



Ann Leppanen <ann@townofbluff.org>

Outdoor Lighting Ordinance

1 message

Amer Tumeh <amer_tumeh@yahoo.com>

Tue, Nov 16, 2021 at 3:47 PM

To: Ann Leppanen <ann@townofbluff.org>

Cc: Diana Davidson <dianad4440@yahoo.com>, Steve Simpson <steve@twinrocks.com>, Jennifer Davila <gordodog1@gmail.com>

Hello Ann,

Just wanted to add a couple of points to the discussion regarding the Outdoor Lighting Ordinance. We have been working on updating our lighting since last thanksgiving. Roughly 80-85% of the conversion on the main buildings has been completed. Our entry and parking lot lights still need to be upgraded. I met with an electrician in Blanding yesterday, who told me that he's had pole lights on order for two months for one of the Blanding schools. The product is stuck on a boat somewhere with no clear indication of when it will be delivered. So supply chain issues are definitely a major factor on how long it will take for residents and businesses to comply.

Please keep in mind that changing parking lot lights is quite bit more involved than just changing a light fixture on a wall. This is due to the fact that new concrete foundations have to be poured to support the light poles.

If the Council makes modifications to the Ordinance, I would like to request that the Council considers deleting Section D of Paragraph 6.60.120 Violation. This Section reads, "An adversely affected property owner may bring an action to enforce This Chapter to the same extent as the Town." As you know, anyone can sue anybody at anytime, however, in my humble opinion I don't think the Town should be enabling people to sue each other and facilitate vigilante enforcement. Especially since this criteria is so subjective.

Thank you for your time and consideration.

Amer Tumeh
Desert Rose Resort and Cabins



Ann Leppanen <ann@townofbluff.org>

Outdoor Lighting Ordinance, Revisited

1 message

Tue, Jan 4, 2022 at 9:28 AM

Amer Tumeh <amer_tumeh@yahoo.com>

To: Ann Leppanen <ann@townofbluff.org>

Cc: Diana Davidson <dianad4440@yahoo.com>, Jennifer Davila <gordodog1@gmail.com>, Steve Simpson <steve@twinrocks.com>

Hello Ann,

As you know, my email of November 16th, 2021 regarding the Outdoor Lighting Ordinance was one of many emails you received from Bluff business owners including Diana Davidson of the Cottonwood Steakhouse and Jennifer Davila of the Business Owners of Bluff. B.O.B. is an organization which represents over 20 businesses currently operating in Bluff. My email was not the sole reason the Council decided to make corrections to the Ordinance, as one person claimed.

One of the many points Diana Davidson made in her presentation, is that the text of the Ordinance in a couple of areas refers to paragraphs which are not part of the Ordinance. As we all know, this is due to the fact that most of the Ordinance was copied from Ordinances of other towns, including the paragraph enabling neighbors to sue each other over light trespass. When the Council deleted this paragraph from the Ordinance, all Council members agreed that this was redundant and some minor housekeeping and cleanup items needed to be done. This action did not take away any rights from Bluff residents, as the three Bluff residents claimed. It's an Ordinance not the Bill-of-Rights.

If the Bluff Town Council feels like a fine needs to be imposed in order to enforce an ordinance, that would be one thing, however as I mentioned in my last email, I don't think the Town Council should facilitate vigilante enforcement by it's residents. Personally, I don't think any town should include anything they can not enforce in their ordinances.

It is unfortunate that a couple of my neighbors feel the way they do about the lighting at Desert Rose. Shortly after Mr. Shook moved to Bluff, he stopped by the front desk and informed my staff that three of our lights were keeping him

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from enjoying his porch. I immediately made three wooden shields and installed them in front of those lights. As a "thank you" I've had to endure a pattern of harassment for the past few years. Including complaining to UDOT about our landscaping lights, which were installed with the permission of UDOT. UDOT never hired Mr. Shook as their right-of-way safety inspector. So when he says he worked with UDOT for 9 months to remove my lights, that's part of his constant harassment. He also complained to my Broker about our frontage. He told another Bluff resident he wants to put a ship wreck on his land so he can offend the guests at Desert Rose. He complained about our guest's trucks starting up and idling in the morning. He hired a lawyer who sent me a letter intending on suing me to comply with the Lighting Ordinance, etc. etc.

The standard set by the Outdoor Lighting Ordinance for someone to initiate a lawsuit is not whether they are unhappy or dislike their neighbor's lights, since that is subjective. The standard is set by **Paragraph "E" of the Ordinance, which reads "In any enforcement action where it is shown that the conduct of a property owner is willful, wanton, or deliberately undertaken to: i) annoy or harass others, or ii) defy town ordinances, the court may award civil damages to the plaintiff..."** Non of these items apply to me. especially as I mentioned in my last email that 80-85% of the lighting on our buildings has been upgraded and is already compliant. If there is any willful, wanton, and deliberately undertaken annoyance and harassment, it has been initiated by Mr. Shook.

The failure of the two complaining neighbors to perform their due diligence prior to purchasing their homes is not my fault. When we built the Desert Rose, there were no homes across the highway. You don't see me complaining about said neighbors ruining my view to the North. If my business was such a nuisance to them, they should've bought homes in the historic district or by the mission. My suggestion to Mr. Shook is instead of harassing me, maybe he should come up with a constructive solution to remedy his mistake. Here are a couple of suggestions, installing black-out curtains will help. Also, if he flanks his flag with a row of trees, then he wouldn't have to look at my buildings. I will do my part to plant as many trees as I can in the frontage and comply with the Outdoor Lighting Ordinance.

Thank you for your time. I would appreciate it if you make this email part of the record for tonight's discussion of the Lighting Ordinance.

Kind Regards

Amer Tumeh, Captain
DRI Cruise Ship