

Chapter 11 ■ Wireless Communication Facility

SECTION 11.1 PURPOSE AND INTENT

The purpose of this Chapter is to carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Chapter to:

- a. Permit location of wireless communication facilities, while limiting adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques to preserve the character of the Township;
- b. Require provisions for collocation of antennae on existing towers, and on new and replacement towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;
- c. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use; and
- d. Establish review procedures for construction, alteration or enlargement of such facilities consistent with the requirements of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended; MCL 125.3101 et seq.), and to permit administrative review and approval of certain types of projects that have a limited scope and impact.

SECTION 11.2 GENERAL APPLICATION REQUIREMENTS

The following requirements shall apply to all applications for approval under this Chapter:

- a. Filing of the application. A complete and accurate application, any required review fees, shall be submitted to the Zoning Administrator or designee, who shall keep a record of all applications that have been submitted and their disposition. No action shall be taken on any application until the Township has received any required review fees.
- b. Applicant information. The application shall include the name, address, and contact information for the applicant, property owner, lessee, tower owner/operator, and installation contractor; and the address or parcel identification number of the proposed site.
 - 1) If someone other than the property owner submits the application, it shall be accompanied by documentation of the owner's authorization for the application.
 - 2) If the property owner, lessee or tower owner/operator is a corporation, documentation confirming the names of the responsible officers shall be provided.
- c. Plans for the facility. The application shall include plans for the wireless communication facility, with the following minimum required information:
 - 1) An accurate, scaled drawing of the parcel, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the parcel.

- 2) A description of the type and design of the proposed wireless communication facility.
 - 3) Setback distances between any proposed tower(s) and the nearest lot boundaries and road rights-of-way.
 - 4) Elevation drawings of the proposed wireless communication facility, ground equipment enclosure(s), and associated structures, including providing details of the facility type, design, materials, and height; enclosure(s); associated structures; and name and location of the tower manufacturer, if applicable.
- d. Manufacturer’s specifications. The application shall include documentation from the wireless communication facility manufacturer demonstrating the manner in which the structure will fall in the event of accident, damage or failure, and that the facility is designed in accordance with applicable dead load and wind pressure standards.
- e. Maintenance agreement. The application shall include a plan for facility maintenance, including identification of the responsible parties and details regarding how the access, landscaping, screening, and security improvements will be maintained.
- f. Documentation of compliance with standards. The application shall include documentation of compliance with Section 11.8 (General Standards for All Wireless Communication Facilities), and with the additional standards of this Chapter that apply to the specific type of proposed wireless communication facility.

SECTION 11.3 TYPE OF REVIEW REQUIRED

Wireless communications facilities shall be reviewed in accordance with the following:

Type of Wireless Communication Facility		Required Review and Approval		
		Planning Commission	Zoning Administrator	Exempt
AMATEUR RADIO ANTENNAE & ANTENNA STRUCTURES				
Installation of any amateur radio transmission or reception antenna or antenna structure, short wave facility, contractor’s business antenna structure, television reception antenna, wireless Internet antenna, citizen’s band base station antenna or similar antennae or antenna structure:	Exceeding 130.0 feet in height	●		
	Up to 130.0 feet in height		●	
Type of Wireless Communication Facility		Required Review and Approval		
		Planning Commission	Zoning Administrator	Exempt
SATELLITE DISH ANTENNAE				
Installation of a satellite dish antenna with a diameter of:	1.5 meters or larger		●	
	Less than 1.5 meters			●

OTHER ANTENNAE MOUNTED ON A STRUCTURE			
Antenna(e) installation on an existing principal building or accessory structure that also includes use of an outside ground equipment enclosure area		● 90-Day Limit for Review	
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed within the building or structure			●
OTHER WIRELESS COMMUNICATION FACILITIES			
Construction of a new wireless communication facility not otherwise addressed in this table		● 90-Day Limit for Review	
Alteration or enlargement of an existing tower that would conform to maximum height requirements:	With an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater	● 60-Day Limit for Review	
	Without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater		●
Construction or expansion of equipment building(s) within an approved ground equipment enclosure			●
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet		● 60-Day Limit for Review	
Collocation of new antennae on an existing tower that would conform to maximum height requirements:	With an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater	● 60-Day Limit for Review	
	Without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater		●
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet			●
Installation of new ground equipment within an approved ground equipment building or enclosure			●
FACILITIES AND ACTIVITIES EXEMPT FROM TOWNSHIP REVIEW			
Installation of municipal and other facilities subject to federal or state preemption of local authority			●
Repair or maintenance of an existing wireless communications facility, provided that all work conforms to approved plans and applicable codes			●

SECTION 11.4 EXEMPT FACILITIES

Facilities and activities listed as exempt from review in Section 11.3 (Type of Review Required) shall be allowed by right, subject to the applicable federal and state regulations.

SECTION 11.5 LIMITATION ON REVIEW FEES

In accordance with Section 3514 of the Michigan Zoning Enabling Act, the following limitations on review fees shall apply to wireless communication facility applications:

- a. A review fee required to accompany an application for Planning Commission approval per Section 11.3 (Type of Review Required) shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
- b. No fee shall be required for facilities requiring Zoning Administrator approval per Section 11.3 (Type of Review Required).

SECTION 11.6 REVIEW PROCEDURES FOR FACILITIES SUBJECT TO ZONING ADMINISTRATOR APPROVAL

Wireless communication facilities subject to Zoning Administrator approval per Section 11.3 (Type of Review Required) shall require review and approval of an administrative permit to confirm compliance with the requirements of this Chapter, as follows:

- a. The Zoning Administrator shall receive and review the application for compliance with the applicable requirements of this Chapter, and for any application associated with an existing tower shall also confirm that the tower remains in compliance with all applicable requirements of this Chapter and conditions of the original approval action for the tower.
- b. The Zoning Administrator shall take action on the application within 14 calendar days.
 - 1) The Zoning Administrator shall approve an administrative permit upon determination that the application conforms to all applicable requirements of this Chapter.
 - 2) If the application does not conform to requirements of this Chapter, or if the existing tower is not in compliance with applicable requirements of this Chapter or conditions of the original tower approval, the Zoning Administrator shall reject the application and provide a written record to the applicant listing the reasons for rejection.
- c. It shall be the duty of the applicant to notify the Township when the work subject to administrative permit approval is ready for inspection.
- d. The Zoning Administrator may revoke an administrative permit upon determining that any false statement or misrepresentation of fact was made in the application or plans, or any Township ordinance has been violated.
- e. Administrative permit approval shall expire 365 calendar days after the date of approval if the authorized work has been suspended, abandoned or not diligently pursued to completion, or any required building permit has not been issued for the project.
- f. This requirement for administrative permit review and approval is the minimum Township action necessary to confirm compliance with the requirements of this Chapter, and any conditions of a previous approval action for an existing tower.

SECTION 11.7 REVIEW PROCEDURES FOR FACILITIES SUBJECT TO PLANNING COMMISSION APPROVAL

Wireless communications facilities subject to Planning Commission approval per Section 11.3 (Type of Review Required) shall require a public hearing, and approval in accordance with the following review procedures:

- a. Determination of application eligibility and completeness. Within 14 business days after an application for Planning Commission approval per Section 11.3 (Type of Review Required) is filed in accordance with this Chapter, the Zoning Administrator or designee shall review the application materials and plans to determine whether the application is administratively complete, in accordance with the following:
 - 1) The Zoning Administrator or designee shall transmit a written response to the Township Clerk and the applicant that either:
 - a) All required application information has been provided and that the application is administratively complete; or
 - b) The application is not complete, because specific items of required information are needed or a specific fee required for review of the application has not been paid. With this notice, the 14 business day period shall be tolled until the applicant submits the specified information or review fee.
 - 2) The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the 14 business day period.
- b. Time limits on final action. In accordance with Section 3514 of the Michigan Zoning Enabling Act, the following time limits shall apply:
 - 1) For wireless communication facilities subject to a “60-Day Limit for Review” per Section 11.3 (Type of Review Required), the application shall be deemed approved if no final action is taken by the Planning Commission within 60 calendar days after the date that the application is determined to be administratively complete.
 - 2) For wireless communication facilities subject to a “90-Day Limit for Review” per Section 11.3 (Type of Review Required), the application shall be deemed approved if no final action is taken by the Planning Commission within 90 calendar days after the date that the application is determined to be administratively complete.
- c. Planning Commission action. After an administratively complete application has been received by the Township in accordance with the requirements of this Chapter, wireless communications facilities subject to Planning Commission approval per Section 11.3 (Type of Review Required) shall be reviewed in accordance with the following:
 - 1) Technical review. The Township may retain, at the applicant’s expense, the services of a land use planning consultant, civil engineer, and/or wireless communications expert to review the application and prepare a report and recommendations for the Planning Commission. The Planning Commission may also request comments from outside agencies with jurisdiction.

- 2) Public hearing. A public hearing shall be held for all wireless communications facilities subject to Planning Commission approval, subject to Section 9.5 (Notice Requirements for Public Hearings).
- 3) Planning Commission consideration and action. Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from Township officials, consultants, outside agencies with jurisdiction, and any public comments. The Planning Commission shall verify whether the facility is in compliance with all applicable requirements of this Chapter, and is authorized to approve, approve subject to conditions, deny or postpone action on the proposed wireless communications facility as follows:
 - a) Postponement. Upon determination by the Planning Commission that the application is incomplete or inaccurate, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - b) Denial. Upon determination that the application is not in compliance with all applicable requirements of this Chapter for the type of wireless communication facility, or would require extensive modifications to comply with such standards, the application may be denied. If the application is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the application.
 - c) Approval. The proposed wireless communications facility may be approved by the Planning Commission upon determination that it is in compliance with all applicable requirements of this Chapter.
 - d) Approval subject to conditions. The proposed wireless communications facility may be approved subject to conditions intended to verify compliance with this Chapter, or to ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation. Conditions of approval shall remain unchanged except upon mutual consent of the Planning Commission and the applicant. Any such changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.
- d. Recording of Planning Commission action. Planning Commission action on the application shall be recorded in the Planning Commission meeting minutes, stating the description and location of the proposed wireless communications facility, address and tax identification number of the parcel, the specific reasons for the Planning Commission's action, and any conditions of approval. The Secretary or Chair shall file one (1) copy of the written record with the Township Clerk for the permanent Township record, and shall forward one (1) copy to the applicant.

- e. Compliance with approved plans. No work may take place on the site except in accordance with the application and plans approved by the Planning Commission, and any conditions of approval.
- f. Expiration of approval. Approval of a wireless communications facility shall expire 365 days after the date of final approval, unless construction has begun on the property and is diligently pursued in conformance with the final approval.
- g. Extension of approval. Upon written request and showing of good cause by the applicant, the Planning Commission shall have authority to grant an extension of up to 365 calendar days for any wireless communications facility application approved in accordance with this Section, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved plans for the facility remain in conformance with the applicable requirements of this Chapter.

SECTION 11.8 GENERAL STANDARDS FOR ALL WIRELESS COMMUNICATION FACILITIES

The following general standards shall apply to all wireless communication facilities:

- a. Compliance with airport zoning. The wireless communication facility height and location shall conform to the requirements of the Airport Zoning Act (Public Act 23 of 1950, as amended), Tall Structures Act (Public Act 259 of 1959, as amended), adopted airport approach plans, and Federal Aviation Administration (FAA) regulations.
- b. Grounded. Antennae and metal structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all structures shall comply with all applicable local, state, and federal statutes, regulations, and standards.
- c. Wind load. Structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the State Construction Code.
- d. Compliance with applicable laws and regulations. All wireless communication facilities shall conform to applicable federal and state regulations. Copies of any required documentation of proper licensing as a wireless communication services provider and compliance with applicable regulations relative to the environmental effects of radio frequency emissions shall be provided to the Township upon request.
- e. Not essential services. Structures and antennae shall be regulated and permitted pursuant to this Chapter, and shall not be regulated or permitted as essential services, public utilities or private utilities.

SECTION 11.9 ADDITIONAL STANDARDS FOR AMATEUR RADIO ANTENNAE AND SIMILAR FACILITIES

The following additional standards shall apply to all amateur radio towers and antennae, short wave facilities, citizen band radio base station antennae, contractor's business antennae, television reception antennae, wireless Internet antennae, and associated antenna structures,

which shall be allowed in any zoning district subject to approval per Section 11.3 (Type of Review Required):

- a. The antennae and antenna structure shall be accessory to a principal building or land use on the same lot, and shall be limited to lots with adequate lot area to accommodate the minimum requirements of this Section.
- b. The antennae and any associated antenna structure shall be set back from all lot boundaries and road rights-of-way a minimum distance equal to the required yard setbacks for the zoning district or fifty percent (50%) of the overall height of the antennae and antenna structure, whichever is greater.
- c. The antennae and antenna structure shall be allowed to exceed the maximum height standards of the zoning district, subject to the requirements of this Chapter. For retractable, telescoping, or tilt-down antennae, the height shall be established by the height of the antennae and antenna structure in the “down” or retracted position. Such antennae shall be maintained in the “down” or retracted position when not in use.
- d. For a ground-mounted antenna structure that is adjacent to and permanently secured to a principal building or accessory structure on the lot, the height shall be established by the distance between the highest point of the antennae or antenna structure and the highest anchor point to the principal building or accessory structure.
- e. The height of an antenna that is permanently mounted on a principal building or accessory structure shall not exceed the height limitations that apply to the building or structure in the zoning district by more than 15.0 feet, as measured from grade level to the highest point of the antenna.
- f. A detailed site plan conforming to the applicable requirements of Chapter 8 (Site Plan Review) shall be included with any application subject to Planning Commission approval.

SECTION 11.10 ADDITIONAL STANDARDS FOR SATELLITE DISH ANTENNAE

The following additional standards shall apply to all satellite dish antennae, which shall be allowed in any zoning district subject to approval per Section 11.3 (Type of Review Required):

- a. The antennae shall be accessory to a principal building on the same lot, and shall be located outside of all required yard setback areas.
- b. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this Section.
- c. One (1) satellite dish antenna with a diameter 1.5 meters or larger shall be permitted per lot.
- d. Construction and placement of satellite dish antennae shall meet manufacturers' specifications, and shall conform to the State Construction Code and all applicable electrical and fire codes.

- e. A satellite dish antennae with a diameter of 1.5 meters or larger and located within 100 feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements.

SECTION 11.11 ADDITIONAL STANDARDS FOR OTHER ANTENNAE MOUNTED ON A STRUCTURE

The following additional standards shall apply to other wireless communication antennae mounted on a principal building or accessory structure, which shall be allowed in any zoning district subject to approval per Section 11.3 (Type of Review Required):

- a. The antenna and mounting apparatus shall be permanently secured to the structure, and shall not exceed the height limitations that apply to the building or structure in the zoning district by more than 15.0 feet, as measured from grade level to the highest point of the antenna.
- b. The antenna and mounting apparatus shall be designed and arranged to minimize visibility and to blend with the principal building materials and colors.
- c. The antenna and mounting apparatus shall not be illuminated, unless required by the FAA, Michigan Aeronautics Commission or other agency with jurisdiction.

SECTION 11.12 ADDITIONAL STANDARDS FOR ALL OTHER WIRELESS COMMUNICATIONS FACILITIES

The following additional standards shall apply to all other wireless communications facilities, including cellular towers and radio or television transmission towers, as permitted in accordance with this Chapter:

- a. Additional application information. The following additional application information shall be required for all other wireless communications facilities:
 - 1) Site plan. A detailed site plan conforming to the applicable requirements of Chapter 8 (Site Plan Review).
 - 2) Facility inventory. If the application includes a new tower, the applicant shall provide the following minimum inventory of existing towers in the Township and within one (1) mile of the Township's boundaries:
 - a) Identification of the owner or operator, location, height, type, and design of each tower.
 - b) A description and assessment of the suitability of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the proposed wireless communication services.
 - c) An assessment and illustration of feasible location(s) of future towers or antennae in the Township under the requirements of this Chapter, based on

the location of the proposed tower and existing physical, engineering, technological, and geographical limitations.

- d) An environmental impact statement disclosing any anticipated impacts on local wetlands, floodplains, wildlife corridors, natural habitat areas, and other environmental considerations.
- 3) Location map. A location map for the proposed wireless communications facility, showing adjacent public roads, intersections, and other significant landmarks. If a new tower is proposed, the location map shall show the setback distance(s) from the nearest tower(s) included in the facility inventory.
- 4) Service area coverage maps. A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a second map of the same area also showing the proposed service area coverage.
- 5) Permission to locate. The applicant shall submit copies of an executed lease or purchase agreement or similar proof of permission to locate a wireless communications facility on the site.
- 6) Collocation agreement. The applicant for a new tower shall submit a signed and notarized agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for collocation. Proposed future antenna and equipment locations shall be indicated on the site plan and elevation drawings.

Insurance certificate. The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Township as the certificate holder and naming the Township, its past, present and future elected officials, representatives, employees, boards, commissions, consultants, and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

- 7) Removal guarantee. The application shall include a proposed removal guarantee to be posted with the Township prior to receiving a building permit from the Township's Building Inspector for the facility, which is intended to ensure removal of the facility in accordance with Section 11.16 (Cessation of Operation). The removal guarantee shall, at the election of the applicant, be in the form of (1) cash, (2) a certified check, (3) a surety bond, (4) an irrevocable bank letter of credit from a bank with offices in Michigan or (5) a signed and notarized removal agreement, in a form acceptable to the Township Board after recommendation from the Township Attorney, establishing that the applicant, property owner, lessee, and tower owner/operator are jointly and severally responsible for removing the facility and restoring the site as required by this Chapter, and for payment of any costs and attorney fees incurred by the Township during the process of securing the facility's removal. The removal agreement shall

be recorded by the applicant at the Midland County Register of Deeds Office, with a copy of the recorded document provided to the Township Clerk.

- 8) Tax-related information. The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.

- 9) Backhaul network information. Identification of the entities providing the backhaul network for the wireless communication facility described in the application and other sites owned or operated by the applicant in the township.
 - 10) Franchise information. Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of all such franchises shall be filed with the Township.
 - 11) Engineering certification. Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating that the setback area will contain the facility in the event of a failure, and that the facility is designed to conform with the State Construction Code and all other applicable building, electrical, and fire codes.
- b. Availability of suitable existing towers, other structures or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Planning Commission that:
- 1) There exists a need for the facility in the area of the proposed location, based on one (1) or more of the following factors:
 - a) Proximity to a state highway, areas of population, or commercial, industrial or other business activities not presently or adequately served by existing facilities;
 - b) Areas where signal interference has occurred due to tall buildings, topography, masses of trees or other obstructions; or
 - c) Other identified reason(s) accepted by the Planning Commission.
 - 2) No existing towers or structures located within the geographic area meet the applicant's engineering or operating requirements.
 - 3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna(e) and equipment.
 - 4) The applicant's proposed antenna(e) would cause electromagnetic interference with antenna(e) on an existing tower, or vice versa.
 - 5) The fees, costs or contractual provisions required by the owner to share an existing tower or structure, or to adapt an existing tower or structure for collocation, exceed the cost of new tower development.
 - 6) Other limiting factors render existing towers or structures unsuitable.
 - 7) There is no suitable alternative technology available which would not require the use of additional towers or structures. Costs of alternative technology that exceed new facility development shall not be presumed to render the technology unsuitable.

- c. Zoning districts and minimum lot area. Wireless communications facilities subject to this Section shall only be permitted on land in the Residential Farming/Agriculture (AG), Commercial (C), and Industrial (I) zoning districts with sufficient lot area to accommodate the setback requirements of this Chapter and the Zoning Ordinance.
- d. Minimum separation. No tower shall be located within one (1) mile of another wireless communication tower, irrespective of Township boundaries. The Planning Commission may waive this restriction upon determination that the facility's technical requirements make necessary an additional tower.
- e. Minimum setbacks. A tower and any anchoring cables shall be set back from all parcel boundaries a minimum distance equal to one hundred percent (100%) of the tower height. Ground equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.
- f. Maximum height. Towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including antennae attached to the tower. The Planning Commission may approve a taller tower upon determination that:
 - 1) The additional height will result in improved access to wireless services for Township residents, beyond what could be achieved by a shorter tower;
 - 2) The additional height will expand opportunities for collocation of additional antennae beyond the capacity of a shorter tower, which may lessen the number of future towers needed to serve Township residents; and
 - 3) The additional height will not adversely impact abutting lots and uses to an extent greater than a tower that conforms to the maximum height standard.
- g. Tower lighting. The tower and associated antennae shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission. Any required lighting shall be the minimum necessary for the purpose, and shall be shielded from ground level visibility to the maximum extent feasible. Fixtures with red or other highly saturated color filters or light sources shall be utilized to minimize off-site glare.
- h. Ground equipment enclosure. All wireless communications towers, accessory structures and ground equipment shall be completely enclosed by an eight (8) foot high fence with a lockable gate to prevent unauthorized access. The tower shall also be protected by anti-climbing devices, and anchor points for guy wires supporting the tower shall be secured to prevent unauthorized access.
- i. Screening. A dense evergreen screen shall be provided on all sides of the ground equipment enclosure to establish a year-round screening barrier, which shall consist of a mix of coniferous tree species planted a maximum of 15 feet apart in at least two (2) staggered rows. Individual trees shall have a minimum height at planting of six (6) feet, and shall consist of species native to Michigan. Arborvitae varieties shall be prohibited due to susceptibility to deer-related damage. The Planning Commission may waive screening requirements upon determining that separation distance, adjacent structures, existing site vegetation or topography provide a sufficient buffer.

- j. Collocation. Wireless communications towers shall be designed, constructed, and maintained in a manner that accommodates collocation of multiple antennae on a single tower.
- k. Access. Unobstructed permanent access to the tower and ground equipment enclosure shall be provided for emergency vehicles. Access may be provided by an easement. Upon Township request, the tower owner shall install and maintain a “Knox Box” or other acceptable means of emergency access.
- l. Color. The tower and associated antennae shall be painted a color or color combination found acceptable by the Planning Commission to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings.
- m. Tower signage prohibited. Advertising, signs, and identification of any kind visible from the ground or abutting parcels or road rights-of-way shall be prohibited, except as required by agencies with jurisdiction for tower identification purposes.
- n. Land division. The division of property for the purpose of locating a wireless communication tower shall be prohibited unless all requirements of this Chapter and other Township ordinances have been met.
- o. Employees. No employees shall be located on-site on a permanent basis. Employee access shall be limited to temporary repair and service activities.
- p. Tower address. Each wireless communications tower shall be designated with a specific and unique street address.

SECTION 11.13 COMPLIANCE REQUIRED; INSPECTIONS

The following compliance and inspection requirements shall apply to all wireless communication facilities in the Township:

- a. The applicant, property owner, lessee, and facility owner or operator are jointly and severally responsible for to developing, operating, and maintaining the wireless communication facility, including the site, structures and all improvements, in accordance with the applicable requirements of this Chapter and conditions of approval.

The property owner, lessee, and facility owner or operator shall allow the Township to inspect the facility upon request. Failure to do so shall be considered a violation of this Ordinance subject to Section 9.3 (Enforcement); and shall constitute grounds for rescinding approval in accordance with Section 11.15 (Rescinding Approval).

- b. Approval of a the wireless communication facility under this Chapter shall be valid regardless of change of ownership, provided that all terms and conditions of the approval are met by any subsequent owner(s).
- c. Compliance with the applicable requirements of this Chapter and all conditions of approval shall be evaluated periodically by the Zoning Administrator or designee, or as directed by the Planning Commission. Upon determination by the Zoning Administrator

or designee that the facility may not be in compliance with the applicable requirements of this Chapter or conditions of approval, the Township may retain the services of a structural engineer and/or other consultant to inspect a wireless communication facility. The facility owner or operator shall be responsible for reimbursement of any costs incurred by the Township for this inspection service.

SECTION 11.14 EXISTING WIRELESS COMMUNICATIONS FACILITIES

Legal nonconforming wireless communication facilities shall be allowed to continue, provided such facilities are maintained in accordance with applicable federal, state, and county laws, and regulations; and in accordance with all approved plans, permits, and conditions of approval. Collocation of additional antennae on such towers shall be permitted in accordance with the requirements of this Chapter.

SECTION 11.15 RESCINDING APPROVAL

Abandonment of a wireless communication facility, or failure of the owner, operator or leaseholder of an approved wireless communication facility to renew or replace any required performance guarantee or insurance certificate, to provide required information to the Township about the facility, or to maintain and operate the facility in compliance with applicable federal or state laws or regulations, the provisions of this Chapter, or any conditions of approval shall be grounds for the Planning Commission to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

- a. Abandonment. Any wireless communication facility that is unused for a continuous period of 365 calendar days shall be deemed abandoned. If there are two (2) or more antennae on a single tower, the tower shall not be deemed abandoned until all users cease using the tower for the 365 calendar day period.
- b. Notice to operator. Prior to a public hearing, the owner, operator, or leaseholder shall be given notice regarding noncompliant issues. If noncompliant issues are not corrected within a period of time, not to exceed thirty (30) calendar days, a public hearing will be scheduled to consider rescinding the previous approval in accordance with this Chapter.
- c. Public hearing. Such action may be taken only after a public hearing has been held by the Planning Commission, subject to Section 9.5 (Notice Requirements for Public Hearings), at which time the owner or operator of the wireless communication facility shall be given an opportunity to present evidence in opposition to rescission.
- d. Planning Commission action and any order for removal. Following the hearing and deliberation, the Planning Commission shall make the final decision and provide written notification to the owner, operator or leaseholder. If approval is rescinded, this notification shall include an order to remove the facility in accordance with Section 11.16 (Cessation of Operation) and any removal agreement associated with the facility.

SECTION 11.16 CESSATION OF OPERATION

The owner or operator shall remove a wireless communications facility for which approval has been rescinded, or that has ceased operation for more than 365 contiguous days, subject to the following:

- a. Such facilities shall be removed within 90 calendar days of receipt of notice from the Township to the owner, operator or leaseholder requesting such removal.
- b. Failure by the owner, operator or leaseholder to remove such facilities in accordance with this Chapter or an approved removal agreement shall be grounds for the Township to remove the facility, and to make use of any performance guarantee or other security provided for that purpose.
- c. Removal of a tower shall also include removal of any structures, foundations, and appurtenances in the ground, including concrete footings, support structures, or other appurtenances such as ground radial systems. In-ground structures, foundations, and appurtenances shall be removed to a minimum depth of 48 inches, unless a greater depth is specified in a removal agreement. The land shall be restored to the original grade prior to the removal, with appropriate groundcover plantings consistent with the intended use of the property.

The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved wireless communication facility.