

TOWN OF BERTHOUD

ORDINANCE NO. 1230

AN ORDINANCE AMENDING CHAPTER 30, SECTION 118 OF THE DEVELOPMENT CODE OF THE TOWN OF BERTHOUD, FOR THE PURPOSES OF REPEALING THE CURRENT DARK SKY REQUIREMENTS AND ADOPTING AMENDMENDED DARK SKY REGULATIONS CONSISTENT WITH THE MODEL LIGHTING CODE

WHEREAS, it is deemed to be in the interest of the public health, safety and general welfare to adopt the Dark Sky requirements tailored to accommodate particular circumstances and requirements of the Town; and

WHEREAS, Town staff and lighting experts, including representatives from the local observatories have reviewed the existing code, and the International Engineering Society's Model Lighting Ordinance, and have made recommendations to improve the existing dark sky ordinance; and,

WHEREAS, the Board of Trustees, after proper notice, has held a public hearing on this ordinance providing for the adoption of said code pursuant to C.R.S. § 31-16-203; and

WHEREAS, the Dark Sky amendments thereto have been submitted to the Board of Trustees in writing and the Board of Trustees has determined that such code and amendments thereto should be adopted as herein set forth;

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

Section 1. That Chapter 30, Section 118 of the Berthoud Development Code is hereby repealed, and the Municipal Code Sections set forth in Exhibit "A", attached, are hereby adopted in its stead;.

Section 2. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

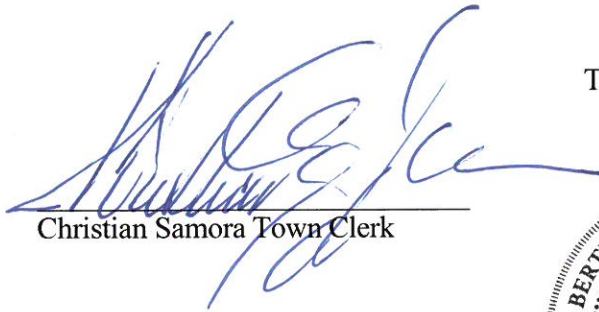
Section 4: The repeal or modification of any provision of the Municipal Code of the Town of Berthoud by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5: The Provisions of this Ordinance shall take effect thirty days after publication as required by law, and shall apply to all lighting plans, development, and construction permitted after such date.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN
FULL this 9th day of January, 2018.



TOWN OF BERTHOUD, COLORADO


Christian Samora Town Clerk

