



**RESOLUTION #190806  
TYRONE TOWNSHIP, LIVINGSTON COUNTY**

**RESIDENTIAL OUTDOOR LIGHTING ORDINANCE NO. 49**

An ordinance enacted pursuant to the authority of Act 246 of the public Acts of 1945, as amended, to establish regulations and specifications for the use and installation of residential outdoor lighting in Tyrone Township; to prevent light-related nuisances in the Township; to preserve, promote and protect the health, safety and general welfare of the persons and property within the Township; to provide for the enforcement hereof; and to provide penalties for the violation hereof.

**SECTION 1. TITLE**

This Ordinance shall be known and cited as the Tyrone Township Residential Outdoor Lighting Ordinance.

**SECTION 2. PURPOSE**

To require and set minimum standards for outdoor lighting to:

- A. Provide for and control lighting in outdoor places where public health, safety and welfare are potential concerns.
- B. Protect drivers and pedestrians from the disabling glare of non-vehicular light sources.
- C. Protect neighbors and the night sky from nuisance glare from improperly selected or poorly aimed, placed, applied, maintained or shielded light sources.
- D. Protect and retain the intended character of the various portions of the Township.

**SECTION 3. LIGHT-RELATED NUISANCES AND CAUSES THEREOF PROHIBITED**

All light-related nuisances and causes thereof as defined herein, are prohibited upon all residential property in the township and shall constitute illegal nonconforming uses to be abated. No owner, occupant or other person shall permit any such uses to exist upon any property in the Township.

**SECTION 4. APPLICABILITY**

- A. All uses within the Township where there is interior or exterior lighting that creates a nuisance or hazard, or is in excess of the maximum permitted level of illumination specified in Section 6.A.3 (below), as viewed from outside, or exterior lighting that creates a nuisance when viewed from inside.

- B. The Township may, in its sole discretion, require lighting to be incorporated for other uses or locations or may restrict lighting in any of the above uses, as deemed necessary.
- C. Lighting approved by the Township through the issuance of a special land use permit or otherwise explicitly permitted are exempt from the requirements of this Ordinance.
- D. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency as described in NFPA 75 and NFPA 101, are exempt from the requirements of this Ordinance.

**SECTION 5. DEFINITIONS**

- A. **Footcandle** – Shall mean a unit of incident light stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter.
- B. **Glare** – Shall mean the sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye.
- C. **Illuminance** – Shall mean the quantity of incident light measured in footcandles.
- D. **Lumen** – Shall mean the light-output rating of a lamp (light bulb), as used in the context of this Ordinance.
- E. **Luminaire**– Shall mean complete lighting unit.
- F. **Shielded** – Shall mean description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts or visors.
- G. **Township** – Shall mean the Township of Tyrone, Livingston County, Michigan.

**SECTION 6. LIGHTING CRITERIA**

- A. Lighting Control
  - 1. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

2. Directional luminaires such as floodlights and spotlights, when their use is specifically permitted by the Township, shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way in excess of the maximum permitted level of illumination as described in Section 6.A.3 of this Ordinance (below).
3. The level of illumination projected onto a residential use from another property shall not exceed 0.7 initial vertical footcandles, measured line-of-sight (approximately between five (5) and six (6) feet from grade) at any point on the receiving property. The level of illumination projected onto a non-residential use shall not exceed 1.5 initial vertical footcandles measured line of sight at the from any property line/boundary.
4. Directional fixtures for such applications as façade, fountain, feature and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated and shall not be in conflict with the intended character of the Township.
5. Only the United States and the Michigan flags shall be permitted to be illuminated from dusk till dawn and each flag shall be illuminated by a source or sources with a beam spread no greater than necessary to illuminate the flag.
6. Temporary residential holiday lighting is exempt from the requirements of this Section except if deemed by the Township to be a hazard or nuisance.
7. Vehicular lights, navigational lighting, handheld flashlights, and other movable light sources are exempt from the requirements of this Section except if deemed by the Township to be a hazard or nuisance.

**B. Agricultural Use Criteria**

1. For agricultural uses, the following criteria shall apply:
  - a. No lighting, shielded or unshielded, shall be permitted that shines directly onto an adjacent residential use in excess of the maximum permitted level of illumination specified in Section 6.B.3 (above).
  - b. No lighting shall be permitted that creates a hazard by shining onto a public right-of-way.

**C. Waterfront Use Criteria**

1. For any properties abutting a body of water which is five (5) acres or greater in area, the following criteria shall apply:
  - a. No lighting, shielded or unshielded, shall be permitted that shines directly onto an adjacent residential use in excess of the maximum permitted level of illumination specified in Section 6.A.3 (above).
  - b. No unshielded lighting shall be permitted that shines directly onto a body of water.
  - c. Shielded lighting may be permitted near a body of water provided that it does not create excessive glare on the surface of the water and is not in excess of the maximum permitted level of illumination specified in Section 6.A.3 (above) when measured from any property line/boundary.

## **SECTION 7. COMPLIANCE MONITERING**

### **A. Safety Hazards**

1. If appropriate officers or agents of the Township judge a lighting installation, including lighting poles, creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action.
2. If appropriate corrective action is not made following notification, the Township may commence legal action as provided in Section 9.0 & 10.0 below.

### **B. Nuisance Glare and Inadequate Illumination Levels**

1. When appropriate officers or agents of the Township judge an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, Township may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action.
2. If appropriate corrective action is not made following notification, the Township may commence legal action as provided in Section 9.0 & 10.0 below.

## **SECTION 8. NONCONFORMING LIGHTING**

- A. Any lighting fixture or lighting installation legally installed and operative before the date of adoption of this Ordinance which does not create a hazard or nuisance shall be considered as a lawful nonconformance subject to the following:
  - 1. Nonconforming lighting shall not be changed to any other non-conforming lighting, structurally altered, altered in any way that increases its degree of nonconformance, or expanded or extended in scope.
  - 2. Regardless of the requirements of Section 8.A.1 (above), nonconforming lighting fixtures and lighting installations which create a hazard or nuisance shall be made to conform with the requirements of this Ordinance or removed.

## **SECTION 9. VIOLATIONS AND PENALTIES**

- A. The Tyrone Township Ordinance Enforcement Officer, elected officials, or any other official designated by the Township Board are authorized to enforce the provisions of this ordinance.
- B. Any person, firm, association, partnership, corporation, or governmental entity who has violated any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a municipal civil fine determined by the Civil Infraction Ordinance, as may be amended from time to time by a Township Board Resolution.
- C. The violator shall pay costs which may include all expenses, direct and indirect, which Tyrone Township has incurred in connection with the municipal infraction. Tyrone Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

## **SECTION 10. ABATEMENT OF NUISANCES**

In addition to any other remedies provided in this Ordinance, any violation of this Ordinance shall constitute a nuisance and shall be abated by the Township by either seeking mitigation of nuisance or appropriate equitable or legal relief from a competent court having jurisdiction.

**SECTION 11. EFFECTIVE DATE**

This Ordinance will become effective thirty (30) days from and after the date of its publication, as required by law.

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**RESOLVED BY:** Trustee Schultz  
**SUPPORTED BY:** Trustee Pedersen

**VOTE:** Schultz, yes; Schulze, yes; Pedersen, yes; Eden, yes; Cunningham, yes; Husted, yes; Walker, absent.

**ADOPTION DATE:** August 20, 2019

**PUBLICATION DATE:** August 25, 2019

**EFFECTIVE DATE:** September 24, 2019

**CERTIFICATION OF THE CLERK**

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on August 20, 2019, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

  
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Marcella Husted  
Tyrone Township Clerk

