Village of Lake Isabella
1010 Clubhouse Drive
Lake Isabella, MI, 48893

RESOLUTION 2019-13
A RESOLUTION TO ESTABLISH RATES, CHARGES, AND FEES ASSOCIATED WITH WIRELESS COMMUNICATIONS EQUIPMENT, SUPPORT STRUCTURES, AND SMALL CELL WIRELESS FACILITIES AND ASSOCIATED STRUCTURES

WHEREAS; the State of Michigan recently adopted Public Act 365 of 2018 ("Act 365") and Public Act 366 of 2018 ("Act 366"). Both acts take effect on March 12, 2019.

WHEREAS; Act 365 significantly impinges on the Village's authority and control over its rights of way and other public places by mandating that the small cell wireless facilities and associated support structures be allowed to use and operate within those public spaces.

WHEREAS; Act 365 further limits the maximum amount which the Village can charge to small cell wireless providers for the use of these public resources, which are maintained and operated by the Village.

WHEREAS; Act 366 amends the State of Michigan Zoning Enabling Act with respect to wireless communications equipment and supporting structures and also small cell wireless facilities.

WHEREAS; this resolution is adopted in order to implement the rates, charges, and fees permitted to be assessed by the Village to utilize and operate within the Village's public rights of way and other public spaces by the providers of small cell wireless services and wireless communications services.

NOW THEREFORE BE IT RESOLVED;

A.   The zoning application fee for wireless communications equipment and support structures as defined by Act 366 shall be $250.

B.   The zoning application fee for non-exempt co-locating small cell wireless facilities and support structures as defined by Act 365 shall be:

   (1) $1,000.00 for a new wireless support structure or modification of an existing wireless support structure.

   (2) $500.00 for a new small cell wireless facility or modification of an existing small cell wireless facility.

C.   The application fee for a permit to co-locate a small cell wireless facility and/or associated support structure shall not exceed and shall be set as follows:

(1) $200.00 for each small cell wireless facility alone.

(2) $300.00 for each small cell wireless facility and a new utility pole or wireless support structure to which it will be attached.

Provided that every 5 years after March 12, 2019, and without further action of the Village, the maximum fees then authorized under this subsection C shall be increased by 10% and rounded to the nearest dollar.

D.   The annual permit fee for each utility pole or wireless support structure in the ROW in the Village on which a wireless provider has approval to co-locate a small cell wireless facility shall not exceed and shall be set as follows:

(1) $20.00 annually, unless subsection D.(2) applies.

(2) $125.00 annually, if the utility pole or wireless support structure was erected by or on behalf of the wireless provider on or after March 12, 2019. (This subdivision does not apply to the replacement of a utility pole that was not designed to support small cell wireless facilities.)

Provided that every 5 years after March 12, 2019, and without further action of the Village, the maximum rates then authorized under this subsection D shall be increased by 10% and rounded to the nearest dollar.

E.   All words, terms, and phrases used in this Resolution shall be interpreted in a manner consistent with Act 365 and Act 366.

F.   All resolutions and parts of resolutions in conflict herewith are, to the extent of such conflict, hereby repealed.

G.   This Resolution shall take immediate effect.

I, Jeffrey P. Grey, the duly qualified and acting Clerk of the Village of Lake Isabella, Isabella County, Michigan (the "Village") do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council at a meeting held on August 20, 2019

Originally offered by member ___Grey___, seconded by member _Kiel_.
Members Voting Yes: Cueny, Grey, Griffin, Kiel, Shoemaker, & Eberhart
Members Voting No: None
Members Absent: Torgerson

Resolution Declared **Adopted**