

**CITY OF FARMINGTON  
OAKLAND COUNTY, MICHIGAN**

**ORDINANCE NO. C-793-2019**

**AN ORDINANCE TO AMEND THE CITY OF FARMINGTON CODE OF ORDINANCES CHAPTER 28, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," ARTICLE 1, "IN GENERAL," TO AMEND AND ADD DEFINITIONS AND AMEND AND ADD REQUIREMENTS FOR PLACEMENT AND PERMITTING OF STRUCTURES, EQUIPMENT, FACILITIES, AND OTHER INSTALLATIONS IN STREETS.**

**THE CITY OF FARMINGTON ORDAINS:**

**Section 1 of Ordinance.**

That the Farmington City Code, Chapter 28, Streets, Sidewalks and Other Public Places, Article 1, In General, Section 28-1, is amended to read as follows:

**Sec. 28-1. – Permit required.**

(a) No person shall place any article, thing, or obstruction in any public right-of-way except under the conditions and in a manner permitted by this article. Further, it shall be unlawful for any person to make any excavation in, or to conduct any construction and/or maintenance activities within, over or below any public right-of-way, street, highway, alley, parkway, sidewalk, bikepath, park, easement or other public place under the jurisdiction of the City of Farmington, or which is the location of improvements or infrastructure owned by the City of Farmington, without first having obtained a written permit therefore from the city manager or his or her designee. In those instances where emergency circumstances require immediate action, the city manager may grant verbal permission, provided that a written application shall be submitted within forty-eight (48) hours.

(b) The prohibitions contained within subsection (a) shall not apply to work performed by the City of Farmington, or to de minimis activities such as the cutting of grass, the removal of snow, the installation of a water sprinkling system for use with a single-family residential dwelling, the expeditious moving of articles or things to and from abutting properties, the lawful parking of vehicles as authorized by this Code, the planting of landscaping or other installations as authorized by this Code, or as otherwise specifically excepted under this chapter.

(c) The city manager is authorized to establish and promulgate reasonable rules and regulations for construction and/or maintenance within, over or below any street, highway, alley, parkway, sidewalk, bikepath, park or other public place under the jurisdiction of the City of Farmington. Such rules and regulation, when established, shall be published in a newspaper of general circulation within the city at least thirty (30) days prior to their proposed effective date.

## **Section 2 of Ordinance.**

That the Farmington City Code, Chapter 28, Streets, Sidewalks and Other Public Places, Article 1, In General, Section 28-2, is amended to read as follows:

### **Sec. 28-2. – Definitions.**

Public right-of-way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway. Public right-of-way does not include a federal, state, or private right-of-way. For purposes of telecommunication facilities, public right-of-way is defined in section 30.5-23 of the Code, and for purposes of wireless facilities, public right-of-way is defined in section 30.5-41 of the Code.

## **Section 3 of Ordinance.**

That the Farmington City Code, Chapter 28, Streets, Sidewalks and Other Public Places, Article 1, In General, Section 28-3, is amended to add new subsections (g) and (h) to read as follows:

### **Sec. 28-3. – Application; review; bond.**

(a) – (f) [Unchanged]

(g) For purposes of subsection (a), the following right-of-way permits are authorized and required to be applied for and issued under this article prior to any construction in a public right-of-way:

- (1) To construct telecommunication facilities in a public right-of-way that has been approved for access and use by a city permit under Article II in Chapter 30.5 of the Code.
- (2) To construct, operate, use and maintain wireless facilities in a public right-of-way issued under this article as provided in Article III in Chapter 30.5 of the Code.

(h) A permit by the city under this article may be required even if the street or public right-of-way is under the control or jurisdiction of the county, state, or federal government.

## **Section 4 of Ordinance.**

That the Farmington City Code, Chapter 28, Streets, Sidewalks and Other Public Places, Article 1, In General, Section 28-4, is amended to add new subsection (d) to read as follows:

Sec. 28-4. - Standards for the installation of facilities in the road rights-of-way or in private easements.

(a) – (c) [Unchanged]

(d) Utility poles and attachments to them may be placed in streets or public right-of-way by a public utility with a franchise right to do so, and as allowed by a right-of-way permit to

construct, operate, use, and maintain wireless facilities under this article and Article III in Chapter 30.5 of the Code. Subject to what is allowed by any such franchise or permit, utility poles and attachments shall be as the Director of Public Services shall prescribe and shall be located thereon in accordance with the directions of the director. Such poles shall be removed or relocated as the director shall from time to time direct, subject to any restrictions under the franchise or permit.

#### **Section 5 of Ordinance. Repealer.**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of Farmington Code of Ordinances shall remain in full force and effect, amended only as specified above.

#### **Section 6 of Ordinance. 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 were commenced.

#### **Section 7 of Ordinance. 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 8 of Ordinance. Effective Date.**

The provisions of this Ordinance are hereby ordered to take effect on the date provided by applicable law following publication.

#### **Section 9 of Ordinance. Enactment.**

This Ordinance is declared to have been enacted by the City Council of the City of Farmington at a meeting called and held on the 1st day of April, 2019, and ordered to be given publication in the manner prescribed by law.

AYES: Schneemann, Taylor, Bowman, Galvin, LaRussa

NAYES: None

ABSTENTIONS: None

ABSENT: None

STATE OF MICHIGAN    )  
                                  )ss  
COUNTY OF OAKLAND   )

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Farmington at a meeting held on the 1st day of April, 2019, the original of which is on file in my office.

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MARY J. MULLISON, City Clerk  
City of Farmington

Introduced: March 18, 2019  
Adopted: April 1, 2019  
Effective: April 11, 2019  
Published: April 10, 2019