

ORDINANCE NO. 1199

CITY OF FERNDALE  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, ARTICLE XII, ENVIRONMENTAL PERFORMANCE STANDARDS, SECTION 6-385 OF THE FERNDALE CODE OF ORDINANCES.

**THE CITY OF FERNDALE ORDAINS:**

**Part I.**

The City of Ferndale Code of Ordinances, Chapter 6, Buildings and Building Regulations, Article XII, Environmental Performance Standards, Section 6-385, is amended to read as follows:

**Sec. 6-385. –Lighting.**

**(a) Purpose.**

- (1) Permit exterior lighting for night-time safety, utility, security, productivity and commerce;
- (2) Minimize adverse off-site impacts including light trespass onto adjacent properties, glare and sky glow;
- (3) To prevent lighting from impairing the vision of motorists with disability glare or discomfort glare;
- (4) Preserve nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to sky glow; and
- (5) Conserve energy.

**(b) Applicability.** The standards in this section shall apply to any proposed exterior light source and any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The zoning administrator or designee may review any building or site to determine compliance with the requirements under this section. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, or zoning approval from the city, the applicant shall submit sufficient information to enable the zoning administrator or designee to determine whether the proposed lighting complies with this section.

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

- (1) **Canopy Structure.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- (2) **Color Rendering Index (CRI).** A rating index commonly used to represent how well a light source renders the colors of objects that it illuminates. For a CRI value of 100, the maximum value, the colors of objects can be expected to be seen as they would appear under an incandescent or daylight spectrum of the same correlated color temperature (CCT). Sources with CRI values less than 50 are generally regarded as rendering colors poorly, that is, colors may appear unnatural.
- (3) **Footcandle (fc).** A measure of illuminance in lumens per square foot.
- (4) **Glare.** The sensation produced by luminances within the visual field that are sufficiently greater than the luminance to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.
- (5) **Lamp.** The component of the luminaire that produces the actual light including luminous tube lighting.
- (6) **Light Fixture.** 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. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- (7) **Light Pollution.** An unwanted consequence of outdoor lighting that includes such effects as sky glow, light trespass, glare, energy waste, and compromised safety.
- (8) **Light Trespass.** An undesirable condition in which exterior light is cast where it is not wanted, as regulated by this ordinance.
- (9) **Lumen.** A unit of measurement of the rate at which a lamp produces light. A lamp's light output rating expresses the total amount of light emitted in all directions per unit time. Ratings of initial light output provided by manufacturers express the total light output after 100 hours of operation.
- (10) **Luminaire.** The complete lighting system including the lamp and light fixture.
- (11) **Luminance.** The photometric quantity most closely associated with the perception of brightness, measured in units of luminous intensity (candelas) per unit area (square feet). See Footcandle.
- (12) **Shielded Fixture.** Outdoor light fixtures shielded or constructed so that zero percent (0.0%) of the lamp lumens are emitted above ninety degrees (90°). A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding

structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this section.

(13) **Sky Glow.** Brightening of the sky caused by outdoor lighting and natural atmospheric and celestial factors.

(14) **Uniformity.** The degree of variation of illuminance over a given plane. Greater uniformity means less variation of illuminance.

(15) **Uniformity Ratio.** A measure of illuminance variation expressed as the ratio of the minimum to the maximum illuminance.

**(d) Standards.**

(1) All interior lighting shall be so designed to prevent the light source or high levels of light from being visible from a property line.

(2) Processes such as arc welding or acetylene torch cutting, and similar uses, which emit harmful ultraviolet or other rays shall be conducted so that glare is not seen from any point beyond the property line, and so as not to create a public nuisance or hazard anywhere beyond the property line.

(3) Entrances into developments from a highway may be lighted for traffic safety reasons, provided such lighting is approved by the agency maintaining the roadway and does not exceed the applicable footcandle requirements specified in this section or in conformance with the American Association of State Highway and Transportation Officials (AASHTO) Roadway Lighting Guide.

(4) All lights shall be fully shielded and directed downward.

(5) Rope lighting seen from outdoors is prohibited, except in or at residential buildings or structures.

(6) Light poles within 150' of a parcel used for residential purposes shall not exceed 18' tall, otherwise light poles shall not exceed 25' tall. Pole height is measured from grade to top of fixture.

(7) Lights in non-parking lot areas may be turned down or off between curfew hours of 10 pm and 6 am, in accordance with Lighting Table 1. Exceptions include: code required lighting for walkways and entrances, motion activated lighting, and businesses that are open and operating.

(8) Parking garages must have a minimum color rendition (CRI) of 70.

(9) All site lighting shall be designed so that the level of illumination measured in footcandles (fc) meets the standards in Lighting Table 1 below. Additionally, each site shall meet a maximum uniformity ratio of 1:4. Minimum Luminance levels apply to off-street parking and pedestrian areas only.

**Lighting Table 1.**

Uses	Luminance (in fc.)				
			During Curfew		At property line
	Min.	Max.	Min.	Max.	
Residential					
Residential and similar uses	0.2	2.6	0.2	1.3	
Non-Residential					
Low activity: Churches, schools, child care facilities, athletic clubs, neighborhood stores, industrial employee parking and similar uses.	0.2	5.0	0.2	3.0	0.1
Medium activity: Offices, medical facilities, shopping centers, cultural and recreational activities and similar uses	0.6	7.0	0.4	5.0	0.2
High activity: Athletic events, automobile service stations, restaurants, bars and similar uses	1.0	10.0	0.7	7.0	0.5
Beneath Canopies	1.0	20.0	1.0	10.0	
Parking Deck					
At ramp areas	2.0	20.0	1.0	10.0	
At entrance areas	20.0	50.0	1.0	7.0	
At parking, maneuvering, and walkway areas	1.0	10.0	1.0	7.0	

**(e) Exemptions.**

The following uses are exempt from the lighting standards:

1. City sponsored lighting for special events.
- Public fixtures in existing public rights-of-way.
3. Traffic control signs.
4. Lighting only used under emergency conditions.
5. Repairs to existing luminaires not exceeding 75% of total existing luminance.
6. Temporary events, such as construction work, performance areas or seasonal lights.

## **Part II. Savings Clause.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

## **Part III. Severability.**

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

## **Part IV. Repeal.**

All regulatory provisions contained in other city ordinances, including Ordinance No. 1006, Section 6-385, which are inconsistent with the provisions of this ordinance, are repealed.

## **Part V. Effective Date; Publication.**

This ordinance shall become effective sixty days after publication of a notice in a newspaper circulated in the City, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the city 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 CITY COUNCIL OF THE CITY OF FERNDAL, OAKLAND COUNTY, MICHIGAN, THIS 22nd DAY OF MAY, 2017.

\_\_\_\_\_  
DAVE COULTER, MAYOR

\_\_\_\_\_  
MARNE MCGRATH, CITY CLERK

Date of Adoption: 5/22/17

Date of Publication: 5/24/17

### **CERTIFICATE OF ADOPTION**

I hereby certify that the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Ferndale City Council held on the 22<sup>nd</sup> day of May, 2017.

\_\_\_\_\_  
MARNE MCGRATH, CITY CLERK

CITY OF FERNDALE  
NOTICE OF ADOPTION  
ORDINANCE 1199

The City of Ferndale has adopted Ordinance No. 1199, amending Chapter 6, Buildings and Building Regulations, Article XII, Environmental Performance Standards, Section 6-385. This Ordinance shall be effective upon publication. A true copy of the ordinance may be inspected or obtained at the office of the City Clerk.

MARNE MCGRATH, CITY CLERK