

**BOARD OF TRUSTEES
LINCOLN CHARTER TOWNSHIP
BERRIEN COUNTY, MICHIGAN
ORDINANCE NO. 08-04**

Boardmember Pscholka, supported by Boardmember Stauffer, moved the adoption of the following ordinance:

AN ORDINANCE TO AMEND PART 198 OF THE COMPILATION OF ORDINANCES OF LINCOLN CHARTER TOWNSHIP, BEING THE COMMUNICATION TOWER ORDINANCE TO ADD PROVISIONS CONCERNING PERFORMANCE GUARANTEE REQUIREMENTS AND TO REGULATE THE COLOCATION OF TELECOMMUNICATION FACILITIES ON PUBLIC WATER TOWERS

THE CHARTER TOWNSHIP OF LINCOLN HEREBY ORDAINS AS FOLLOWS:

Section 1. Amendment. Part 198 of the Compilation of Ordinances of Lincoln Charter Township, being the Communication Tower Ordinance is hereby amended as follows:

A. Section III(B) is hereby amended in its entirety to read as follows:

“Colocation” shall mean the location of two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, in an effort to reducing the overall number of structures required to support wireless communication antennas within the community.

Wireless communication facilities may be located on public water towers and shall, for purposes of this Ordinance, qualify as a colocation, subject to the following:

- a. The proposed wireless communication facility and public water tower shall each satisfy Sections IV, VI, VII and VIII hereof, provided however, Sections VII(r) and VII(z) shall not apply to the proposed wireless communication facility.
- b. The proposed wireless communication shall be subject to approval by the Township Board of Trustees, which shall conduct a public hearing pursuant to Section V of this Ordinance and shall condition its approval as it deems

appropriate or necessary to protect and ensure the health, safety and welfare of the public.

B. Section VIII is hereby amended in its entirety to add the following Subsection 2.

2. Performance Guarantee.

The Township may, in its sole discretion, require any applicant seeking the construction of any telecommunication tower or colocation of a telecommunication facility to provide a performance bond, irrevocable letter of credit or other financial guarantee, the form of which shall be subject to approval by the Township Attorney, to ensure compliance with the demolition requirements of this Section VIII.

Section 2. Effective Date. This ordinance shall take effect seven (7) days following its publication, or a summary thereof, in a newspaper of general circulation in the Township.

Section 3. Publication. After its adoption this ordinance, or a summary thereof, as permitted by law, shall be published by the Township Clerk in the Herald Palladium, a newspaper of general circulation in the Township.

Adopted this 13th day of May, 2008.

YEAS: Boardmembers Stauffer, Geisler, Jewell, Pscholka, Florian, Peterson and Smith.

NAYS: Boardmembers None.

ABSTAIN: Boardmembers None.

ABSENT: Boardmembers None.

We hereby certify that the foregoing was adopted by the Board of Trustees at a public session held on May 13, 2008.

Dated: May 13, 2008

Sharon Geisler, Township Clerk

Richard Stauffer, Township Supervisor