

LYNDON TOWNSHIP

ORDINANCE NO. 2018-01A

FIRST AMENDMENT TO MUNICIPAL BROADBAND ORDINANCE

This is an ordinance to protect the public health, safety and welfare by amending the Lyndon Township Municipal Broadband Ordinance (the "Broadband Ordinance") in accordance with applicable laws. The Township has determined that the Broadband Ordinance shall be amended as provided herein.

THE TOWNSHIP OF LYNDON ORDAINS:

SECTION 1. AMENDMENT OF SECTION II (Purpose And Preamble).

Paragraph 1 of Section II (Purpose and Preamble) of the Broadband Ordinance is hereby amended to read in its entirety as follows:

1. The Township desires to construct infrastructure within the public rights-of-way and outside of the public rights-of-way utilizing existing easements or with the consent of the owner(s) of the property for the purpose of providing broadband internet access transport services in accordance with the METRO Act and the Michigan Telecommunications Act. The Township deems its broadband internet access transportation services ("broadband services") to be essential Township services for the use and benefit of its residents and a publicly owned utility for the sole purposes of utilizing existing easements permitting the installation of essential services or utilities within the public rights-of-way or outside of the public rights-of-way.

SECTION 2. SEVERABILITY

If any part of this Ordinance is declared invalid, that invalidation will not affect the remainder of this Ordinance.

SECTION 3. REPEALER

Except as otherwise expressly amended by this Ordinance, all other provisions of the Broadband Ordinance shall remain in full force and effect. All ordinances or parts of ordinances which conflict with this Ordinance are repealed, but only to the extent necessary to give this Ordinance full force and effect.

SECTION 4. EFFECTIVE DATE

This Ordinance does not impose a sanction for violation and is effective the day following the date of publication of this Ordinance or a summary of this Ordinance in a newspaper of general circulation within the Township as provided by law.

ADOPTED:

YEAS: Robert Mester, John Francis, Marc Keezer, Mary Jane Maze, Linda Reilly

NAYS: None

STATE OF MICHIGAN)
) ss
WASHTENAW COUNTY)

I, Linda Reilly, the duly elected clerk for Lyndon Township, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance adopted at a meeting of the Lyndon Township Board on August 14, 2018, and that the ordinance or a summary of the ordinance was published in the Sun Times News on the 29th day of August, 2018.


Linda Reilly, Township Clerk

22326:00013:3797332-2

LYNDON TOWNSHIP BOARD

RESOLUTION NO. 18-05

**RESOLUTION TO ADOPT FIRST AMENDMENT TO ORDINANCE NO. 2018-01,
MUNICIPAL BROADBAND ORDINANCE**

At a meeting of the Township Board of Lyndon Township, Washtenaw County, Michigan, held at the Township Hall in the Township on August 14, 2018 at 7:00 p.m.

PRESENT: Robert Mester, John Francis, Marc Keezer, Linda Reilly, Mary Jane Maze

ABSENT: None

The following preamble and resolution was offered by Keezer and seconded by Reilly.

WHEREAS, the Township desires to construct infrastructure within the public rights-of-way and outside of the public rights-of-way with the consent of the owner(s) of the property for the provision of broadband internet access transport services for the benefit of the residents of the Township, in accordance with the Michigan Telecommunications Act, Act 179 of 1991, MCL 484.2101 *et seq.* and the Metropolitan Extension Telecommunications Right-Of-Way Act, Act 48 of 2002, MCL 484.3101 *et seq.* (the "Acts"); and

WHEREAS, the Township properly adopted a Municipal Broadband Ordinance, No. 2018-01, with an effective date of July 26, 2018 ("Ordinance 2018-01"); and

WHEREAS, the Acts authorize the Township to adopt ordinances regulating the public health, safety and general welfare of persons and property by establishing regulations governing access to and use of the Township's broadband internet access transport services (the "broadband services"); and

WHEREAS, the Township Board wishes to amend Ordinance 2018-01 to clarify that the broadband services provided by the Township are essential services and a public utility for purposes of utilizing easements within and outside of the public rights-of-way in the Township; and

WHEREAS, the Township has considered a proposed amended ordinance, and has determined that it is in the best interests of the public health, safety and welfare to adopt an amendment to Ordinance 2018-01.

NOW, THEREFORE, the Township Board of the Township of Lyndon resolves as follows:

1. Ordinance No. 2018-01A, "First Amendment to Municipal Broadband Ordinance," attached as **Exhibit A**, is hereby adopted (the "First Amendment to Ordinance").

2. The First Amendment to Ordinance shall be filed with the Township Clerk.

3. The Township Clerk shall either publish a true copy of the First Amendment to Ordinance or a Notice of Adoption with a summary of the First Amendment to Ordinance, attached as **Exhibit B**, in a newspaper of general circulation in the Township within 30 days after adoption. The First Amendment to Ordinance does not impose a sanction and shall be effective the day following the date of publication of the First Amendment to Ordinance or a Notice of Adoption with a summary of the First Amendment to Ordinance.

4. Any and all resolutions that are in conflict with this Resolution are hereby repealed upon the effective date of the First Amendment to Ordinance, but only to the extent necessary to give this Resolution full force and effect.

YEAS: Mester, Francis, Keezer, Maze, Reilly

NAYS: None

STATE OF MICHIGAN)
)
COUNTY OF WASHTENAW)

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Lyndon, Washtenaw 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 meeting held on the 14th day of August, 2018.



Linda Reilly, Lyndon Township Clerk

EXHIBIT A

LYNDON TOWNSHIP

ORDINANCE NO. 2018-01A

FIRST AMENDMENT TO MUNICIPAL BROADBAND ORDINANCE

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THE TOWNSHIP OF LYNDON ORDAINS:

SECTION 1. AMENDMENT OF SECTION II (Purpose And Preamble).

Paragraph 1 of Section II (Purpose and Preamble) of the Broadband Ordinance is hereby amended to read in its entirety as follows:

1. The Township desires to construct infrastructure within the public rights-of-way and outside of the public rights-of-way utilizing existing easements or with the consent of the owner(s) of the property for the purpose of providing broadband internet access transport services in accordance with the METRO Act and the Michigan Telecommunications Act. The Township deems its broadband internet access transportation services ("broadband services") to be essential Township services for the use and benefit of its residents and a publicly owned utility for the sole purposes of utilizing existing easements permitting the installation of essential services or utilities within the public rights-of-way or outside of the public rights-of-way.

SECTION 2. SEVERABILITY

If any part of this Ordinance is declared invalid, that invalidation will not affect the remainder of this Ordinance.

SECTION 3. REPEALER

Except as otherwise expressly amended by this Ordinance, all other provisions of the Broadband Ordinance shall remain in full force and effect. All ordinances or parts of ordinances which conflict with this Ordinance are repealed, but only to the extent necessary to give this Ordinance full force and effect.

SECTION 4. EFFECTIVE DATE

This Ordinance does not impose a sanction for violation and is effective the day following the date of publication of this Ordinance or a summary of this Ordinance in a newspaper of general circulation within the Township as provided by law.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
WASHTENAW COUNTY)

I, Linda Reilly, the duly elected clerk for Lyndon Township, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance adopted at a meeting of the Lyndon Township Board on August 14, 2018, and that the ordinance or a summary of the ordinance was published in the _____ on the _____ day of _____, 2018.

Linda Reilly, Township Clerk

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