

**TOWNSHIP OF BRILEY**  
**COUNTY OF MONTMORENCY, STATE OF MICHIGAN**

**ELECTRONIC DATA TRANSMISSION  
TOWER REGULATION  
ORDINANCE #01-03-19**

**AN ORDINANCE TO PROVIDE A TITLE FOR THE ORDINANCE; TO REQUIRE THAT ELECTRONIC DATA TRANSMISSION/RECEPTION TOWERS BE INSURED; TO REQUIRE ELECTRONIC DATA TRANSMISSION/RECEPTION TOWERS TO OBTAIN ZONING PERMITS BEFORE INSTALLATION; TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH AND TO PROVIDE AN EFFECTIVE DATE.**

**THE TOWNSHIP OF BRILEY, MONTMORENCY COUNTY, MICHIGAN ORDAINS**

**Section I: Title and Definition**

**This ordinance shall be known and may be cited as the Briley Township Regulation of cell towers ordinance. All electronic data transmission/reception towers are commercial entities.**

**Section II: All electronic data transmission/reception towers constructed in Briley Township after the effective date of this ordinance will be required to obtain a zoning permit and insurance.**

**Section III: If the electronic data transmission/reception tower is to be in an area that is not zoned commercial the owner must get a variance.**

**Section IV: The owners of all electronic data transmission/reception towers currently in Briley Township will give the Briley Township Zoning Administrator a description of the location of the electronic data transmission/reception tower that describes its location and height and a current certificate of insurance on the tower.**

**SECTION V: Violations and Penalties**

**A. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance shall be deemed to be responsible for the violation for a municipal civil infraction as defined by Section 113 of the Revised**

Judicature Act of 1961, being Michigan Public Act 236 of 1951, as amended (“Public Act 236”)

- B. The Briley Township Supervisor, the Briley Township Zoning Administrator and Briley Township officials and employees as may be authorized by the Township Board of Trustees are *authorized to administer and enforce* this ordinance and issue municipal civil infraction citations.
- C. A municipal civil infraction action may be commenced upon the issuance of a citation by an authorized local official directing the defendant to appear in court.
- D. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a Five Hundred (\$500.00) Dollar fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.
- E. A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed Five Hundred (\$500.00) Dollars, plus costs, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct or indirect, to which the township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the township
- F. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236.
- G. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of Public Act 236 within the time prescribed by the court, the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 or Public Act 236, 12 applicable.
- H. Each day on which any violation of this ordinance continues constitutes a separate offense, and the *offender shall be subject to the applicable fine, costs, penalties and sanctions for each separate offence.*
- I. In addition to any remedies available by law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance.

#### SECTION V: SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**SECTION VI: REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION VII: EFFECTIVE DATE**

This ordinance shall take effect 30 days after its publication as required by law.

**SECTION VIII: PUBLICATION; RECORDATION; AUTHENTICATION**

This ordinance shall be published once, in full, in a newspaper of general circulation with the boundaries of Briley Township, and qualified under state law to publish legal notices, within 30 days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Clerk shall authenticate this ordinance by placing his official signature upon the ordinance.

This ordinance can be inspected, or a copy can be purchased at the Briley Township office.

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Ed Comber, Clerk  
Briley Township, Atlanta, MI