

Appendix A

Model Zoning Ordinance Language

Model Ordinance for Landscaping, Screening, Buffering, & Fencing.....	P. 1 – 5
Model Billboard Ordinance.....	P. 6 – 7
Model Sign Ordinance.....	P. 9 – 12
Model Anti-Blight Ordinance.....	P. 13 – 14
Model Outdoor Lighting Ordinance.....	P. 15 – 19

NOTE: The language in these ordinances is not meant to be adopted verbatim, but should be adjusted to meet the needs of the individual jurisdiction seeking to adopt such language. It should then be reviewed by the jurisdiction's attorney before adoption.

Landscaping, Screening, Buffering, and Fencing

It is the intent of this ordinance to require buffer zones and landscape screening to reduce the negative impacts between incompatible land uses, minimize visual impacts of development along major highway corridors (road names), and to provide for landscaping within parking lots. In addition, the intent is to preserve and enhance the aesthetic qualities, character, privacy and land use values along major highway corridors (road names).

Section 1 Application

These requirements shall apply to all uses, for which site plan review is required under Section _____ of the Zoning Ordinance. No site plan shall be approved unless the site plan shows landscaping, greenbelt buffers, and screening consistent with the requirements set forth in this ordinance. Screening is the enclosure of an area by a visual barrier, which may include a landscape buffer, solid fencing or other materials. Fencing is the enclosure of an area by the materials identified in Section 7.

Section 2 Landscape Plan Required

A separate detailed landscape plan shall be submitted as part of a site plan review. The landscape plan shall include, but not necessarily be limited to, the following items:

1. Location, spacing, size, and root type [bare root (BR) or balled and burlaped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
2. Minimum scale: 1" = 100' (*same scale as required for site plan*).
3. Existing and proposed contours on-site and one hundred fifty (150) feet beyond the site at intervals not to exceed two (2) feet.
4. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
6. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
7. Identification of existing trees and vegetative cover to be preserved.
8. Identification of grass and other ground cover and method of planting.
9. Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this ordinance.

Section 3 Screening between Land Uses

1. Upon any improvement for which a site plan is required, screening shall be constructed at least six (6) feet in height along all adjoining boundaries with residentially zoned or used property. Either a landscape buffer or solid wall may be used as provided below, or when the distance between structures or adjoining lots is greater than twice the minimum setbacks would require, a fence meeting the requirements of Section 7 may be required at the discretion of either the Planning Commission or Planning Department. A landscape buffer may consist of earthen berms and/or living materials so as to maintain a minimum opacity of at least eighty (80) percent. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years. The applicant shall agree in writing to install solid fencing after the expiration of thirty-six (36) months, in the event that the landscaping has not totally blocked the view of areas required to be screened.
2. Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall shall be required. Such wall shall be six (6) feet or more in height as measured on the side of the proposed wall having the higher grade, and shall be constructed on both sides with face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, or stone.

Section 4 Parking Lot Landscaping

Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces, with minimum landscaped space within a designated parking area of fifty (50) square feet. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.

1. Individual landscaped areas shall be a minimum of eighteen (18) feet wide and three hundred twenty-four (324) square feet in area.
2. Individual landscaped areas shall be wider than fifteen (15) feet where necessary to accommodate snow removal without plant damage.
3. Parking lot landscaping shall be so designed to provide directional guidance to drives, including ingress, egress, and interior circulation.

Section 5 Highway Landscape Buffers

1. A strip of land with a minimum width determined by the front yard setback of its zoning classification shall be located between the abutting right-of-way of a public street, freeway, or major thoroughfare, and shall be landscaped with a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one-half (2 ½) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the buffer shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. The area along the roadway proposed to be grassed shall be minimized and directly related to the necessity, if any, for an ornamental landscape character.

2. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless the calculation would result in a violation of the spacing requirement set forth in this section.

Section 6 Site Landscaping

1. In addition to any landscape areas and/or parking lot landscaping required by this ordinance, at least ten (10) percent of the site area, including existing thoroughfare right-of-way, shall be landscaped.
2. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be excluded as a portion of the required landscaped area not to exceed five (5) percent of the site area.

Section 7 Fencing and Screening

Unless otherwise specified or determined by the Planning Commission, Planning Department or Zoning Board of Appeals, fencing and screening shall be a minimum of six (6) feet in height. Gateposts at entrances and exits shall not exceed twelve (12) feet in height.

1. Mechanical Equipment (*This subsection does not apply to single-family residential uses, or to any use in an industrial land use category except if it abuts a residential area*). When located outside of a building, support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents, or chimneys, are to be screened to the height of the particular piece of equipment, as follows:
 - a. Roof-Mounted Equipment: To be screened by architectural features from the view of abutting streets and parcels.
 - b. Equipment at Grade: When located on the ground adjacent to a building, mechanical equipment is to be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.
2. Outdoor Storage: to be screened on all sides by a solid wall or fencing.
3. Public Utility Substations: To be screened on all sides by a solid wall or fencing, and landscaping.
4. Side and Rear Lot Lines: The side and rear property lines of all nonresidential uses are to be screened as follows:
 - a. Adjacent to a Residential Use or Zone: See requirements of Section 3 above.
 - b. Industrial and Commercial Zones: A solid wall or fencing is to be located on the side and rear property lines of any site within an Industrial or Commercial zone that abuts another zoning district or land use.
5. Swimming Pools: yard areas with private pools are to be fenced to discourage unsupervised access and use by small children. Such fencing is to be minimum of four (4) feet high, and equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of four (4) feet. Such fencing may be omitted where building walls without doorways abut the pool area.

Section 8 Barrier Fences

Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than six (6) feet in height are prohibited unless needed to protect the public safety and approved by the Planning Commission or Planning Department.

Section 9 Fire Hazard

No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

Section 10 General Landscape Development Standards

1. Minimum Plant Material Standards:

- a. All plant material shall be hardy to Otsego County, free of disease and insects and conform to the standards of the American Association of Nurserymen. A list of recommended plants is available from the Zoning Administrator.
- b. All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- c. All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
- d. Minimum plant sizes at time of installation:

Deciduous Canopy Trees	2 ½" caliper
Deciduous Ornamental Trees:	2" caliper
Evergreen Tree:	6' height
Deciduous Shrub:	2' height
Upright Evergreen Shrub:	2' height
Spreading Evergreen Shrub:	18" – 24" spread
- e. Existing plant material, which complies with the standards and intent of the ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.
- f. The plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.
- g. The overall landscape plan shall not contain more than thirty-three (33) percent of any one plant species.
- h. The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

<u>Common Name</u>	<u>Horticultural Name</u>
Boxelder	<i>Acer Negundo</i>
Ginkgo	<i>Ginkgo Biloba (female only)</i>
Honey Locust	<i>Gleditsia Triacanthos (with thorns)</i>
Mulberry	<i>Morus Species</i>
Poplars	<i>Populus Species</i>
Black Locust	<i>Robinia species</i>
Willows	<i>Salix Species</i>
American Elm	<i>Ulmus Americana</i>
Siberian Elm	<i>U. Pumila</i>
Slippery Elm: Red Elm	<i>U. Rubra</i>
Chinese Elm	<i>U. Parvifolia</i>

2. Minimum Standard for Berms:
 - a. Berms shall be constructed so as to maintain a side slope not to exceed a one foot (1') rise to a three feet (3') run ratio.
 - b. Berms not containing planting beds shall be covered with grass or living groundcover maintained in a healthy growing condition.
 - c. Berms shall be constructed in a way that does not alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
 - d. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

Model Billboard Ordinance

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Billboard regulations address the location, size, height and related characteristics of such signs.

Section 1 Title

This ordinance shall be known and may be cited as the Billboard Ordinance of _____ (name of community).

Section 2 Intent

The sign standards contained in this ordinance are declared necessary to protect the general health, peace, safety and welfare of the citizens of _____ (name of community) and are based on the following objectives:

- To avoid excessive property and use signing in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.
- To place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized.
- To protect the character of _____ (name of community).

Section 3 Definitions

BILLBOARD – An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located. Billboards may also be referred to as off-premise signs.

Section 4 Billboard Regulations

Billboards may be established in the Commercial and Industrial (*Note: could be limited to just commercial or industrial*) zoning district classification(s) provided that they meet the following conditions:

1. Not more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of _____ (name of community) where the particular street or highway extends beyond such boundaries. Double faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection below.

2. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.
3. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
4. No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located. (A community could also limit it to the setback of a principal structure in the zoning district.)
5. The surface display area of any side of a billboard may not exceed *fifty-six (56) sq. feet (Coordinate standards with abutting communities)*.
6. The height of a billboard shall not exceed thirty (30) feet above the elevation of the centerline of the abutting roadway.
7. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
8. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. Bottom-mounted outdoor advertising-sign lighting shall not be used. All lighting fixtures or lamps rated at a total of MORE than 1800 foot candles (fc), and all flood or spot lamps rated at a total of MORE than 900 fc, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the fixtures or lamps. Any lighting fixtures or lamps rated at a total of MORE than 1800 fc, and all flood or spot lamps rated at a total of MORE than 900 fc, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the fixtures or lamps may not exceed 25 feet. Billboards shall not be illuminated between the hours of 11:00 PM and 06:00 AM local time.
9. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continues readability of message.
10. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall in addition to complying with the above condition, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.
11. No person, firm or corporation shall erect a billboard within _____ (name of community) without first obtaining a permit from the _____ (name of community) Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this ordinance and payment of a fee. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by the

_____ (name of community) Zoning Administrator confirming continued compliance with this ordinance and payment of the billboard permit fee. The amount of the billboard permit fee required hereunder shall be established by resolution of the _____ (governing body) and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The _____ (governing body) shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness. *(NOTE: A community adopting this provision should be prepared to demonstrate that the amount of its billboard permit fee is reasonably related to the actual costs incurred by the community in administering the permit requirement.)*

Model Sign Ordinance

An ordinance to regulate and control the size, location, number and types of signs within _____ (name of community). The purpose of this ordinance is to permit signs that will not, by their size, location, construction or manner of display, endanger the public safety of any person, will be consistent with the intent and purposes of the _____ (name of community) Zoning Ordinance and will enhance the public interest and general welfare.

Section 1 Title

This ordinance shall be known and may be cited as the Sign Ordinance of _____ (name of community).

Section 2 Intent

The sign standards contained in this ordinance are declared to be necessary to protect the general health, safety and welfare of the citizens of _____ (name of community), and are based on the following objectives:

- To reflect the primary purpose of signage as being the identification of a particular user or use on a property, but not necessarily every activity or service performed thereon.
- To promote signs that are visible at eye level and can be readily seen from moving vehicles with the least amount of eye distraction.
- To avoid excessive property and use signing in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.
- To place and size signs in a way that scenic views are respected and visual obstructions to the natural landscape are minimized.
- To protect the character of _____ (name of community) by encouraging the design of institutional, business or industrial signs that reflect the community's favorable environment as a permanent and seasonal home community.
- To maintain and enhance economic stability by retaining aesthetic appeal to tourists and visitors, and encouraging signing practices that will compliment the community's natural environment.

Section 3 Definitions

FREESTANDING SIGN OR GROUND SIGN - a sign supported by permanent uprights or braces in the ground.

ILLUMINATED SIGNS - A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with the sign, or a sign illuminated by a light shielded so that no direct rays from it are visible from any public right-of-way or from the abutting property.

MEASUREMENT OF SIGN AREA - The entire area within the sign perimeter enclosing its extreme limits, together with any frame or other material forming an integral part of the display, excluding the necessary supports or uprights on which the sign is placed, but including any sign-tower is considered the area of measurement. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal size, or as the area of the larger face if the two (2) faces are of unequal area. In the case of a sphere, the total area of the sphere is divided by two (2) for purposes of determining the total maximum permitted sign area.

OUTDOOR BUSINESS OR INFORMATIONAL SIGN - a freestanding, overhanging, or wall mounted sign located outside of a structure on which information is displayed pertaining to a product, use, occupancy, function, service or activity located within that structure on the same property as the sign.

OVERHANGING SIGN - a sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

POLE SIGNS - A sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and having a clear space of at least ten (10) feet from the ground to the bottom of the sign.

PORTABLE SIGN - any sign that is designed to be transported, including but not limited to signs:

- With wheels removed;
- With chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;
- Converted A- or T-frame signs;
- Attached temporarily or permanently to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;
- Menu and sandwich boards;
- Searchlight stand; and
- Hot air, forced air or gas-filled balloons or umbrellas used for advertising.

SIGN - a structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from out of doors on behalf of and for the benefit of any product, place, activity, individual, firm, corporation, institution, profession, association, business or organization.

SIGN SURFACE - that portion of a sign excluding its base, foundation and erection supports on which is displayed information pertaining to a product, use, occupancy, function, service, or activity located within that structure, on the same property as the sign.

Section 4 Maximum Sign Area by Zoning District

The size of any publicly displayed sign, including temporary and portable signs, symbol or notice on a premise to indicate the name of the occupant, to advertise the business transacted therein, shall be regulated as follows:

<u>Use District</u>	<u>Maximum Size of Sign</u>
Residential	Ten (10) square feet
Agricultural	Twenty-four (24) square feet
Commercial	Thirty-two (32) square feet
Industrial	Fifty-six (56) square feet

Note: Billboards or off-premise signs are regulated by the _____
(name of community) Billboard Ordinance.

Section 5 Signs Prohibited

Any sign not expressly permitted by this ordinance is prohibited.

Section 6 Supplemental Sign Regulations

In addition to the size limitations stated by district, the following conditions shall apply to all signs erected in any use district:

1. No sign, except non-illuminated residential name plates or temporary residential real estate signs, shall be erected or altered until approved by the Zoning Administrator or authorized by an approved site plan or building permit.
2. No signs shall be located on any street corner which would obscure the vision of drivers using the streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
3. Illumination of signs shall be directed, shaded or designed so as not to interfere with the vision of persons on the adjacent highway, streets or properties. Signs which are illuminated by external lighting fixtures shall have those fixtures mounted on top of the sign structure. Bottom-mounted outdoor sign lighting shall not be used. Illuminated signs shall not be of the flashing, moving or intermittent type unless approved by the Zoning Administrator, who shall find that the lighting is non glaring, does not interfere with traffic control devices, and does not involve the principal notice or message carried on the sign.
4. Freestanding signs, pole signs or advertising pylons may be permitted in a required front yard for uses set ten (10) feet or more behind the front property line. No freestanding sign shall exceed the maximum height limits of the District where located.
5. All directional signs required for the purpose of orientation, when established by the (Village or City), County, State, or Federal governments, shall be permitted in all Districts.
6. No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet. No sign shall project into the public right-of-way.

7. The number of signs allowed shall be decided by the Planning and Zoning Commission at the time of site plan review. Factors considered will include building size, location and length of street frontage, lot size, and proximity of other signs.
8. In no case shall a sign or signs exceed a total of ten percent (10%) of the building face to which they are attached.
9. The Zoning Board of Appeals may upon application by the property owner, modify the area of sign permitted where, in unusual circumstances no good or practical purpose would be served by strict compliance with the requirements of this ordinance.
10. Political and campaign signs shall not be erected more than _____ days before an election and shall be removed before _____ days following the election.

Anti-Blight Ordinance

AN ORDINANCE OF THE _____ (CITY or VILLAGE), _____ COUNTY, MICHIGAN, PROVIDING FOR THE REGULATION AND CONTROL OF JUNK MOTORIZED VEHICLES, ABANDONED MOBILE HOMES AND HOUSE TRAILERS AND OTHER JUNK DEFINED HEREIN.

Section 1 Purpose and Intent

Consistent with the letter and spirit of and by the authority granted to the (City, Village or County) by the State of Michigan Act No. 344 of the Public Acts of 1945, as amended, it is the purpose of the Ordinance to prevent, reduce, or eliminate blight or potential blight in _____ (name of community) by the prevention or elimination of certain environmental causes of blight or blighting factors, which exist or which may in the future exist in the community.

Section 2 Causes of Blight or Blighting Factors

It is hereby determined that the following uses, structures, and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted or undesirable neighborhoods. On and after the effective date of this ordinance, no person, firm, or corporation of any kind shall maintain, or permit to be maintained, any of the causes of blight or blighting factors upon any property in _____ (name of community) owned, leased, rented, or occupied by such person, firm, or corporation.

1. No more than two motor vehicles shall be kept, parked, or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed or is kept inside a building.

Vehicles that are not in operating condition or not properly licensed shall not be parked nor stored in the front or side yard of a parcel, as defined by the _____ (name of community) Zoning Ordinance. Such vehicles may be parked in the rear yard provided a minimum distance of twenty (20) feet shall be maintained between the vehicle and any abutting lot used for residential purposes.

2. The open parking or storage of recreational trailers, boats, campers, snowmobiles, jet skis, motor homes, or similar vehicles not owned by the owner of the parcel or lands not specifically designated for such parking and storage shall be permitted for a period of up to seventy-two (72) hours. However, a camper, motor home, or travel trailer not owned by the owner of the parcel may be parked in the rear yard of a single-family lot for a period of up to four (4) weeks provided a permit has first been secured from the Zoning Administrator.
3. Residents of _____ (name of community) may store their own trailer, boat, and similar vehicles on their own property for an indefinite period of time, provided the vehicles are in operable condition and are not stored within any front yard or required side yard setback area. *(Communities may want to set a maximum number allowed.)*

4. A travel trailer, camper, or motor home parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied.
5. Unusable or inoperable machinery, equipment, or parts of machines not suited for use upon the premises, or old and/or used building materials and other materials either discarded, unsightly, or showing evidence of a need for repair shall not be kept or stored outside of a building anywhere in _____ (community name). However, building materials intended to be used to improve the premises may be stored outside if piled off the ground so as not to become a suitable environment for rats, rodents or similar vermin. The temporary storage of building materials to be used for the purpose of new construction shall also be permitted. In no case shall usable or unusable machinery, building materials, or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels.
6. In any area, the existence of any structure or part of a structure, which because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended, shall be prohibited.

Section 3 Enforcement and Penalties

1. This ordinance shall be enforced by the Zoning Administrator who is hereby vested with the power necessary for the enforcement of this ordinance. In the exercise of this power, he/she can conduct investigations into the presence of blight or blighting factors on specific properties. Incidental to such investigations, he/she may enter into any land or structure to be investigated. A failure or refusal to permit such entry after the issuance of an order by the Zoning Administrator shall constitute a violation of this ordinance.
2. The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors as set forth in Section 2 are found to exist shall be notified in writing to remove or eliminate the causes of blight or blighting factors from the property within ten (10) days after service of the notice. The notice may be served personally or by registered mail, return receipt requested. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate the causes of blight or blighting factors are in progress.
3. Failure to comply with the notice within the time allowed by the owner and/or occupant shall constitute a violation of this ordinance.
4. Violation of this ordinance shall be considered a civil municipal infraction *(or misdemeanor which shall be punishable upon conviction thereof by a fine not to exceed \$100.00, or by imprisonment not exceeding 30 days, or by both fine and imprisonment at the discretion of the court)*. Each day of violation of this ordinance shall be considered as a separate offense.

Model Outdoor Lighting Ordinance for Cities and Towns

The following is model text for an outdoor night-lighting ordinance that cities and towns can use, based on ordinances that have been successfully implemented in Kennebunkport, Maine, and Tucson, Arizona. This information has been made available by the International Dark Sky Association, Tucson, Arizona. Terms such as "Town", "Town Meeting", "Code Enforcement Officer", "building official", "Subdivision Plat", "Board of Selectmen", and "Lighting Committee" will need to be changed to conform to local ordinance usage.

STATEMENT OF NEED AND PURPOSE: Good outdoor lighting at night benefits everyone. It increases safety, enhances the Town's night time character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. There is a need for a lighting ordinance that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and compliment the Town's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the Town.

This ordinance is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Town of _____. All business, residential, and community driveway, sidewalk, and property luminaires should be installed with the idea of being a "good neighbor", with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

ARTICLE 1

1.1. DEFINITIONS: For the purposes of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood or Spot light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully-shielded lights: outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grandfathered luminaires: Luminaires not conforming to this code that were in place at the time this code was voted into effect. When an ordinance "grandfathers" a luminaire, it means that such already-existing outdoor lighting does not need to be changed unless a period of time is specified for adherence to the code.

Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off of other surfaces.

Lamp: The component of a luminaire that produces the actual light.

Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

Luminaire: This is a complete lighting system, and includes a lamp or lamps and a fixture.

Outdoor Lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Temporary outdoor lighting: The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

ARTICLE 2

2.1 REGULATIONS: All public and private outdoor lighting installed in the Town of _____ shall be in conformance with the requirements established by this Ordinance. All previous language in _____ bylaws and ordinances regarding outdoor lighting is replaced with this ordinance.

2.2 CONTROL OF GLARE -- LUMINAIRE DESIGN FACTORS:

- A. Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
- B. Any luminaire with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.

2.3 EXCEPTIONS TO CONTROL OF GLARE:

- A. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or LESS, may be used without restriction to light distribution or mounting height, except that if any spot of flood luminaire rated 900 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.
- B. Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.
- C. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.
- D. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.
- E. Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.
- F. Law Governing Conflicts. Where any provision of federal, state, county, or town statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

2.4 OUTDOOR ADVERTISING SIGNS.

- A. Top Mounted Fixtures Required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 2.2. Bottom-mounted outdoor advertising-sign lighting shall not be used.
- B. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.
- C. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this Code within ten years from the date of adoption of this provision.
- D. Prohibitions. Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 p.m. and sunrise is prohibited.

2.5. RECREATIONAL FACILITIES.

- A. Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met: (1) All fixtures used for event lighting shall be fully shielded as defined in Section 2.2 of this Code, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare. (2) All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

2.6. PROHIBITIONS.

- A. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
- B. Searchlights. The operation of searchlights for advertising purposes is prohibited.

- C. Outdoor Advertising Off-Site Signs. Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of 11:00 p.m. and sunrise.

2.7. TEMPORARY OUTDOOR LIGHTING.

- A. Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Board of Selectmen after considering: (1) the public and/or private benefits that will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Board of Selectmen, who shall consider the request at a duly called meeting of the Board of Selectmen. Prior notice of the meeting of the Board of Selectmen shall be given to the applicant and to the _____ Lighting Committee. The Board of Selectmen shall render its decision on the temporary lighting request within two weeks of the date of the meeting. A failure by the Board of Selectmen to act on a request within the time allowed shall constitute a denial of the request.

ARTICLE 3

3.1 EFFECTIVE DATE AND GRANDFATHERING OF NONCONFIRMING LUMINAIRES:

- A. This ordinance shall take effect immediately upon approval by the voters of the Town of _____ at an annual or special Town Meeting and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
- B. All luminaires lawfully in place prior to the date of the Ordinance shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this Ordinance. Advertising signs are grandfathered only for a period of ten years, as specified in section 2.4.C.
- C. Grandfathered luminaires that direct light toward streets or parking lots that cause disability glare to motorists or cyclists should be either shielded or re-directed within 90 days of notification, so that the luminaires do not cause a potential hazard to motorists or cyclists.

ARTICLE 4

4.1 NEW SUB-DIVISION CONTRUCTION.

- A. Submission Contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this Code. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit: plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices; description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required); photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions.
- B. Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Code will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of

compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

- C. Subdivision Plat Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the Town of _____ Outdoor Lighting Code will be adhered to.
- D. Lamp or Fixture Substitution. Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official for his approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

ARTICLE 5

5.1 NOTIFICATION REQUIREMENTS:

- A. The Town of _____ building permit shall include a statement asking whether the planned project will include any outdoor lighting.
- B. Within 30 days of the enactment of this ordinance, the Code Enforcement Officer shall send a copy of the Outdoor Lighting Ordinance, with cover letter to all local electricians and local electric utility (including at least those in the Towns of _____, [list immediately-adjacent towns here], as listed in the Yellow Pages).

ARTICLE 6

6.1 VIOLATIONS, LEGAL ACTIONS, AND PENALTIES:

- A. Violation. It shall be a civil infraction for any person to violate any of the provisions of this Code. Each and every day during which the violation continues shall constitute a separate offense.
- B. Violations and Legal Actions: If, after investigation, the Code Enforcement Officer finds that any provision of the Ordinance is being violated, he shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the thirty-day period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.
- C. Penalties: A violation of this Ordinance, or any provision thereof, shall be punishable by a civil penalty of not less than fifty dollars nor more than one thousand dollars for any individual (and not more than ten thousand dollars for any corporation, association, or other legal entity) for each violation. The imposition of a fine under this Code shall not be suspended. Each day of violation after the expiration of the thirty-day period provided in paragraph B shall constitute a separate offense for the purpose of calculating the civil penalty.