

**OSHTEMO CHARTER TOWNSHIP BOARD  
7275 West Main Street  
Kalamazoo, MI 49009  
269.375.4260**

**September 10, 2019**

**BUDGET WORK SESSION**

**5:00 p.m.  
AGENDA**

- A. Call to Order
- B. Public Comment
- C. Discussion on Records Management Policy (Continued)
- D. Discussion on 2020 Budget (Continued)
- E. Other Updates and Business

**REGULAR MEETING**

**7:15 p.m.  
AGENDA**

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Public Comment on Non-Agenda Items
- 4. Consent Agenda
  - a. Approve Minutes – August 26, 2019 and August 27, 2019 Meetings
  - b. Receipts & Disbursements Report
  - c. Township Policies – Sunshine, Cash Receipting
  - d. Zoning Lighting Ordinance (Repeal & Replace) – Second Reading
- 5. Discussion on Planning Commission Alternate Positions
- 6. Other Township Business
- 7. Public Comment
- 8. Board Member Comments
- 9. Adjournment

**Policy for Public Comment  
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)  
(revised 5/14/2013)  
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Grant Taylor	216-5221	<a href="mailto:gtaylor@oshtemo.org">gtaylor@oshtemo.org</a>
<b><u>Trustees</u></b>		
Cheri L. Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
Deb Everett	375-4260	<a href="mailto:deverett@oshtemo.org">deverett@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Ken Hudok	548-7002	<a href="mailto:khudok@oshtemo.org">khudok@oshtemo.org</a>

Township Department Information		
<b><u>Assessor:</u></b>		
Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>
<b><u>Fire Chief:</u></b>		
Mark Barnes	375-0487	<a href="mailto:mbarnes@oshtemo.org">mbarnes@oshtemo.org</a>
<b><u>Ordinance Enf:</u></b>		
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>
<b><u>Parks Director:</u></b>		
Karen High	216-5233	<a href="mailto:khigh@oshtemo.org">khigh@oshtemo.org</a>
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>
<b><u>Planning Director:</u></b>		
Julie Johnston	216-5223	<a href="mailto:jjohnston@oshtemo.org">jjohnston@oshtemo.org</a>
<b><u>Public Works:</u></b>		
Marc Elliott	216-5236	<a href="mailto:melliott@oshtemo.org">melliott@oshtemo.org</a>

# Oshtemo Township

## RECORDS MANAGEMENT POLICY

Oshtemo Township, recognizing that good records management is vital to the effective and efficient operation of government operations, enacts the following records management policy:

### **Applicability**

This records management policy shall apply to all employees, agents, independent contractors, and volunteers of Oshtemo Township.

### **Definitions**

**Agency-specific schedule:** covers records that are unique to a particular government agency. Agency-specific schedules only address the records of the agency named on the schedule, and may not be used by another agency. Any record that is not covered by a general schedule must be listed on an agency-specific schedule. Agency-specific schedules always supersede general schedules.

**General schedule:** covers records that are common to a particular type of government agency. General schedules may not address every single record that a particular office may have in its possession. General schedules do not mandate that any of the records listed on the schedule be created. However, if they are created in the normal course of business, the schedule establishes a minimum retention period for them. Retention for longer periods is authorized if the individual has reason to believe that a record may be required beyond the minimum retention period for the efficient operation of the agency.

**Non-record Materials:** include, but are not limited to, extra copies of documents retained only for convenience of reference, and letters of transmittal/routine correspondence that do not document significant activities of the agency. A more comprehensive description may be found within Appendix A.

**Public Records:** recorded information “prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created.” Michigan Freedom of Information Act (FOIA) (M.C.L. 15.231 - 15.232)

**Retention and Disposal Schedule:** define how long each record, regardless of its physical format, should be retained. Retention and Disposal Schedules also indicate which records have archival value, and when those records should be transferred to the Archives of Michigan. According to Michigan law, no public records may be destroyed without the authorization of an approved Retention and Disposal Schedule. All schedules are approved by the Records Management Services, the Archives of Michigan and the State Administrative Board.

### **Records**

Each individual who creates, sends, or receives official records is responsible for retaining these records in accordance with this records management policy.

## Non-Records

Employees are not required to retain non-record materials once their reference value to the individual has expired. However, if a FOIA request is received, or if the agency becomes involved in litigation, non-records may be requested and may be released, if they have not already been destroyed. See Appendix A for more information about Non-Records.

## Record Retention

All ~~public~~ records shall be retained in accordance with an approved Retention and Disposal Schedule. Records not listed on an approved Retention and Disposal Schedule may not be disposed of until a schedule is approved. Michigan Penal Code (MCL 750.491)

## Record Maintenance

Individuals and offices shall organize their records to promote fast and efficient retrieval of information. Appropriate and cost-effective office equipment, indexes and tools shall be used to maintain records.

~~The Clerk will work closely with Department Heads and staff to determine compliance with records retention schedules, the need for agency schedules, the transition from temporary to permanent storage, and the best strategies for file and naming conventions.~~

Records that will be retained for more than 10 years shall be stored in an environment that facilitates the security and stability of the storage media. The type of storage media (e.g. paper or electronic) shall be determined for each record: ~~by the Clerk, with guidance from the State and professional staff for best practice.~~ See Appendix B for more information about email retention and storage.

The Township Clerk shall work with the IT Director to determine the most cost effective and reliable method of maintaining electronic records for their full retention period, so technology changes do not render them inaccessible and unusable. The Clerk shall publish that method to all affected individuals.

~~Oshtemo Township shall comply with the State of Michigan's standards for record reproduction, as authorized by the Records Reproduction Act (MCL 24.401-24.406).~~

Records containing sensitive or confidential information shall be protected against unauthorized access, especially records that are protected by state or federal laws, records containing private information, financial information, background checks, medical information, and social security numbers. ~~Individuals and offices shall employ appropriate locks, passwords, and other devices to protect the privacy of this information. The Clerk will work with those Departments that keep records of sensitive or confidential information to determine the best method for storage. See Appendix C for a complete listing of sensitive and confidential information.~~

~~Oshtemo Township shall comply with the State of Michigan's standards for record reproduction, as authorized by the Records Reproduction Act (MCL 24.401-24.406).~~

## Separation from Employment

Employees shall not take public records with them when they terminate employment with the Township and they shall not destroy records that have not yet fulfilled their approved retention period.

Supervisors-Department Heads are responsible for ensuring that the records (including e-mail and other electronic records) of employees who are separating from employment with the Township continue to be retained in accordance with this policy.

### **Release of Information**

Requests for information shall follow the Freedom of Information Act Policy

### **Disposal**

Public records which have reached their minimum retention period, and which are no longer required for the efficient operation of the agency, may be disposed of. The Township shall destroy sensitive or confidential information through a secure shredding service that destroys the documents on site.

The Township shall destroy open records by recycling or regular trash disposal.

Some records possess permanent or historical value. These records may be designated for eventual transfer to the Archives of Michigan for permanent preservation. The Township shall follow the Archives' procedures for transferring records.

### **Litigation, Investigations, and Freedom of Information Act Requests**

No records that are the subject of litigation, a pending investigation request, or a pending Freedom of Information Act (FOIA) request shall be destroyed until the legal action or activity has ended, even if the records are otherwise scheduled for destruction pursuant to this policy. Any individual with knowledge of pending litigation, a pending investigation, or a FOIA request shall immediately inform the Township Attorney. The Attorney shall direct all relevant individuals to immediately cease disposal of all records relevant to the pending litigation, pending investigation, or FOIA request. If the relevant records are in electronic form (including e-mail) the Attorney shall notify the IT Director so they can protect the records from destruction (which may include stopping the rotation of backup tapes). Should questions arise as to what records are relevant to the pending litigation, pending investigation, or FOIA request, the Attorney shall direct the immediate cessation of the disposal of all records. The moratorium on the disposal of all records relevant to the pending litigation, pending investigation, or FOIA request shall remain in effect for the duration of the litigation, investigation, or until the FOIA request had been fully processed.

### **Failure to Adhere to this Records Management Policy**

Failure to adhere to this records management policy may result in applicable discipline, up to and including discharge from employment, termination of the contractor status, termination of the volunteer relationship, or expulsion. Further, the removal, mutilation, or destruction of public records may result in civil and criminal liability, up to and including a penalty of not more than two years in state prison or a fine of not more than \$1,000.

## **Appendix A – Non Record Materials**

State of Michigan General Schedule #1: Non Record Materials (Approved November 16, 20114)

Non-record materials are recorded information that are in the possession of an agency, but are not needed to document the performance of an official function. An agency's disposition practices need to include managing non-record materials, because their volume may exceed that of records that do document official functions.

Examples of non-records may include:

- Draft documents that are replaced by new or final versions. Drafts that are not needed to document the development of the final record. Drafts that are not required to be retained by an agency-specific schedule.
- Duplicate copies of a document that are retained for convenience of reference.
- Information that does not document official activities.
- Letters of transmittal (including routing slips) that do not add any information to the transmitted material.
- Notes and recordings that have been transcribed into another format for record retention.
- Publications that are received from outside sources that are retained for reference purposes, such as newsletters, brochures, catalogs, books, professional development materials, etc.
- Mass mailings, notices, flyers, etc. that are received for informational purposes.
- Advertisements, spam and junk mail.
- Tracking documents or tools that are used to ensure that all steps in a business process take place, but are not the official documentation of the action or activity.
- Research and reference materials that are collected from outside sources, but are not needed to document how the final decision is made.

Non-record materials can be disposed of when they are no longer needed for reference purposes.

## **Appendix B – Email Retention**

Electronic mail (e-mail) is a means of exchanging messages and documents using telecommunications equipment and computers. A complete e-mail message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc.; and any attachments.

In accordance with the Michigan Freedom of Information Act (FOIA) (Public Act 442 of 1976, as amended), e-mail messages are public records if they are created or received as part of performing a public employee's official duties. All e-mail messages that are created, received or stored by a government agency are the property of Oshtemo Township. They are not the property of its employees, vendors, or customers. E-mail accounts are provided to employees for conducting public business. Employees should have no expectation of privacy when using the agency's computer resources.

### **EMAIL RETENTION**

Just like paper records, e-mail messages are used to support a variety of business processes. Just like paper records, senders and recipients of e-mail messages must evaluate each message to determine if they need to keep it as documentation of their role in a business process. Just like paper records, the retention period for an e-mail message is based upon its content and purpose, and it must be retained in accordance with the appropriate Retention and Disposal Schedule.

Employees will establish folders for arranging e-mail according to their content, and they are responsible for disposing of e-mail that has met all of its retention requirements.

### **EMPLOYEE RESPONSIBILITIES**

Employees will establish folders for arranging e-mail according to their content, and they are responsible for disposing of e-mail that has met all of its retention requirements.

Employees are responsible for organizing their e-mail messages so they can be located and used. They are responsible for keeping e-mail messages for their entire retention period, and for disposing of e-mail messages in accordance with an approved Retention and Disposal Schedule.

Records, including e-mail, cannot be destroyed if they have been requested under FOIA, or if they are part of ongoing litigation, even if their retention period has expired.

Employees who use a home computer and a personal e-mail account to conduct government business must manage their work-related e-mail the same way as those messages that are created and received using government computer resources. Just like paper records, e-mail messages might be subject to disclosure in accordance with FOIA. They can also be subject to discovery once litigation begins.

### **INFORMATION TECHNOLOGY STAFF RESPONSIBILITIES**

Individual employees are responsible for deleting messages in accordance with the appropriate Retention and Disposal Schedule. However, deleted messages may be stored on servers and backup tapes for two weeks after the information is deleted. After two weeks, the IT Director will ensure that deleted messages are rendered unrecoverable.

Note: The destruction of e-mail messages on servers and backup tapes must cease when an agency becomes involved in litigation or when it receives a FOIA request. Many e-mail messages need to be kept longer than the original technology that was used to send and receive them. New technology is not always compatible with older technology that agencies may have used. The IT Director will ensure that older e-mail messages remain accessible as technology is upgraded or changed. Each time technology upgrades and changes take place, the IT Director will ask agency administrators for information about the existence and location of older messages so they can be migrated to the new technology.

### **ADMINISTRATOR RESPONSIBILITIES**

The Clerk is responsible for ensuring that employees are aware of and implement this policy. The Clerk is also responsible for ensuring that the Township has an approved Retention and Disposal Schedule that covers all records (regardless of form or format) that are created and used by departments.

The IT Director is responsible for ensuring that the e-mail (and other records) of former employees are retained in accordance with approved Retention and Disposal Schedules.

### **ATTORNEY RESPONSIBILITIES**

Just like paper records, e-mail messages might be subject to disclosure during the discovery phase of litigation. Attorneys representing Michigan government agencies are responsible for identifying if the records that are requested during the discovery process are stored in e-mail, even if the discovery order does not specifically request e-mail. They are also responsible for ensuring that the IT Director is notified that a discovery order involving e-mail was received to prevent the destruction of relevant messages.

The Township Attorney is responsible for notifying the IT Director when the agency becomes involved in litigation or when a FOIA request that involves e-mail is received.



## Appendix C – Sensitive Information

### A. Information of a personal nature:

- ◆ address
- ◆ phone number
- ◆ social security number
- ◆ medical information
- ◆ physician-patient psychological counseling information

### B. Law enforcement records:

- ◆ deployment
- ◆ ordinance enforcement

### C. Records or information exempt from disclosure by statute

### D. Trade secrets or commercial or financial information voluntarily provided with promise of confidentiality:

- ◆ sealed architectural plans

### E. Information subject to attorney-client privilege

### F. Bid proposals

### G. Real Estate Appraisals

### H. Communications of an advisory nature

### I. Letters of applicants for a public position

### J. Archeological sites

### K. Any information if requesting party is in litigation with the Township

**Oshtemo Township**  
**SUNSHINE FUND POLICY**

Oshtemo Township will manage a fund to hold voluntary contributions from employees that will be used to contribute to the memorials of family members who have passed away or any other expenditure as determined by the employee Office Sunshine Fund Committee. The Committee will also determine maximum collection amount, minimum contributions, types of expenditures, and procedures for reporting to contributing staff or officials.

This policy allows employees to utilize the Township software for ease of payroll deductions, payments to vendors, and tracking receipts and disbursements.

Fire Department employees will have a separate Sunshine Fire Fund.

To begin making contributions to the fund, employees will fill out an agreement form and submit to the payroll Clerk.

To stop contributions to the fund, employees will provide written notice to the payroll Clerk.

## **Oshtemo Township CASH RECEIPTING POLICY**

### **General Purpose**

Oshtemo Township, recognizing that proper management of cash and checks received by the Township is vital to transparent stewardship of taxpayer assets, enacts the following cash receipting policy:

### **Summary Statement of Policy**

This cash receipting policy shall apply to all employees who receive checks or cash at the counter, open or handle incoming mail, and open or handle items received through the drop box.

### **Actual Policy as Written**

All cash and checks received by the Township are ultimately the responsibility of the Township Treasurer and the Board of Trustees. Staff designated by the Treasurer are permitted to receive cash and checks. All cash and checks shall be recorded through the Cash Receipting software.

Cash and checks shall be received and processed by the Township in the following situations:

At the counter: People can come into the Township office and pay taxes or other fees using a check, cash, or credit card at the front counter. Designated staff shall receive the payment and process it immediately through the Cash Receipting software, creating a system receipt and a paper receipt for the customer.

Drop box: The drop box can be used to drop off payments to the Township. Each morning the box will be checked under dual control.

Mail: Payments can be sent through the mail. Only persons designated by the Treasurer may open and sort mail. Payments received through the mail must be recorded through dual control as soon as possible after they are received. The mail will either be left on the counter under the security camera or locked in a secure drawer until it can be sorted and recorded under dual control.

**If a cash payment is over \$400, a second person must verify the amount before it is recorded in the system. Cash amounts over \$400 will be stored in the Treasurer's office rather than the drawer at the front counter.**

### **Documentation**

Cash receipting is recorded and journalized through the Board approved software into the General Ledger.

Checks and cash received through the mail and drop box are recorded in a signed log that is maintained by the Treasurer's Office.

# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Planning Director  
Date: September 4, 2019  
Mtg Date: September 10, 2019  
Subject: Lighting Ordinance – Second Reading

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## **OBJECTIVE**

Consideration of a new Lighting Ordinance for second reading and adoption.

## **BACKGROUND**

In July of 2018, staff began a Township-wide enforcement action to remove noncompliant string LED and/or other types of “string” lighting found on nonresidential properties within Oshtemo. Letters were sent to businesses that had this type of lighting located around windows, on building facades, on signs, etc. that were in violation of the Township’s Lighting Ordinance. Following these letters, some of the business owners attended a Township Board meeting requesting an ordinance change to allow string lighting within the commercial areas of Oshtemo. The Board held a work session in September of 2018, which resulted in a directive to the Planning Commission to review the business owner’s request.

While the request from the Township Board was specific to string lighting, staff took this opportunity to review the entirety of the Lighting Ordinance with the Planning Commission. The current Ordinance has not kept pace with today’s technologies and this review allowed for improvements to the overall code.

The Planning Commission drafted the Lighting Ordinance over a six-month period, utilizing the Dark Sky Society and Illuminating Engineer Society model ordinances, as well as other township and city lighting ordinances as examples. In addition, the draft Ordinance was reviewed by a lighting provider, Circuit Electric, who assisted with amendments to the ordinance language. The draft Ordinance, which would be a repeal and replace of the Section 54, now directly outlines applicability, includes definitions, gives general and specific provisions related to outdoor lighting, and provides clear direction between what is permitted and prohibited.

The Planning Commission held their required public hearing on August 8<sup>th</sup>. Prior to the public hearing, staff sent letters to those businesses and property owners that were contacted in 2018 regarding string LED

lighting, letting them know the public hearing on the draft Ordinance had been scheduled. One property owner was in attendance and asked questions about the new Ordinance. He did not speak for or against adoption. At the close of the public hearing, the Planning Commission recommended the draft Ordinance be forwarded to the Township Board for approval.

The Township Board held first reading of the draft Ordinance on August 27<sup>th</sup>, where the following change was approved to *Section 54.60.A.8: Color Temperature and Rendering*:

8. *Color Temperature and Rendering. Lighting for all nonresidential developments shall have the following:*
  - a. *A minimum color rendering index (CRI) of 65.*
  - b. *A Kelvin rating between ~~3,000~~ 4,000 – 5,000K.*

If second reading of the draft Ordinance is approved, the revised Lighting Ordinance will become effective following publication.

#### **INFORMATION PROVIDED**

- Lighting Ordinance

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_

Adopted: \_\_\_\_\_, 2019

Effective: \_\_\_\_\_, 2019

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend and replace Oshtemo Charter Township Zoning Ordinance Article 54 Lighting. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 54: LIGHTING. Article 54:

Lighting is hereby amended and replaced to read as follows:

ARTICLE 54: LIGHTING

**Section 54.10 INTENT**

- A. **Statement of purpose.** The purpose of this Article is to regulate the placement and arrangement of lighting within the Township. These regulations are intended to:
1. Protect the public health, safety and general welfare by regulating lighting levels;
  2. Control light spillover and glare;
  3. Minimize the detrimental effect of urban sky glow;
  4. Encourage lighting systems which conserve energy and costs;
  5. Preserve community character and enhance the appearance of the Township;
  6. Provide for nighttime safety, and security.
- B. **Objectives.** Outdoor lighting shall satisfy the following objectives.
1. Avoid excessive light spillover onto any adjacent premises;
  2. Be shielded, and downward directed so that the light intensity or brightness will not interfere with the enjoyment, health, safety, and welfare of surrounding properties;
  3. Control illumination of vertical architectural surfaces.
  4. Provide for uniform lighting within sites.

5. Enable the fair and consistent enforcement of these regulations.

#### **54.20 APPLICABILITY**

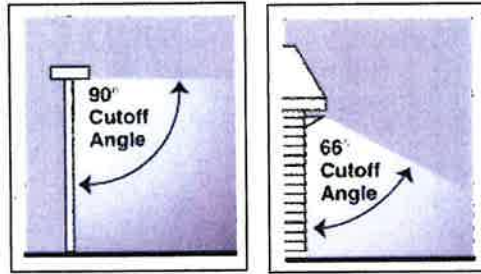
Except as is otherwise provided below, these lighting requirements shall apply to all lighting installed on any property within the Township. Any lighting legally in existence before the effective date of this Ordinance that does not comply with these requirements shall be considered legal nonconforming and may remain, except as detailed in Section 54.80 and subject to the following provisions:

- A. Alterations to existing lighting.
  1. When poles and support structures are destroyed or removed, they must be replaced with poles and supports that comply with all of the provisions of this Article.
  2. When luminaries are destroyed or removed, they must be replaced with luminaries that comply with all provisions of this Article.
- B. New parking lots or parking lot additions. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this Article.
- C. New structures, additions, or replacements. When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition, or replacement on the site must meet the requirements of this Article.

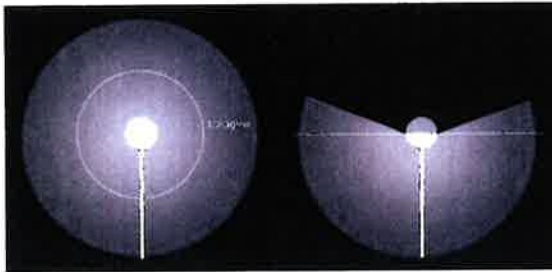
#### **54.30 DEFINITIONS**

- A. Ambient lighting - The general overall level of lighting in an area.
- B. Baffle or light shield - An opaque or translucent element to screen a light source from direct view.
- C. Building canopy - A portion of the building, whether structural or architectural in character, that projects outward.
- D. Bulb or lamp - The source of electric light. The term "bulb or lamp" is to be distinguished from the whole assembly (see Luminaire).
- E. Canopy structure - An overhead structure which is designed to allow vehicles or pedestrians to pass under it.
- F. Color rendering index (CRI) - a scale from 0 to 100 percent measuring a light source's ability to show object colors "realistically" or "naturally" compared to a familiar reference source, either incandescent light or daylight.
- G. Encased - a lamp obscured by translucent sheathing.
- H. Existing lighting - Any and all lighting installed prior to the effective date of this Ordinance.
- I. Exterior lighting - Temporary or permanent lighting that is installed, located, or used in such a manner to emit light outside. Fixtures that are installed indoors that are intended to draw attention to the exterior of the building from the outside are considered exterior lighting for the purposes of this Article.
- J. 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.

- K. Fixture, cutoff – A fixture that allows no emissions above the horizontal plane passing through the lowest point on the fixture from where light is emitted.



- L. Fixture, non-cutoff – A fixture that allows light to emit beyond the horizontal plan of the lowest point of the fixture and/or allows light emissions in all directions.



- M. Foot-candle - A unit of measurement for quantifying the brightness of illumination produced on a surface. One foot-candle is equal to one lumen per square foot.
- N. Glare - Harsh, uncomfortably brilliant light caused by the ability to see an unshielded light source.
- O. Kelvin rating – A unit to measure the color temperature of a light source, the higher the Kelvin rating (expressed in K), the whiter the light source.
- P. Lamp - The component of a luminaire that produces the light.
- Q. Light pole - The structure to support and elevate a luminaire.
- R. Light trespass - Light that is unnecessarily emitted beyond the boundaries of the property on which the luminaire is located.
- S. Lighting ratio - The ratio of foot-candles from the minimum to the maximum point calculations or readings for a given area. This ratio is an indicator of lighting uniformity. The lower the ratio the better the uniformity.
- T. Luminaire – The complete lighting system, including the lamp and light fixture.
- U. Lumen - A unit of measurement for quantifying the amount of light energy emitted by a light source (power of the light radiated by the light source).
- V. Photometric plan - A diagram prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a state licensed professional engineer, architect, or landscape architect showing predicted maintained lighting levels produced by the proposed lighting fixtures, including any freestanding and building mounted lighting.
- W. Recessed - When a light is built into a structure or portion of a structure such that the light is fully cut off by the structure to which it is attached.
- X. Shielded - A bulb or lamp concealed by a baffle or light shield.
- Y. Spotlight - A luminaire designed to light only a small, well defined area or object.



Z. Urban sky glow - The brightening of the night sky due to manmade lighting.

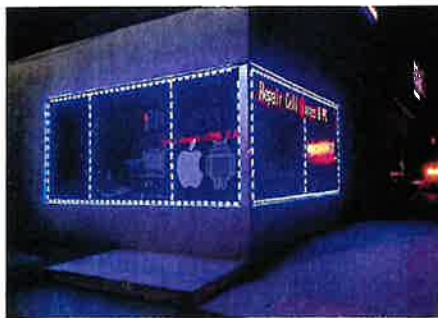
AA. Visibility - Being perceived by the human eye.

#### 54.40 EXEMPTIONS

- A. Emergency lighting necessary to conduct rescue operations, support public safety, provide emergency medical treatment, to illuminate emergency means of egress, or address any other emergency situation.
- B. Lighting operated by a public utility or agency during the course of constructing, repairing, or replacing public utilities and infrastructure.
- C. Temporary construction lighting, provided it is discontinued daily immediately upon completion of the work.
- D. Temporary holiday decorative lighting, from November 15th through January 5th.
- E. Lights on communication towers and other hazards to aerial navigation as may be required by the Federal Aviation Administration.
- F. Lighting used to illuminate a flag of the United States, subject to Section 54.60.D.
- G. Lighting associated with Department of Agriculture recognized agricultural activities.
- H. Typical residential light fixtures on residential buildings and associated accessory buildings, which do not violate Section 54.50, are exempt from the cut-off requirement when mounted at a height of eight feet or less.
- I. All outdoor light fixtures existing and legally installed prior to the effective date of this Ordinance.

#### 54.50 PROHIBITED LIGHTING

- A. Lighting of a blinking, flashing, rotating, or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes.
- B. Beacon and/or search lights except for public safety purposes.
- C. Fixtures that direct light upward unless permitted by this Article.
- D. Roof mounted lighting.
- E. Lighting of an intensity or brightness that interferes with enjoyment, health, safety, and welfare of surrounding properties.
- F. Unshielded luminous tube, LED, incandescent, or fluorescent lighting as an architectural detail on the exterior of any structure or the interior of any windows; including but not limited to rooflines, cornices, eaves, windows, and door openings.



(Examples of unshielded tube lighting)

## **54.60 OUTDOOR LIGHTING STANDARDS**

### **A. General Provisions**

1. **Cut-Off Fixtures.** All luminaires are required to be cut-off fixtures, unless otherwise permitted in this Article.
2. **Security Lighting.** Security or flood lighting shall be attached to buildings and controlled by motion sensors, which extinguish within 10 minutes of activation.
3. **Direction of Lighting.** Lighting plans shall be designed to direct light into the development and away from adjacent property.
4. **Light Levels at Property Line.** Site and area lighting of nonresidential properties shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the property adjacent to residential zoning or uses and 0.5 foot-candles adjacent to all other zoning and uses.
5. **Shared Parking Lots.** Lighting designed to illuminate shared parking lots that span two or more parcels shall be exempt from the 0.5 foot-candle requirement at the shared property line only.
6. **Parking Lot and Drive Aisle Lighting Ratio.** To provide for uniformity of lighting, the ratio of maximum to minimum levels of light within the parking lot and drive aisle areas of a nonresidential property shall not exceed 20:1. Exception shall be made for those areas along the perimeter of the property where a significant reduction in lighting is expected in order to comply with the provisions of the subsection above.
7. **Reduced Lighting.** Lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. Lighting installations should include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting that affects urban sky glow. The lighting plan shall note when and how this reduction in lighting will occur.
8. **Color Temperature and Rendering.** Lighting for all nonresidential developments shall have the following:
  - a. A minimum color rendering index (CRI) of 65.
  - b. A Kelvin rating between 3,000-5,000k.

### **B. Pole-Mounted Lighting**

1. All pole-mounted luminaires shall be affixed horizontally and angled parallel to the ground.
2. No more than two luminaires shall be allowed per pole.
3. Luminaire height of 15 feet or less shall not exceed 12,000 lumens per luminaire and shall be spaced a minimum of 30 feet apart.
4. Luminaire height greater than 15 feet and not exceeding 25 feet shall not exceed 20,000 lumens per luminaire and shall be spaced a minimum of 40 feet apart.
5. Luminaire height exceeding 25 feet shall be subject to approval by the reviewing body. The applicant must prove, to the reviewing body's satisfaction, that pole heights exceeding 25 feet are needed to ensure public health, safety, and welfare. If permitted, such lighting shall not exceed 40,000 lumens per luminaire and shall be spaced a minimum of 50 feet apart.

### **C. Building-Mounted Lighting**

1. **Pedestrian walkways and doorways**
  - a. Shall not exceed 14-feet in height.

- b. Each luminaire shall not exceed 8,000 lumens and shall be spaced so the lighting for pedestrian walkways does not exceed 2.0 foot-candles and entryways do not exceed 6.0 foot-candles.

2. Luminaires used for the sole purpose of illuminating a building façade:

- a. May be up to 1.5 foot-candles averaged over the building façade.
- b. May be located on the building or be ground-mounted.
- c. Light generated from said fixtures shall be appropriately shielded so that no light is emitted beyond the building facade.

3. Architectural features. The use of architectural features on the building, such as a canopy, which prevent the projection of light beyond the architectural feature may satisfy the intent of this Section and allow the use of noncut-off fixtures, subject to the approval of the reviewing body.

D. Landscape Features and Green Belt Lighting

- 1. Landscape luminaires may include uplighting, which is specifically directed at the landscape or plant feature.
- 2. Shall be equipped with shields to help direct light to the landscape or plant feature and to help eliminate light spillover and glare.
- 3. Shall not exceed 300 lumens per luminaire.
- 4. Shall not exceed a height of 18-inches above grade.

E. Special Uses

1. Service station/fuel sales canopy structure

- a. Luminaires shall be recessed so that the lens cover is flush with the lower surface of the canopy and shielded by a fixture or the edge of the canopy so that light is directed downward.
- b. As an alternative, indirect lighting may be used where uplighting is reflected from the underside of the canopy. When this method is used, luminaires must be shielded so that direct light is focused exclusively on the underside of the canopy.
- c. Luminaires shall not be mounted on the top or sides (fascia) of a canopy.
- d. Internally illuminated signs in compliance with the Sign Ordinance may be placed on the fascia of the canopy.
- e. The total light output directly below the canopy shall not exceed 30 foot-candles.

2. Outdoor dining areas

- a. Decorative unshielded lighting may be used in outdoor dining areas as long as the lighting does not exceed 1.5 foot-candles and is designed to control light spillover and reduce glare to adjacent properties.
- b. Lighting in outdoor dining areas adjacent to residentially zoned or used land must be extinguished by 11:00 pm or when the business closes, whichever is first.

**54.70 INTERIOR LIGHTING**

Where interior lighting and/or lighting displays are located within 10 feet of a bay of windows, glass doors, or other transparent areas of a building facade, walls, or roof (e.g., skylights), the lighting shall be shielded or screened to reduce visibility and prevent glare to patrons, individuals on adjacent and nearby properties, and/or motorists on adjacent streets.

**54.80 EXISTING LIGHTING**

All lighting established prior to this Ordinance shall be so arranged as to avoid glare or direct illumination onto any portion of any adjacent rights-of-way or onto any adjacent premises.

**54.90 ADMINISTRATION**

A site lighting plan for uses requiring Site Plan review shall be submitted, in compliance with this Article, and shall provide the following information:

- A. Proposed location on premises of all outdoor light fixture(s), including all building-mounted lighting, architectural lighting, and landscape lighting.
- B. Manufacturer specification sheets, cut-sheets, or other manufacturer provided information for all proposed luminaires that provides a description of the illumination devices, fixtures, lamps, supports, reflectors, and other devices, including lumens produced.
- C. The height of all luminaires and poles.
- D. A photometric plan showing foot-candle readings every ten feet within the subject site and ten feet beyond the property lines, including lighting ratios.
- E. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture.

SECTION II. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP