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# CITY of NOVI CITY COUNCIL

**Agenda Item 11**  
**July 23, 2012**

**SUBJECT:** Approval of an Ordinance to amend the City of Novi Code of Ordinances, Chapter 21 "Nuisance", in order to add a new division, Division 11, entitled "Nuisance Lighting."  
**FIRST READING**

**SUBMITTING DEPARTMENT:** Community Development Department

**CITY MANAGER APPROVAL:** 

**BACKGROUND INFORMATION:**

In response to recent citizen concerns regarding lighting nuisances in residential neighborhoods, City staff was asked to examine options for amendments to the Nuisance Ordinance. Specifically, the concern was the detrimental impact of exterior lighting fixtures on adjacent residential lots and homes.

While the Zoning Ordinance includes standards for the review, installation and maintenance of exterior lighting for Site Planned projects, the current standards do not apply to single family homes and neighborhoods. The proposed amendment to the Nuisance Ordinance would reference the Site Plan standards for allowable lighting levels at property lines and shielding requirements for properties throughout the City including homes and residences.

Recognizing the unique nature of residential porch lighting, the text includes an allowance for limited decorative fixtures typical to homes and neighborhoods.

**RECOMMENDED ACTION:** Approval of an Ordinance to amend the City of Novi Code of Ordinances, Chapter 21 "Nuisance", in order to add a new division, Division 11, entitled "Nuisance Lighting." **FIRST READING**

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

**STATE OF MICHIGAN**

**COUNTY OF OAKLAND**

**CITY OF NOVI**

**ORDINANCE NO. 12-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, CHAPTER 21, "NUISANCE," IN ORDER TO ADD A NEW DIVISION, DIVISION 11, ENTITLED "NUISANCE LIGHTING."**

**THE CITY OF NOVI ORDAINS:**

**PART I.** That Chapter 21, "Nuisance," of the City of Novi Code of Ordinances is amended to add a new division, Division 11, entitled "Nuisance lighting," to read as follows in its entirety:

**Division 11. – Nuisance Lighting**

**Sec. 21-200. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Lighting* means illumination of any portion of the visible light spectrum

*Private premises* means any lot or parcel of land owned or occupied by any person as a dwelling or house, whether inhabited temporarily or continuously.

**Sec. 21-201. - Construction.**

This division shall be supplementary to any other provision of this Code of Ordinances relating to lighting.

**Sec. 21-202. - Exceptions.**

The provisions of this division shall not apply to emergency vehicles, municipal or governmental vehicles, lighting on public property, or lighting required for emergency responses or repairs by a public agency (including the City) or public utility. The provisions of this division shall also not apply to lighting installed and operated as specified in an approved site plan or in compliance with the requirements for such a site plan.

**Sec. 21-203. – Nuisance Lighting Prohibited.**

It is unlawful within the city to:

A) Have or cause exterior or interior lighting that creates any illumination that is greater than that allowed under Section 2511 of the Zoning Ordinance. This prohibition

shall apply to exterior or interior fixtures or other lighting, including lighting which emanates from inside a building.

B) Own, operate or use any exterior lighting which is not shielded to reduce light emission/glare. All such lighting shall be aimed, directed, or focused away from any residential districts or uses and away from any public streets. This provision shall not preclude decorative residential lighting that does not otherwise adversely affect adjacent properties or exceed the illumination limitation of the standards.

C) Have or cause exterior or interior lighting that interferes with the vision or comfort of persons on public streets or in residential districts or uses.

**Sec. 21-204. - Violation a Civil Infraction.**

A violation of any part of this section is a civil infraction as provided for in this Code of Ordinances. Each day shall constitute a separate violation.

**Sec. 21-205. - Notice of violation; Presumptions.**

The owner of the property is responsible for compliance with all parts of this section, whether the owner resides at the property or not. Violations may be based and issued upon the land ownership records maintained by the City of Novi. In addition, and not to the exclusion of the property owner, all persons residing at a private premises are also responsible for compliance with all parts of this section.

**PART II.**

**Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART III.**

**Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

**PART IV.**

**Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART V.**

**Effective Date: Publication.** The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date

of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Robert J. Gatt, Mayor

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

Adopted:  
Published:  
Effective: