

Milford Charter Township, Michigan Code of Ordinances Sec. 32-600

CODE OF ORDINANCES Charter Township of MILFORD, MICHIGAN Codified through Ordinance No. 156-A-198,
adopted October 16, 2019. (Supp. No. 11)

**Michigan Municipal Codes > Michigan > Milford Charter Township Code of Ordinances > -
CODE OF ORDINANCES > Chapter 32 - ZONING > ARTICLE IV. SUPPLEMENTAL
REGULATIONS**

§ Sec. 32-600 Lighting.

(a) *Purpose.* The purpose of this section is to protect the public health, safety, and general welfare by regulating lighting levels, eliminating glare, promoting safety and **security** within the community, enhancing the appearance of the **township**, discouraging energy waste, decreasing urban sky glow, and reducing light trespass.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abandon means to intentionally cease or suspend from developing or maintaining a building or use for a stated period of time.

Ambient lighting means the general overall level of lighting in an area.

Baffle or light shield means an opaque or translucent element to shield a light source from direct view.

Brightness means strength of the sensation that results from viewing surfaces from which the light comes to the eye.

Building canopy means a portion of the building, whether structural or architectural in character, that projects outward.

Bulb or lamp means the source of electric light. The term "bulb or lamp" is to be distinguished from the whole assembly (see *Luminaire*).

Canopy structure means an overhead structure which is designed to allow vehicles or pedestrians to pass under it.

Color rendering index (CRI) means the measurement of a light source's ability to render colors, compared to either incandescent reference sources if warm in color, or daylight reference sources if cooler in color. At the maximum CRI value of 100, the colors of objects would be seen as they would appear under an incandescent or daylight spectrum of the same CCT.

Correlated color temperature (CCT) means the absolute temperature (in K) of a blackbody whose chromaticity most nearly resembles that of the light source. Lamps with a CCT rating below 3200K are usually considered warm sources, whereas those with a CCT of 4000K are usually considered cool in appearance. Temperatures in between are considered neutral in appearance.

Cutoff angle of a luminaire means the angle, measured from the nadir (straight down), between the vertical axis and the first line of sight at which the base source (the bulb or lamp) is not visible.

Cutoff fixture means a fixture that provides a cutoff (shielding) of the emitted light.

Existing lighting means any and all lighting installed prior to the effective date of the **ordinance** from which this section is derived.

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Exterior lighting means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the purposes of this section.

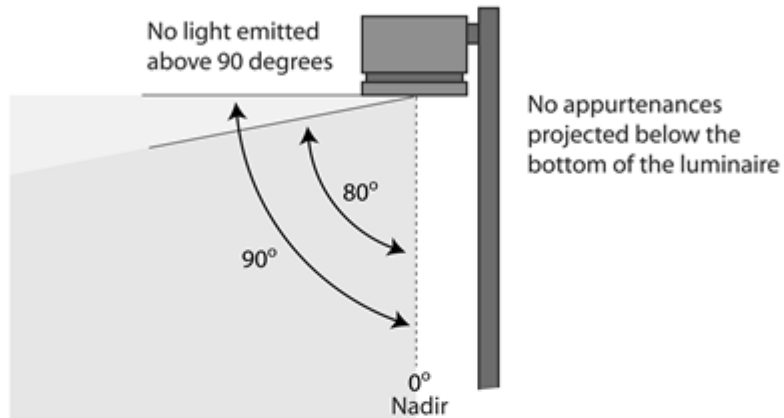
Fixture means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

Footcandle means a unit of illumination produced on a surface. One footcandle is equal to one lumen per square foot.

Full cutoff fixture means a fixture that allows no emission above a horizontal plane through the fixture. (See Exhibit 1.)

CUTOFF CLASSIFICATIONS

Full Cutoff - the luminous intensity (in candelas) at or above an angle of 90 degrees above nadir is zero, and the luminous intensity (in candelas) at or above a vertical angle of 80 degrees above nadir does not numerically exceed 10% of the luminous flux (in lumens) of the lamp or lamps in the luminaire.



CUTOFF CLASSIFICATIONS

Non Cutoff - there is no candela limitation in the zone above maximum candela.

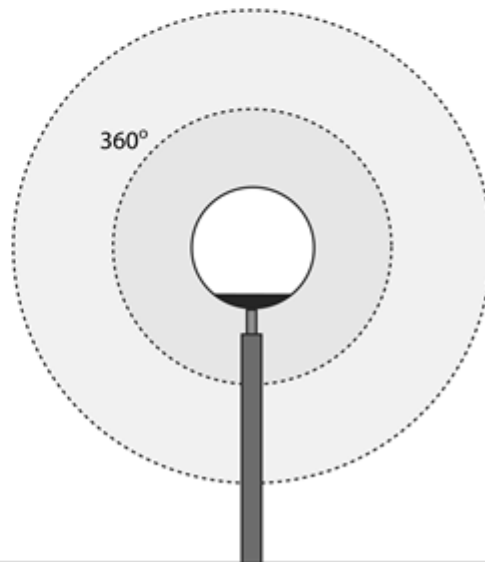


Exhibit 1

Glare means harsh, uncomfortably brilliant light caused by the ability to see an unshielded light source.

Illuminance means density of luminous flux evident on a surface.

Lamp means the component of a luminaire that produces the light.

Light pole means the structure to support and elevate a luminaire.

Light pollution means any adverse effect of manmade light including, but not limited to, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky. Often used to denote urban sky glow.

Light trespass means light that is unnecessarily emitted beyond the purpose and intent of the light. (See section (e)(3) of this section.)

Luminaire means the complete lighting unit, including the lamp, the fixture, and other parts necessary for attachment to a structure or building.

Luminaire, full cutoff, means a luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part. All appurtenances, including the lens, shall not project below the bottom of the luminaire.

Luminaire, non-cutoff, means a luminaire that allows direct light emissions in all directions. (See Exhibit 1.)

Luminance means the perceived brightness that we see, the visual effect of the illuminance, reflected, emitted or transmitted from a surface.

Lumen means a unit of measurement of luminous flux. One footcandle is equal to one lumen per square foot.

Photometric plan means a photometric diagram prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a state licensed professional engineer, architect, or landscape architect showing predicted maintained lighting levels produced by the proposed lighting fixture.

Recessed means when a light is built into a structure or portion of a structure such that the light is fully cut off by the structure to which it is attached.

Shielded means a bulb or lamp concealed by a baffle or light shield.

Spotlight means a luminaire designed to light only a small, well defined area or object.

Temporary lighting means lighting that is intended to be used for a special event lasting seven days or less.

Uniformity ratio means the ratio of the highest horizontal illuminance point at grade to the lowest horizontal illuminance point at grade.

Unneeded lighting means lighting that is not necessary for its intended purpose.

Urban sky glow means the brightening of the night sky due to manmade lighting.

Visibility means being perceived by the eye.

- (c) *Scope of application.* Except as is otherwise provided below, these lighting requirements shall apply to all multi-family and nonresidential uses in all zoning districts. Certain portions of the following lighting requirements, however, apply to all uses in all zoning districts. Any lighting in existence before the effective date of the **ordinance** from which this section is derived that does not comply with its requirements shall be considered legally non-complying and may remain, except for lighting subject to subsection (p) of this section and the following provisions:

(1) *Alterations to existing lighting.*

- a. When poles and support structures are removed and replaced, or destroyed by any means to an extent of more than 50 percent of their replacement value at time of destruction, they must be replaced with poles and supports that comply with this section; and
- b. When luminaries are removed and replaced, or destroyed by any means to an extent of more than 50 percent of their replacement value at time of destruction, they must be replaced with luminaries that comply with all provisions of this section.

- (2) *Removal and replacement of parking lot surface.* When less than 50 percent of the gross area of the parking lot surface on a particular site is removed and replaced, only the parking area replaced must be provided with lighting in compliance with this section. If greater than 50 percent of the parking area on a particular site is removed and replaced at one time, the entire parking lot on the site where the construction activity occurs must be in full compliance with this section. A parking lot or portion thereof

is "removed and replaced" when any portion of the existing parking surface material is removed and a new surface is installed.

- (3) *New parking lots or parking lot additions.* When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this section.
 - (4) *New structures, additions, or replacements.* When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition or replacement on the site must be upgraded with complying lighting and the parking lot lighting must be upgraded with complying lighting over a portion of the parking area that is equivalent to the amount of parking that would be required for the new structure, addition or replacement by section 32-655. In the event that the new structure, addition, or replacement is accompanied by new or replaced parking area, the amount of upgraded lighting area shall be that required under this subparagraph d, or that required under the combination of subparagraphs b and c, whichever is greater.
 - (5) *Change of type of occupancy.* When the type of occupancy of a site is changed, the lighting for the site shall be upgraded, as necessary, to comply with this section for the structure and the parking lot for the parking required for occupancy as established in section 32-655. For purposes of determining the type of occupancy of a site, the occupancy classifications of the North American Industry Classification System (NAICS) shall be utilized.
 - (6) *Unoccupied sites.* When a site has been abandoned for a period of one year, the lighting shall be upgraded to fully comply with this section prior to any reoccupation of the site.
- (d) *Exemptions.* The following outdoor lighting fixtures are exempt from the requirements of this section:
- (1) Fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns, gas lamps, or fire pits.
 - (2) Emergency lighting necessary to conduct rescue operations, support public safety, provide emergency medical treatment, to illuminate emergency means of egress, or address any other emergency situation.
 - (3) Lighting operated by a public utility or agency during the course of constructing, repairing, or replacing public utilities and infrastructure.
 - (4) Holiday lighting.
 - (5) Unshielded luminaries that have a maximum output of 260 lumens per fixture, regardless of number of bulbs, (equal to one 20-watt incandescent light), provided the fixture has an opaque top to keep light from shining upward.
 - (6) Shielded luminaries that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs, (equal to one 60-watt incandescent light).
 - (7) Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.
 - (8) Lights on communication towers and other hazards to aerial navigation as may be required by the Federal Aviation Administration.
 - (9) Lighting used to illuminate a flag of the United States continuously displayed over a 24-hour period, subject to subsection (n)(5) of this section.
- (e) *Prohibitions.*
- (1) Uplighting is prohibited, except in cases where the luminaire is contained by a roof, overhang, shielding or canopy (see subsection (j) of this section), for illuminating a flag of the United States (see subsection (n)(5) of this section), or for ground-mounted decorative fixtures designed to enhance site landscaping or plant materials.

- (2) All neon, argon, or krypton outdoor lighting fixtures are prohibited.
 - (3) Light trespass caused by any outdoor fixture that creates a nuisance for residentially zoned or used property that is either adjacent to or that is within a direct line from the light source. Light trespass is considered a nuisance if it creates consequential interference with viewing of the night sky, elimination of the ability to have darkness on the property, or illuminates any area on or within residentially zoned or used property that is either adjacent to or that is within a direct line from the light source. A light trespass nuisance shall be deemed to exist when the judgment of the building official, utilizing procedures outlined in subsection (f), finds lighting levels have created a condition or situation which impedes or prevents the intended use and enjoyment of the interior of the complainant's home, or the complainant's property.
 - (4) Lighting fixtures shall not be mounted directly to the building facade, except for signage illumination, or as indicated in subsection (k) of this section for loading zones and subsection (l) of this section for pedestrian doorways.
- (f) *Compliance.*
- (1) All site plans submitted in accordance with section 32-586 of this chapter shall provide the following information.
 - a. A photometric plan showing footcandle readings every ten feet within the subject site and ten feet beyond the property lines.
 - b. Manufacturer specification sheets, cut-sheets or other manufacturer provided information for all proposed lighting fixtures.
 - c. The location of all exterior lights, including but not limited to light poles, building-mounted lights, and canopy lights.
 - d. The height of all light fixtures and poles.
 - e. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture. Note: Site plan lighting shall be designed so as to avoid light trespass as defined elsewhere in this subsection through means such as shielding or directional positioning.
 - (2) Procedure for assessing violations of the light trespass prohibition:
 - a. The building official shall make a determination of light trespass nuisance through an on-site, nighttime inspection of the interior of the complainant's home and property. Such on-site, nighttime inspection shall not be taken when there is significant moonlight present in the night sky or during periods of precipitation such as, but not limited to, rain, snow, or fog which may interfere with an accurate assessment and evaluation of lighting levels.
 - b. Any determination of light trespass shall be made through the quantitative measurement utilizing a standard yardstick (three feet by 1 inches). The yardstick shall be placed at the required building setback line in the complainant's yard. The yardstick shall be in contact on the ground or may be raised to the window height of the complainant's dwelling, and the yardstick shall be held in a vertical position. The person taking the measurement shall then determine if a clearly discernable shadow is cast by the light source within the complainant's home, or on his or her property beyond the required yard setback line. Such an incidence shall be a determination of light trespass.
 - c. The yardstick, and property or interior room(s) where the consequential interference with the viewing of the night sky and/or the elimination of the ability to have darkness on the property is said to occur, must be aligned with the light source alleged to cause such nuisance. For new developments, or where the nuisance light trespass has been confirmed, additional landscaping may be required by the building official to provide light screening between the light source and affected residential zones to help prevent light trespass. The cost of additional landscaping is the

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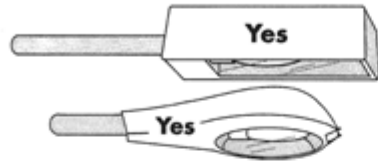
responsibility of the landowner responsible for the light trespass. Where landscaping is used for light screening, the building official shall take into consideration the applicable landscape standards found elsewhere in this chapter, the creation of excessive shadows or dark spaces, and views into or out of the site.

- d. Residents believing that light trespass exists on their property such that it creates a nuisance may make a complaint to the building official. The complaint should be accompanied by information, affirmation and evidence, which is collected in accordance with the procedures outlined herein. If, in the view of the building official, a potential violation exists, the official will make a formal determination.
- e. Residents may appeal decisions of the township official made under subsection (f)(2)a. of this section to the township planning commission.
- f. A determination of light trespass shall exclude light originating from holiday lighting displays or temporary construction lighting.

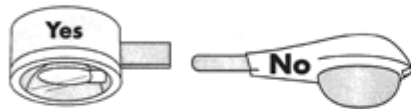
(g) *General provisions.*

- (1) Whenever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
- (2) Except as provided by subsection (c) of this section, when an outdoor lighting plan is being modified, extended, expanded, or added to as part of an amended site plan, the entire outdoor lighting installation shall be subject to the requirements of this article.
- (3) Electrical service to freestanding outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles. (See section 32-606.) No electrical service for surface mounted building lights shall be exposed.
- (4) For the purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the top of the lighting fixture. Any light intensity measurement taken at the property line shall be measured at the greatest point of illumination at said property line. Any measurements to determine the minimum and maximum lighting levels internal to a site will be measured by positioning the meter horizontally at ground level at the greatest and least points of artificial illumination.
- (5) All outdoor lighting shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cutoff design with horizontally aligned flush-mounted (non-protruding) lens. (See Exhibit 2.)

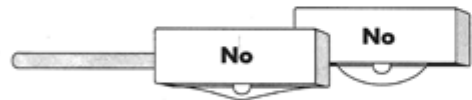
EXAMPLES OF "FULL CUTOFF" OUTDOOR LIGHTING FIXTURES



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures is available in many styles.



Same fixture as above mounted incorrectly - defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.



Forward - Throw Style. Exposed bulb in the forward direction produces some direct glare.



Exhibit 2

- (6) All general parking area lighting is to be reduced to an average of 0.4 footcandle at four feet zero inches above the parking surface, with a uniformity ratio of 10:1, after established hours of operation. These hours are to be indicated during the site plan review and filed with the township building department. Any change in these hours of operation is to be refiled with the building department. Established hours of operation are defined as one-half hour before and one-half hour after the published business hours. At the time of site plan review, the applicant can define the specific nature of after hours operation that require an additional need for limited lighting above the permitted 0.4 footcandle necessary for purposes of maintenance and/or shipping and receiving activities. Such areas and levels of lighting shall be delineated on the site plan.

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- (7) All landscape material is to be trimmed so that it does not interfere with the intent of the fixture.
- (8) No sound shall be emitted from the fixture that is detectable on any adjacent property or roadway. This sound is to be measured with a calibrated decibel meter using the A scale.
- (9) All exterior installations must be provided with ground fault circuit interrupters (GFCI).
- (10) Exterior lighting installation shall be designed to avoid harsh contrasts in lighting levels.
- (11) Light poles used to support a luminaire for the purpose of illuminating residential yards shall not exceed a height of ten feet.
- (12) The planning commission may allow high-pressure sodium or metal halide luminaires required under this section to be replaced by LED fixtures meeting the following correlated color temperature (CCT) and color rendering index (CRI) values:

Outdoor Fixtures	Lamp Wattage	Estimated Luminaire Light Output (lumens)	Estimated Luminaire Efficacy (lumens per watt)	Typical CRI	Typical CCT Range
Outdoor Area/Roadway, Parking	High Pressure Sodium (HPS) 250	8,000, 13,000	46, 75	20	2000K, 3000K
		42, 63			
		12,000, 18,000			
	400	54, 87			
		25,000, 40,000			
Metal Halide (MH)	250	6,000, 10,000	35, 58	65	3000K, 6000K
		38, 63			
		11,000, 18,000			
	400	43, 70			
		20,000, 32,000			
Outdoor wall-mounted	High Pressure Sodium (HPS) 150	5,000, 7,000	43, 61	20	2000K, 3000K
		8,000, 13,000			
	Metal Halide (MH) 150	5,000, 7,000	35, 61	65	3000K, 6000K
		6,000, 10,000			
Bollards	High Pressure Sodium (HPS) 100	1,000, 2,000	17, 35	20	2000K, 3000K
		2,000, 4,000			
	Metal Halide (MH) 100	1,000, 3,000	12, 37	65	3000K, 6000K
		2,000, 4,000			

(h) *Parking lots.*

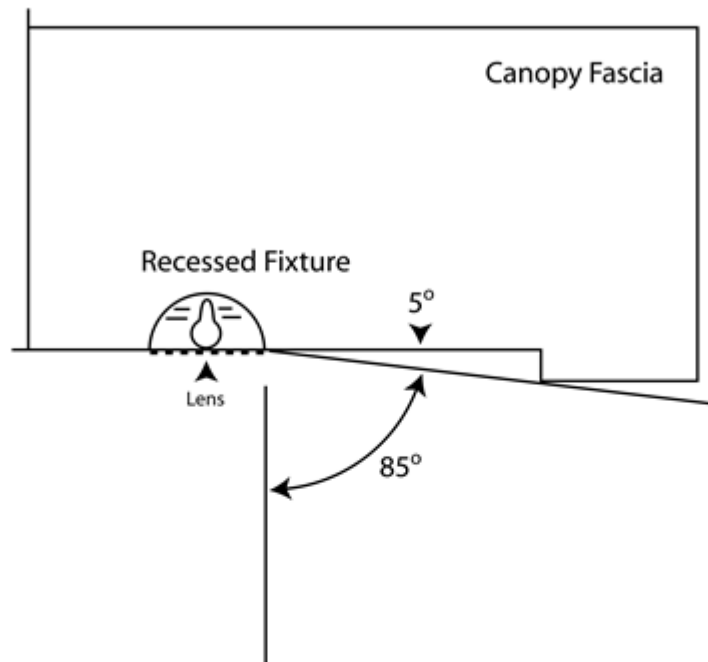
- (1) Any open area used for motor vehicle parking, storage or access shall be illuminated with decorative, freestanding luminaires and fixtures. Freestanding luminaires are permitted to be a maximum height of

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25 feet; however, they shall be no higher than 15 feet for installations within 50 feet of residentially zoned or used property.

- (2) Lighting shall be arranged in an overlapping pattern of light at a height of about seven feet above grade throughout the off-street parking areas. Lighting levels shall respond to site hazards such as steps, ramps and steep embankments. Posts and standards should be placed so that they do not create hazards for pedestrians or vehicles including obstructing the view of an oncoming pedestrian or car.
 - (3) The parking area shall be illuminated so that the minimum horizontal illuminance on pavement is 0.2 footcandle and no more than 4.0 footcandles. The uniformity ratio shall be no greater than 20:1.
 - (4) The luminaire shall be of a metal halide type.
- (i) *Signs.* Signs may be lighted only in accordance with article VII of this chapter.
- (j) *Canopy lighting and lighting of service stations.*
- (1) Lighting of such areas shall not be used to attract attention to the business.
 - (2) Lighting levels shall be adequate to facilitate the activities taking place in such locations.
 - (3) In order to minimize the extent of direct glare, light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture of the edge of the canopy so that light is restrained to 85 degrees or less from vertical. (See Exhibit 3.)

RECESSED CANOPY LIGHTING



As an **alternative (or supplement)** to recessed ceiling lighting, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is forced exclusively on the underside of the canopy.

- (4) As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
- (5) Lights shall not be mounted on the top or sides (fascias) of the canopy. The sides shall not be illuminated in a manner other than that prescribed under the section of these regulations regulating signs.

- (6) Areas around service station pump islands shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 footcandle and no more than 5.0 footcandles. The uniformity ratio shall be no greater than 4:1.

(k) *Loading areas.*

- (1) Loading areas shall be illuminated with wall mounted light fixtures located not more than 15 feet above grade, directed downward and confined to the loading area.
- (2) The luminaire shall be of a high pressure sodium type.

(l) *Pedestrian walkways and doorways.*

- (1) The illumination of pedestrian doorways (man-doors) when proposed, shall be illuminated with a wall-mounted decorative light fixture. The means of egress illumination shall not be less than one footcandle, or more than 1.5 footcandle at the floor level, regardless of the type of light source utilized. Such lighting shall be shielded to reduce glare, and directed downward.
- (2) Lighting for pedestrian walkways shall be a minimum of 2.0 footcandles and shall not exceed a height of four feet above the walkway surface.
- (3) All pedestrian walkways, sidewalks, and aisles located along major thoroughfares shall be illuminated with:
 - a. Decorative fixtures. The fixtures shall be manufactured by Hadco, Vm71A TONECE, modified or approved equal.
 - b. Ten- to 15-foot maximum height to the top of fixture or pole. The posts shall be manufactured by Hadco, Model #174088 or approved equal.
 - c. Luminaire. The lamp shall be a h45dl4050DX or approved equal.
 - d. The planning commission may, however, recommend an approved equal as a substitute fixture during the site plan review process.

(m) *Landscape islands and greenbelts around buildings.*

- (1) Landscape islands shall be illuminated with:
 - a. Ground-mounted decorative fixtures directed at required landscape or plant material.
 - b. Thirty-six-inch maximum height to the top of the fixture.
 - c. The luminaire shall be of a metal halide type.
- (2) Landscape or greenbelts around buildings shall be illuminated with:
 - a. Ground-mounted decorative fixtures designed to enhance landscape or plant material.
 - b. Thirty-six-inch maximum height to the top of the fixture.
 - c. The luminaire shall be of a metal halide type.

(n) *Architectural accent lighting.*

- (1) Fixtures used to accent architectural features, materials, colors, style of buildings, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded so as to minimize light spill into the dark night sky. The planning commission may recommend, and the township board may approve, exceptions to this provision if minimal light escapes into the dark night sky or onto adjacent properties.
- (2) If illuminated, exterior building facades shall be illuminated with a ground-mounted decorative fixture, extending not more than 12 inches above grade. Luminaires shall be of a mercury vapor or metal halide type.

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- (3) The maximum illumination of any vertical surface or angular roof surface in dark surroundings shall not exceed one footcandle.
- (4) The maximum illumination of any vertical surface or angular roof surface in lighted surroundings shall not exceed three footcandles.
- (5) Only minimal lighting shall be used to illuminate a flag of the United States, statutes, or any other objects mounted on a pole, pedestal or platform. Such lighting shall consist of full cutoff or directionally shielded lighting fixtures that are aimed and controlled so that the direct light shall be substantially confined to the object intended to be illuminated. Directional control shields shall be used where necessary to limit stray light.

(o) *Lighting of public and private outdoor sport facilities.*

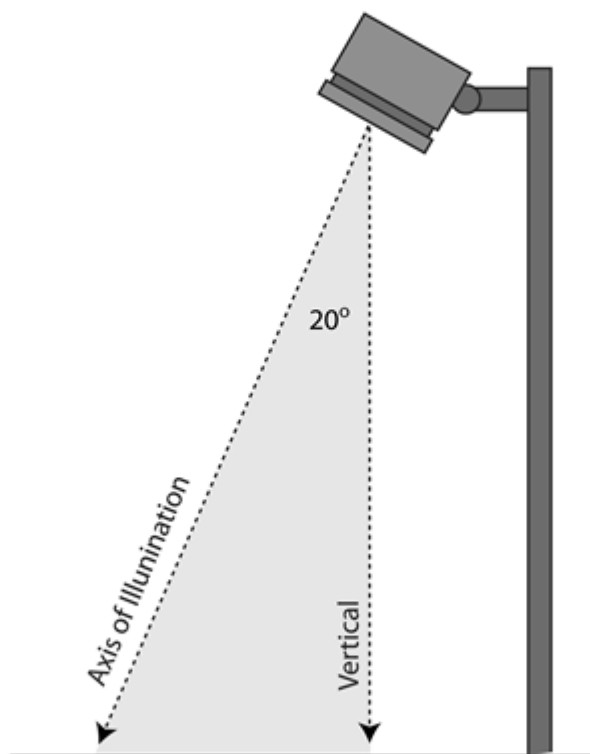
- (1) Lighting at public and private outdoor sports facilities, including but not limited to playing fields, arenas, tracks, and swimming pools, shall be shielded as well as is practicable to reduce glare, safety hazards, light trespass, and light pollution; and shall provide levels of illuminance consistent with nationally recognized standards; and shall be operated on a schedule that coincides with scheduled events.
- (2) Each outdoor recreation facility pursued under this section shall meet the following requirements and standards for exterior lighting.
 - a. The main lighting of the facility (spotlighting or floodlighting, etc.) shall be turned off no later than 45 minutes after the end of the day's activities or event. A low-level lighting system shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance, etc. The low-level lighting system shall provide an average horizontal illumination level, at grade level, of no more than 1.0 footcandle.
 - b. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

(p) *Nonconforming lights causing light trespass or light pollution.* Existing nonconforming lights causing light trespass or light pollution shall be allowed to continue, subject to the following provisions:

- (1) To reduce glare, safety hazards for drivers and pedestrians, light trespass, and light pollution, all existing spotlights, floodlights, and wall packs shall be adjusted in accordance with the following provisions, excepting the lights at existing sports facilities used temporarily during a scheduled sporting or related events:
 - a. For spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground. (See Exhibit 4.)

AXIS OF ILLUMINATION FOR EXISTING OUTDOOR LIGHTING FIXTURES

Floodlight - for spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground.



- b. For spotlights and floodlights mounted at or near ground level and used to light a building, billboard, or other structure, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below, and to the sides of the illuminated object.
 - c. Wallpacks shall be adjusted where possible to minimize the amount of light emitted above the horizontal.
- (2) It shall be the responsibility of the township to disseminate the ordinance from which this section is derived by appropriate means; to identify those spotlights, floodlights, and wallpacks requiring adjustment; and to inform their owners of these provisions. Required adjustments made as part of subsection (p)(1) of this section, shall be completed within six months from the effective date of the ordinance from which this

section is derived. Any owner who fails to comply with these provisions shall be issued a warning notice. Any owner who further fails to comply after 30 days from the issuance of such warning shall be subject to a fine as may be established by resolution of the township board for each day of noncompliance. It is not the intent of this section to require an additional investment in order to comply with these provisions. Existing light fixtures, other than spotlights, floodlights, and wallpacks, installed prior to the effective date of the ordinance from which this section is derived may continue in service without adjustment or modification through the remainder of their useful lives.

- (3) Should the building official or his authorized designee determine that a legal nonconforming lighting fixture results in light pollution or light trespass, the building official may require the light to either be shielded, filtered, redirected, replaced with a less intense light source or otherwise modified (including removal if necessary) to eliminate the light pollution or light trespass. (See subsection (f)(3) of this section.)
- (4) In those cases where the building official has determined that light pollution or light trespass exists, the building official or an authorized designee, may grant additional time for the property owner to remedy the light pollution or light trespass where a hardship exists. In determining if a hardship exists, the following factors shall be considered:
 - a. The degree of difficulty in accessing the fixture;
 - b. Financial difficulty or cost of correcting the light pollution or light trespass;
 - c. Degree of light pollution or light trespass; and
 - d. Other similar issues.
- (5) When a hardship exists and a request for temporary relief from immediate compliance of a remedy action has been submitted to the building official, the following findings must be made to grant the relief:
 - a. There are special circumstances or conditions applying to the land, building, or outdoor light fixtures for which temporary administrative relief is sought, which circumstances or conditions are peculiar to such land, buildings, or outdoor light fixtures and do not apply generally to the land, buildings or outdoor light fixtures in the general vicinity; and
 - b. The granting of the temporary administrative relief will generally be in harmony with the intent of this section and will not be injurious to properties within the general vicinity or otherwise detrimental to the public welfare.
- (6) When a request for temporary relief has been submitted to the building official in a hardship case, the building official, or his authorized designee shall make a determination within ten business days from the date of the submission of the request and promptly notify the applicant in writing of his decision. Temporary relief shall not exceed a period of 90 days. The building officials' determination may be appealed to the planning commission within ten days of the decision. Should additional time be required, the request shall be forwarded to the planning commission for review and consideration through the special approval use permit process and requirements. (See section 32-35.)
- (7) The building official, or his authorized designee, may forward the request for temporary relief to the planning commission based upon the degree of light pollution or light trespass, costs for correcting the light pollution or light trespass, or other similar issues.
- (8) In those cases where the building official has determined that light pollution or light trespass exists, and that adjustment or removal of the nonconforming light structure is required, he or his authorized designee shall fix a time for the adjustment or removal of the nonconforming lighting fixture commensurate with the investment value and related to the depreciated value of the lighting fixture. Such determination may only be made after notice to the owner.
- (9) Where the building official, or his authorized designee, has determined the continued existence of a nonconforming light is detrimental to the public health, safety or general welfare, or is a public nuisance, the use of such light could be immediately terminated or abated in accordance with the following procedure. A public hearing before the planning commission shall be used to process the termination or

abatement. Such hearing shall be noticed in accordance with section 103 of Public Act No. 110 of 2006 (MCL 125.3103). A notice of termination and a copy of the findings shall be sent to the property owner at least 30 days prior to the public hearing. If a termination is ordered, the planning commission may provide for a reasonable period of time to amortize any lawfully existing lighting on the site. Extensions of this time period may be granted for good cause shown on later application to the reviewing authority by any affected person.

HISTORY NOTE:

(**Code** 1992, 19-105; Ord. No. 156-A-121, 1(19-105), 3-21-2007; Ord. No. 156-A-144, 1, 4-21-2010; Ord. No. 156-A-153, 1, 3-21-2012; Ord. No. 156-A-178, 1, 1-21-2015)

Annotations

Notes Applicable To Upper Hierarchy

STATE LAW REFERENCE:

Michigan zoning enabling act, MCL 125.3101 et seq.; **Michigan** planning enabling act, MCL 125.3801 et seq.

Michigan Municipal **Codes**

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