

CHARTER TOWNSHIP OF FENTON
Ord. No. 700
Adopted: August 4, 2008

An ordinance to amend Ordinance No. 453 (Utility Control) to revise the regulations for the construction and installation by public and private utilities of facilities within public roads, alleys, streets and rights-of-way in the Township.

THE TOWNSHIP OF FENTON , COUNTY OF GENESEE, MICHIGAN ORDAINS:

ARTICLE I. Section 1 of Ordinance No. 453 is hereby amended to provide as follows:

SECTION 1. Definitions.

1. Utility Company: Any public or private person, firm, political subdivision of the State of Michigan, municipality or corporation, whose purpose it is to maintain any appurtenance for use in the transmission of any Utility Service.

Desirable

2. Utility Service: A private or public entity, subject to governmental regulation, that provides to the public an essential commodity or service, or a commodity or service that is generally viewed as essential by the public. Utility Services shall include, but are not limited to: water, sewer, natural gas, electricity, telephone, cable television, telecommunications services and any video service provider as defined in the Uniform Video Services Local Franchise Act, (2006 PA 480; MCL 484.3301 and following, as amended from time to time).

3. Street: A public road, alley, street, or way within the Township.

ARTICLE II. Section 2 of Ordinance No. 453 is hereby amended to provide as follows:

SECTION 2. Regulations.

Before entering upon any street or right-of-way for the purpose of constructing or installing any telegraph, telephone or power lines, pipelines, wires, cables, poles, conduits, sewers, telecommunications equipment, video service equipment and like structures upon, across, or under such street, (excluding cable television connections to individual locations), a utility company shall file with the Township Engineer two (2) sets of plans and specifications showing the nature of the proposed construction or installation, together with proof of approval of such construction or installation by the Board of County Road Commissioners of the County of Genesee, where necessary. Within twenty (20) days from, and after receipt of, such plan and specifications, the Township Engineer shall notify the utility company in writing of any objection of the Township to such proposed construction or installation, stating the reason for such objection, and upon receipt of such notice within such period, the utility company shall not proceed with such construction and installation until it has filed with the Township Engineer a plan and specifications to which the Township does not object under the terms of this Ordinance. If no notice of objection to the proposed construction or installation is given by the Township to the utility company within the twenty (20) day period herein provided, it shall be conclusively presumed that the Township has no objection to the proposed construction or installation. Provided, however, that in the event of an emergency which endangers person or property, the utility company may

proceed to construct or install such facilities and shall notify the Township Engineer thereof as soon as may be practicable.

ARTICLE III. This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE IV. All ordinances and provisions of ordinances of the Charter Township of Fenton in conflict herewith are hereby repealed.

ARTICLE V. This amendatory ordinance shall be published as required by law and shall take effect immediately after adoption.

Enacted at a regular meeting of the Fenton Township Board held on the 4th day of August 2008.

Bonnie K. Mathis, Supervisor

Robert E. Krug, Clerk