

**CITY OF HUNTINGTON WOODS  
OAKLAND COUNTY, MICHIGAN**

**ORDINANCE NO. 610**

**AN ORDINANCE TO AMEND CHAPTER 40, ZONING, TO CHANGE AND/OR ADD DEFINITIONS TO ARTICLE 2, DEFINITIONS, SECTION 2.02, AND TO AMEND ARTICLE 5, SPECIFIC USE PROVISIONS, SECTION 5.13, WIRELESS COMMUNICATIONS, TO ADD A NEW SUBPARAGRAPH 5, REGULATING THE USE OF UTILITY POLES, STRUCTURES AND WIRELESS EQUIPMENT IN A PUBLIC RIGHT-OF-WAY.**

**THE CITY OF HUNTINGTON WOODS ORDAINS:**

**Section 1 of Ordinance. Ordinance Amendment.**

Chapter 40, Zoning, Article 2, Definitions, Section 2.02, Definitions, is hereby amended to add the following definitions:

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection therewith, but not including: (i) buildings that are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare; (ii) utility poles and other structures more than 40 feet in height above ground level in a public right-of-way; and (iii) wireless equipment extending more than five (5) feet above the top of a utility pole or structure it is attached to in a public right-of-way.

**PUBLIC RIGHT-OF-WAY:** The surface of, air space above, and area below the entire width of any road, highway, street, alley, thoroughfare, easement, or other area that is dedicated, reserved, used, or open to use as a matter of right, for public travel, whether owned or controlled by, or under the jurisdiction of, the city or county, state, or federal government.

**UTILITY POLE:** A pole or similar structure that is or may be used in whole or in part for cable, wireline, or wireless communications service, electric distribution, lighting, traffic control, signage, or a similar function.

**WIRELESS EQUIPMENT:** The equipment and components, including cellular antennae, transmitters, receivers, equipment shelters or cabinets, regular and backup power supply including emergency generators, and power supply, coaxial and fiber optic cables used in the provision of wireless services, but excluding wireless support structures.

**Section 2 of Ordinance. Ordinance Amendment.**

Chapter 40, Zoning, Article 5, Specific Use Provisions, Section 5.13, Wireless Communications, is hereby amended to add a new subparagraph (5) to read as follows:

- (5) Utility poles, structures and wireless equipment in a public right-of-way are subject to the following regulations:
- A. Utility poles and structures in a public right-of-way shall not be more than 40 feet in height above ground level.
  - B. Wireless equipment shall not extend more than five (5) feet above the top of a utility pole or structure it is attached to in a public right-of-way.
  - C. The applicable wireless communications facilities provisions in Article III of Chapter 34 of the Huntington Woods City Code.

**Section 3 of Ordinance. Repealer.**

All ordinances, parts of ordinances, or sections of the City Code in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 4 of Ordinance. Severability.**

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**Section 5 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 6 of Ordinance. Effective Date.**

This Ordinance shall be effective thirty (30) days from the date of adoption and shall be published as required by the Charter of the City of Huntington Woods.

**Section 7 of Ordinance. Enactment.**

This Ordinance is declared to have been enacted by the City Commission of the City of Huntington Woods at a meeting called and held on the 4th day of September, 2018, and ordered to be given publication in the manner prescribed by law.

Ayes: Mayor Paul, Mayor Pro Tem Iversen, Commissioner Jenks, Commissioner Olsman and Commissioner Rozell

Nays: 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 Huntington Woods, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Commission of the City of Huntington Woods at a meeting held on the 4<sup>th</sup> day of September, 2018, the original of which is on file in my office.

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JOY SOLANSKEY, City Clerk  
City of Huntington Woods