

**MELROSE TOWNSHIP**  
**OUTDOOR LIGHTING ORDINANCE**  
**ORDINANCE NO. 04-10 OF 2007**

**An Ordinance to eliminate or minimize glare, obtrusive light, light trespass, and light pollution; conserve energy and resources while maintaining nighttime safety, utility, security and productivity; and to curtail the degradation of the nighttime visual environment in the Township of Melrose, Charlevoix County, Michigan, a municipal corporation, by the regulation of outdoor lighting within the Township of Melrose; to provide penalties for the violation of this ordinance and to have this Outdoor Lighting Ordinance control over any ordinances or parts of ordinances that conflict this Ordinance.**

THE TOWNSHIP OF MELROSE ORDAINS:

**Section 1 - Purpose**

The purpose of this ordinance is to eliminate or minimize glare, obtrusive light, light trespass, and light pollution; conserve energy and resources while maintaining nighttime safety, utility, security and productivity; and curtail the degradation of the nighttime visual environment. This ordinance has been enacted pursuant to the Township's police powers to regulate the public health, safety and general welfare of persons and property as authorized by MCL 41.181 et seq.

**Section 2 - Regulations**

A. All outdoor lighting, whether for illuminating sites, landscaping, trees, walkways, parking areas, buildings, signs, and/or other structures, shall be fully shielded, shaded, directed downward, designed and directed away from the sky, as well as all adjacent property and uses; and further shall not shine upon the right of way of any public road or shine upon any lake, stream or body of water.

B. Mounting Heights – The maximum height for outdoor lighting fixtures shall be twenty (20) feet measured from final grade to the top of the light fixture. For lighting fixtures in the interior of development projects, the Melrose Township Planning Commission may, subject to a public hearing and notification of all property owners of record within 300 feet of the subject parcel, approve greater mounting heights when **all** of the following conditions are met:

1. Fewer luminaries will be required for the site; and
2. The greater mounting height will not cause light trespass and/or glare beyond the property line for reasons of topography, screening, or similar circumstances; and

3. The greater mounting height will contribute less artificial sky glow by reducing the intensity of the lighting beneath the light fixture.

C. Modifications

Subject to a public hearing and notification of all property owners of record within 300 feet of the subject parcel, the Planning Commission may grant a modification of the requirements of this Ordinance, except for standards regarding shielding, if all of the standards, described below, are met. Notification shall be sent as provided in MCL 125.3103, as amended. Conditions may be imposed on any modification. Any conditions shall relate to compliance with the purpose or requirements of this Ordinance. If a modification is based, in part, on a medical condition or physical limitation as described in Section 2.C.b.(i), then the modification shall terminate when the person, who has the medical condition or physical limitation, no longer habitually resides on the property or habitually visits the property. All of the following standards must be met before a modification may be granted:

- a. Neighboring properties or a public road will not be adversely affected; and
- b. Compliance with this ordinance would constitute an undue hardship. In determining whether an undue hardship exists, the Planning Commission shall apply the following standards and all of these standards must be met:
  - (i) The need for the modification is due to unique physical conditions of the subject site or a medical condition or physical limitation of a person, who habitually resides on the property or habitually visits the property;
  - (ii) The need for the modification is not due merely to the desires of the applicant or an economic hardship; and
  - (iii) The need for the modification is not a self-created hardship due to the actions of the current or prior property owners or a guest or invitee of the current or prior property owners.

D. Exempt Lighting

The following types of lighting are exempt from the standards of this Ordinance:

- a. Holiday lighting when used for not more than 75 days per calendar year.
- b. Lighting required by governmental agencies, including the illumination of the U.S. or State Flag.
- c. Airport lighting.
- d. Emergency lighting as used by law enforcement, firefighters and other public safety agencies.
- e. Temporary construction lighting when used for periods up to 75 days and which meet the intent of this Ordinance.

E. Prohibited Lighting

- b. Unshielded light sources of any type.
- c. Unshielded lighting sources when used outdoors for building/landscape lighting or general outdoor lighting
- d. Light fixtures designed such that the light source is visible from another property owner or that is visible from a public road or a body of water.

**Section 3 - Violation as a Civil Infraction**

- A. A violation of this ordinance shall be a municipal civil infraction. Each day during which a violation exists shall be a separate violation. This remedy

shall be cumulative to any other remedy granted by this ordinance or by law.

B. The following fines shall be applicable:

<u>Offense</u>	<u>Fine</u>
First offense	\$50.00
Second Offense within 2 years of initial offense	75.00
Third or subsequent offense within 2 years of initial offense	100.00

C. Any alleged violation of this Ordinance may be reported to any Township Trustee, Township Ordinance Enforcement officer or the Township Zoning Administrator.

D. The Zoning Administrator, the Township Ordinance Enforcement officer, the County Sheriff or a County Deputy Sheriff may issue a civil infraction citation or an appearance ticket for a violation of this ordinance.

**Section 4 - Violation as a Nuisance Per Se**

A violation of this ordinance shall also be a nuisance per se. The township shall have the authority to seek injunctive relief to seek compliance with this ordinance. This remedy shall be cumulative to any other remedy granted by this ordinance or by law.

**Section 5 - Severability**

If any section, clause, or provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of this ordinance. The Township Board declares that it would have passed this ordinance and each part, section, subsection, phrase, sentence and clause, irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses are declared invalid.

**Section 6 – Inconsistent Ordinances**

If the provisions of any Melrose Township Ordinance conflict with this Outdoor Lighting Ordinance, then the provisions of this Outdoor Lighting Ordinance shall take precedence and control.

**Section 7 - Effective Date**

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the township.

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Ordinance No. 04-16 was adopted on the 10th day of April, 2007 by the Melrose Township Board of Trustees as follows:

Motion by: Mike Webster

*Outdoor Lighting Ordinance as adopted*

Seconded by: Barb Kaiser  
Yeas: 4  
Nays: 0  
Absent: 1

TOWNSHIP OF MELROSE

\_\_\_\_\_  
Annette Longcore, Clerk

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Michael J. Webster, Supervisor

Adopted: 4-10-07  
Publication Date: 4-19-07  
Effective Date: 5-19-07

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