

**ORDINANCE NO. 1-03**

**ORDINANCE TO REPEAL  
TELECOMMUNICATIONS ORDINANCE**

**EAGLE TOWNSHIP ORDAINS:**

Section 1. Telecommunication Ordinance Repealed.

The Eagle Township Telecommunications Ordinance No. 1-99, adopted pursuant to the Michigan Telecommunications Act, is repealed.

Section 2. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 3. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date. This Ordinance shall be effective upon publication.

I hereby certify that the above Ordinance was passed at a regular meeting of the Township Board of Eagle Township, Michigan, held March 6, 2003 at 8:00 p.m.

  
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Wendy K. Simmons  
Township Clerk

**RESOLUTION TO MODIFY TELECOMMUNICATIONS FEES**

At a regular meeting of the Board of Eagle Township, Clinton County, Michigan, held at the Township Hall in said Township on the 6<sup>th</sup> day of March 2003 at 8:00 p.m.

PRESENT: Supervisor David Morris, Clerk Wendy Simmons, Treasurer Patti Schafer,  
Trustees Steve Colby and Pat Hazen.

ABSENT: None

The following Resolution was offered by Supervisor Morris and seconded by Trustee Colby.

WHEREAS, Eagle Township ("Township") had enacted a telecommunications ordinance, established an application fee and determined that an escrow deposit was necessary to process and approve telecommunications permits under Section 251, et. seq., of the Michigan Telecommunications Act; and

WHEREAS, the Michigan Legislature adopted Act 48 of 2002, known as the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act ("METRO Act"), that requires that a provider shall file an application for a permit and pay a one-time \$500.00 application fee to the Township and whose boundaries include public rights-of-way for which access or use is sought by the provider; and

WHEREAS, the METRO Act provides that the Township must modify its fees charged to telecommunications providers if the fees are inconsistent with the METRO Act; and

WHEREAS, the Township is not eligible to receive funds under the METRO Act unless by December 31, 2003 the municipality has modified to the extent necessary any fees charged to providers after November 1, 2002 relating to access to and usage of the public rights-of-way to an amount not exceeding the amount of fees and charges required under the METRO Act; and

WHEREAS, the METRO Act further states that the METRO Act does not affect any existing permits until such time that the Township elects to participate in the METRO Act funds pursuant to the provisions of the METRO Act.

**BE IT RESOLVED BY THE BOARD OF THE TOWNSHIP OF EAGLE,  
CLINTON COUNTY, MICHIGAN, AS FOLLOWS:**

1. The Application Fee authorized under Section 6(4) of the METRO Act shall be \$500.00; and
2. The Township Board approves the modification of its fees for access to and ongoing use of the Township's rights-of-way so that providers with telecommunication facilities in public rights-of-way within the Township's boundaries pay to the Metropolitan Extension Right-of-Way authority only those fees required under Section 8 of the METRO Act; this includes a modification of its fees to those providers who currently have a permit or contract with the Township under the provisions of the Michigan Telecommunications Act; and
3. If Section 8 of the METRO Act is found to be invalid or unconstitutional, the modification of fees under paragraph 2 of this Resolution is void from the date of modification.; and
4. The Township Board repeals any and all resolutions and ordinances that provide for a fee or escrow deposit contrary to the METRO Act, including but not limited to the Resolution to approve telecommunication ordinance fees and escrow; and

5. The Township shall provide each provider affected by the fee a copy of this Resolution adopted in compliance with the METRO Act; and
6. The Township adopts this Resolution to show its intent to comply with the provisions of the METRO Act.
7. This resolution shall take effect immediately
8. Any resolution inconsistent with this Resolution is hereby repealed.


ADOPTED:

YEAS: Schafer, Colby, Hazen, Simmons and Morris

NAYS: None

STATE OF MICHIGAN            )  
  )  
COUNTY OF CLINTON         )

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Eagle, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a regular meeting held on the 6<sup>th</sup> day of March 2003.

  
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Wendy K. Simmons, Clerk