



CITY of NOVI CITY COUNCIL

Agenda Item 2
August 27, 2012

SUBJECT: Consideration 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."
SECOND READING

SUBMITTING DEPARTMENT: Community Development Department *cms*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

In response to recent citizen concerns regarding excessive lighting shining into the windows of neighboring homes in residential neighborhoods, City staff was asked to examine the full City Code to determine if existing regulations provided a solution and, if not, to recommend an option for amending the Code.

Novi already has a **zoning ordinance** provision, Section 2511, which establishes lighting standards for new developments that require a site plan. It contains a number of regulations, including a limitation on the amount of light that can traverse beyond the property line of the property where it is being generated, and requirements for keeping lighting downlit and shielded. These limitations do not apply to all properties, however, and in particular does not apply to lighting produced by existing residential homes. The idea of a short **non-zoning** ordinance to cover a different set of issues than what the zoning ordinance provides appeared to be the most appropriate avenue, in part because it could address existing situations better than a zoning provision, which would raise non-conformance issues.

The ordinance presented to Council for first reading had three aspects: (1) a very general requirement to comply with the illumination standards in Section 2511 of the zoning ordinance; (2) a requirement that lights be downlit and shielded; and (3) a general "catch-all" prohibition against lighting that causes discomfort, etc. Given the concerns raised at first reading, a number of changes are proposed in the attached – although the basic concept of a 3-pronged approach remains the same.

(1) **General illumination standard.** Instead of a general reference to Section 2511 of the zoning ordinance, the revised version has a specific reference to the existing limitation on the number of "footcandles" of light that can migrate beyond the boundary of a property onto adjacent residential property. The standard proposed of 0.5 footcandles is the same as the zoning ordinance standard – it has just been directly stated in the proposed non-zoning ordinance. (Note that generally speaking, a "footcandle" is a measurement of the amount of light being **received** at a particular location; given the existing zoning ordinance limitations, code Enforcement is already equipped with light meters to make this measurement.)

(2) **Directional standard.** This language has not changed much, but has been clarified slightly.

(3) **"Catch-all" provision.** This requirement appeared to receive a lot of attention at first reading. It has been revised with the intention to make it more concrete -- lighting that causes "glare" as now defined in the ordinance is not permitted.

In addition to the changes within the context of the 3-pronged approach, some changes have been proposed at the beginning of the ordinance:

- Definitions have been included for glare, light fixture, and light trespass and to further define the term private residential premises.
- Exceptions have been expanded to provide that seasonal decorations are not regulated by the ordinance and that a decorative exterior fixture or light located within a covered porch area is not subject to the ordinance, so long as it emits a relatively small amount of light -- 1700 lumens, which is about the equivalent of a standard 75 watt incandescent bulb. (Note that "lumens" is a different measurement standard than footcandles; rather than light received at a place, it measures light being **emitted** from a lighting source.

There are literally countless ways that the City could choose to regulate lighting. A review of ordinance provisions from nearby communities that address this issue is included in the attached matrix. **This** proposed ordinance was intentionally kept short because was intended to be a "gap-filler" for those situations where the zoning ordinance did not apply. It is still proposed as a relatively non-regulatory approach: a general maximum footcandle limitation at the property line, a shielding requirement, and a catch-all for those unusual situations where the first two limitations do not resolve the issue.

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." **SECOND 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				

Nuisance Lighting restrictions in nearby communities

Municipality	Limitations	Light Source limit (at fixture)	Illumination limit (at property line or adjacent building)
West Bloomfield Township	Requires outdoor residential lighting to be directed away and shielded from residences on adjacent lots. Limits floodlighting to 150 watt lamps in reflector type enclosures and location such that beam cannot directly strike neighboring residence, outside deck, pool or patio.	150 watts with exceptions	NA
Livonia	Lighting may not reflect on any adjacent residential use	NA	NA
Farmington Hills	Limits exterior light sources to 1400 lumens except flood or spotlights. Flood and spot lighting allowed provided they are not aimed, directed or focused toward residential districts or uses.	1400 lumens with exceptions	Maximum 1 foot-candle within 2 feet of wall of any main building on an adjacent residential use
Auburn Hills	Surface of light source shall not be visible from any bedroom window and arranged as so far as practical to reflect light away from any residential use.	NA	Maximum 1 foot-candle at 5 feet above the ground at a lot line with and adjacent residential property
Ann Arbor	Lighting for parking lots and spaces must be designed so that no more than 0.1 foot-candle shines, glares or reflects into and premises used for residential purposes	NA	Maximum 0.1 foot-candle into a premises
City of Northville	All external lighting shall be shielded or otherwise positioned to that source of light does not adversely affect driver or pedestrian visibility and does not adversely affect adjacent properties	NA	Maximum 0.3 foot-candles at property lines abutting residential uses
City of Plymouth	Outdoor lighting in residential districts used to light the general area of the site shall be shielded or directed in a manner which reduces glare and shall be arranged as to reflect objectionable lights away from all adjacent residential districts or adjacent residences	NA	NA

Information above was compiled from a search of ordinances available online in Municode.

No ordinance references were found for Lyon Township

Compiled by C Boulard 7.9.12

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:

Glare means excessive brightness in the field of vision that is sufficiently greater than the brightness to which the eyes are adapted as to cause loss in visual performance or visibility or to jeopardize the public health, safety, and welfare.

Light Fixture means a complete lighting unit, including lamps or bulbs, together with the parts required to distribute the lighting.

Light Trespass means light that illuminates a surface beyond the boundaries of the property on which it is located.

Lighting means illumination of any portion of the visible light spectrum

Private residential 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. - Exemptions.

The provisions of this division shall not apply to:

- (i) Emergency vehicles, municipal or governmental vehicles
- (ii) Lighting on public property
- (iii) Lighting required for emergency responses or repairs by a public agency (including the City) or public utility
- (iv) Lighting installed and operated as specified in an approved site plan or in compliance with the requirements for such a site plan
- (v) Indoor or outdoor temporary or seasonal decorations with low wattage or low voltage lighting whose duration does not exceed 60 days and does not result in light trespass or glare on adjacent property
- (vi) Lighting on private residential premises that is located within a covered porch area and that does not exceed 1700 lumens (e.g., similar to a 75 watt standard incandescent bulb or a 23-28 watt fluorescent bulb).
- (vii) Security lighting on private residential premises that is activated by motion sensors, is on for no more than 15 minutes at any one activation, and is located such that activation is not triggered regularly or frequently by outdoor traffic or activity.

Sec. 21-203. – Nuisance Lighting Prohibited.

It is unlawful within the city to:

- A) Have or cause exterior or interior lighting from lighting fixtures that creates any illumination that is greater than one-half (1/2) footcandle measured at any point on the property line with adjacent residential premises.
- B) Own, operate or use any exterior lighting which is not shielded to reduce light trespass and glare. All non-exempt exterior light fixtures, including floodlights and spotlights, shall be aimed, directed, or focused away from any private residential premises and away from any public streets or sidewalks, so as not to project onto such areas. Exterior light fixtures, except decorative exterior fixtures of 1700 lumens or less that are in compliance with Section 21-203(A), must be shielded such that the lamp or bulb is hidden from view and the light is directed downward, not up or sideways.
- C) Have or cause exterior or interior lighting that causes glare.

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:

**PROPOSED ORDINANCE AMENDMENTS
STRIKE-THROUGH**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12-_____

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Sec. 21-202. - ~~Exceptions~~Exemptions.

The provisions of this division shall not apply to:

- (i) ~~emergency~~ Emergency vehicles, municipal or governmental vehicles;
- (ii) ~~lighting~~ Lighting on public property, ~~or~~
- (iii) ~~lighting~~ Lighting required for emergency responses or repairs by a public agency (including the City) or public utility

(iv) ~~The provisions of this division shall also not apply to lighting~~ Lighting installed and operated as specified in an approved site plan or in compliance with the requirements for such a site plan.

(v) Indoor or outdoor temporary or seasonal decorations with low wattage or low voltage lighting whose duration does not exceed 60 days and does not result in light trespass or glare on adjacent property

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It is unlawful within the city to:

A) Have or cause exterior or interior lighting from lighting fixtures 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~~ one-half (1/2) footcandle measured at any point on the adjacent property line with adjacent residential premises.

B) Own, operate or use any exterior lighting which is not shielded to reduce ~~light emission/glare~~ light trespass and glare. All ~~non-exempt such exterior lighting~~ light fixtures, including floodlights and spotlights, shall be aimed, directed, or focused away from any ~~residential districts or uses~~ private residential premises and away from any public streets or sidewalks, so as not to project onto such areas. Exterior light fixtures, except decorative exterior fixtures of 1700 lumens or less that are in compliance with Section 21-203(A), must be shielded such that the lamp or bulb is hidden from view and the light is directed downward, not up or sideways.

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~~ causes glare.

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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

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