when it comes to regulations of lighting between single-family residences, there isn’t a provision in the Municipal Code that would allow the Town to enforce this type of nuisance. It leaves the issue between the two property owners to deal with the matter themselves or through a civil legal proceeding.

If the Town Council would like to address the issue of light nuisances and light regulations within the single-family land use, a Development Code Amendment could be initiated to add these regulations to Section 9.70 “Performance Standards”, requiring the installation and continued maintenance of such lights to be directed down with shields. Non-residential new development continues to be regulated through the provisions of Performance Standards within the Development Code and this would be the best place to add regulations for single-family residential development. This change would enable Code Enforcement to have a simple solution to assist homeowners with correcting such nuisance before issuing citations. If a Development Code were initiated, a clean-up of the Municipal Code, including the Development Code, could be done to eliminate the discussion of a “Dark Sky Policy” that doesn’t currently exist.