

P.O. Box 157  
10405 Merrill Road  
Hamburg, Michigan 48139-0157

(810) 231-1000 Office  
(810) 231-4295 Fax



**Supervisor:** Pat Hohl  
**Clerk:** Mike Dolan  
**Treasurer:** Jason Negri  
**Trustees:** Bill Hahn  
Annette Koeble  
Chuck Menzies  
Jim Neilson

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**HAMBURG TOWNSHIP BOARD OF TRUSTEES  
SPECIAL MEETING**

**Hamburg Township Hall Board Room**

**Tuesday, April 10, 2019**

**3:30 p.m.**

**AGENDA**

1. Call to Order
2. Pledge to the Flag
3. Roll Call of the Board
4. Call to the Public
5. Correspondence
6. Consent Agenda
7. Approval of the Agenda
8. Unfinished Business:
  - A.
9. Current Business:
  - A. Planning/Zoning - Wireless Facilities Resolution & Ordinance #99 Adoption
10. Call to the Public
11. Board Comments
12. Adjournment

## HAMBURG TOWNSHIP

ORDINANCE NO. \_\_\_\_\_

### WIRELESS FACILITIES IN RIGHT-OF-WAY ORDINANCE

An Ordinance to establish requirements, standards, and regulations for access to and use of public right-of-way for wireless facilities, specify the construction and other permits or approvals required for such facilities, and provide penalties for violations of this Ordinance.

THE TOWNSHIP OF HAMBURG ORDAINS:

#### **Section 1.0 Title**

This Ordinance shall be known and cited as the Wireless Facilities in Right-of-Way Ordinance.

#### **Section 2.0 Purpose**

This Ordinance is adopted in response to new and differing State and Federal regulations, including Michigan Public Act No. 365 of 2018 (MCL 460.1301 - 460.1339), 47 USC 1455, Rules adopted by the Federal Communications Commission (FCC) as 47 CFR 1.40001 (now 47 CFR 1.6100) and 47 CFR 1.6001 - 1.6003, and the FCC's Declaratory Ruling and Third Report and Order in FCC 18-133, that infringe on the Township's constitutional and proprietary rights and interests in its public right-of-way and the reasonable control thereof under Ordinance VII, Section 29 of the Michigan Constitution of 1963, Michigan statutes, and other applicable laws, which would allow the Township to require public right-of-way users to obtain a franchise or license from the Township. Without waiving those Township rights, this Ordinance is adopted for the purpose of complying with those State and Federal regulations by providing for and regulating access to and ongoing use of public rights-of-way for wireless facilities that are not considered to be telecommunications facilities covered by the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002.)

#### **Section 3.0 Definitions**

As used in this Ordinance, the following words and phrases shall have the indicated meanings:

**Collocation** or collocate means to place, replace, modify, mount, or install wireless facilities on or adjacent to a wireless support structure or utility pole, but does not include make-ready work or the installation of a new wireless support structure or utility pole.

**Eligible facilities request** means a request for modification of a lawfully existing wireless tower or lawfully existing wireless base station in a public right-of-way that involves collocation, removal, or replacement of wireless facilities that will not substantially change the physical dimensions of the wireless tower or based station support structure, with wireless tower, wireless base station, and substantial change defined in 47 CFR 1.6100.

**Micro wireless facility** means a small wireless that is not more than 24 inches in length, 15 inches in width, and 12 inches in height that does not have an exterior antenna more than 11 inches in length.

**Public right-of-way** means the area on, above, or below a public roadway, highway, street, alley, bridge, sidewalk, or utility easement dedicated for compatible uses, whether owned or controlled by, or under the jurisdiction of, the Township or county, state, or federal government but does not include a private right-of-way, limited access highway, land owned or controlled by a railroad, and railroad infrastructure.

**Small wireless facility** means a wireless facility that meets each of the following requirements:

- (a) Each antenna is enclosed or would fit within an enclosure of not more than 6 cubic feet in volume.
- (b) All other wireless facilities associated with all antennas at a single location are not more than 28 cubic feet in volume, with electric meters, telecommunications demarcation boxes, grounding equipment, power transfer and cut-off switches, vertical cable runs, and concealment elements required by the Township excluded from that calculation.

**Utility pole** means a pole or similar structure other than a wireless support structure, that is or may be fully or partially used for cable or wireline communications, electric distribution, lighting, traffic control, signage if the pole is at least 15 feet in height above ground level, or a similar function, or that is designed to support small wireless facilities.

**Wireless facility or facilities** means equipment and components at a fixed location that enable or facilitate the provision of wireless services, including antennas, transmitters, receivers, coaxial or fiber-optic cable, equipment shelters or cabinets, power supplies, comparable equipment, and miscellaneous hardware, but excluding structures or improvements on, under, or within which the equipment is collocated, telecommunication facilities as defined in Ordinance IV, and a wireline backhaul facility.

**Wireless provider** means a person or entity that provides wireless services and a person or entity that builds wireless facilities or support structures for a disclosed provider of wireless services.

**Wireless service** means a wireless communication service that is permitted or authorized by the Federal Communications Commission, which includes but is broader than personal wireless services as defined in 47 USC 332.

**Wireless service provider** means a person or entity that provides wireless services.

**Wireless support structure** means a freestanding structure designed to support or capable of supporting small wireless facilities but does not include a utility pole.

#### **Section 4.0 Ordinance compliance required.**

**4.1** Wireless facilities, wireless support structures, and utility poles shall only be installed, used, operated, or maintained in a public right-of-way in compliance with requirements, standards, and regulations in this Ordinance, with all wireless providers and other persons that install, use, operate, maintain, or own such facilities, structures or poles responsible for compliance.

**4.2** To the extent applicable and allowed under existing franchises, permits, and applicable law, the requirements, regulations, and standards in this Ordinance shall apply to all new installations in the public right-of-way by electric and gas public utilities, incumbent or competitive local exchange carriers, fiber providers, and cable television video services providers.

**Section 5.0 Required permits and approvals.**

**5.1** Wireless facilities, wireless support structures, and utility poles shall not be installed, used, operated, or maintained in a public right-of-way without complying with the applicable regulations in this Ordinance and first obtaining and thereafter complying with the terms and conditions of all of the following permits or approvals:

(a) A construction permit issued by the Road Commission for Livingston County for county roads or Michigan Department of Transportation for state highways.

(b) Required building, electrical, and other construction code permits from the Township Building Official and any approvals or permits required to be applied for, reviewed, and issued or denied under the Township Zoning Ordinance.

**5.2** A Township Zoning Ordinance permit or approval shall not be required, and fees or rates shall not be payable for:

(a) Replacement of a small wireless facility with a small wireless facility that is not larger or heavier and complies with applicable codes.

(b) Routine maintenance of small wireless facilities, wireless support structures, or utility poles.

(c) The installation, placement, maintenance, operation, or replacement of a micro wireless facility that is suspended on cables strung between utility poles or wireless support structures in compliance with applicable codes.

**5.3** Any construction code and Zoning Ordinance permits or approvals for wireless facilities, wireless support structures, or utility poles shall be conditioned on compliance with the standards, terms, and conditions in this Ordinance.

**5.4** The time period for the Township to act on a wireless provider permit or approval application for wireless facilities, support structures, or utility poles under this Ordinance shall not commence until the Township has complete applications for all of the required Township Permits listed in section 5.1(b).

**5.5** Obtaining a permit for wireless facilities, wireless support structures, or utility poles from the Road Commission for Livingston County (Road Commission) or Michigan Department of Transportation (MDOT) who shares the public right-of-way with the Township does not relieve a wireless provider from the need to comply with the standards, terms, and conditions in this Ordinance.

## **Section 6.0 Pre-Construction Fee and Document Filing Requirements.**

Before commencing construction of wireless facilities, wireless support structures, or utility poles in a public right-of-way, the annual fee established by Township Board Resolution shall be paid and the following documentation shall be filed with the Township Clerk:

- 6.1** Copies of construction permits from the Road Commission for MDOT.
- 6.2** Copies of the plans submitted to and approved by the Road Commission or MDOT.
- 6.3** Copies of any bonds provided to the Road Commission or MDOT.
- 6.4** Identification of contractors who will be working in the public right-of-way and contact persons and information for those contractors.
- 6.5** A construction schedule indicating the period of time for the work from commencement to completion and restoration of all public right-of-way disturbed by the work.
- 6.6** A certificate of compliance with FCC rules related to radio frequency emissions from the proposed wireless facilities.
- 6.7** The following information for the owner of and each wireless provider that will construct or use the wireless facilities, wireless support structures, and utility poles:
  - (a) Legal and any assumed names, and resident agent name, if any.
  - (b) Local, mailing, and registered office addresses.
  - (c) Name, title, and authority of signatory for that entity.
  - (d) Contact person name, address, phone numbers and email address.

## **Section 7.0 Allowed wireless facilities, support structures and utility poles.**

The only wireless facilities, wireless support structures, and new or replacement utility poles allowed in a public right-of-way, as required by the State and Federal laws identified in Section 2.0, are those identified in this section subject to the stated standards:

**7.1** Collocation of a small wireless facility on an existing wireless support structure or utility pole where wireless facilities do not extend more than five (5) feet above the height of the wireless support structure or utility pole they are collocated on and the collocation will not result in a height that exceeds the greater of the following overall heights of the structure or pole and collocated wireless facilities:

- (a) 50 feet.
- (b) A height that is 10% more than the height of the existing structure or pole.

(c) A height that is 10% more than the height of immediately adjacent wireless support structures or utility poles in the public right-of-way.

**7.2** Collocation of a small wireless facility on a new or replacement wireless support structure or utility pole where wireless facilities do not extend more than five (5) feet above the height of the wireless support structure or utility pole and the new or replacement wireless support structure or utility pole used for collocation:

(a) Does not exceed 40 feet in height above ground level; or,

(b) The collocation will not result in a height that exceeds the greater of the following overall heights of the new or replacement structure or pole and collocated wireless facilities:

(1) 50 feet.

(2) For a replacement structure or pole, a height that is 10% more than the height of the structure or pole being replaced.

(3) A height that is 10% more than the height of immediately adjacent wireless support structures or utility poles in the public right-of-way.

**7.3** An eligible facilities request as defined in Section 3.0.

**7.4** Collocation of wireless facilities other than small wireless facilities and eligible facilities requests as described in Sections 5.1, 5.2, and 5.3 that comply with all standards in Sections 6.0 and 7.0, and the wireless facilities do not extend more than five (5) feet above the height of the wireless support structure or utility pole they are collocated on.

**7.5** Replacement and new wireless support structures or utility poles not involving collocation of small wireless facilities or eligible facilities requests described in Sections 5.1, 5.2, or 5.3 that comply with all standards in Sections 6.0 and 7.0, the wireless support structure or utility pole height does not exceed 40 feet above ground level, and wireless facilities do not extend more than five (5) feet above the height of the wireless support structure or utility pole.

## **Section 8.0 Public, utility, traffic, and pedestrian safety protection standards.**

Wireless facilities, wireless support structures, utility poles, and any related equipment shall be designed, installed, used, and maintained in compliance with the following standards that are intended to avoid material interference with the safe operation of traffic equipment, sight lines and clear vision areas, Americans with Disabilities Act (ADA) compliance regarding pedestrian access or movement, and the maintenance and full unobstructed use of public utility and drainage infrastructure:

**8.1** Shall have a separation distance of at least five (5') feet from a sidewalk and the back of a curb, or if there is no curb, from the edge of the improved public right-of-way used for motor vehicle travel.

**8.2** Shall have a separation distance of at least five (5') feet from the edge of any driveway and not be positioned to obstruct the ability to view traffic on the road from a vehicle exiting a driveway.

**8.3** Shall be located outside the corner clearance area under the Zoning Ordinance and comply with any other traffic safety clear vision standard under any Township or other governmental ordinance, code, standard, rule, or regulation.

**8.4** Shall not cause a physical or visual obstruction or safety hazard to pedestrian or vehicular traffic.

**8.5** Shall comply with any setback, separation, or isolation distance requirement from existing or planned public utilities and lawful structures in the public right-of-way under any Township ordinance, code, or design standards.

**8.6** The lowest part of wireless facilities shall be located at a height that is at least ten (10') feet above existing grade or higher as necessary to not pose a hazard or obstruction to persons or vehicles and to provide sufficient separation distance from power lines and similar facilities.

**8.7** Wireless support structures and utility poles shall not have more collocated wireless facilities than the structure or pole is designed and constructed to safely accommodate as documented by a certified structural analysis.

**8.8** Construction and traffic control during construction shall be in accordance with the Michigan Manual of Uniform Traffic Control Devices, Michigan Vehicle Code, and the directives of the Township public safety department.

**8.9** Shall not interfere or prevent compliance with Americans with Disabilities Act standards regarding pedestrian access and movement.

**8.10** Shall comply with all conditions of any required permits from the Road Commission or MDOT.

**Section 9.0 - Aesthetic, spacing, and undergrounding standards.**

Wireless facilities, wireless support structures, utility poles, and any related equipment shall be designed, installed, used, and maintained in compliance with the following standards that are intended to conceal such facilities, structures, and poles to the extent technically feasible in an effort to avoid or remedy the tangible and intangible public harm of installations in the public right-of-way that are unsightly, out-of-character with the surrounding area, or could result in the direct or indirect removal of trees and other aesthetically desirable features and appearances:

**9.1** Shall be strictly limited to the location and what is shown on the Road Commission or MDOT approved construction permit plans.

**9.2** Wireless facilities shall be treated and colored to be visually compatible with the wireless support structure or utility pole they are collocated on or associated with by painting or other coating. For existing wood utility poles, a finish color of conduit that is zinc, aluminum, or stainless steel is considered visually compatible.

**9.3** Wireless facilities shall be compatible in scale and proportion to the structure or pole upon which they are to be attached, using the smallest and least intrusive technology available,

with the diameter of top mounted antennas to not exceed twice the diameter of the top of the structure or pole.

**9.4** Antennas shall be top mounted and aligned with the centerline of wireless support structures or utility poles, or side mounted with the vertical centerline of the antenna parallel with the support structure or utility pole.

**9.5** All cables and wires shall be placed in conduit or otherwise properly secured and concealed on the wireless support structure or utility pole.

**9.6** No more than three (3) antennas may be collocated on a utility pole and only if that number of antennas can be designed and accommodated in a manner that complies with all requirements of this Section.

**9.9** Existing trees in the public right-of-way shall not be removed or trimmed to facilitate the installation, use, or maintenance of wireless facilities.

**9.8** Wireless facilities, support structures, and utility poles shall not be located within the drip line (critical root zone) of an existing tree in or adjoining the public right-of-way.

**9.9** Ground mounted wireless facilities, including equipment cabinets and enclosures, shall be located as close as legal and technically feasible to the wireless support structure or utility pole they are associated with.

**9.10** Ground mounted wireless facilities, including equipment cabinets and enclosures, shall be concealed to the extent technically feasible by matching color and materials to existing above-ground structures, landscaping, and placement to take advantage of concealment provided by the proposed structure or pole, existing landscaping, or above-ground improvements.

**9.11** Wireless facilities shall not project more than two (2') feet from any side of the utility pole or wireless support structure upon which they are collocated.

**9.12** Wireless facilities shall not be illuminated unless required by law or integral to a concealment design such as appearance as or on a street light pole.

**9.13** New and replacement utility poles shall be located in alignment with existing utility poles on either side.

**9.14** New and replacement utility poles shall be located equidistance from existing utility poles on either side.

**9.15** New and replacement utility poles shall be made of the same material and have the same visual appearance as the existing utility poles on either side. If those existing utility poles are different, the new or replacement pole shall be metal or fiber if either existing pole is of that material and shall otherwise be the same material as the newer of the existing poles.

**9.16** Unless a greater height is approved under this Ordinance as required by state or federal law, wireless support structures and utility poles shall not be taller than the existing utility poles on either side.



**9.17** In a public right-of-way abutting residentially used or zoned property, new wireless facilities, wireless support structures, and utility poles shall only be located in line with a side lot line.

**9.18** New wireless facilities shall not be collocated on an existing wireless support structure or utility pole that is directly in front of an existing residential dwelling or that is along the frontage of a property containing a building of historic significance under federal, state, or other laws.

**9.19** New wireless facilities, wireless support structures, and utility poles shall not be located in front of an existing residential or commercial structure.

**9.20** In a public right-of-way abutting residentially used or zoned property, wireless facilities that require a cooling system shall use a passive system, or if a motorized system is technologically required, shall use a system and fan with the lowest available noise level.

**9.21** Except for a label containing the name and emergency contact telephone number for the wireless provider responsible for the wireless facilities and wireless support structure or utility pole, information that identifies them and their location, and any information required to be displayed by state or federal law, no signage shall be allowed, with all manufacturer decals that are not needed for safety reasons to be removed or painted over.

**9.22** Regardless of the number of antennas that are collocated on a utility pole or wireless support structure, the other wireless facilities associated with those antennas shall not exceed 28 cubic feet in volume.

**9.23** Collocations on and replacement or new utility poles or wireless support structures in a public right-of-way that has been specifically designated or identified by ordinance or Township Board resolution for a program of improvement, redevelopment, beautification, regulation, or other planning goals, shall be subject to Township review and approval of the design, appearance, and method and height of attachment to assure consistency, compatibility, and uniformity with the standards, objectives, installations and streetscape appearance planned for that public right-of-way under the program.

**9.24** Above ground wireless facilities and support structures and utility poles shall not be allowed in an area designated by the Township Board solely for underground or buried cable and utility facilities if all of the following apply:

(a) The Township has required all cable and utility facilities, other than Township, street light, and traffic signal poles and attachments, to be placed underground by a date that is not less than 90 days before the submission of the application.

(b) The Township does not prohibit the replacement of Township poles by a wireless provider in the designated area.

### **Section 10.0 - Public right-of-way regulations.**

The following regulations apply to the installation, use, operation, and maintenance of wireless facilities, wireless support structures, and utility poles in a public right-of-way:

**10.1 Repair.** All wireless providers using the wireless facilities, support structures, or utility poles are responsible for repairing all damage to the public right-of-way caused by the activities of one or more of those providers while occupying, constructing, installing, mounting, maintaining, modifying, operating, or replacing wireless facilities, wireless support structures, or utility poles, and to restore the public right-of-way to the condition that existed prior to the damage. If the wireless providers fail to perform the repairs and restoration within 60 days of the Township's written notice to do so, the Township may perform the repairs and restoration, with the wireless providers responsible for paying the Township its reasonable and documented costs within 30 days of the Township's invoice or billing for those costs.

**10.2 Electricity.** All wireless providers using the wireless facilities, support structures, or utility poles shall be responsible for arranging and paying for all electricity used for the wireless facilities.

**10.3 Indemnification.** All wireless providers using the wireless facilities, support structures, or utility poles shall defend, indemnify, and hold harmless the Township and its officers, agents, and employees against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of any wireless facilities, wireless support structures, or utility poles to the extent caused by the applicant, wireless providers using the facilities, structures, or poles, and their contractors, subcontractors, and the officers, employees, or agents of any of these. This obligation does not apply to any liabilities or losses due to or caused by the sole negligence of the Township or its officers, agents, or employees.

**10.4 Insurance.** All wireless providers using the wireless facilities, support structures, or utility poles obtain insurance naming the Township and its officers, agents, and employees as additional insureds against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees in amounts required by the Township. A wireless provider may meet all or a portion of the Township's insurance coverage and limit requirements by self-insurance. To the extent it self-insures, a wireless provider is not required to name additional insureds under this Section. To the extent a wireless provider elects to self-insure, the wireless provider shall provide to the Township evidence demonstrating, to the Township's satisfaction, the wireless provider's financial ability to meet the Township's insurance coverage and limit requirements.

**10.5 No Burden on Public Right-of-Way.** Wireless facilities, support structures, and utility poles shall not unduly burden or interfere with the present or future use of any of the public right-of-way and shall be installed and maintained so as to not endanger or injure persons or property in or about the public right-of-way. If Township reasonably determines that any portion of such facilities, structures, or poles constitutes an undue burden or interference, due to changed circumstances, they shall be modified to remove or alleviate the burden within a reasonable time period by the owner and wireless providers using the facilities, structures, or poles, at their expense.

**10.6 No Priority.** The installation of wireless facilities, support structures, or utility poles does not establish any priority of use of the public right-of-way over any present or future lawful user of the public right-of-way. In the event of any dispute as to the priority of use of the public right-of-way, the first priority shall be to the public generally, the second priority to Township, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other lawful users.

**10.7 Marking.** Wireless facilities, structures, and utility poles shall be marked in compliance with applicable federal and state law requirements, with each location at which wireless facilities, structures, and poles are located to have a written sign that is readable from ground level that at a minimum states the name and a toll-free telephone number of the entity responsible for the facilities, structures, and poles, and if underground, a statement that there is buried equipment at the site.

**10.8 Installation and Maintenance.** The construction and installation of the wireless facilities, structures, and poles shall be performed pursuant to construction permit plans approved by the Road Commission or MDOT, and together with the maintenance of the wireless facilities, structures, and poles, shall be done in a clean, good, and workmanlike manner. Installations and maintenance shall be performed to provide a reasonably safe condition, free from workmanship and product defects. Maintenance on the wireless facilities, structures, and poles may be performed provided any required Road Commission or MDOT permits to disturb or block vehicular traffic are obtained.

**10.9 Compliance with Laws.** Wireless facilities, structures, and utility poles shall comply with all current and future governmental laws, statutes, ordinances, rules, resolutions, tariffs, administrative orders, certificates, permits, orders, regulations, and other legal requirements regarding the construction, installation, use, and maintenance, including zoning and historic preservation ordinances.

**10.10 Street Vacation.** If Township vacates or consents to the vacation of public right-of-way within its jurisdiction, and such vacation necessitates the removal and relocation of wireless facilities, structures, those shall be removed at the owner's cost and expense when and within the reasonable time ordered by Township or a court of competent jurisdiction. Upon a failure to comply with this obligation, Township may take all reasonable actions it deems necessary to secure timely completion of the required work.

**10.11 Relocation.** The owner and wireless providers using wireless facilities, support structures, or utility poles shall relocate, protect, support, disconnect, or remove them for street or utility work, or other public projects, at their cost and expense, including where necessary, to such alternate location as designated by and agreed to with Township, applying reasonable engineering standards. The work shall be completed within a reasonable time period. Upon a failure to comply with this obligation, Township may take all reasonable actions it deems necessary to secure timely completion of the required work.

**10.12 Public Emergency.** Township shall have the right to sever, disrupt, dig-up or otherwise destroy wireless facilities, support structures, and utility poles if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Township shall attempt to provide notice to the owner and wireless providers using the facilities, structures, or poles. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, and similar events. Permittee shall be responsible for repair at its cost and expense of any of its wireless facilities, structures, and poles damaged pursuant to any such action taken by Township.

**10.13 Miss Dig.** If eligible to join, owners and wireless providers using wireless facilities, support structures, or utility poles shall subscribe to and be a member of "MISS DIG," the

association of utilities formed pursuant to Act 174 of the Public Acts of 2013, as amended, MCL § 460.721et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.

**10.14 Underground Relocation.** Wireless facilities on poles of a utility or telecommunications provider that relocates its system underground shall be removed from those poles by the owner and wireless providers using the facilities, at their expense, within a reasonable time period specified by the Township in a written notice. Upon a failure to comply with this obligation, Township may take all reasonable actions it deems necessary to secure timely completion of the required work.

**10.15 Identification.** Every service vehicle used in performing work in a public right-of-way shall be clearly identified with the wireless provider's, contractor's, or subcontractor's name and telephone number.

### **Section 11.0 Fees.**

Annual fees for shall be payable to the Township for wireless facilities, wireless support structures, and utility poles in a public right-of-way as required in Section 6.00 of this Ordinance and in a Township Board Resolution that establishes the amounts of the fees.

### **Section 12.0 Waivers, modification, and variances.**

**12.1** A wireless provider may request a waiver or modification of one or more of the standards in Sections 8.0 and 9.0 by demonstrating in writing that compliance will prevent it from providing personal wireless services in violation of 47 USC 332.

**12.2** A wireless provider may request a variance from one or more of the standards in Sections 8.0 and 9.0 by demonstrating in writing that compliance with the standard imposes unreasonable technical problems or significant additional costs.

**12.3** Waiver, modification, and variance requests shall be considered and decided by the Township Board of Trustees, which may grant full or partial relief, with or without conditions, on the grounds specified in Sections 12.1 and 12.2, and for any other reason the Board determines appropriate under applicable law.

### **Section 13.0 Violations.**

A violation of this Ordinance shall be a municipal civil infraction. Nothing in this Section shall be construed to limit the remedies available to the Township by law for such violations.

### **Section 14.0 Repealer**

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

**Section 15.0 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 16.0 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 17.0 Effective Date**

This Ordinance shall be effective on the 30th day after publication, with publication to be prior to April 14, 2019.

**Certification**

I, Michael Dolan, Clerk of Hamburg Township, Livingston County, Michigan, do hereby certify that the foregoing Hamburg Township Ordinance No. \_\_\_\_\_ was adopted at a regular meeting of the Hamburg Township Board held on \_\_\_\_\_, 2019 at which the following members were present:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael Dolan, Township Clerk