

**113.000 UTILITY LINE ORDINANCE**  
**Ord. No. 1992-12**  
**Adopted: November 11, 1992**

An Ordinance to regulate the use of above ground utility lines in the Charter Township of Union, Isabella County, Michigan.

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN, ORDAINS:

**113.001 Title.**

Sec. I. This Ordinance shall be known as the "Underground Utility Line Ordinance."

**113.002 Purpose.**

Sec. II. The purpose of this Ordinance is to regulate and control the location of utility lines within an area of Union Township known as the East Downtown Development District along the Pickard Road right-of-way extending from the city limits of Mt. Pleasant east to Summerton Road, in order to promote the public safety, health, and general welfare.

**113.003 Authority.**

Sec. III. This Ordinance is enacted pursuant to the authority granted by MCLA 41.181 and 41.184, as amended, which authorizes township boards to adopt ordinances to secure the public health, safety, and general welfare.

**113.004 Underground utility lines.**

**113.004.1 [Definition.]**

Sec. IV.

Sec. 1. *Poles, overhead wires and associated structures* shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments, and appurtenances located above-ground and used or useful in supplying electric, communication or similar or associated service.

**113.004.2 Unlawful acts.**

Sec. 2. It shall be unlawful for any person, corporation, partnership, company, utility, or other such entity, to erect, construct, maintain, continue, employ or operate poles, overhead wires, and associated overhead structures in the area known as the East Downtown Development District along the Pickard Road right-of-way extending from the city limits of Mt. Pleasant east to Summerton Road after the effective date of this Ordinance.

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### **113.004.3 Exception, emergency or unusual circumstances.**

Sec. 3. Notwithstanding the provisions of this Ordinance, overhead facilities may be installed and maintained for a period, not to exceed ten days, without authority of the Township Ordinance Enforcement Officer in order to provide emergency service. The Township Ordinance Enforcement Officer may grant special permission, on such terms as are appropriate, in cases of emergency or unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

### **113.004.4 Other exceptions.**

Sec. 4. This Ordinance shall not apply to the following types of facilities:

- (a) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the Township Engineer.
- (b) Poles or lamps used exclusively for street lighting.
- (c) Overhead wires, exclusive of supporting structures, crossing through a district within which overhead wires have been prohibited when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.
- (d) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages not in excess of 34,500 volts.
- (e) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or extending from the building to another building without crossing any public street.
- (f) Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services.
- (g) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.
- (h) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.
- (i) Overhead wires originating from outside the district which connect to buildings on the perimeter of such district, provided such overhead wires shall not cross any street within the district.
- (j) This Ordinance shall also not apply to the following currently existing structures within Union Township in the East Downtown Development District along the Pickard Road right-of-way extending from the city limits of Mt. Pleasant east to Summerton Road:

One single-phase crossing.

Two open wye crossing three-phase.

Four closed wye crossing three-phase.

Seven secondary crossings.

One 46,000 volt sub. transmission crossing.

Six span guy crossings.

One center suspension streetlight.

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16 center suspension streetlight.

16 poles in M-20 right-of-way.

One center suspension support.

The overhang of one 46,000-volt wire on the north side of M-20 between Isabella Road and Belmont Drive.

The overhang of one three-phase distribution line starting at Summerton Road and running west on either side of M-20 to Pickard Street.

#### **113.004.5 [Exceptions.]**

Sec. 5. Should a public utility determine that they must build additional lines overhead and should that utility determine that they cannot require that cost to be borne by the utility's customers, then the Township Board shall have the option, upon request of the utility, [to make an exception] from the prohibitions of this Ordinance or to pay for the additional cost associated with placement of the line underground.

#### **113.005 Enforcement and penalties for failure to comply with this Ordinance.**

Sec. V. Any person who shall violate any of the terms of this Ordinance shall, upon conviction, be guilty of a misdemeanor and be subject to a fine of not more than \$500.00 or to imprisonment for a period of not more than 90 days, or both, plus costs of prosecution. Nothing contained in this Ordinance shall prevent the Township Board, public official, or private citizen from taking lawful action as is necessary to restrain or prevent any violation of this Ordinance.

#### **113.006 Severability.**

Sec. VI. The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

#### **113.007 Effective date; [repealer].**

Sec. VII. This Ordinance will take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.