

Permit #: \_\_\_\_\_  
Blanket or Individual

Fee: \$ \_\_\_\_\_  
Check #: \_\_\_\_\_  
Date: \_\_\_\_\_

**CITY OF SOUTH LYON  
APPLICATION FOR AUTHORIZATION TO CONSTRUCT UTILITIES, EXCAVATE OR PERFORM WORK IN CITY  
STREETS OR RIGHT-OF-WAY.**

**INSTRUCTIONS:** Applicants must completely fill out the following form and submit it to the City of South Lyon with a plan or sketch of the proposed work. **APPLICATIONS WILL NOT BE CONSIDERED WITHOUT DRAWINGS.** An authorized representative of the applicant must sign all applications submitted. Applicant agrees to be bound by the attached conditions and specifications, which are a part of this application. No work may be performed until the application has been authorized by the City of South Lyon. If a copy of the application is desired by the applicant for its records, duplicate forms should be submitted. The City of South Lyon will retain one copy of the application and plans.

Commercial Driveway? _____ Residential Driveway _____ Cable/Wire Installation? _____
Streetlight Maintenance? _____ Underground Maintenance/Installation? _____
Pavement Cutting? _____ Annual Blanket Utility ROW work? _____

**DPW DIRECTOR MUST BE NOTIFIED AT 248-437-6914 PRIOR TO PERFORMING WORK.**

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ Fax: \_\_\_\_\_

Email Address \_\_\_\_\_

Authorized Representative: \_\_\_\_\_

**If using subcontractor, name and contact # must be provided below:**

Contractor Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Location and Description of Proposed Work: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

List of Streets or Right-of-Ways to be Excavated: \_\_\_\_\_

\_\_\_\_\_

**Date(s) and Time(s) of Construction:**

**Start Date:** \_\_\_\_\_ **Start Time:** \_\_\_\_\_ **End Date:** \_\_\_\_\_ **End Time:** \_\_\_\_\_

By making this application, the applicant agrees to be bound by the attached general conditions and applicable ordinance:

Applicant

City of South Lyon

\_\_\_\_\_  
Authorized Representative (signature)

\_\_\_\_\_  
DPW Superintendent

\_\_\_\_\_  
Title:

\_\_\_\_\_  
City Manager

Inspection Required? _____ Y _____ N
Inspected by: _____
Date Inspected: _____

**RESOLUTION NO. 06 -19**

**CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN**

**RESOLUTION ESTABLISHING FEES FOR WIRELESS  
FACILITIES, WIRELESS SUPPORT STRUCTURES, AND  
UTILITY POLES IN PUBLIC RIGHT-OF-WAY**

WHEREAS, on April 8, 2019, the South Lyon City Council adopted an Ordinance to amend the South Lyon Code of Ordinances, Chapter 87, Telecommunications, to re-organize existing sections 87-1 through 87-21 to create Article I, and to add a new Article II - Wireless Facilities in Right-of-Way, to establish requirements, standards, and regulations for access to and use of public right-of-way for wireless facilities that are not telecommunication facilities under Article I of Chapter 87, referred to as the "Ordinance" in this Resolution; and

WHEREAS, the Ordinance requires the payment of permit application, review and inspection fees, and recurring annual fees in amounts established by City Council Resolution; and

WHEREAS, just as the Ordinance was adopted in response to new and differing State and Federal regulations without waiving the City's constitutional and proprietary rights and interests in its public right-of-way, in adopting this Resolution to establish the fees as called for by the Ordinance, the City Council is not waiving those rights and interests in attempting to comply with the directives and guidance provided by those State and Federal regulations; and

WHEREAS, the City does not accept that the maximum annual fees for collocation in a public right-of-way established under Michigan Public Act No. 365 of 2018 ("Act") are fair and reasonable or a reasonable approximation of the City's costs of maintaining, protecting, and managing its public right-of-way, including accurate records of all installations within it, which will only increase with the large number of wireless facilities, wireless support structures, and new and replacement utility pole deployments expected; and

WHEREAS, under the Federal Communications Commission ("FCC") Rules and Declaratory Ruling identified in the Ordinance, the overall height of wireless support structures or utility poles and collocated small wireless facilities required to be approved, and the recurring annual fees recognized as presumptively valid, are each higher than allowed by the Act; and

WHEREAS, the City reasonably approximates that its annual costs of maintaining, protecting, and managing its public right-of-way for each small wireless facility in it will be at least \$270.00; and

WHEREAS, the City has reason to believe that on the March 12, 2019, effective date of the Act, there were collocations of wireless facilities on wireless support structures and utility poles in the public right-of-way that the City has no record of, for which the non-discriminatory annual fee required by the Ordinance and this Resolution should be paid; and

WHEREAS, the City does not accept that the maximum permit application fees established under the Act will cover the City's administrative and possible consultant costs to properly review

and act on each permit application within the varying times allowed by the State and Federal regulations; and

WHEREAS, the City believes that from an administrative efficiency perspective, the use of a single permit application for multiple collocations as allowed by the Act and Ordinance, and encouraged by the FCC Rules and Declaratory Ruling, should be encouraged as a way to help limit the City's costs and provide an incentive approach for undocumented collocations by a wireless provider to be permitted on an after-the-fact basis; and

WHEREAS, although the Ordinance calls for annual fees to be paid prior to permit issuance, for administrative efficiency the City has determined to have all subsequent annual fees by wireless providers payable in advance prior to January 1 of each calendar year, with the amount of the annual fee paid prior to permit issuance to be prorated from the date of payment through the end of the calendar year; and

WHEREAS, although this Resolution has been adopted with the intention of establishing fees consistent and in compliance with differing State and Federal regulations, the City recognizes that there should be a procedure available for wireless providers to challenge or request a waiver or modification of a fee.

**IT IS THEREFORE RESOLVED** that the City Council hereby establishes the following fees to be payable to the City under Article II - Wireless Facilities in Right-of-Way, in Chapter 87, Telecommunications, of the South Lyon Code of Ordinances:

**PERMIT APPLICATION FEES**

<b>New Collocations, Eligible Facilities Requests, and New or Replacement Utility Poles</b>	
Single collocation of small wireless facility on existing structure or utility pole	\$ 200.00
Single collocation of small wireless facility and new or replacement structure or utility pole	\$ 300.00
Eligible Facilities Request	\$ 200.00
Collocation of other than small wireless facility on existing structure or utility pole	\$ 300.00
New and Replacement Utility Poles not involving small wireless facilities	\$ 500.00
Multiple collocations of substantially similar small wireless facilities on similar structure or utility poles by same wireless provider. (*Amount is for each collocation up to 20; fee for 20 collocations would be \$2,000.00)	\$ 100.00*

<b>Collocations in existence on March 11, 2019</b>	
Single collocation of wireless facility on existing structure or utility pole	\$ 200.00
Multiple collocations of substantially similar wireless facilities on similar structures or utility poles by same wireless provider. (*Amount is for each collocation up to 20; fee for 20 collocations would be \$2,000.00)	\$ 100.00*

**ANNUAL FEES FOR EACH WIRELESS FACILITY AT A LOCATION**

Collocations of wireless facilities that existed on March 11, 2019, <b>as documented</b> in City records or by an after-the-fact permit application filed <b>no later than May 31, 2019</b> . (The annual fee for collocations not documented to have existed as required shall be \$125 for collocation on structures or poles not more than 40 feet in height and \$270 for collocation on structures and poles exceeding 40 feet in height)	\$ 20.00
Collocations of small wireless facilities on structures or utility poles not exceeding 40 feet in height that existed on March 11, 2019	\$ 20.00
Collocations of small wireless facilities on structures or utility poles that did not exist on March 11, 2019, and do not exceed 40 feet in height	\$ 125.00
Collocations of small wireless facilities on structures or utility poles that did not exist on March 11, 2019, and that exceed 40 feet in height	\$ 270.00

**IT IS FURTHER RESOLVED** that the annual fees shall be paid in advance on a calendar year basis, with the amount of the annual fee that must be paid prior to permit issuance to be a prorated amount of the annual fee in the above schedule, representing the portion of the year from the date of payment through the end of the calendar year, with all subsequent annual fees payable in advance prior to January 1 of each calendar year.

**IT IS FURTHER RESOVLED** that there shall be no proration of the annual fees to be paid for collocations of wireless facilities that existed on March 11, 2019, and that the first payment of those fees shall be made on or before May 31, 2019.

**IT IS FURTHER RESOLVED** that an administrative late charge equal to 5% of an annual fee that is not paid by the date it is due shall be payable to the City within one month of the due date, and that for each month or portion of a month after that that the annual fee remains delinquent, an additional 1% administrative late charge shall be payable to the City.

**IT IS FURTHER RESOLVED** that a wireless provider directly affected by a fee established by this Resolution may file a written challenge to or request for waiver or modification relief from the fee with the City Clerk for placement on the next available City Council regular meeting Agenda for consideration, with the following procedures and standards to apply:

1. The filing of a challenge or request for relief does not suspend the obligation to pay the fee.

2. A challenge or request for relief must demonstrate that the fee prohibits or has the effect of prohibiting the wireless provider from providing personal wireless services contrary to Federal law, that the fee is discriminatory and not a reasonable approximation of the City's objectively reasonable costs under Federal law, or that the fee is otherwise in violation of State or Federal law.

3. A challenge or request for relief shall identify the Federal and State laws upon which it is based and identify what the wireless provider claims the City must do to bring the fee into compliance with those laws.

4. The City Council shall provide a wireless provider filing a challenge or request for relief with an opportunity to be heard at a City Council meeting, after which the City Council shall make a decision on the challenge or request. The City Council's decision shall be placed in written form, which may be at a meeting subsequent to when the decision was made.

5. In making its decision on a challenge or request for relief from a fee, the City Council shall consider each claim presented by the wireless provider and may consider other factors consistent with the State and Federal laws the City is attempting to comply with or that are based on the City's Charter, Ordinances, and rights and interests in the public right-of-way.

At a regular meeting of the City of South Lyon City Council, a motion was made by Council Member Kivell, supported by Council Member Watson, to adopt the above resolution.

Ayes: 6  
Nays: 0  
Absent: 1

RESOLUTION DECLARED ADOPTED [ADOPTED/FAILED].

CERTIFICATION

I certify that this resolution was duly adopted by the City Council of the City of South Lyon on April 8, 2019.

Lisa Deaton  
City Clerk  
South Lyon