

CHAPTER XIV-D

ABOVEGROUND UTILITY EQUIPMENT

SECTION 14D.01 BACKGROUND. ABOVEGROUND UTILITY EQUIPMENT exists in the Township and the Township has received or expects to receive requests to site, expand, rebuild, or install ABOVEGROUND UTILITY EQUIPMENT within the municipal boundaries.

- A. The Township finds that it is in the public interest to permit the siting, expansion, rebuilding or installing of ABOVEGROUND UTILITY EQUIPMENT within the municipal boundaries.
- B. It is the intent of the Township to permit the siting, expansion, rebuilding or installing of ABOVEGROUND UTILITY EQUIPMENT within the municipal boundaries.
- C. It is the intent of the Township to protect and promote the public health, safety and welfare by regulating the siting, expansion, rebuilding or installing of ABOVEGROUND UTILITY EQUIPMENT.

SECTION 14D.02 PURPOSE. The purpose of this Chapter is to establish general guidelines for the siting of ABOVEGROUND UTILITY EQUIPMENT. The goals of this Chapter are to: A. protect residential areas and land uses from potential adverse impacts of ABOVEGROUND UTILITY EQUIPMENT; B. encourage the location of ABOVEGROUND UTILITY EQUIPMENT in non-residential areas; C. minimize the total amount of ABOVEGROUND UTILITY EQUIPMENT throughout the Township; D. strongly encourage the joint use of new and existing ABOVEGROUND UTILITY EQUIPMENT Sites as a primary option rather than construction of additional ABOVEGROUND UTILITY EQUIPMENT; E. encourage users of ABOVEGROUND UTILITY EQUIPMENT to locate it, to the extent possible, in areas where the adverse impact on the Township is minimal; F. encourage users of ABOVEGROUND UTILITY EQUIPMENT to configure it in a way that minimizes its adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques; G. enhance the ability of the providers of utility services to provide such services to the Township quickly, effectively, and efficiently; H. consider the public health and safety of the Township and its residents; and I. avoid potential damage to adjacent properties from ABOVEGROUND UTILITY EQUIPMENT through engineering and careful siting of

ABOVEGROUND UTILITY EQUIPMENT. In furtherance of these goals, the Township shall give due consideration to its master land use plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of ABOVEGROUND UTILITY EQUIPMENT.

SECTION 14D.03 DEFINITIONS. For purposes of this Chapter only, the following terms shall have the meanings set forth below.

- A. ABOVEGROUND UTILITY EQUIPMENT: ABOVEGROUND UTILITY EQUIPMENT shall include all equipment of any kind through or because of which, in whole or in part, a Utility Service Provider is able to provide utility services to any person or entity which equipment is located or installed, in whole or in part, above the natural grade or topography of the location at which the equipment is located or installed.
- B. ABOVEGROUND UTILITY EQUIPMENT Site. Unless defined to be a specific legally described area in an application filed pursuant to this Ordinance, the ABOVEGROUND UTILITY EQUIPMENT Site shall be the location of the ABOVEGROUND UTILITY EQUIPMENT, Supporting BUILDINGS, and/or Supporting Equipment together with the property within a radius of five (5) feet.
- C. Final Distribution Connections. The term Final Distribution Connections shall mean the ABOVEGROUND UTILITY EQUIPMENT that serves only the purpose of connecting the final end consumer of the utility to other equipment owned or operated by the Utility Service Provider.
- D. Height: When referring to ABOVEGROUND UTILITY EQUIPMENT, the Height shall be the distance measured from the finished grade of the parcel at the base of the installed ABOVEGROUND UTILITY EQUIPMENT to the highest point on the ABOVEGROUND UTILITY EQUIPMENT.
- E. Multiple Use ABOVEGROUND UTILITY EQUIPMENT: Multiple Use ABOVEGROUND UTILITY EQUIPMENT means any ABOVEGROUND UTILITY EQUIPMENT utilized by more than one Utility Service Provider.

- F. Preexisting ABOVEGROUND UTILITY EQUIPMENT: Preexisting ABOVEGROUND UTILITY EQUIPMENT means any ABOVEGROUND UTILITY EQUIPMENT existing prior to the effective date of this Ordinance.
- G. Rebuilt ABOVEGROUND UTILITY EQUIPMENT: ABOVEGROUND UTILITY EQUIPMENT shall constitute Rebuilt ABOVEGROUND UTILITY EQUIPMENT if during maintenance or otherwise fifty percent (50%) or more of the then existing ABOVEGROUND UTILITY EQUIPMENT is replaced or upgraded or the then existing ABOVEGROUND UTILITY EQUIPMENT is expanded or enlarged by fifty percent (50%) or more.
- H. Supporting BUILDINGS: Supporting BUILDINGS shall mean those STRUCTURES which are designed, intended, constructed, or utilized primarily for the proper operation, maintenance, and use of associated or connected ABOVEGROUND UTILITY EQUIPMENT.
- I. Supporting Equipment: Supporting Equipment is designed, installed, or maintained primarily for the proper operation, maintenance, and use of associated or connected ABOVEGROUND UTILITY EQUIPMENT.
- J. Utility Service Provider: A Utility Service Provider is any individual, company, partnership, corporation, limited liability company, sole proprietorship or other business entity of any kind or nature, public or private, which provides to any person or entity, utility service including but not limited to electric, telecommunications, telephone, cable television, internet, natural gas, water and/or sanitary sewer.

SECTION 14D.04 APPLICABILITY.

- A. ABOVEGROUND UTILITY EQUIPMENT: All new ABOVEGROUND UTILITY EQUIPMENT or rebuilt ABOVEGROUND UTILITY EQUIPMENT in the Township shall be subject to this Chapter, as may be amended from time to time.

- B. Preexisting ABOVEGROUND UTILITY EQUIPMENT: Preexisting ABOVEGROUND UTILITY EQUIPMENT shall not be required to meet the requirements of this Chapter, other than the requirements of Sections 14D.05.D and 14D.05.E.

SECTION 14D.05 GENERAL REQUIREMENTS.

- A. Lot Size: For purposes of determining whether the installation of ABOVEGROUND UTILITY EQUIPMENT complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the ABOVEGROUND UTILITY EQUIPMENT may be located on leased parcels within such lot.
- B. Inventory of Existing Sites: Each applicant for ABOVEGROUND UTILITY EQUIPMENT shall provide to the Zoning Administrator an inventory of its ABOVEGROUND UTILITY EQUIPMENT or sites approved for ABOVEGROUND UTILITY EQUIPMENT, that are either within the jurisdiction of the Township or within one hundred (100) feet of the border thereof, including specific information about the location, height, and design of such ABOVEGROUND UTILITY EQUIPMENT. The Zoning Administrator may share such information with other applicants applying for permits under this Ordinance or other organizations seeking to locate ABOVEGROUND UTILITY EQUIPMENT within the jurisdiction of the Township, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- C. Aesthetics: ABOVEGROUND UTILITY EQUIPMENT shall meet the following requirements.

1. ABOVEGROUND UTILITY EQUIPMENT shall be designed, constructed and maintained so as to reduce visual obtrusiveness.
2. At an ABOVEGROUND UTILITY EQUIPMENT Site, the design of the ABOVEGROUND UTILITY EQUIPMENT and related STRUCTURES shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding BUILDINGS.
3. If ABOVEGROUND UTILITY EQUIPMENT is installed on a STRUCTURE, the ABOVEGROUND UTILITY EQUIPMENT must be of a neutral color that is identical to, or closely compatible with, the color of the supporting STRUCTURE so as to make the ABOVEGROUND UTILITY EQUIPMENT as visually unobtrusive as possible.

D. State or Federal Requirements: All ABOVEGROUND UTILITY EQUIPMENT must meet or exceed current standards and regulations of the all agencies of the state or federal government with the authority to regulate ABOVEGROUND UTILITY EQUIPMENT. If such standards and regulations are changed, then the owners of ABOVEGROUND UTILITY EQUIPMENT governed by this Ordinance shall, to the extent required by such agencies, bring such ABOVEGROUND UTILITY EQUIPMENT into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring ABOVEGROUND UTILITY EQUIPMENT into compliance with such revised standards and regulations shall constitute grounds for the Township to seek a court order, authorizing the Township or its designee to remove the ABOVEGROUND UTILITY EQUIPMENT at the owner's expense and without liability to the owner of the ABOVEGROUND UTILITY EQUIPMENT.

- E. BUILDING Codes; Safety Standards: To ensure the structural integrity of ABOVEGROUND UTILITY EQUIPMENT, the owner of ABOVEGROUND UTILITY EQUIPMENT shall ensure that it is maintained in compliance with standards contained in applicable state or local BUILDING codes and the applicable standards for ABOVEGROUND UTILITY EQUIPMENT that are published by the appropriate nationally recognized organization, as amended from time to time. If, upon inspection, the Township believes that ABOVEGROUND UTILITY EQUIPMENT fails to comply with such codes and standards and constitutes a danger to persons or property, then the Township may proceed under applicable State of Michigan law (i.e. Michigan Public Act 144 of 1992, as amended, or any successor statute) or common law to bring the ABOVEGROUND UTILITY EQUIPMENT into compliance or to remove the ABOVEGROUND UTILITY EQUIPMENT at the owner's expense and without any liability of the Township to the owner.

- F. Measurement: For purposes of measurement, ABOVEGROUND UTILITY EQUIPMENT setback distance shall be calculated and applied to facilities located in the Township irrespective of municipal and county jurisdictional boundaries.

- G. Essential Services: ABOVEGROUND UTILITY EQUIPMENT shall be regulated and permitted pursuant to this Ordinance and shall be considered as essential services, pursuant to Section 14.04 of this Ordinance.

- H. Franchises and Permits: Owners and/or operators of ABOVEGROUND UTILITY EQUIPMENT shall obtain and maintain all franchises required by law for the construction and/or operation of ABOVEGROUND UTILITY EQUIPMENT.

- I. Public Notice: For purposes of this Ordinance, any SPECIAL USE request, variance request, or appeal shall require public

notice to all abutting property owners and all property owners of properties that are located within 300 yards of the boundary of the ABOVEGROUND UTILITY EQUIPMENT, in addition to any notice otherwise required by this Ordinance and the Zoning Act.

- J. SIGNS: No SIGNS or advertising shall be allowed on ABOVEGROUND UTILITY EQUIPMENT other than SIGNS designed to identify the ABOVEGROUND UTILITY EQUIPMENT, its ownership, emergency information and necessary safety information.
- K. BUILDINGS and Support Equipment: BUILDINGS and support equipment associated with ABOVEGROUND UTILITY EQUIPMENT shall comply with all applicable requirements of this Ordinance.
- L. Multiple ABOVEGROUND UTILITY EQUIPMENT Plan: The Township encourages the users of ABOVEGROUND UTILITY EQUIPMENT to submit a single application for approval of as many ABOVEGROUND UTILITY EQUIPMENT Sites as the users deem necessary to provide coverage for the particular use throughout the Township.
- M. No Interference: ABOVEGROUND UTILITY EQUIPMENT shall not interfere with television or radio or telephone reception.
- N. Paving Requirements: All PARKING and drive areas must be paved as provided in this Ordinance.

SECTION 14D.06 PERMITTED USES.

- A. General: The uses listed in this Section are deemed to be permitted uses and shall not require a SPECIAL USE PERMIT.
- B. Permitted Uses: ABOVEGROUND UTILITY EQUIPMENT which is less than six (6) feet in height or consists of only Final Distribution Connections and/or meters, is specifically permitted in any zoning district, provided a

franchise authorizing such ABOVEGROUND UTILITY EQUIPMENT has been approved by the Township. This provision shall not be interpreted to require the Township to approve a franchise.

SECTION 14D.07 ADMINISTRATIVELY APPROVED USES.

- A. General: The following provisions shall govern the issuance of administrative approvals for ABOVEGROUND UTILITY EQUIPMENT.
1. The Zoning Administrator may administratively approve the uses listed in this Section.
 2. Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Sections 14D.08.B.1 and 14D.08.B.3 and a nonrefundable fee as established by resolution of the Township Board to reimburse the Township for the costs of reviewing the application.
 3. The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with the General requirements of this subsection, as well as Sections 14D.08.B.4 and 14D.08.B.5.
 4. The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within sixty (60) days, then the application shall be deemed to be approved.
2. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of Multiple Use ABOVEGROUND UTILITY EQUIPMENT, administratively allow any existing ABOVEGROUND UTILITY EQUIPMENT to be reconstructed as Multiple Use ABOVEGROUND UTILITY EQUIPMENT.

3. If any administrative approval is denied, the applicant shall file an application for a SPECIAL USE PERMIT pursuant to the following Section prior to filing any other appeal that may be available under this Ordinance or applicable law.
- B. List of Administratively Approved Uses: The following uses may be approved by the Zoning Administrator after conducting an administrative review.
1. The Zoning Administrator may approve the location of ABOVEGROUND UTILITY EQUIPMENT, including the placement of Supporting BUILDINGS or Supporting Equipment used in connection with the ABOVEGROUND UTILITY EQUIPMENT, in any industrial zoning district or the most intensive commercial zoning district provided in this Ordinance.
 2. The Zoning Administrator may approve the location of ABOVEGROUND UTILITY EQUIPMENT on an existing ABOVEGROUND UTILITY EQUIPMENT Site consistent with the terms of subsections 2.a and 2.b below.
 - a. ABOVEGROUND UTILITY EQUIPMENT on existing STRUCTURES. Any ABOVEGROUND UTILITY EQUIPMENT which is not attached to any Supporting BUILDING or Supporting Equipment may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family STRUCTURE of eight (8) or more DWELLING units, provided:
 1. The ABOVEGROUND UTILITY EQUIPMENT does not extend more than five (5) feet above the highest point of the STRUCTURE;
 2. The ABOVEGROUND UTILITY EQUIPMENT complies with all applicable state and/or federal regulations; and

3. The ABOVEGROUND UTILITY EQUIPMENT complies with all applicable BUILDING, electrical and other construction codes.

b. ABOVEGROUND UTILITY EQUIPMENT on existing ABOVEGROUND UTILITY EQUIPMENT Sites. ABOVEGROUND UTILITY EQUIPMENT which is to be attached to an existing ABOVEGROUND UTILITY EQUIPMENT Site may be approved by the Zoning Administrator. To minimize adverse visual impacts associated with the proliferation and clustering of ABOVEGROUND UTILITY EQUIPMENT, collocation of ABOVEGROUND UTILITY EQUIPMENT by more than one (1) Utility Service Provider on existing ABOVEGROUND UTILITY EQUIPMENT Sites shall take precedence over the construction of new ABOVEGROUND UTILITY EQUIPMENT, provided such collocation is accomplished in a manner consistent with the following.

1. ABOVEGROUND UTILITY EQUIPMENT which is modified or reconstructed to accommodate the collocation of additional equipment shall be of the same type as the existing equipment, unless the Zoning Administrator allows reconstruction in another form.

2. ABOVEGROUND UTILITY EQUIPMENT may be modified or rebuilt to a taller height, not to exceed ten (10) feet over the equipment's existing height, to accommodate the collocation of additional equipment. This height change referred to in this subsection may only occur one time per each ABOVEGROUND UTILITY EQUIPMENT Site.

3. ABOVEGROUND UTILITY EQUIPMENT which is being rebuilt to accommodate the collocation of additional ABOVEGROUND UTILITY EQUIPMENT may be moved onsite within fifty (50) feet of its existing location. However, after the equipment is rebuilt to accommodate collocation, only

one (1) ABOVEGROUND UTILITY EQUIPMENT may remain on the site. The relocation of equipment pursuant to this subsection shall not be deemed to cause a violation of the following Section.

c. The Zoning Administrator may approve the location of new ABOVEGROUND UTILITY EQUIPMENT, provided a licensed professional engineer certifies the ABOVEGROUND UTILITY EQUIPMENT can structurally accommodate the number of shared users proposed by the applicant; the Zoning Administrator concludes the ABOVEGROUND UTILITY EQUIPMENT is in conformity with the goals set forth in the first Section of this Chapter and with the General requirements of Section 14D.07.A; and the equipment meets the following height and usage criteria:

- (1) For a single Utility Service Provider, up to twenty-five (25) feet in height;
- (2) For two Utility Service Providers, up to thirty-five (35) feet in height; and
- (3) For three or more Utility Service Providers users, up to forty-five (45) feet in height.

d. The Zoning Administrator may approve the location of alternative ABOVEGROUND UTILITY EQUIPMENT in a zoning district if, in the judgment of the Zoning Administrator, the alternative ABOVEGROUND UTILITY EQUIPMENT Site conforms with the goals set forth in this Chapter.

SECTION 14D.08 SPECIAL USE PERMITS.

A. General: The following provisions shall govern the issuance of SPECIAL USE permits by the Planning Commission for ABOVEGROUND UTILITY EQUIPMENT.

1. If the ABOVEGROUND UTILITY EQUIPMENT is not a permitted use by right or permitted administratively (i.e. pursuant to either of the two preceding Sections of this Chapter), then a SPECIAL USE PERMIT shall be required for the construction of ABOVEGROUND UTILITY EQUIPMENT in any zoning district.

2. Applications for SPECIAL USE permits under this Section shall be subject to the SPECIAL USE procedures and requirements of this Ordinance, except as modified in this Section.

In granting a SPECIAL USE PERMIT, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed ABOVEGROUND UTILITY EQUIPMENT on adjoining properties.

Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Such an engineer shall certify that the ABOVEGROUND UTILITY EQUIPMENT will be structurally sound and will comply with all applicable BUILDING, electrical and other construction code requirements.

An applicant for a SPECIAL USE PERMIT shall submit the information described in this Section and a non-refundable fee as established by resolution of the Township Board to reimburse the Township for the costs of reviewing the application.

B. Processing SPECIAL USE Applications:

1. Information required. In addition to any information required for applications for SPECIAL USE permits pursuant to this Ordinance, applicants for a SPECIAL USE PERMIT for ABOVEGROUND UTILITY EQUIPMENT shall submit the following information.

- a. A scaled site plan clearly indicating the appearance, location, type and height of the proposed ABOVEGROUND UTILITY EQUIPMENT, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master land use plan classification of the site and all properties within three hundred (300) yards from the boundaries of the site, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed ABOVEGROUND UTILITY EQUIPMENT and any other STRUCTURES, topography, PARKING, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this Ordinance.
- b. Legal description of the ABOVEGROUND UTILITY EQUIPMENT Site and the leased portion of the ABOVEGROUND UTILITY EQUIPMENT Site (if applicable), together with a copy of the deed or lease pertaining to that ABOVEGROUND UTILITY EQUIPMENT Site.
- c. The setback distance between the proposed ABOVEGROUND UTILITY EQUIPMENT and the nearest DWELLING, platted residentially zoned properties, and unplatted residentially zoned properties.
- d. The identity of the type of construction of the existing

ABOVEGROUND UTILITY EQUIPMENT as well as the owner/operator of the existing ABOVEGROUND UTILITY EQUIPMENT, if known.

- e. A landscape plan showing specific landscape materials.
- f. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
- g. A description of compliance with the requirements of the General requirements of Section 14D.07.A, as well as with the requirements of this Section, and with all applicable federal, state, county or Township laws, rules, regulations and ordinances.
- h. A notarized statement by the applicant as to whether construction of ABOVEGROUND UTILITY EQUIPMENT will accommodate collocation of additional equipment for future users.
- i. A description of the suitability for the use of existing ABOVEGROUND UTILITY EQUIPMENT or other STRUCTURES or alternative technology not requiring the use of ABOVEGROUND UTILITY EQUIPMENT or other STRUCTURES to provide the services to be provided through the use of the proposed new ABOVEGROUND UTILITY EQUIPMENT.
- j. A description of the anticipated location(s) of

future ABOVEGROUND UTILITY EQUIPMENT within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed ABOVEGROUND UTILITY EQUIPMENT is erected.

2. Factors Considered in Granting SPECIAL USE Permits for ABOVEGROUND UTILITY EQUIPMENT. In addition to any other standards for consideration of SPECIAL USE PERMIT applications pursuant to this Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a SPECIAL USE PERMIT under this Chapter, although the Planning Commission may waive or reduce the burden on the applicant for one (1) or more of these criteria if the Planning Commission concludes that the goals of this Ordinance are better served thereby:
 - a. Height of the proposed ABOVEGROUND UTILITY EQUIPMENT;
 - b. Proximity of the ABOVEGROUND UTILITY EQUIPMENT to residential STRUCTURES and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the ABOVEGROUND UTILITY EQUIPMENT, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress; and

proposed ABOVEGROUND UTILITY
EQUIPMENT.

- d. The fees, costs, or contractual provisions required by the owner in order to share any existing ABOVEGROUND UTILITY EQUIPMENT or other STRUCTURE or to adapt existing equipment or other STRUCTURE for sharing are unreasonable.
 - e. The applicant demonstrates that there are other limiting factors that render existing equipment and other STRUCTURES unsuitable.
 - f. The applicant demonstrates that an alternative technology that does not require the use of ABOVEGROUND UTILITY EQUIPMENT or other STRUCTURES is unsuitable. Costs of alternative technology that exceed new ABOVEGROUND UTILITY EQUIPMENT development shall not be presumed to render the technology unsuitable.
4. Security Fencing. ABOVEGROUND UTILITY EQUIPMENT Sites shall be enclosed by security fencing, appropriate anti-climbing devices, and/or danger and no trespassing SIGNS as required by applicable state and federal laws or regulations or as required by the Planning Commission.
5. Landscaping. The Planning Commission may require the following landscaping surrounding ABOVEGROUND UTILITY EQUIPMENT Sites for which a SPECIAL USE PERMIT is required. The required landscaping shall be maintained for the duration of the SPECIAL USE PERMIT.
- a. A buffer of plant materials shall be maintained that effectively screens the view of the equipment compound from property then used for

DWELLINGS, single-family or two-family or multi-family, or included in a residential zoning district. A landscaped strip at least six (6) feet wide outside the perimeter of the ABOVEGROUND UTILITY EQUIPMENT Site shall be considered a standard buffer.

- b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as ABOVEGROUND UTILITY EQUIPMENT Sites located on large wooded lots, the Planning Commission may conclude that natural growth around the property perimeter may be a sufficient buffer.

SECTION 14D.09 ABOVEGROUND UTILITY EQUIPMENT MOUNTED ON STRUCTURES OR ROOFTOPS. Any equipment cabinet or STRUCTURE used in association with ABOVEGROUND UTILITY EQUIPMENT shall comply with the following requirements.

- A. The cabinet or STRUCTURE shall not contain more than twenty (20) square feet of gross FLOOR AREA or be more than five (5) feet in height.
- B. If the ABOVEGROUND UTILITY EQUIPMENT is located on the roof of a BUILDING, the area of the ABOVEGROUND UTILITY EQUIPMENT shall not occupy more than ten (10) percent of the roof area.
- C. ABOVEGROUND UTILITY EQUIPMENT Supporting BUILDINGS and/or cabinets containing ABOVEGROUND UTILITY EQUIPMENT shall comply with all applicable BUILDING codes.

SECTION 14D.10 REMOVAL OF ABANDONED ABOVEGROUND UTILITY EQUIPMENT. Notwithstanding anything to the contrary in this Ordinance, any ABOVEGROUND UTILITY EQUIPMENT that is not operated for a continuous period of six (6) months shall be considered abandoned, and

the owner of such ABOVEGROUND UTILITY EQUIPMENT shall remove it within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove abandoned ABOVEGROUND UTILITY EQUIPMENT within those ninety (90) days shall be grounds for the Township to proceed under applicable State of Michigan law to remove the ABOVEGROUND UTILITY EQUIPMENT at the owner's expense. If there are two (2) or more users of a single item of ABOVEGROUND UTILITY EQUIPMENT, then this provision shall not become effective until all users cease using the ABOVEGROUND UTILITY EQUIPMENT .

SECTION 14D.11 NONCONFORMING USES. ABOVEGROUND UTILITY EQUIPMENT that is constructed and installed in accordance with the provisions of this Chapter shall not be deemed to constitute the expansion of a nonconforming use or STRUCTURE.

SECTION 14D.12 INTEGRATION.

- A. Existing Franchises. The provisions of this Chapter shall govern the placement, utilization and removal of ABOVEGROUND UTILITY EQUIPMENT within the Township so long as such provisions are not in conflict with any duly authorized and executed franchise agreement existing as of the effective date of this Chapter. If any provision of this Chapter is found to be in conflict with such duly authorized and executed franchise agreement in existence at the effective date of this Chapter, the terms of the franchise agreement shall govern only to the extent of the conflict.

- B. Future Franchises. Subsequent to the effective date of this Chapter, all franchise agreements shall be subordinate to the terms of this Chapter.