

CITY OF COOPERSVILLE
ORDINANCE 473

CHAPTER 1283
WIRELESS COMMUNICATION FACILITIES

AN ORDINANCE TO AMEND THE CITY OF COOPERSVILLE PLANNING & ZONING CODE CHAPTER 1283 “WIRELESS COMMUNICATION FACILITIES” BY ADDING SECTION 1283.10 “DAS/SMALL CELL/WIRELESS FACILITIES IN THE PUBLIC RIGHTS OF WAY”

THE CITY OF COOPERSVILLE, COUNTY OF OTTAWA, STATE OF MICHIGAN HEREBY ORDAINS:

Section 1.

That Chapter 1283; Section 1283.10 of the Code of Ordinances, City of Coopersville, Michigan, is hereby created to read as follows:

DAS/SMALL CELL/WIRELESS FACILITIES IN THE PUBLIC RIGHTS OF WAY

(a) Definition. For purposes of this section, the following terms and phrases shall be defined as follows:

DAS/Small Cell/Wireless Network shall mean any distributed antennae system or small cell telecommunication or data wireless network.

DAS/Small Cell/Wireless Facilities or DAS/Small Cell/Wireless Network Facilities means structures of any nature installed and/or operated for the provision of telecommunication or wireless services, including without limitation, antennas, supporting structures for antennas, poles, equipment shelters or houses, and any ancillary equipment.

(b) License Agreement. No person shall install or operate, in whole or in part, DAS/Small Cell/Wireless Facilities or DAS/Small Cell/Wireless Network Facilities in a City public right-of-way or other public place without first applying for and receiving a DAS/Small Cell/Wireless license from the City in a form and subject to such terms and conditions as is acceptable to the City. Nothing herein shall be interpreted to require the City to issue such a license and the City reserves to itself discretion to grant, deny or modify a request for such a license as it determines to be in the best interest of the City and its citizens.

(c) METRO Act Permit. No person shall install or operate “telecommunications facilities,” as defined in the Metropolitan Extension Telecommunications Rights-Of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended (the “Act”) without first obtaining a permit under the Act from the City, including any part of a DAS/Small Cell/Wireless system constituting telecommunication facilities.

(d) Design Parameters. Where permitted by the City, the following minimal design parameters shall apply to DAS/Small Cells/Wireless Network Facilities in City public rights-of-way:

1. The required map(s) for proposed DAS/Small Cell/Wireless Facilities shall be legible, to scale, labeled with streets, and contain sufficient detail to clearly identify the proposed DAS/Small Cell/Wireless Network Facilities’ locations and surroundings. Where applicable, the required map or list shall include and identify any requested pole height(s).
2. The maximum height of a pole or other supporting structure installed to accommodate a DAS/Small Cell/Wireless Network shall be 40 feet.
3. Unless otherwise permitted in Section (d) 6., DAS/Small Cell/Wireless Facilities shall be located no closer than 18 inches from an existing sidewalk/face of curb or 18 inches from a proposed future sidewalk/face of curb location.
4. Unless otherwise permitted in Section (d) 6., DAS/Small Cell/Wireless Facilities shall be located no closer than 10 feet from any driveway.
5. In residential areas, DAS/Small Cell/Wireless Facilities shall be located in line with a side lot line whenever possible and not in front of a house.
6. The licensee shall field-stake all proposed locations for DAS/Small Cell/Wireless Facilities which shall be subject to the approval of the City, Ottawa County Road Commission and/or the Michigan Department of Transportation as applicable. All approved DAS/Small Cell/Wireless Facilities’ locations shall be on a per pole/equipment/other basis. Such approvals shall be memorialized by the City and licensee.
7. Once precise locations have been approved in accordance with Section (d) 6., the licensee shall provide latitude and longitude coordinates for the DAS/Small Cell/Wireless Facilities’ locations to the City’s Engineering Department.
8. The licensee shall be responsible to obtain such other permits and approvals as required by law.

(e) Compliance with Applicable Law. The City, in reviewing and authorizing a permit under the Act and/or a license referred to in this section, and the licensee, in the establishment and operation of any DAS/Small Cell/Wireless Network Facilities, shall comply with all applicable federal and state laws.

(f) Fees. Fees for the agreement and permits required shall be as provided for in the Act or those documents and as periodically authorized by resolution of the City Commission.

Section 2. Effective Date. This Ordinance will become effective 10 days following its publication in a newspaper in general circulation within the City as provided by law.

At a regular meeting held on January 23, 2017 a motion was offered by Council Member Ward, with support from Council Member Mooney, to approve the foregoing **Ordinance No. 473**.

ORDINANCE NO. 473 ADOPTED THIS 23rd DAY OF January 2017.

Yes: Council Members Ward, Mooney, Meintsma, Bush, Lampe, Wheeler and Mayor Lloyd

No: None

Abstained: None

Mayor

City Clerk

Passed: 1/23/17

Published: 2/6/17

Effective: 2/16/17

CERTIFICATION

I certify that the foregoing is a true and complete copy of an ordinance that was duly passed by the affirmative vote of at least four (4) council members of the City Council of the City of Coopersville at a regular meeting held on January 23, 2017, which was conducted in accordance with the Open Meetings Act 267 of the Public Acts of Michigan of 1976, as amended.

City Clerk

Date