

## Chapter 6

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# Wireless Communications Facilities

<b>16-6- 1</b>	Purpose
<b>16-6- 2</b>	Jurisdiction
<b>16-6- 3</b>	Definitions
<b>16-6- 4</b>	Applicability
<b>16-6- 5</b>	General Requirements
<b>16-6- 6</b>	Prohibitions
<b>16-6- 7</b>	District Requirements
<b>16-6- 8</b>	Performance Standards
<b>16-6- 9</b>	Permit Requirements
<b>16-6-10</b>	Transferability
<b>16-6-11</b>	Appeals
<b>16-6-12</b>	Severability
<b>16-6-13</b>	Enforcement and Penalties
<b>16-6-14</b>	Effective Date

### **Sec. 16-6-1 Purpose.**

The purposes of the regulations and requirements of this chapter are to:

- (a) Accommodate the communication needs of the residents and businesses while protecting the public health, safety and general welfare;
- (b) Facilitate the provision of wireless communication facilities through careful siting and design standards;
- (c) Minimize adverse visual effects of wireless communication facilities through careful siting and design standards;
- (d) Avoid potential damage to adjacent properties from the construction and operation of wireless communication facilities through structural standards and setback requirements; and
- (e) Maximize the use of existing and approved towers, buildings or structures to accommodate new wireless communication antennas to reduce the number of towers needed to serve the industry.

**SECTION 16-6-2 JURISDICTION.**

The jurisdiction of this Chapter shall be limited to the unincorporated areas of Columbia County, but shall not be in effect in any town until approved by the town board pursuant to Section 59.69, Wisconsin Statutes.

**SECTION 16-6-3 DEFINITIONS.**

- (a) **ANS/TIA/EIA.** American National Standard/Telecommunication Industry Association/Electronic Industrial Association.
- (b) **Antenna.** Any device or equipment used for the transmission or reception of electromagnetic waves, which may include omni-directional antenna (rod), directional antenna (panel) or parabolic antenna (disc).
- (c) **Applicant.** Any person, provider, firm, partnership or company who files an application for any permit required by this code for the construction, replacement, or alteration of a wireless communication facility or any component thereof.
- (d) **Collocation.** The location of more than one antenna or set of antennas of more than one government or commercial wireless communication service provider on the same tower structure.
- (e) **FAA.** Federal Aviation Administration.
- (f) **FCC.** Federal Communications Commission.
- (g) **Height.** The distance measured from ground level to the highest point on a tower or structure, including any antenna.
- (h) **High Power Transmission Line.** A 68 kv or greater electric transmission line with towers at least 75 feet in height.
- (i) **Rural Cluster.** Three or more contiguous parcels of land, each of which is under 35 acres in area, under separate ownership and contains a single family dwelling which may or may not be zoned Single Family Residence.
- (j) **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including guy towers, monopole towers and self-supporting lattice towers, including any support thereto.
- (k) **Tower Accessory Structure.** Any structure located at the base of a tower for housing base receiving or transmitting equipment.
- (l) **Wireless Communications.** Any personal wireless services as defined in the Federal Telecommunications Act of 1996, including FCC licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), global system of mobile communication (GSM), paging and similar services that currently exist or may be developed.
- (m) **Zoning Administrator.** The Director of Planning and Zoning or his or her designee.

**SECTION 16-6-4                    APPLICABILITY.**

- (a) Preexisting Towers and Antennas. Any tower or antenna for which a permit has been issued prior to the effective date of this chapter shall not be required to meet the requirements of this chapter, other than the requirements of Sections 16-6-5 (a), (b) and (f). Any addition or change to a preexisting tower or antenna shall comply with all applicable requirements of this chapter.
- (b) District Height Limitation. The requirements set forth in this chapter shall govern the design and siting of towers and antennas that exceed the height limitations specified for each zoning district under Chapter 16-1 (Zoning).
- (c) Amateur Radio; Receive-Only Antennas. This chapter shall not govern the installation of any tower or antenna that is owned and/or operated by a federally licensed amateur radio operator or is used exclusively for receive-only antennas. Commercial antennas attached to such a tower or any tower modification made for the purpose of accommodating such an antenna shall comply with all applicable requirements of this chapter.

**SECTION 16-6-5                    GENERAL REQUIREMENTS.**

- (a) All towers and antennas shall comply with all FCC and FAA rules and regulations.
- (b) Design and installation of all towers and antennas shall comply with the manufacturer' s specifications and with ANS/TIA/EIA standards. Plans shall be approved and stamped by a professional engineer registered in the state of Wisconsin.
- (c) Installation of all towers and antennas shall comply with all applicable state and local building and electrical codes.
- (d) For leased sites, written authorization for siting the wireless communication facilities from the property owner must be provided as set forth in Section 16-6-9 (d)(3).
- (e) All wireless communication facilities must be adequately insured for injury and property damage. Proof of insurance with the county named as an additional insured shall be provided. A letter of credit or bond in the amount of \$10,000 shall be filed with the County to provide for removal of a wireless communication facility and site restoration in the event that removal should be required.
- (f) All unused towers and antennas must be removed within 12 months of cessation of operation or use, unless a written exemption is provided by the Zoning Administrator. After the facilities are removed, the site shall be restored to its original condition or as close as possible, and anchoring elements shall be removed from the ground to within 4 feet of ground level. If removal and/or restoration is not completed within 90 days of the expiration of the 12 month period specified herein, the County is authorized to complete the removal and site restoration and the cost shall be assessed against the property as a special assessment.
- (g) Proposals to erect new towers and antennas shall be accompanied by any required federal, state or local agency licenses or applications for such licenses.
- (h) Only one tower is permitted on a parcel of land. Additional towers may be permitted with a conditional use permit if the additional tower is located within 200 feet of the existing tower and all other requirements of this chapter are met.
- (i) The monopole design is the preferred tower structure. Use of guy or lattice towers must be justified on the basis of collocation opportunities or specific structural requirements.

**SECTION 16-6-6 PROHIBITIONS.**

- (a) No tower shall be over 300 feet in height.
- (b) No tower may be installed on a parcel within a major subdivision created for residential purposes or within an area designated for future residential development in an adopted town or county land use plan.
- (c) No advertising message or sign shall be affixed to any tower or antenna.
- (d) Towers and antennas shall not be artificially illuminated unless required by FCC or FAA regulations.
- (e) No part of any tower or antenna shall extend across or over any right-of-way, public street, highway, sidewalk or property without written permission of the controlling authority.
- (f) No part of any tower or antenna, except for guy wires and anchors, shall extend beyond the fenced enclosure required under Section 16-6-8 (e)(1).
- (g) No temporary mobile communication sites are permitted except in the case of equipment failure, equipment testing, equipment replacement, or in the case of an emergency situation authorized by the Zoning Administrator. Use of temporary mobile communication sites for testing purposes shall be limited to 7 working days, and the use of temporary mobile communication sites for equipment failure, equipment replacement, or in case of emergency situations, shall be limited to 30 days, unless extended in writing by the Zoning Administrator.

**SECTION 16-6-7 DISTRICT REQUIREMENTS.**

- (a) Commercial, Highway Interchange and Industrial Districts.
  - (1) The following are permitted with a zoning permit from the Zoning Administrator issued under this chapter and Section 16-1-14:
    - a. Antennas attached to an existing tower or structure and not extending more than 20 feet above the highest point of the tower or structure.
    - b. A tower within the easement of a high power transmission line or within 50 feet of the transmission line easement on the same side of the road up to a maximum height of 200 feet.
  - (2) The following are permitted with a conditional use permit issued under this chapter and Section 16-1-18:
    - a. Antennas attached to an existing tower or structure extending more than 20 feet above the highest point of the tower or structure.
    - b. Any new tower to a maximum of 300 feet.
- (b) Agricultural and Agricultural No. 2 Districts.
  - (1) The following are permitted with a zoning permit from the Zoning Administrator issued under this chapter and Section 16-1-14:
    - a. Antennas attached to an existing tower or structure and not extending more than 20 feet above the highest point of the tower or structure.
    - b. A tower within the easement of a high power transmission line or within 50 feet of the transmission line easement on the same side of the road up to a maximum height of 200 feet.

- (2) The following are permitted with a conditional use permit issued under this chapter and Section 16-1-18:
  - a. Antennas attached to an existing tower or structure extending more than 20 feet above the highest point of the tower or structure.
  - b. Any new tower to a maximum height of 300 feet.
- (c) Single Family Residence, Multiple Family Residence, Recreation and Marina Districts.
  - (1) The following are permitted with a zoning permit issued under this chapter and Section 16-1-14:
    - a. Antennas attached to an existing tower or structure that is not accessory to a residential use and not extending more than 20 feet above the highest point of the tower or structure.
  - (2) The following are permitted with a conditional use permit issued under this chapter and Section 16-1-18:
    - a. A tower within the easement of a high power transmission line or within 50 feet of the transmission line easement on the same side of the road up to a maximum height of 200 feet.
  - (3) No other towers or antennas are permitted in these districts.
- (d) Shoreland and Floodplain Districts.
  - (1) The following are permitted with a conditional use permit issued under this chapter and Section 16-1-18:
    - a. Antennas attached to an existing tower or structure and not extending more than 20 feet above the highest point of the tower or structure.
  - (2) No other towers or antennas are permitted in these districts.

**SECTION 16-6-8                      PERFORMANCE STANDARDS.**

- (a) General. Except as provided in this chapter, all wireless communication facilities shall meet the dimensional standards of the zoning district in which they are located. Where the facilities are the principal use on a separate parcel, the parcel shall meet the minimum lot size requirements of the respective zoning district. On a parcel of land that already has a principal use, the facilities shall be considered as an accessory use and a smaller area of land may be leased provided that all requirements of this chapter can be met.
- (b) Setbacks and Separation.
  - (1) Generally, tower structures shall be set back from the nearest property line a distance equal to the height of the tower. This setback may be reduced to one-half the height of the tower if the applicant submits a report stamped by a professional engineer registered in the state of Wisconsin that certifies that the tower is designed and engineered to collapse upon failure within the distance from the tower to the property line. Other setback reductions, to the minimum required by the applicable zoning district, may be had by obtaining the written agreement of the adjacent property owner.
  - (2) Towers shall not be located within 500 feet of any residence other than the residence on the parcel on which the tower is to be located.

- (3) When located on contiguous lands also containing the residence of the owner of the property, the setback from any single family residence on adjacent property shall be no less than that from the residence of the owner of the property on which the tower is to be located, unless it can be shown that this section would preclude any tower meeting the applicant's needs from being located on said lands. For the purpose of this chapter, contiguous lands shall include adjacent parcels separated by a public highway, whether dedicated or by easement.
  - (4) Towers shall not be located within 1,000 feet of any single family dwelling within a rural cluster as defined by this chapter or a platted subdivision. This standard shall not apply when either the rural cluster or the proposed tower site are zoned Commercial, Highway Interchange or Industrial.
- (c) Collocation/Sharing of Facilities.
- (1) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any of the following conditions:
    - a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
    - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
    - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
    - d. The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing tower or structure would cause interference with the applicant's proposed system.
    - e. The fees, cost, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs are considered reasonable if they conform to contractual terms standard in the industry or do not exceed the cost of new tower development.
    - f. The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.
  - (2) New towers shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least 2 additional users, and shall be capable of being extended to a minimum height of 190 feet or the FAA allowed maximum for the site. Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different heights.
  - (3) The holder of a permit for a tower shall allow collocation for at least 2 additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means, with the cost to be shared by the holder of the permit and the proposed additional user) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.

- (d) Screening and Landscaping. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped and maintained with a buffer of plant materials that effectively screens the view of all tower accessory structures, equipment and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the governing authority. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible or replaced with vegetative screening meeting the intent of this section.
- (e) Security Fencing, Lighting and Signs.
  - (1) All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to 12 feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of a 6 feet high chain link fence with locked gate.
  - (2) Security lighting for on-ground facilities and equipment is permitted, as long as it is down shielded to keep light within the boundaries of the site.
  - (3) Signs shall be mounted on the fenced enclosure, on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and/or unauthorized climbing of the tower, and identifying the owner of the tower and telephone number for contact in case of emergency.
- (f) Color and Materials.
  - (1) All towers, antennas and accessory structures shall use building materials, colors, textures, screening and landscaping that blend the facilities with the surrounding natural features and built environment to the greatest extent possible. The tower shall be a color that minimizes visibility unless otherwise required by FAA or FCC regulations.
  - (2) All metal towers shall be constructed or treated with corrosion resistant material.
- (g) Parking and Access. Adequate parking spaces shall be provided on each site so that parking on public road right-of-way will not be necessary. Additional parking may be required by the governing authority if the minimum parking proves to be inadequate. Access must be provided by a gated, all-weather gravel or paved driveway.

**SECTION 16-6-9 PERMIT REQUIREMENTS.**

- (a) The construction or installation of any wireless communication facilities requires a zoning permit or conditional use permit under this ordinance.
- (b) Zoning Permits. Uses and facilities permitted under this chapter may be authorized by the Zoning Administrator upon the submittal and approval of a properly completed application for a zoning permit under this section and Section 16-1-13. Execution of the permit to be initiated within 180 days of approval.

- (c) Conditional Use Permits. Uses and facilities requiring a conditional use permit under this chapter may be authorized by the Board of Adjustment upon the submittal and approval of a properly completed application for a conditional use permit under this section and Section 16-1-16.
- (d) Applications. In addition to the application requirements of Sections 16-1-13 and 16-1-16, all applications for zoning permits or conditional use permits for new wireless communication facilities shall include the following information:
  - (1) A report stamped by a professional engineer registered in the state of Wisconsin and other professionals which:
    - a. Certifies that a detailed engineering soils report has been completed and that the design of the tower foundation is based on that report.
    - b. Describes the tower height and design, including a cross section, elevation and foundation design.
    - c. Certifies the facility's compliance with structural and electrical standards.
    - d. Describes the tower's capacity, including the potential number and type of antennas that it can accommodate.
    - e. Identifies the location of all sites that were considered as possible alternates to the site being applied for.
    - f. Describes the lighting and/or painting to be placed on the tower if required by the FCC or FAA.
    - g. Certifies that the applicant or tenant has a valid license from the FCC to operate the proposed facilities, and identifies both the class of the license and the license holder.
    - h. Describes how the requirements and standards of this chapter will be met by the proposed facilities.
  - (2) Each application shall include a facility plan. The County will maintain an inventory of all existing and proposed wireless communication site installations and all providers shall provide the following information in each plan. The plan must be updated with each submittal as necessary.
    - a. Written description of the type of consumer services each provider will provide to its customers (cellular, PCS, SMR, ESMR, paging or other anticipated wireless communication services).
    - b. Provide a list of all existing sites, existing sites to be upgraded or replaced, and proposed telecommunication sites within the County for these services to be provided by the provider.
    - c. Provide a map which shows the geographic service areas of the existing and proposed telecommunication sites in the County and the nearest sites in adjacent counties.
  - (3) Landowner acknowledgment. Written acknowledgment by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the zoning permit or conditional use permit, including the restoration and reclamation requirements of Section 16-6-5 (f) of this chapter. Such acknowledgment shall be made applicable to all successors, heirs and assignees.

- (4) Additional Information and Analysis.
  - a. The Zoning Administrator or Board of Adjustment may, at his/her or its discretion, require visual impact demonstrations, including mock-ups and/or photo montages, screening and painting plans, network maps, alternative site analysis, lists of other nearby wireless communication facilities, or facility design alternatives for the proposed facilities.
  - b. The Zoning Administrator or Board of Adjustment may employ, on behalf of the County, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the reasonable costs of such review and/or independent analysis.
- (5) Existing Tower/New Antenna. Applications for a zoning permit to add a new antenna to an existing tower or structure shall be subject to the requirements of par. (d)(2) of this section.

**SECTION 16-6-10 TRANSFERABILITY.**

All permits issued under this chapter shall be transferable, and all subsequent holders of such permits shall be subject to all applicable requirements of this chapter and any permit conditions that may exist. Written notice shall be made to the Zoning Administrator within 30 days of such transfer.

**SECTION 16-6-11 APPEALS.**

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Columbia County affected by any decision of the Zoning Administrator as provided for by Section 16-1-16 (c).

**SECTION 16-6-12 SEVERABILITY.**

If any portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

**SECTION 16-6-13 ENFORCEMENT AND PENALTIES.**

- (a) The provisions of this chapter shall be enforced under the direction of the County Board of Supervisors, through the Planning and Zoning Committee, the Planning and Zoning Department and County law enforcement officers. Any person, firm, company or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be subject to a forfeiture as listed in the Penalty Section in Title 1, Chapter 2. Each day of violation shall constitute a separate offense.
- (b) Compliance may be enforced by injunctive order at the suit of the County or the owner or owners of land affected by the provisions of this chapter.
- (c) The Zoning Administrator or his or her designee may enter property at any reasonable time to conduct inspections to determine if all provisions of this chapter have been met.

**SECTION 16-6-14            EFFECTIVE DATE.**

This ordinance shall become effective upon its adoption by the Columbia County Board of Supervisors and subsequent adoption by the town boards as provided for by Section 59.69, Wisconsin Statutes.

The following townships have adopted this Ordinance. The date verification of the township's adoption was received by the Columbia County Clerk is as indicated.

- |      |                |                                  |
|------|----------------|----------------------------------|
| (1)  | Arlington      | August 24, 1998                  |
| (2)  | Caledonia      | August 18, 1998                  |
| (3)  | Dekorra        | July 23, 1998                    |
| (4)  | Fort Winnebago | October 6, 1998                  |
| (5)  | Leeds          | September 24, 1998               |
| (6)  | Lewiston       | July 10, 1998                    |
| (7)  | Lodi           | July 31, 1998                    |
| (8)  | Lowville       | August 18, 1998                  |
| (9)  | Newport        | August 18, 1998                  |
| (10) | Otsego         | July 10, 1998                    |
| (11) | Pacific        | August 31 and September 14, 1998 |
| (12) | Springvale     | September 21, 1998               |
| (13) | West Point     | August 11, 1998                  |