

**ORDINANCE NO. 2021 - 23**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HARRISON.**

**The City of Harrison ordains:**

**The City of Harrison repeals and restates Section 20-925 of the Code of the City of Harrison as follows:**

**Sec. 20.925 TITLE AND PURPOSE**

AN ORDINANCE to provide for the regulation of small cell wireless infrastructure by City of Harrison, of the activities of wireless infrastructure providers and wireless services providers regarding the siting of certain wireless facilities.

(a) This ordinance shall be known and may be cited as the "Small Wireless Communications Facilities Deployment Ordinance".

(b) The purpose of the ordinance is to regulate the siting of "Small Cell" facilities.

**DEFINITIONS:**

As used in this ordinance:

(a) "Act" means the small wireless facilities act, 2018 PA 365, MCL 460.1301, et seq, as the same may be amended from time to time.

(b) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

(c) "Applicant" means a wireless provider or wireless infrastructure provider that submits an application described in this ordinance.

(d) "City", unless the context implies otherwise, means the City of Harrison, to the extent authorized by law to make legislative, quasi-judicial, or administrative decisions concerning an application described in this ordinance.

(e) "City pole" means a utility pole owned or operated by a City and located in the ROW.

(f) "Co-locate" means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. "Co-location" has a corresponding meaning.



- (g) "Fee" means a City one-time per small cell site charge for application processing.
- (h) "Rate" means a City annual charge per site.
- (i) "Historic district" means an officially designated historic district.
- (j) "Make-ready work" means work necessary to enable a City pole or utility pole to support co-location, which may include modification or replacement of utility poles or modification of lines.
- (k) "Micro wireless facility" means a Small Cell Wireless Facility that is not more than 24 inches in length, 15 inches in width, and 12 inches in height and that does not have an exterior antenna more than 11 inches in length.
- (l) "Public right-of-way" or "ROW" means the area on, below, or above a public roadway, highway, street, alley, bridge, sidewalk, or utility easement dedicated for compatible uses. Public right-of-way does not include any of the following:
  - (1) A private right-of-way.
  - (2) A limited access highway.
  - (3) Land owned or controlled by a railroad as defined in section 109 of the railroad code of 1993, 1993 PA 354, MCL 462.109.
- (m) "Small Cell Wireless Facility" means a wireless facility that meets both of the following requirements:
  - (1) Each antenna is not more than 6 cubic feet in volume.
  - (2) All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. Except -The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (n) "Utility pole" means a pole or similar structure that is or may be used to support small cell wireless facilities. Utility pole does not include a sign pole less than 15 feet in height above ground.
- (o) "Wireless facility" means wireless equipment, including, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility does not include coaxial or fiber-optic cable between utility poles or wireless support structures.
- (p) "Wireless provider" is a regulated provider of telecommunications services and a "wireless infrastructure provider" is an installer of wireless equipment at small cell sites and, both terms are interchangeable terms for purposes of this ordinance.



- (q) "Wireless services" means any services, provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.
- (r) "Wireless support structure" means a freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.
- (s) "Wireline backhaul facility" means a facility used to transport services by wire or fiber-optic cable from a wireless facility to a network.

**Sec. 20.926 SCOPE OF CITY REGULATIONS**

- (a) Except as provided in this ordinance or the Act, the City shall not prohibit, regulate, or charge for the co-location of small cell wireless facilities.
- (b) The approval of a Small Cell Wireless Facility under this ordinance authorizes only the co-location of a Small Cell Wireless Facility and does not authorize either of the following:
  - (1) The provision of any services.
  - (2) The installation, placement, modification, maintenance, or operation of a wireline in the ROW.

**Sec. 20.927 SMALL CELL ROW ACCESS; PERMITTED USE; HEIGHT; UNDERGROUND, DOWNTOWN, RESIDENTIAL AND HISTORIC DISTRICTS:**

- (a) This section applies only to activities of a wireless provider within the public right-of-way for the deployment of Small Cell Wireless Facilities and associated new or modified utility poles.
- (b) The City shall not enter into an exclusive arrangement with any person for use of the ROW for the construction, operation, or maintenance of utility poles or the co-location of Small Cell Wireless Facilities
- (c) The City shall not charge a wireless provider an annual rate more than:
  - (1) \$20.00 annually, unless subdivision (2) - (below) applies.
  - (2) \$125.00 annually, if a new utility pole or wireless support structure was erected at a new site by or on behalf of the wireless provider on or after the effective date of this act. This subdivision does not apply to the replacement of an existing utility pole.
  - (3) Or the maximum rate set by law.
- (d) All greater rates and fees in current agreements shall be modified within 90 days of application receipt, so as not to exceed the fees provided here, except for new small cell dedicated utility poles installed and operational in the ROW before the effective date of this ordinance or related agreements, which shall remain in effect for the duration of the ordinance or agreement.



(e) Except as set forth in Sec 42.85 or 42.86, and as limited in this section, small cell siting is a permitted use and not subject to zoning regulation if it complies with all other sections of this ordinance and if:

- (1) A utility pole in the ROW installed or modified on or after the effective date of this ordinance shall not exceed 40 feet above ground level, unless a taller height is agreed to by the City.
- (2) A Small Cell Wireless Facility in the ROW installed or modified after the effective date of this ordinance shall not extend more than 5 feet above a utility pole or wireless support structure on which the Small Cell Wireless Facility is co-located.

(f) A proposed utility pole or other support structure that exceeds the height limits under subsection 42.84(e) (above), is subject to zoning review. See Section 52-319 and Chapter 52 generally.

(g) Undergrounding: A wireless provider shall comply with reasonable and nondiscriminatory requirements [including concealment measures] that do not prohibit communications service providers from installing structures on or above ground in the ROW in an area designated solely for underground or buried cable and utility facilities, if:

- (1) The City has required all cable and utility facilities, to place all their facilities underground and,
- (2) The City does not prohibit replacement of the City's poles by a wireless provider in the designated area.
- (3) A wireless provider may apply for a waiver of the undergrounding requirements.

(h) Historic, Downtown and Residential Districts: A wireless provider shall comply with written, objective requirements for reasonable, technically feasible, nondiscriminatory, and technologically neutral designs or concealment measures in a historic district, downtown district, or residential zoning district. Such requirement shall not have the effect of prohibiting any wireless provider's technology. Any such design or concealment measures are not included in size restrictions in the definition of small wireless facility in section 42-82(m).

(i) Aesthetics Requirements: Wireless Providers shall install, modify, co-locate or otherwise provide all wireless facilities, equipment, poles, support structures and all other related wireless objects in a manner, size and appearance that is consistent and in conformity with the existing requirements and existing practices, pertaining to such districts as defined by the applicable ordinances, rules and codes of this community and the applicable rules and laws of this State, in such fashion as to create the least negative impact on the district as possible. Such accommodations may include use of similar height, materials, color, design, number, and appearance of other similar structures utilized by other occupiers of the Rights of Way and public spaces.

- (1) Co-location including replacement of existing poles or support structures is strongly encouraged over the installation of additional new poles or support structures in the Right of Way, due to travel safety concerns.



- (2) Placement of all equipment inside the pole or support structure is favored over placement outside the pole, including ground mountings.
- (3) Smallest equipment, antennas and poles and support structures feasible are preferred.
- (4) Camouflaging, stealth or concealment elements are preferred.
- (5) Installations generally are favored in the following Districts in the following order of preference:

1st Preference:	Industrial
2nd Preference:	Commercial
3rd Preference:	Residential
4th Preference:	Underground commercial and then residential
5th Preference:	Historic
6th Preference:	Environmentally sensitive areas including nature and wetland preservation sites

- (6) Disagreements as between the provider and community on specific aesthetics issues shall be addressed by the Council upon timely written request of the provider. Staff and council may consider incentives favoring installations in preferred districts.
- (j) All wireless providers shall repair all damage to the ROW caused by the activities of the wireless provider while occupying, constructing, installing, mounting, maintaining, modifying, operating, or replacing small cell wireless facilities, utility poles, or wireless support structures in the ROW and, to return the ROW to its original condition. Following 60 days' written notice, the City may make those repairs and charge the wireless provider the cost of the repairs.

**c. 20.928 PROVIDER AND CITY RESPONSIBILITIES;  
APPLICATION INFORMATION; SHOT CLOCKS; TOLLING; DEEMED  
APPROVED; BASIS FOR DENIAL; RESUBMITTAL; BATCH APPLICATIONS;  
APPLICATION FEES; MICRO WIRELESS FACILITY EXEMPTION;  
TERNATE SITING; DECOMMISSIONING SITES:**

- (a) This section applies to activities of a wireless provider within the public right-of-way.
- (b) Except as otherwise provided in paragraph (e) below, the provider/applicant shall seek a City ROW access permit to co-locate a Small Cell Wireless Facility or install, modify, or replace a utility pole on which a Small Cell Wireless Facility will be co-located as required of all ROW users. The processing of an application for such a permit is subject to all of the following:
  - (1) In-kind contributions to the City are not permitted in lieu of rates and fees described above [unless all parties voluntarily agree in furtherance of the interests of both.]
  - (2) The provider shall provide all the information and documentation required by the City to enable the City to make an informed decision with regard to its criteria for authorizing ROW access including the following:
    - i. A certificate of compliance with FCC rules related to radio frequency emissions from a Small Cell Wireless Facility,
    - ii. Proof of notification to every other affected City and all necessary permits, permit applications, or easements to



- ensure all necessary permissions for the proposed activity are obtained.
- iii. An attestation that the Small Cell Wireless Facilities will be operational for use by a wireless services provider within 1 year after the permit issuance date. Failure to abide by this term shall result in termination of any permit issued in reliance on such attestation.
- (3) Within 25 days after receiving an initial application, the City shall notify the applicant in writing whether the application is complete. If incomplete, the notice will delineate all missing documents or information. The notice tolls the running of the time for approving or denying an application under paragraph 5 (below).
- (4) If the applicant makes a supplemental submission in response to the City's notice of incompleteness, the City will so notify the applicant in writing within 10 days, delineating the previously requested and missing documents or information. The time period for approval or denial is tolled in the case of second or subsequent notices under the procedures identified in paragraph 5 (below).
- (5) The City shall approve or deny the application and notify the applicant in writing within the following period of time after the application is received:
- i. Co-location Shot Clock: For an application for the co-location of Small Cell Wireless Facilities on a utility pole, 60 days, subject to the following adjustments:
    - A. Add 15 days if an application from another wireless provider was received within 1 week of the application in question.
    - B. Add 15 days if, a timely extension is requested.
  - ii. New or Replacement 40' Pole and Limited Equipment: For an application for a new or replacement utility pole that meets the height requirements of section 42-84(e) and associated small cell facility, 90 days, subject to the following adjustments:
    - A. Add 15 days if an application from another wireless provider was received within 1 week of the application in question.
    - B. Add 15 days if, a timely extension is requested.
    - C. Deemed Approved: A completed application is considered to be approved if not timely acted upon by the City and, if the City receives a notice not less than 7 days before, the applicant may proceed with the work pursuant to this automatic approval.
- (6) Basis for Denial: The City may deny a completed application for a proposed co-location of a Small Cell Wireless Facility or installation, modification, or replacement of a utility pole that meets the height requirements in section 42-84(e) if the proposed activity would do any of the following:
- i. Materially interfere with the safe operation of traffic control equipment.
  - ii. Materially interfere with sight lines or clear zones for transportation or pedestrians.
  - iii. Materially interfere with compliance with the Americans with Disabilities Act requirements, or similar federal, state, or local standards regarding pedestrian access or movement.



- iv. Materially interfere with maintenance or full unobstructed use of public utility infrastructure under the jurisdiction of the City.
- v. With respect to drainage infrastructure under the jurisdiction of the City, either of the following:
  - A. Materially interfere with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed.
  - B. Not be located a reasonable distance from the drainage infrastructure to ensure maintenance under the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, and access to the drainage infrastructure.
- vi. Fail to comply with reasonable, nondiscriminatory, written spacing requirements of general applicability adopted by ordinance or otherwise that apply to the location of ground-mounted equipment and new utility poles and that do not prevent a wireless provider from serving any location.
- vii. Fail to comply with all other applicable codes.
- viii. Fail to comply with section 42-84 (g)(h) and/or (i).
- ix. Fail to meet reasonable, objective, written stealth or concealment criteria for small cell wireless facilities applicable in a historic district or other designated area, as specified in an ordinance or otherwise and nondiscriminatorily applied to all other occupants of the ROW, including electric utilities, incumbent or competitive local exchange carriers, fiber providers, cable television operators, and the City.

(7) Reasons for Denial; Resubmission and 30 Day Shot Clock: If the completed application is denied, the notice under subdivision (h) shall explain the reasons for the denial and, if applicable, cite the specific provisions of applicable codes on which the denial is based. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days after the denial without paying an additional application fee. The City shall approve or deny the revised application within 30 days. The City shall limit its review of the revised application to the deficiencies cited in the denial.

(8) Batch Applications: An applicant may file an application and receive a single permit for the co-location of up to 20 substantially similar small cell wireless installations. The City may approve or deny 1 or more small cell wireless facilities included in such consolidated application.

(9) Approval of an application authorizes the wireless provider to undertake the installation, co-location and maintenance of such facilities.

(10) The City shall not institute a moratorium on filing, receiving, or processing applications or issuing permits for the co-location of small cell wireless facilities or the installation, modification, or replacement of utility poles on which small cell wireless facilities will be co-located.

(11) The City and an applicant may extend a time period under this subsection by mutual agreement.

(c) Application Fee for a permit under paragraph (b) of (42.85) this section shall not exceed the lesser of the following:



- (1) \$200.00 for each Small Cell Wireless Facility alone.
  - (2) \$300.00 for each Small Cell Wireless Facility and a new utility pole to which it will be attached.
  - (3) Or the maximum rate set by law.
- (d) The City may revoke a permit, upon 30 days' notice and an opportunity to cure, if the permitted small cell wireless facilities and any associated utility pole fail to meet the requirements of this ordinance.
- (e) **Micro Wireless Facility Exempt:** The City shall not require a permit or any other approval or require fees or rates for ordinance compliant replacement, maintenance or operation of a Small Cell Wireless Facility or ordinance compliant installation, replacement, maintenance or operation of a micro wireless facility that is suspended on cables strung between utility poles or wireless support structures in compliance with applicable codes.
- (f) **Alternate Siting:** Upon receipt of an application to place a new utility pole, the City may propose and the applicant shall use an alternate location within the ROW or on property or structures owned or controlled by an City within 75 feet of the applicants proposed location if reasonably achievable.
- (g) **Decommissioning Sites:** A wireless provider shall notify the City in writing before discontinuing use of a Small Cell Wireless Facility, utility pole, or wireless support structure. The notice shall specify when and how the wireless provider intends to remove the Small Cell Wireless Facility, utility pole, or wireless support structure. The wireless provider shall return the property to its pre-installation condition. If the wireless provider does not complete the removal within 45 days after the discontinuance of use, the City may complete the removal and assess the costs of removal against the wireless provider. A permit under this section for a Small Cell Wireless Facility expires upon removal of the Small Cell Wireless Facility.
- (h) A provider shall obtain a permit for any work that will affect traffic patterns or obstruct vehicular or pedestrian traffic in the ROW.

**Sec. 20.929a Zoning: In the ROW for Non Permitted Uses and, Outside the ROW**

- (a) The activities set forth in section 42-85(e) (Micro Wireless Facilities) are exempt from zoning review. Subsections (b) to (g) below, apply to zoning reviews for the following activities that are subject to zoning review and approval, that are not a permitted use under section 42-84(e), and that take place within or outside the public right-of-way: The modification of existing or installation of new small cell wireless facilities. The modification of existing or installation of new wireless support structures used for such small cell wireless facilities.
- (b) The processing of an application for a zoning approval is subject to all of the following requirements:



- (1) Within 30 days after receiving an application under this section, a City shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the 30-day period.
  - (2) The running of the time period tolled elsewhere in this ordinance resumes when the applicant makes a supplemental submission in response to the City's notice of incompleteness. If the applicant makes a supplemental submission in response to the City's notice of incompleteness, the City will so notify the applicant in writing within 10 days, delineating the previously requested and missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in subdivision (a).
  - (3) Modification of Support Structure or Co-location or Installation of Wireless Facilities Shot Clock 90 Days – New Support Structure Shot Clock 150 Days; Modification by Agreement; Deemed Approved: The City shall approve or deny the application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a Small Cell Wireless Facility is received or 150 days after an application for a new wireless support structure is received.
    - i. The time period for approval may be extended by mutual agreement between the applicant and City.
    - ii. If the City fails to comply with this subdivision, the application is considered to be approved subject to the condition that the applicant provide the City not less than 15 days' advance written notice that the applicant will be proceeding with the work pursuant to this automatic approval.
  - (4) The City may deny an application if all of the following apply:
    - i. The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
    - ii. There is a reasonable basis for the denial.
    - iii. The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
- (c) A City's review of an application for a zoning approval is subject to all of the following requirements:
- (1) Applicant Presumed Reasonable: An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures. A City may consider the height of such structures in its zoning review, but shall not discriminate between the applicant and other communications service providers.
  - (2) A City shall not evaluate or require an applicant to submit information about an applicant's business decisions with respect to any of the following:
    - i. The need for a wireless support structure or small cell wireless facilities.
    - ii. The applicant's service, customer demand for the service, or the quality of service.



- (3) Any requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping, shall be reasonable.
  - (4) Any spacing, setback, or fall zone requirement shall be substantially similar to a spacing, setback, or fall zone requirement imposed on other types of commercial structures of a similar height.
- (d) Application Fees: An application fee for a zoning approval shall not exceed the following:
- (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.
  - (3) Or the maximum rate set by law.
- (e) All zoning approval is void if the provider fails to commence construction within 1 year of the grant of same. The wireless provider may reapply for a zoning approval.
- A wireless provider may voluntarily request that a zoning approval be terminated.
- (f) The City shall not institute a moratorium on either of the following:
- (1) Filing, receiving, or processing applications for zoning approval.
  - (2) Issuing approvals for installations that are not a permitted use.
- (g) The City may revoke a zoning approval, upon 30 days' notice and an opportunity to cure, if the permitted small cell wireless facilities and any associated wireless support structure fail to meet the requirements of the approval, applicable codes, or applicable zoning requirements.

**Sec. 20.929b City owned Poles: Rates;**

**Terms:**

- (a) The City shall not enter into an exclusive arrangement with any person for the right to attach to City poles. A person who purchases, controls, or otherwise acquires a City pole is subject to the requirements of this section.
- (b) Rate: The rate for the co-location of small cell wireless facilities on City poles shall be nondiscriminatory regardless of the services provided by the co-locating person. The rate shall not exceed \$30.00 per year per City pole plus any rate charged for the use of the ROW under section 42-84, or the maximum rate set by law.
- (c) All greater rates and fees in current agreements shall be modified within 90 days of application receipt, so as not to exceed the fees provided here, except with respect to wireless facilities on City poles installed and operational before the effective date of this ordinance or any related



agreement, which shall remain in effect for the duration of the ordinance or agreement

- (d) Within 90 days after receiving the first request to co-locate a Small Cell Wireless Facility on a City pole, the City shall make available, through ordinance or otherwise, the rates, fees, and terms for the co-location of small cell wireless facilities on the City poles. The rates, fees, and terms shall comply with all of the following:
- (1) The rates, fees, and terms shall be nondiscriminatory, competitively neutral, and commercially reasonable and shall comply with this act.
  - (2) The City shall provide a good-faith estimate for any make-ready work within 60 days after receipt of a complete application. Make-ready work shall be completed within 60 days of written acceptance of the good-faith estimate by the applicant.
  - (3) The person owning or controlling the City pole shall not require more make-ready work than required to comply with law or industry standards.
  - (4) Fees for make-ready work shall not do any of the following:
    - i. Include costs related to preexisting or prior damage or noncompliance unless the damage or noncompliance was caused by the applicant.
    - ii. Include any unreasonable consultant fees or expenses.
    - iii. Exceed actual costs imposed on a nondiscriminatory basis.
- (e) This section does not require a City to install or maintain any specific City pole or to continue to install or maintain City poles in any location if the City makes a nondiscriminatory decision to eliminate aboveground poles of a particular type generally, such as electric utility poles, in a designated area of its geographic jurisdiction. For City poles with co-located small cell wireless facilities in place when a City makes a decision to eliminate aboveground poles of a particular type, the City shall do 1 of the following:
- (1) Continue to maintain the City pole.
  - (2) Install and maintain a reasonable alternative pole or wireless support structure for the co-location of the Small Cell Wireless Facility.
  - (3) Offer to sell the pole to the wireless provider at a reasonable cost.
  - (4) Allow the wireless provider to install its own utility pole so it can maintain service from that location.
  - (5) Proceed as provided by an agreement between the City and the wireless provider.

**Sec. 20.929c No Provider Requirement of Service:** This ordinance does not require wireless facility deployment or regulate wireless services.

**Sec. 20.929d Appeals:** The applicant may appeal any City administration determinations related to this ordinance to the City Council or, the circuit court in the judicial circuit where the City is located.

**Sec. 20.929e Defense, Indemnity and Insurance:** All applicant wireless providers shall:



- (a) Defend, indemnify, and hold harmless the City 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 and all entities acting on its behalf including but not limited to its contractors, its subcontractors, and the officers, employees, or agents of any of these, except as to liabilities or losses due to or caused by the sole negligence of the City or its officers, agents, or employees.
- (b) Obtain insurance naming the City and those acting on its behalf including but not limited to its officers, agents, and employees as additional insureds against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees. A wireless provider may meet all or a portion of the City's insurance coverage and limit requirements by self-insurance, conditioned upon providing to the City, evidence demonstrating, to the City's satisfaction, the wireless provider's financial ability to meet the City's insurance coverage and limit requirements throughout the life of the provider's use of the ROW. To the extent it self-insures, a wireless provider is not required to name additional insureds under this section. The City may set minimum insurance requirements by resolution from time to time.

**Sec. 20.929f      Reduced Fees:** The City may establish a fee or rate less than the maximum specified elsewhere in this ordinance, subject to other requirements of this act.

**Sec. 20.929g      Bonding:**

- (a) As a condition of a permit described in this act, the wireless provider shall provide a \$1,000 bond per site, for the purpose of providing for the removal of abandoned or improperly maintained small cell wireless facilities, including those that an City determines should be removed to protect public health, safety, or welfare, to repair the ROW as provided under section 42-84(j) and, to recoup rates or fees that have not been paid by a wireless provider in more than 12 months, if the wireless provider has received 60-day advance notice from the City of the noncompliance.
- (b) The City shall not require a cash bond, unless the wireless provider has failed to obtain or maintain a bond required under this section or the surety has defaulted or failed to perform on a bond given to the City on behalf of a wireless provider.

**Sec. 20.929h      Labelling:** A Small Cell Wireless Facility for which a permit is issued shall be labeled with the name of the wireless provider, emergency contact telephone number, and information that identifies the Small Cell Wireless Facility and its location.

**Sec. 20.929i      Electric Costs:** A wireless provider is responsible for arranging and paying for the electricity used to operate a Small Cell Wireless Facility.



Passed by the City of Harrison on 10/18/21, at its regular meeting with  
6 council members in attendance, 6 voting aye, 0 nay.  
Adopted by the City of Harrison this 18 day of October, 2021.

Signed: [Signature] Mayor.  
Stacy Stocking

\*\*\*\*\*

I hereby certify that the foregoing was duly adopted by the City of Harrison, Michigan, at its regular meeting on the 18th of October, 2021, that of 6 members of the City Council, 6 were in attendance and 6 voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the City of Harrison.

#### Effective Date

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

[Signature]  
Tracey Connelly, Clerk

