# Agenda

**Carbondale Board of Trustees**

**Work Session**

**Carbondale Town Hall**

**February 20, 2018**

6:00 P.M.

<table>
<thead>
<tr>
<th>TIME*</th>
<th>ITEM</th>
<th>DESIRED OUTCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>6:00</td>
<td>1. Town Lighting Tour and Follow-Up Discussion</td>
<td>ATTACHMENT A Discussion</td>
</tr>
<tr>
<td>7:30</td>
<td>2. Bears and Trash Discussion</td>
<td>ATTACHMENT B Discussion</td>
</tr>
<tr>
<td>9:00</td>
<td>3. Adjourn</td>
<td></td>
</tr>
</tbody>
</table>

*Please Note Times Are Approximate*
5.10 EXTERIOR LIGHTING

5.10.1. PURPOSE

This section is intended to regulate exterior lighting to:

A. Permit the use of exterior lighting at the minimum levels necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce;

B. Ensure exterior lighting does not adversely impact land uses on adjacent lands by minimizing light trespass, obtrusive light, and glare;

C. Ensure the safety of motorists by minimizing light spillage and glare onto adjacent streets;

D. Curtail light pollution and preserve the nighttime environment for the enjoyment of residents and visitors;

E. Protect the natural environment from adverse impacts of night lighting from gas or electric sources;

F. Recognize that new technologies in lighting have resulted in higher-efficacy light sources (lumens per Watt), and encourage the use of high-efficacy light sources to conserve energy and resources to the greatest extent possible;

G. Ensure security for persons and properties; and

H. Encourage citizens to use smaller light bulbs and avoid pointing them at neighbors.
5.10.2. Applicability

A. General Applicability

1. All exterior lighting for any type of residential or nonresidential development shall comply with the standards of this Section 5.10 unless stated elsewhere in this UDC, stated in an approval of a development permit, required by federal or state law, or exempted in 5.10.2.D below.

2. All exterior lighting shall be installed in conformance with the provisions of this UDC, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

B. Compliance

1. Nonresidential and Mixed-Use

   The applicant for any new nonresidential or mixed-use development of 10,000 square feet or more in building size shall submit a lighting plan, as specified in Section 5.10.3.B, at the time of building permit, appropriate land use application, or state electrical permit application.

2. Residential
   a. New Development

      All new properties shall be reviewed for compliance with the provisions of this section during the course of construction while a building permit is open. The Building Official will request specifics to ensure compliance with the requirements of this Section, such as: providing wattage, fixture descriptions, and placement details. Information may be required in a form suitable to the building department or through submission of a lighting plan as specified in Section 5.10.3.B.

   b. Existing Properties

      Property owners shall consider the impacts of their lighting on their neighbors’ privacy. Existing residential properties whose lighting impacts immediately adjacent properties (those within 300 feet) will be required to comply with this Code if a lighting complaint is received by the Director. Existing residences receiving a complaint have 45 days to comply with this Section from the date of receipt of the complaint.

C. Nonconforming Lighting

   All existing outdoor lighting that does not conform to the requirements of this Section 5.10 shall be considered nonconforming. A property owner interested in bringing his/her lighting into compliance may request an onsite review of the property by the Town staff to identify specific concerns.

D. Exemptions and Variances

1. Permitted Exemptions

   The following types of lighting are exempt from the requirements of this Section:

   a. Holiday Lighting

      Temporary winter holiday lighting that is illuminated only between November 1 and March 1 of each year in nonresidential zoning districts. Low-wattage holiday lighting is allowed in residential zoning districts between November 1
and March 1. Other temporary holiday lighting may be approved with an official request for exemption from the Town per paragraph 2, below.

b. Single-Family Residential

Soffit or wall-mounted luminaires with a light output of less than 1,000 lumens and permanently attached to single-family residential dwellings, not to exceed the height of the eave.

c. Municipal

Temporary municipal lighting installed for the benefit of public health, safety, and welfare, with a maximum duration of not more than 60 days.

d. Landscape Lighting

Low-voltage landscape lighting controlled by an automatic device that is set to turn the lights off at one hour after the site is closed to the public or at a time established by an application approval.

e. Uplighting of Art

Limited uplighting may be allowed by the Town to illuminate art installations. When upward aiming is used, low-wattage fixtures with shields shall be placed as needed, close to the art to minimize reflected light from surfaces that would be present from a flood design. All uplighting shall be subject to review and approval by the Board.

f. Other Exemptions

i. Lighting for public monuments and statuary.

ii. Repairs to existing luminaires not exceeding 25 percent of the total installed luminaires.

iii. Temporary lighting for theatrical, television, performance areas, and construction sites.

iv. Underwater lighting in swimming pools and other water features.

v. Temporary lighting and seasonal lighting, provided that individual lamps are less than 10 watts and 70 lumens and that the space being lit is occupied.

vi. Lighting that is only used under emergency conditions.

2. Exemption Procedure

Exemption requests from the standards of this Section 5.10 may be granted through the following procedure:

a. Exemption requests shall be formalized by letter to the Director requesting an exemption and submittal of a lighting plan as set forth in Section 5.10.3.B.

b. The request shall be considered and may be granted by the Planning and Zoning Commission at a regularly scheduled meeting. The Commission may impose conditions on any approval so the purpose and intent of this Section 5.10 is met as well as any specific sections of this Code.

c. Review by the Planning & Zoning Commission may include recommendations by a professional lighting consultant selected by the Town and paid for by the applicant.

d. Exemptions shall be reviewed in accordance with:
5.10.3. GENERAL REQUIREMENTS

A. Establishment of Lighting Zones

Lighting zones are established to determine the limitations for lighting as specified in this UDC. The lighting zones shall be as follows:

1. LZO - No Ambient Lighting

   The LZO shall include areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. Lighting should be extinguished when not needed in the LZO.

2. LZ1 - Low Ambient Lighting

   The LZ1 shall include areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. Most lighting should be extinguished or reduced as activity levels decline.

3. LZ2 - Moderate Ambient Lighting

   The LZ2 shall include areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. Lighting may be extinguished or reduced as activity levels decline.

4. LZ3 - Moderately High Ambient Lighting

   The LZ3 shall include areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. Lighting may be extinguished or reduced in most areas as activity levels decline.

B. Lighting Plans

Lighting plans including point-by-point calculations shall be submitted for any development of 10,000 square feet or more and/or 10 dwelling units or more. These calculations shall be performed by a registered professional engineer, lighting certified designer, manufacturer’s representative, or manufacturer’s application engineer. Lighting plans shall show the following:

1. The location and height above grade of light fixtures;

2. The type of light source (such as incandescent, fluorescent, high pressure sodium, metal halide, LED), rated lumens, and wattage of each light source;

3. The type of fixture (such as full-cutoff, cut-off, lantern, wall pack);
4. The Backlight, Uplight, Glare (BUG) rating for each fixture;

5. Calculations for site illumination resulting from the lighting, measured in foot-candies (see Exhibit 1 for examples) including minimum, maximum and average foot-candies and uniformity ratios;

6. If building walls are to be illuminated, or if façade-mounted fixtures are to be used, drawings of all relevant building elevations showing the fixtures and the portions of the walls to be illuminated calculated point-by-point and light levels; and

7. Other information deemed necessary to document compliance with the provisions of this Section.

C. Light Pollution Abatement: Light Trespass and Controls

1. Lighting Trespass
   In order to minimize light trespass onto neighboring properties, the maximum light level at a property line shall not exceed:
   a. Within residential zoning districts, and industrial and commercial properties bordering residential zoning districts: 0.2 foot-candies (fc); and
   b. Within nonresidential zoning districts: 0.3 fc. Commercial and industrial properties may trespass onto public rights-of-way at main entrances or exits to a level not to exceed 0.5 fc and to a level not to exceed 0.4 fc at other portions of the right-of-way.

   Light trespass shall be measured by vertical readings in foot-candies at the brightest point on the property line.

2. Controls
   To minimize the amount of excess lighting at night, the use of motion sensors, photocells, processor-based lighting control systems, astronomical timeclocks, and/or photocell/timers to control duration of nighttime illumination is encouraged.

   a. Automatic Switching Requirements
      Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch, or equivalent functions from a programmable lighting controller, building automation system, or lighting energy management system, all with battery or similar backup power or device.

   b. Motion Sensors
      Sensors must be triggered by activity within the owner’s property lines and should be used with incandescent, LED, fluorescent, or halogen lamps.

   c. Astronomical Timeclock
      These activate the light source at dusk and turn it off at a selected time several hours later, at or before dawn.

   d. Photocells
      Use of photocells is appropriate when illumination is required all night for safety, their use is otherwise discouraged. These controls are activated by sunlight, turning lights on at dusk and off at dawn and illuminate an area for the entire night.
5.10. Exterior Lighting
5.10.4. Residential Lighting Standards
5.10.4.B. General Standards for New Construction

CHAPTER 17.06: DEVELOPMENT STANDARDS

e. Non-Astronomical Timers
These mechanisms are prohibited when used alone.

D. Electrical Service
Electrical service shall be placed underground unless the fixtures are mounted directly on utility poles.

5.10.4. RESIDENTIAL LIGHTING STANDARDS
The following lighting standards shall be applicable to residential properties:

A. General Standards throughout All Residential Neighborhoods, Residential Zoning Districts, and all Lighting Zones

1. Signs
   Signs shall not be illuminated.

2. Glare
   All exterior lighting shall be designed so that the (bulb) point light source is not directly visible from adjoining properties or public rights of way. Placement of a fixture shall minimize light glare and trespass to an adjoining property-maximum of 0.2 fc at the property line.

3. At Critical Entrances or Common Areas
   Photocells may be used in these locations for multi-family properties to turn on lights at dark and to extinguish lights at dawn. Motion sensors are preferred for this use.

4. Flood Lights
   Flood lights shall be restricted as follows:
   a. The point light source shall not be visible from adjoining lots or streets.
   b. Lights shall be focused on the task, fully shielded, down-directed, and screened from adjacent properties in a manner that prevents light trespass.
   c. Incandescent light sources above 40W are prohibited. Use of LED sources is encouraged.
   d. Light level shall not exceed five foot-candles at grade.
   e. Flood lights shall be controlled by a motion sensor, astronomical timeclock, or building control system for uses after 10:00 p.m.
   f. LED floodlights shall not exceed 1,000 lumens per fixture and shall be controlled by a photocell, astronomical timeclock, or building control system.

B. General Standards for New Construction

1. Height
   Outdoor lighting shall be 14 feet or less in height. Second-floor balconies and outdoor stairways can be lit with fully shielded, down-directed fixtures. Site, roadway, and pedestrian lighting fixtures shall comply with BUG ratings in Table 5.10-4 to eliminate light output behind the luminaire.
2. Maximum Wattage

Incandescent light sources including halogen shall not exceed 50 watts per fixture. LED light sources shall not exceed 20 watts per fixture. Outdoor lighting with HID light sources shall be prohibited.

3. Fixtures

Fully shielded down-directed light sources are required. Point sources (bulbs) shall not be visible from adjoining properties or adjoining public rights of way. Clear, wavy, or seeded glass shall not be acceptable as shielding media. Frosted or translucent glass that does not show the light source is acceptable for retrofit applications.

C. General Standards for Pre-Existing Dwellings

1. Unshielded Light Sources

Pre-existing unshielded light sources can be used, in which case the fixture lens must be fit or sprayed with a non-clear material and the total fixture wattage must be 40 watts or less for incandescent sources and 15 watts or less for LED sources.

2. Landscape Lighting

Landscape lighting is limited to 20 watts incandescent or halogen, or 500 lumens for LED fixtures, per 150 square feet of landscaped area. Up-lighting is only permitted if the light distribution from the fixture is effectively contained by an overhanging architectural or landscaping element. Such elements may include awnings, dense shrubs, or tree canopies, which can functionally reflect illumination back to the ground. In such cases, the fixture is limited to 20 watts incandescent or halogen sources and 300 lumens for LED sources.

5.10.5. Nonresidential and Mixed-Use Lighting Standards

A. General Requirements

The following lighting standards shall be applicable to all nonresidential and mixed-use properties:

1. Lighting Power Densities

The lighting power densities for building exteriors shall comply with the standards in Table 5.10-1 below, based on IECC requirements:

<table>
<thead>
<tr>
<th>Application</th>
<th>Lighting Power Densities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking lots and drives</td>
<td>0.10 watts per square foot</td>
</tr>
<tr>
<td>Walkways less than 10 feet wide</td>
<td>0.8 watts per linear foot</td>
</tr>
<tr>
<td>Walkways greater than 10 feet wide, plazas, and</td>
<td>0.16 watts per square foot</td>
</tr>
<tr>
<td>special feature areas</td>
<td>1.0 watts per square foot</td>
</tr>
<tr>
<td>Stairways</td>
<td>30 watts per linear foot of door width</td>
</tr>
<tr>
<td>Main entries</td>
<td>20 watts per linear foot of door width</td>
</tr>
<tr>
<td>Other doors</td>
<td>0.4 watts per square foot</td>
</tr>
<tr>
<td>Canopies (free standing, attached, and overhangs)</td>
<td>0.8 watts per square foot</td>
</tr>
<tr>
<td>Outdoor sales areas (including vehicle sales lots)</td>
<td>270 watts per location plus 90 watts per additional ATM location</td>
</tr>
<tr>
<td>Automated Teller Machines (ATMs) and night</td>
<td></td>
</tr>
<tr>
<td>depository</td>
<td>0.75 watts per square foot of uncovered area</td>
</tr>
<tr>
<td>Entrances and gatehouse inspection stations at</td>
<td></td>
</tr>
<tr>
<td>guarded facilities</td>
<td></td>
</tr>
</tbody>
</table>
Table 5.10-1: Lighting Power Densities

<table>
<thead>
<tr>
<th>Application</th>
<th>Lighting Power Densities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loading for law enforcement, fire, ambulance, or</td>
<td>0.5 watts per square foot of uncovered area</td>
</tr>
<tr>
<td>other emergency service vehicles</td>
<td></td>
</tr>
<tr>
<td>Drive-up windows</td>
<td>400 watts per drive through</td>
</tr>
</tbody>
</table>

Note:
Based on Table C405.5.2(2), IECC 2015, Zone 3 values

2. Point Source Light Not Visible
Outdoor lighting used to illuminate parking spaces, driveways, maneuvering areas, or buildings shall be designed, arranged and screened so that the point light source shall not be visible from adjoining lots or streets. See Table 5.10-4.

3. Lighting at Entrances and Storefront Windows
Maximum light level range including spillage from inside to outside shall be no more than 10 to 15 fc. Maximum light level reading shall be no more than 15 fc, measured at ground, between 2'-0" from the building façade and either the edge of the curb or 8'-0" from the building façade, whichever is closer to the building.

4. Maximum Foot-Candles for Specific Locations Other than Parking Lots
Maximum maintained illuminance shall not exceed the range specified below.

Table 5.10-2: Maximum Maintained Illuminance

<table>
<thead>
<tr>
<th>Area/Criteria</th>
<th>Fast Food/Convenience</th>
<th>Under Gas Station/Hotel Canopy</th>
<th>General Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Maintained</td>
<td>1.5-3.0</td>
<td>20-25</td>
<td>1.5-3.0</td>
</tr>
<tr>
<td>Horizontal Illuminance Range (fc) at Grade</td>
<td>No more than 3.0 fc</td>
<td>Canopy with dark surroundings: No more than 5 fc; Canopy with light surroundings: No more than 10 fc.</td>
<td>No more than 3.0 fc</td>
</tr>
</tbody>
</table>

Notes:
Values are taken from the Illuminating Engineering Society of North America (IESNA)'s recommended illuminance values.

5. Reduce Light Levels with Reduced Activity
Exterior lighting shall be reduced after hours (at the close of business or servicing or by 9:00 p.m., whichever is later). Light levels in the HCC may be maintained until midnight or close of business or servicing, whichever is later. Also see specific standards for security lighting in Section 5.10.5.B and parking lot lighting in Section 5.10.6.

6. Walkways/Bikeways and Pedestrian Areas
Illumination is not required for these areas. If an applicant chooses to illuminate areas, the following standards apply:
   a. The ground area shall be illuminated to a maximum level of five fc, no more than 0.5 fc average, measured at grade.
b. The vertical illumination level at a height of five feet above grade shall be no more than 0.5 fc.

c. Lighting shall be directed downward, pedestrian-friendly and fully shielded or with full cut-off luminaires. Light sources for luminaries mounted 12 feet above grade or lower shall have a maximum of 1,200 lumens. Light sources for luminaries mounted between 12 and 16 feet shall have a maximum of 3,000 lumens.

7. Lower Light Levels in Mixed-Use Areas and the LZ1 and LZ2 zones

Mixed-use areas that include residential occupancies shall comply with the residential standards on those floors or areas that are more than 50 percent residential based on square footage of uses.

8. Wattage Specifications

Maximum bulb wattage shall be 50 watts incandescent or 30 watts LED, maximum two bulbs per fixture. HID light sources are not recommended.

9. Fixture Types

Fixtures shall be fully shielded or full-cutoffs and in compliance with the appropriate BUG rating. In certain applications cut-off fixtures with louvers or shields may be used for aesthetic purposes. Barn lights, non-shielded wall packs, and floodlights or lights that are not aimed downward (as shown below in Figure 5.10.5-A) are prohibited.

Figure 5.10.5-A: Prohibited Light Fixture Designs

![Figure 5.10.5-A: Prohibited Light Fixture Designs](image)

**Barn Lights**

**Non-Shielded Wall Packs**

**Floodlights or lights not aimed downward**

10. Fixture Height

Outdoor lighting (except parking lot lighting) must be 16 feet or less in height unless it is:

a. Building-mounted lighting fully shielded, directed downward at a sign or building façade; or

b. Lighting on above grade decks or balconies shall be fully shielded.

B. Nonresidential Security Lighting

Security lighting is permitted. Security lighting shall be at a reduced level as activity decreases. After midnight, security lighting shall be motion-controlled.
1. Maximum Light Level
   Lighting for entrances, stairways, and loading areas shall not exceed five fc and for parking lots shall not exceed two fc. Other areas of specific security concern can be lit at a level not to exceed 1.5 fc.

2. Critical Entrances or Common Areas
   Photocells can be used in these locations for commercial, industrial and mixed-use properties to turn on lights at dark and to extinguish lights at dawn.

3. Light Trespass
   At property lines within the nonresidential zoning districts, trespass shall be limited to a maximum of 0.3 fc; properties bordering residential zones are limited to a maximum of 0.2 fc.

4. Permitted Security Lighting
   The following types of security lighting is permitted:
   a. Fully-shielded wall packs or other fixtures;
   b. Full cut-off fixtures on parking lot poles;
   c. Recessed lights under a canopy.

5. Floodlights Not Permitted
   Floodlights are prohibited as security lighting.

C. Nonresidential-Illuminated Signs
   Signs should not create glare or unduly illuminate the surrounding area.

1. Shut-off Time
   Signs more than 28 square feet shall be extinguished one hour after business is closed or completed servicing, or by 9:00 p.m., whichever is later.

2. Sign
   The applicant shall provide Town staff with a sign permit, sufficient technical and design information to demonstrate that the following provisions are met:
   a. Externally Illuminated Signs-Preferred Method of Illumination
      i. The average level of illumination on the vertical surface of the sign shall not exceed 10 foot-candles.
      ii. Point source of light shall not be visible to a passerby.
      iii. Lighting fixtures for illuminating signs shall be carefully located, aimed and shielded so that light is directed only onto the sign façade. Down directed lighting for signs is preferred. If ground mounted lighting is used, the light source must be fully shielded by landscaping or other means.
   b. Internally Lit Signs
      i. Illumination sources shall not exceed a total of 9,600 lumens.
      ii. Color-changing, animated signs are prohibited.
      iii. Signs with visible (unshielded) light-sources are prohibited, except for holiday lighting, fueling station pricing, or informational signs owned by the Town or other governmental agency.
iv. For boxed internally lit signs, backgrounds shall be dark with white, yellow, or light lettering.

v. Pan channel-lit signs are preferred versus internally-lit signs. White lettering is not permitted.

vi. Signs shall not be a means of distraction to drivers on adjacent roadways. Excessive glare, color-changing light sources, and visible lamps oriented toward the roadway are prohibited.

vii. Light produced by signs shall comply with light trespass thresholds listed elsewhere in this Section 5.10.

viii. Exterior sign lighting shall be reduced at the close of business or servicing, or by 9:00 p.m., whichever is later. Signs in the HCC may be maintained until midnight or close of business or servicing, whichever is later.

5.10.6. PARKING LOT LIGHTING

A. Fixture Type
   A maximum of two luminaires shall be allowed per lighting pole.

B. BUG Ratings
   All parking lot areas lighting shall comply with the BUG ratings in Table 5.10-4.

C. Parking Lot Lighting Criteria
   Light levels and standards for various zoning districts and lighting zones are as shown in the following table:
### Table 5.10-3: Parking Lot Lighting Criteria

<table>
<thead>
<tr>
<th>Mounting Height (max.)</th>
<th>Average Light Levels (at ground)</th>
<th>Recommended Average Light Level* (at ground)</th>
<th>Allowable Maximum Light Level (at ground)</th>
<th>Uniformity Ratio (maximum/minimum)</th>
<th>Uniformity Ratio (average/minimum)</th>
<th>Control</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 ft.</td>
<td>No more than 2.0 fc</td>
<td>No more than 0.4 fc</td>
<td>No more than 6 fc</td>
<td>No more than 20:1</td>
<td>8:1</td>
<td>Photocell/ timer or motion sensor</td>
<td>Discouraged</td>
</tr>
<tr>
<td>20 ft.</td>
<td>No more than 1.5 fc</td>
<td>No more than 0.3 fc</td>
<td>No more than 5 fc</td>
<td>No more than 20:1</td>
<td>8:1</td>
<td>Timer/motion sensor</td>
<td>Discouraged</td>
</tr>
<tr>
<td>14 ft.</td>
<td>No more than 1.5 fc</td>
<td></td>
<td></td>
<td></td>
<td>8:1</td>
<td>Shut off by timer by 11:00 p.m. Motion sensor control, no shut off permitted. Critical applications may be activated by photocell.</td>
<td></td>
</tr>
</tbody>
</table>

#### 5.10.7. LIGHTING OF GASOLINE STATIONS

Lighting levels on gasoline station aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. The following light levels shall apply:

**A. Aprons and Canopies**

1. **Light Levels**
   - Areas around the pump islands and under canopies shall have average illumination as:
     - Areas with dark surroundings (less than one fc): no more than five fc average, 20 maximum;
b. Areas with light surroundings (more than two fc): no more than ten fc average, 40 maximum, uniformity ratio (average:minimum) shall not exceed 4:1.

2. Fixture and Lamps
   Lighting shall be provided with fully shielded fixtures. Light fixtures mounted under canopies shall be recessed with flat lenses so that the lens cover is flush with the bottom surface (ceiling) of the canopy.

3. Lights on Top or Sides
   Lights shall not be mounted on the top or sides of the canopy. The sides (fascias) of the canopy shall not be illuminated for any purpose with the exception of permitted signs as in Section 5.9, Signs.

4. Retrofits
   Existing fixtures may be retrofitted with metal side shields which extend below the bottom of the lens to fully shield fixtures and to avoid light shining from the side of the canopy. Canopies with drop sides may also be used to hide fixtures and to eliminate glare from the side of canopy.

B. Other Areas in the Gas Station
   1. Areas on the apron away from the gasoline pump islands, used for parking or vehicle storage, shall be illuminated in accordance with the requirements for parking areas.

   2. Maximum light levels range for driveways and service areas (other than pump islands) are 1.5 - 3 fc. Average light levels at areas other than pump islands:
      a. Areas with dark surroundings (less than one fc): not more than 1.5 fc, five maximum.
      b. Areas with light surroundings (more than two fc): no more than two fc, seven maximum.

5.10.8. PROHIBITED LIGHTS

   This section identifies applications of lighting that cause glare, decrease our ability to see in dark, low-level ambient light environments, or produce unattractive lighting environments or excessive light pollution. These types of lighting are prohibited.

A. Roof Lights
   Light sources shall not be affixed to the top of a roof, except where required by building code requirements.

B. Unshielded Light Sources
   This type is prohibited except as listed in residential section.

C. Building Illumination
   Flood illumination of buildings shall be prohibited from the ground or on pole mounted lights or by lights mounted on adjoining structures. Buildings with exceptional symbolic (i.e., churches or public buildings) or historical significance may request exemptions to this prohibition.
5.10. Exterior Lighting
5.10.10. Street Lighting
5.10.9.D. Maximum Wattage

CHAPTER 17.05: DEVELOPMENT STANDARDS

D. Nuisance Lights

Lights that flash, move, revolve, blink, flicker, vary in intensity, or use intermittent electrical pulsation are prohibited unless specifically approved as part of the lighting code exemption. (Winter holiday lights are exempt).

E. Other Lamps

Mercury vapor and low-pressure sodium lighting shall be prohibited.

F. Architectural Lighting

Linear lighting such as: fluorescent awnings, rope light, or neon shall be fully shielded so that the light source is not visible.

5.10.9. OUTDOOR RECREATIONAL FACILITIES

If a recreational facility is requesting lighting for nighttime activities, the applicant must follow the exemption process and the following provisions apply:

A. Lighting Plan

Lighting for outdoor recreational facilities, a full lighting plan as per Section 5.10.3.A shall be submitted.

B. Condition

Conditions placed on the lighting for the recreational facility may include: limited hours of operation, limits on lighting intensity, specific requirements for fixture design and others.

C. Light Trespass

 Designs shall limit light trespass on surrounding neighborhoods. Floodlights in this application shall not be aimed above 62 degrees from vertical. In order to minimize light pollution and light spillage into the neighborhood, the lights shall have louvers and external shields.

D. Maximum Wattage

Wattage of lamps shall be 250 watts HID or less.

5.10.10. STREET LIGHTING

All lighting illuminating public rights-of-way, easements, and private streets shall comply with the following standards:

A. All light fixtures shall be compliant with BUG ratings in Table 5.10-4.

B. Maximum fixture height shall be 16 feet. Street lights located at opposing corners of intersections may be permitted to a maximum height of 25 feet.

C. A minimum of four times the mounting height of the light source shall be maintained between street light fixtures. Exemptions to this standard may be considered when fixtures are located on opposing corners of an intersection, at a pedestrian crosswalk, or where other unique conditions exist. Such exemptions shall only apply when the fixture type, placement, and light intensity are modified to comply with the intent of the minimum spacing requirement.

D. Fixture types shall be selected from a list of Town-approved designs. Such list will be approved by the Board of Trustees.
5.10.11. BACKLIGHT, UPLIGHT, AND GLARE (BUG) RATINGS

A. Components of BUG Ratings

The components of BUG ratings are based on IES TM-15-07 (revised) described below and shown in Figure 5.10.11-A.

1. Backlight

   Backlight creates light trespass onto adjacent sites. The B rating takes into account the amount of light in the BL, BM, BH, and BVH zones, which are in the direction of the luminaire opposite from the area intended to be lighted.

2. Uplight

   Uplight causes artificial sky glow. Lower uplight (zone UL) causes the most sky glow and negatively affects professional and academic astronomy. Upper uplight (UH) not reflected off a surface is mostly energy waste. The U rating defines the amount of light into the upper hemisphere with greater concern for the light at or near the horizontal angles (UL).

3. Glare

   Glare can be visually disabling. The G rating takes into account the amount of frontlight in the FH and FVH zones as well as BH and BVH zones.

B. BUG Ratings by Lighting Zone

<table>
<thead>
<tr>
<th>Allowed Backlight Rating</th>
<th>Lighting Zone 0</th>
<th>Lighting Zone 1</th>
<th>Lighting Zone 2</th>
<th>Lighting Zone 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than two mounting heights from property line</td>
<td>B1</td>
<td>B3</td>
<td>B4</td>
<td>B5</td>
</tr>
<tr>
<td>Between one and two mounting heights from property line, and ideally oriented</td>
<td>B1</td>
<td>B2</td>
<td>B3</td>
<td>B4</td>
</tr>
<tr>
<td>Between 0.5 and 0.99 mounting heights from property line, and ideally oriented</td>
<td>B0</td>
<td>B1</td>
<td>B2</td>
<td>B3</td>
</tr>
<tr>
<td>Less than 0.5 mounting heights to property line, and property oriented</td>
<td>B0</td>
<td>B0</td>
<td>B0</td>
<td>B1</td>
</tr>
<tr>
<td>Allowed Uplight Rating</td>
<td>U0</td>
<td>U1</td>
<td>U2</td>
<td>U3</td>
</tr>
<tr>
<td>Allowed percent light emission above 90 degrees for street or area lighting</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
### Table 5.10-4:
BUG Ratings by Lighting Zone

<table>
<thead>
<tr>
<th>Allowed Glare Rating</th>
<th>Lighting Zone 0</th>
<th>Lighting Zone 1</th>
<th>Lighting Zone 2</th>
<th>Lighting Zone 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any luminaire not ideally oriented with between one and two mounting heights to any property line of concern [1]</td>
<td>G0</td>
<td>G0</td>
<td>G0</td>
<td>G1</td>
</tr>
<tr>
<td>Any luminaire not ideally oriented with between 0.5 and 0.99 mounting heights to any property line of concern [2]</td>
<td>G0</td>
<td>G0</td>
<td>G0</td>
<td>G0</td>
</tr>
<tr>
<td>Any luminaire not ideally oriented with less than 0.5 mounting heights to any property line of concern [3]</td>
<td>G0</td>
<td>G0</td>
<td>G0</td>
<td>G0</td>
</tr>
</tbody>
</table>

**Notes:**

1. For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadway and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section. This adjustment is relative to backlight and glare only and shall not be used to increase the lighting area of the site.

2. To be considered "ideally oriented," the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.

3. Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2 times the mounting heights of the luminaire location shall meet the reduced Allowed Glare Ratio in the table.
Board of Trustees Agenda Memorandum

Item No: 2B

Meeting Date: February 20, 2018

TITLE: Trash Containers/Trash Storage-Bear Protection

SUBMITTING DEPARTMENT: Police/Public Works

ATTACHMENTS: Section 7, Article 3 of the Carbondale Municipal Code
Ordinance 14, Series of 2014-Assessing Fines for Improper
Disposal of Trash
Minutes from the September 23, 2014 related to Ordinance
14, Series of 2014

BACKGROUND
Chapter 7, Article 3 of the Municipal Code addresses garbage and refuse
regulations. Ordinance 14, Series of 2014, updated the code to address issues
related to trash container design and storage location as well as fines for not
following the code as it relates to these issues. This was done to try to address
the attractive nuisance that improper storage of trash presents to bears.

At the meeting on September 26, 2017, the Board identified the top three
priorities that amendments to the code should address. They were:

- Regulations protecting bears
- Waste diversion and managing our waste stream
- Address the number of trucks on the road

DISCUSSION
During meetings in the fall of 2017, the Board expressed the desire to review the
current regulations and discuss possible changes to implement prior to the 2018
bear season. At the same time, the Board also expressed a desire to improve
waste diversion and management of our waste stream, and the number of trucks
on the road.

A comprehensive review of the Town’s Garbage and Refuse code has begun
and will likely continue throughout the year. At the February 13, 2018, meeting,
the Board approve a contract with LBA Associate to assist the Town with this
comprehensive review. As this process will not be complete prior to the 2018
bear season, interim actions related to trash storage, public information
campaigns, and enforcement actions should be discussed this evening as they specifically relate to protecting bears during the 2018 bear season. This information will also be a starting point for the bear protection goal of the Board during the comprehensive review of the Town's Garbage and Refuse regulations that will take place during 2018.

So far this year, staff has taken the following actions related to public information and enforcement of the Town's garbage and refuse regulations:

- Ads have been placed in the Sopris Sun related to trash regulations. These ads will appear in each edition of the paper for one month.
- Enforcement has begun and enforcement actions are being documented. The first offense usually results in the container being tagged and a warning being issued. Additional offenses may result in a ticket being issued. In addition, offenses this year are being compared to the list of offenses for 2017. If the offense from this year occurred at the same location as an offense in 2017, a ticket may be issued without a warning.
- Public Information related to the Town's garbage and refuse rules and regulations will be included in the utility bills in the near future.
- Information is available on the Town's website and has been for several years.

RECOMMENDED ACTION
This information is presented for the Board's information and discussion. The desired outcome of the meeting is a consensus from the Board related to any proposed changes to the Municipal Code, public information campaigns or enforcement actions for the 2018 bear season.

Prepared by: Kevin Schorzman

______________________________
Town Manager
ARTICLE 3 - Garbage and Refuse

Sec. 7-3-10. - Definitions.

For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings given in this Section. Collectively, these items may be referred to as trash or rubbish.

Ashes means the residue from the burning of wood, coal, coke or other combustible materials.

Bear-resistant means a fully enclosed container that is listed on the Interagency Grizzly Bear Committee (IGBC) approved bear-resistant products list.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Junk means any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition, or any abandoned items of personal property.

Litter means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid of every form, size, kind and description (litter and refuse shall be used interchangeably).

Refuse means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes (refuse and litter shall be used interchangeably).

Rubbish means non-putrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, leaves, yard clippings, tree limbs, wood, glass, bedding, crockery and similar materials. However, rubbish shall not include compost piles for home use that are properly maintained and contained on private property.


Sec. 7-3-20. - Operating services; permit.

(a) Any trash hauler providing residential trash service within the Town shall also provide recycling services to its residential trash customers. Before the trash hauler may commence providing trash collection and recycling services to residential trash customers, the hauler shall apply for and obtain a permit from the Town. The application shall include a written plan for collection of residential trash on a volumetric-based billing system, a statement of the charges proposed to be made to the customer and the plan for recycling. The Public Works Director, in his or her discretion, may approve or disapprove the application. The permit fee shall be as set forth in the Fee Schedule attached as Appendix A to this Code.

(b) Permits issued by the Town shall be valid for one year. Application for renewal shall be made prior to the expiration of an existing permit and shall be granted or denied by the Public Works Director.

(c) Each trash hauler that provides garbage collection shall also provide to each customer the collection of all of that customer's recyclable materials, including: glass, aluminum, tin, plastic containers Nos. 1 and 2 and newspaper, either separated by material or commingled according to the trash hauler's directive. The collection of recyclable materials shall be provided no less frequently than every other week, and trash haulers shall make recycle bins available to customers upon request.

(d) Nothing in this Section shall be construed as prohibiting any trash hauler from also establishing rules regarding the safe maximum weight of containers, as well as pricing for special collection of bulky items or of individual bags of garbage, provided that the price of collection of an individual bag of garbage is not less than that of a base unit of periodic garbage collection.

Sec. 7-3-30. - Collection by producers and outside collectors.

(a) Requirements for vehicles . Any person transporting refuse in or through the Town shall use a watertight vehicle with a tight cover so as to prevent offensive odors from escaping or refuse from escaping from the vehicle.

(b) Disposal . No person shall dispose of any refuse at any location within the Town without the prior written approval of the Public Works Director.

(c) Rules and regulations . The Public Works Director shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over the Town streets by outside collectors as he or she shall find necessary, subject to the right of appeal as set forth in Section 7-3-120 of this Article.

(d) Hours of operation . Trash and refuse haulers shall be limited to the following hours and days:

1. Monday through Friday: 7:00 a.m. to 7:00 p.m.
2. Exceptions will be made for school properties while school is in session to permit collection to begin at 6:00 a.m.
3. Saturday: 8:00 a.m. to 5:00 p.m.
4. Sunday: No residential collection; and commercial collection only upon specific request, which shall be for the same hours as a Saturday collection.

(Ord. No. 7, 2004; prior code 7.04.040; Ord. No. 8, 2015 §1, 8-11-2015)

Sec. 7-3-40. - Volumetric trash collection and recycling services.

Private trash haulers providing residential collection services within the Town shall provide a volumetric collection and billing program which is designed to encourage reduction of trash being placed in landfills, and shall provide recycling services to each residential customer served.

(Ord. No. 7, 2004; prior code 7.04.050; Ord. No. 8, 2015 §1, 8-11-2015)

Sec. 7-3-50. - Refuse containers.

(a) It is the duty of the customer to provide and maintain containers in a sanitary condition.

(b) Refuse containers shall be maintained in good condition.

(c) Garbage containers shall be made of plastic or metal, shall be equipped with suitable handles and tight-fitting covers and shall be weather-tight.

(Ord. No. 7, 2004; prior code 7.04.060; Ord. No. 8, 2015 §1, 8-11-2015)

Sec. 7-3-60. - Storing of rubbish, trash and similar substances.

(a) It is unlawful for any person, including any owner, lessee, occupant or person having control of any real property, including real property subject to a public easement, to permit or maintain discarded or unwanted trash or rubbish to accumulate or remain upon such property or easement.
(b) No person, including but not limited to an owner, occupant, lessee, person in possession or control, homeowners' association officer, property manager or agent of a given premises, shall place any refuse or garbage container in any street, alley or other public place or upon any private property, whether or not owned by such person, within the Town, except in proper containers for collection, as provided in Section 7-3-50 above. No person shall place any such refuse or garbage container in any public street right-of-way for trash collection purposes by the Town or a private trash hauler, except for on the day collection occurs. For purposes of determining compliance with this requirement, refuse and garbage containers may be stored in a public street right-of-way only between 6:00 a.m. and 8:00 p.m. on the day of collection. Placement of refuse or garbage containers outside of this time period shall result in the levying of fines, pursuant to Subsection (g) below. Except for between 6:00 a.m. and 8:00 p.m. on the day of collection, and except in the instance that a refuse or garbage container is bear-resistant, as defined in Section 7-3-10 above, all refuse and garbage containers must be stored in secure enclosures when not out for collection.

(c) Refuse in any body of water. No person shall throw or deposit any refuse in any stream or other body of water.

(d) Unauthorized accumulation. Any unauthorized accumulation of refuse on any premises is a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 15 days after notice by the Town shall be deemed a violation of this Chapter.

(e) Scattering of refuse. No person shall cast, place, sweep or deposit anywhere within the Town any refuse in such a manner that it may be carried away by animals or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the Town.

(f) Burning of refuse. No person shall at any time set fire to, burn or attempt to burn any garbage, rubbish or debris in the Town, without the prior approval of the Public Works Director and Fire Department.

(g) Violation. Fines for a violation of this Section shall be $100.00 for a first offense, $250.00 for a second offense, $500.00 for a third offense and pursuant to Section 1-4-20 of this Code for any additional violation. The Town shall waive the fine for any first offense, provided that the offender provides the Town with the offender's proof of purchase of a bear-resistant container for the subject property.


Sec. 7-3-70. - Discarding trash in containers or on property of others.

No person shall:

1. Place or discard any refuse in or upon the real property in a refuse container of another without the prior consent of the owner or person having lawful control of the real property or container where the refuse is discarded; or

2. Place or discard refuse in a container owned by the Town or on real property owned by the Town without the prior written permission of the Town Manager, except in approved containers approved for public use.

(Ord. No. 7, 2004; prior code 7.04.080; Ord. No. 8, 2015 §1, 8-11-2015)

Sec. 7-3-80. - Special refuse.

(a) Contagious disease refuse. The removal of wearing, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the
supervision and direction of the Public Works Director. Such refuse shall not be placed in containers for regular collection. Contagious disease refuse shall include bodily wastes or instruments that may contact these wastes that may transmit blood-borne pathogens.

(b) **Combustible or explosive refuse**. Highly combustible or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Public Works Director at the expense of the owner or possessor thereof.

(Ord. No. 7, 2004; prior code 7.04.090; Ord. No. 8, 2015 §1, 8-11-2015)

Sec. 7-3-90. - Hazardous materials.

(a) Hazardous materials classified as regulated hazardous waste by the State or any of its agencies having jurisdiction, or the federal government or any of its agencies having jurisdiction, shall not be placed in containers for regular collection.

(b) No person shall knowingly, intentionally or recklessly leave for collection or disposal within the Town any burning or smoldering material, any flammable liquid or compound in a breakable container, live ammunition, explosive or any materials listed in the "Code of Federal Regulations for Hazardous Materials" or as regulated by the Environmental Protection Agency.

(Ord. No. 7, 2004; prior code 7.04.090, 7.04.100; Ord. No. 8, 2015 §1, 8-11-2015)

Sec. 7-3-100. - Recycled materials.

No residential trash hauler shall deposit recycled materials in a landfill unless the recycled materials have been contaminated or are otherwise not acceptable for recycling. Trash haulers shall use their best efforts to maximize the amount of material being recycled.

(Ord. No. 7, 2004; prior code 7.04.110; Ord. No. 8, 2015 §1, 8-11-2015)

Sec. 7-3-110. - Nuisance.

Any person who commits any of the acts described in Section 7-3-70 or 7-3-90 of this Article is deemed to engage in a public nuisance. In addition to any other applicable civil or criminal penalties, a person who engages in or causes such public nuisance shall be liable to the Town for all reasonable costs it incurs to eliminate the nuisance, to put out fires caused by the nuisance, to reclaim the area affected by the fire and to repair or replace any real or personal property lost or damaged as a result of such acts.

(Ord. No. 7, 2004; prior code 7.04.120; Ord. No. 8, 2015 §1, 8-11-2015)

Sec. 7-3-120. - Appeals.

Any waste hauler aggrieved by a regulation of or fee charged by the Public Works Director shall have the right of appeal to the Board of Trustees, which shall have the authority to confirm, modify or revoke any such regulation or fee.

(Ord. No. 7, 2004; prior code 7.04.130; Ord. No. 8, 2015 §1, 8-11-2015)
ORDINANCE NO. 14  
SERIES OF 2014  

AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, PROSCRIBING FINES FOR PLACEMENT OF TRASH CONTAINERS ON STREETS OUTSIDE THE TRASH COLLECTION PERIOD & REQUIRING TRASH STORAGE IN SECURE, ENCLOSED SPACES

WHEREAS, the placement of trash for collection outside the time period for collection creates an attractive nuisance for bears;

WHEREAS, several bear incidents have occurred within the Town of Carbondale;

WHEREAS, the Town of Carbondale Municipal Code currently allows trash containers to be placed in the public right-of-way between 6:00 a.m. and 8:00 on the day of collection but does not impose fines for violations or require storage of trash in secure, enclosed spaces;

WHEREAS, Section 3-7 of the Carbondale Home Rule Charter authorizes the Board of Trustees to immediately implement an emergency ordinance by a vote of a quorum plus one so long as (1) the ordinance states that it is an emergency ordinance and (2) it describes the nature of the emergency.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, that:

1. Section 7.04.020 of the Town of Carbondale Municipal Code shall be amended by adding the language underlined to read as follows:

   "Bear-Resistant" is a fully enclosed container that is listed on the Interagency Grizzly Bear Committee (IGBC) approved bear-resistant products list.

2. Section 7.04.030 A. of the Town of Carbondale Municipal Code shall be amended by adding the language underlined to read as follows:

   A. Any trash hauler providing residential trash service within the town shall also provide recycling services to its residential trash customers. Before any such trash hauler may commence providing trash collection and recycling services to residential trash customers, the hauler shall apply for and obtain a permit from the town. The application shall include a written plan for collection of residential trash on a volumetric based billing system, a statement of the charges proposed to be made to the customer and the plan for recycling. The public works director, in its discretion, may approve or disapprove the application. The permit fee shall be fifty dollars.

3. Section 7.04.070 of the Town of Carbondale Municipal Code shall be amended by deleting the language stricken adding the language underlined to read as follows:
A. It is unlawful for any person, including any owner, lessee, occupant or person having control of any real property, including real property subject to a public easement, to permit or maintain discarded or unwanted trash or rubbish to accumulate or remain upon such property or easement for a period of more than fourteen days.

B. No person, including but not limited to an owner, occupant, lessee, person in possession or control, homeowners association officer, property manager, or agent of a given premise, shall place any refuse, refuse or garbage container or dumpster in any street, alley or other public place or upon any private property whether owned by such person or not, within the town except in proper containers for collection, as provided in Section 7.04.060. No person shall place any such refuse or garbage, refuse container, or dumpster in any public street right-of-way for trash collection purposes by the town or a private trash hauler except for on the day collection occurs. For purposes of determining compliance with this requirement, refuse and garbage, refuse containers or dumpsters may be stored in a public street right-of-way only between 6:00 a.m. and 8:00 p.m. on the day of collection. Placement of refuse or garbage containers outside of this time period shall result in the levying of fines, pursuant to Paragraph G, below. Except for between 6:00 a.m. and 8:00 p.m. on the day of collection, and except in the instance that a refuse or garbage container is bear-resistant, as defined in this Section 7.04.020, all refuse and garbage containers must be stored in secure enclosures when not out for collection.

C. Refuse in any Body of Water. No person shall throw or deposit any refuse in any stream or any other body of water.

D. Unauthorized Accumulation. Any unauthorized accumulation of refuse on any premises is a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within fifteen days after notice by the town shall be deemed a violation of this code.

E. Scattering of Refuse. No person shall cast, place, sweep or deposit anywhere within the town any refuse in such a manner that it may be carried away by animals or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the town. Whenever litter or junk is thrown or deposited from any motor vehicle in violation of this section, the operator of said motor vehicle is presumed to have caused or allowed the litter or junk to be so thrown or deposited.

F. Burning of Refuse. No person shall at any time set fire to, burn or attempt to burn any garbage, rubbish or debris in the town, without the prior written approval of the public works director.

G. Fines for a violation of this Section 7.04.070 shall be $100.00 for a 1st offense, $250.00 for a 2nd offense, $500.00 for a 3rd offense, and pursuant to Section 1.16.010 for any additional violation. The town shall waive the fine for any 1st offense, provided that the offender provides the Town with the offender’s proof of purchase of a bear-resistant container for the subject property.
2. Because the Board of Trustees finds that it is necessary to adopt this ordinance as an emergency ordinance to protect the general health, safety and welfare of the citizens of the Town, this ordinance shall become effective immediate upon passage.

3. Except amended herein, Chapter 7.04 of the Municipal Code (Solid Waste Regulations) shall remain in full force and effect.

INTRODUCED, READ AND PASSED this 23rd day of September, 2014.

THE TOWN OF CARBONDALE

Stacey Paton Bernot, Mayor

ATTEST

Cathy Derby, Town Clerk

TOWN OF CARBONDALE
SEAL
COLORADO
EMERGENCY ORDINANCE NO. 14, SERIES OF 2014 – ASSESSING FINES FOR IMPROPER DISPOSAL OF TRASH

Gene Schilling, Gretchen Bell and John Groves of the Department of Wildlife were present at the meeting.

Ordinance No. 14 proposes the following changes to the Trash Ordinance:

- It would be a penalty assessment ticket rather than a summons to Court.
- Any adult resident of the residence can be issued a ticket. The current ordinance requires that someone observe the person who actually put out the trash can in order to issue a summons.
- Trash must be stored in a secured structure or animal proof/bear resistant container.

Discussion ensued.

It was suggested that when a person receives their first ticket they could opt to buy an animal resistant container and the fine would be waived.

Town receptacles should be bear proof.

John Groves stated that we need to stop bears from getting in to the trash early in the season or the problem escalates.

Educational outreach should also be in Spanish.

Trustee Harvey made a motion to approve Emergency Ordinance No. 14, Series of 2014 with the following amendments: the first fine assessment will be waived if the resident purchases a bear-proof container, and the hauler sentence should be deleted. Trustee Hoffmann seconded the motion and it passed with:

7 yes votes: Hobbs, Hoffmann, Merriott, Zentmyer, Bernot, Harvey, Byars

CONTINUED DISCUSSION ON CHANGES TO RETAIL AND MEDICAL MARIJUANA LICENSING REGULATIONS

The Board agreed to address the 30% renewable energy requirement for cultivations, the use of butane to extract THC oil, and the definition of public and open at a later date.

The Board agreed to the (additional) following changes to the retail and medical marijuana regulations:

- A $1,000 fine will be assessed to late renewal application. There will be a 45 grace period before the applicant must apply for a new license.
- Warning signs alerting customers to the risks of using marijuana shall be displayed in both medical and retail stores.