

CHARTER TOWNSHIP OF BLOOMFIELD  
COUNTY OF OAKLAND  
STATE OF MICHIGAN

ORDINANCE NO. 654

AN ORDINANCE TO AMEND CHAPTER 32, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" ARTICLE II, "RIGHT-OF-WAY REGULATIONS" TO ENACT A NEW DIVISION 9 TO REGULATE THE ADDITION OF DAS AND SMALL CELL SYSTEMS IN THE TOWNSHIP.

Bloomfield Township declares this ordinance to be an emergency ordinance, pursuant to MCL 42.20, as immediate action is required to preserve the Township's authority to regulate its right-of-way in light of the pending legislation known as SB 637, which may be passed and effective before a second reading and adoption of this ordinance can be accomplished.

THE CHARTER TOWNSHIP OF BLOOMFIELD ORDAINS:

*Section 1 of Ordinance: Amendment*

Chapter 32, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, Article II, RIGHT-OF-WAY REGULATIONS, is hereby amended by enacting a new DIVISION 9, DISTRIBUTED ANTENNA SYSTEMS AND SMALL CELL NETWORKS to adopt regulations for the placement and maintenance of Wireless Communication Facilities within the Public Right of Way as follows:

**DIVISION 9. - DISTRUBTED ANTENNA SYSTEMS AND SMALL CELL NETWORKS**

**Sec. 32-265. Franchise Required.**

No person, as defined in Chapter 1, Sec. 1-2, shall install or operate any telecommunication facilities or related equipment for the provision of commercial mobile radio service carriers pursuant to a distributed antenna system or small cell network without a franchise agreement substantially in the form approved by Policy Resolution November 26, 2018, or subsequent replacement resolution, which rates established therein are hereby incorporated herein by reference.

**Sec 32-266. Interpretation of this Division and Franchise Agreement.**

It is the intent of the Township Board in adopting this provision that all provisions in this Division and in the franchise agreement required by this Division be construed to protect the peace, health, safety and welfare of the residents of Bloomfield Township as well as the aesthetics of the Charter Township of Bloomfield. Only reasonably inconspicuous telecommunication facilities and related equipment are to be permitted in the Township right-of-way pursuant to the terms of any franchise agreement. The franchisee shall at all times take the

required measures to use the most inconspicuous equipment reasonably feasible at the time of installation. Franchisee shall also remove and/or replace existing equipment in the future when less conspicuous equipment becomes reasonably feasible or when and if the number of antennas for the system is no longer reasonably necessary and reduction of the number of antennas becomes reasonably feasible.

Any franchise agreement entered into pursuant to this Division shall remain in effect only to the extent the rates and regulations and other material provisions established in the franchise agreement and this Division remain in full force and effect. To the extent state or federal law makes unlawful and/or unenforceable any material provision of the franchise agreement required by this Division or any provision of this Division, and the unlawful provisions are not severable, the franchise agreement shall terminate and be of no force and effect. To the extent authorized by law, under such circumstance, franchisee shall remove all such facilities placed in the Township right-of-way pursuant to the franchise agreement unless the parties agree on a new franchise agreement that is compliant with the then existing law.

Section 2. Severability

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this ordinance; but the remainder of this ordinance shall stand and be in full force and effect.

Section 3. Savings

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

Section 4. Repealer

All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. Effective Date

The provisions of this ordinance are hereby ordered to take effect following publication in the manner prescribed by the Charter of the Township of Bloomfield.

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF OAKLAND    )

JANET RONCELLI, Township Clerk  
TOWNSHIP OF BLOOMFIELD

LEO SAVOIE, Supervisor  
TOWNSHIP OF BLOOMFIELD

Introduced: November 26, 2018  
Adopted: November 26, 2018  
Published: December 2, 2018