

TELECOMMUNICATION TOWERS

ORDINANCE NO. 2003-2

AN ORDINANCE TO ESTABLISH REGULATION OF TELECOMMUNICATION TOWERS, OR ANY OTHER STRUCTURE IN EXCESS OF FIFTY (50') FEET DESIGNED FOR SUPPORTING ANTENNAS.

THE TOWNSHIP OF AMBOY, HILLSDALE COUNTY, MICHIGAN ORDAINS:

SECTION 1: TELECOMMUNICATION TOWERS

A Telecommunication tower, or any other structure in excess of fifty (50') feet designed for supporting antennas, shall be subject to the following standards and specific condition for approval:

- A. In order to contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, the base of the free-standing (monopole) or guy-wired (lattice) tower shall be setback at least two hundred (200') feet or three hundred (300%) percent of the tower height from any existing or future residence, whichever is greater. From any other streets, roads or public right-of-ways, the (fall zone) setback shall equal the height of the tower. Guy-wires must be setback seventy-five (75') feet from any property line and must be located on the same parcel as the tower and footprint sketch that evidences compliance with the above regulation.
- B. The tower base shall be enclosed by a security fence, consisting of a six (6') foot chain link fence topped with three (3) strands of barbwire or an eight (8') foot chain link fence. A six (6') foot tall landscape screen shall be provided around the exterior perimeter of this fenced area. A description of the appearance and color of the tower shall be provided, with the intent to camouflage the tower to the fullest extent possible.
- C. The separation distance between towers shall be no less than four (4) miles as measured from the tower base.
- D. Abandoned, unused towers and associated facilities and equipment shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Township Board. A copy of the relevant documents (including a signed copy of the lease, deed or land contract provisions) which require the applicant to remove the tower and associated facilities shall be submitted at the time of application. In the event that the tower is not removed within the twelve (12) months period, the tower and associated facilities may be removed by the Township and the cost of the removal assessed against the real property. The Township Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease or removal of a carrier co-locating on the tower. The Township may also require a compliance or performance bond at the time of the application to cover the cost of removal of the tower.
- E. Antennas or towers may be located on property owned, leased or otherwise controlled by the Township provided a license or located on property owned, leased or otherwise controlled by the Township provided a license or lease authorizing such antenna or tower has been approved by the Township.
- F. Any proposed tower shall be designed to accommodate (co-locate) both the applicant's equipment (antennas) and that of at least two (2) other users.
- G. The applicant must document their investigation of all towers within the Township and within one (1) mile of the Township boundary. Applicant must show that every effort has been made to co-locate their antennas on any existing or proposed tower and provide information related to the implementation of their grid within the Township and surrounding area.

- H. Any applicant for a telecommunication tower, or for co-location on an existing tower or structure, must first submit a site plan. Upon Township Board approval of the site plan, the applicant may apply for a building permit. If an existing tower has an approved site plan, which identifies its co-location capacity, and provides a “pad” for construction of a maintenance building within the enclosed fenced area, co-location may occur through approval of the building permit.
- I. Once constructed, the tower shall adhere to the requirements of the FAA in terms of lighting and any other federal or state regulatory agency. In no event shall the tower be used for signage of any kind or type.
- J. Within one (1) year of abandonment of the site, or before the expiration of any contract lease agreements, the owner of the tower and its related facilities, shall remove all of the site compound, unless otherwise agreed upon in writing by the real estate property owner. The site compound shall include without limitation, communications equipment, poles or tower structures, shelter buildings, telephone, electric and radio cables and other transmissions lines, fencing, and other related equipment. Removal shall be at the sole expense of the owner of said equipment. The owner of the tower and its related facilities shall repair any damage to the premises caused by the owner, and restore the premises to its condition prior to the agreement, ordinary wear and tear and damage from the elements excepted. The owner shall not be required to remove any foundation more than one (1') foot below the preexisting grade level.

SECTION 2: SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION 3: ORDINANCES IN CONFLICT

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

SECTION 4: PUBLICATION

This Ordinance shall be published once in full in a newspaper of general circulation within Amboy Township, Hillsdale County, Michigan, within thirty (30) days after its adoption, and shall be recorded in the Book of Ordinances of Amboy Township. Such recording shall be authenticated by the Amboy Township Clerk. An attested copy of this ordinance shall be filed with the Clerk of Hillsdale County, Michigan.

SECTION 5: EFFECTIVE DATE

This Ordinance shall become effective the day following the date upon which it is published in the manner set forth in Section 4 above.

PASSED AND ADOPTED by the Township of Amboy, Hillsdale County, Michigan on the 12th day of November, 2003.

Richard Fether, Township Supervisor

YEAS: Joe St. John, Julie Kanouse, Roger Pitts, Bernadine Schaedler, Richard Fether

NAYS: None

ABSENT: None

Bernadine Schaedler, Township Clerk

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 2003-2, duly adopted by the Township Board of the Township of Amboy, County of Hillsdale, State of Michigan, at a regular meeting held on November 12th, 2003, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen hours prior to the time set for the meeting.

I further certify that the following Board Members were present at said meeting Richard Fether, Bernadine Schaedler, Roger Pitts, Julie Kanouse, Joe St. John and that the following Board Members were absent at said meeting. None.

I further certify that Board Member Julie Kanouse moved adoption of said ordinance and that Board Member Roger Pitts supported said motion.

I further certify that the following Board Members voted for adoption of said ordinance Joe St. John, Roger Pitts, Julie Kanouse, Bernadine Schaedler, Richard Fether and that the following Board Members voted against adoption of said ordinance. None.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township of Amboy and such recording has been authenticated by the signatures of the Township Supervisor and Township Clerk.

Bernadine Schaedler, Township Clerk