

COUNTY OF IOWA, WISCONSIN AMENDATORY ORDINANCE NO. 3-1004

WHEREAS, the United States Congress adopted the 1996 Federal Communications Act, which encourages the growth of telecommunications industry through deregulation, while confirming local government's ability to regulate the installation of Personal Communication Services "PCS", wireless communication facilities and related telecommunication facilities for reasons of health, safety and aesthetics; and,

WHEREAS, the Iowa County Board adopted the Iowa County Telecommunications Tower, Antenna and Facilities Siting Ordinance in 2001; and

WHEREAS, Iowa County is near completion of a Comprehensive Planning process that requires coordination of implementation ordinances; and,

WHEREAS, the Iowa County Zoning, Planning, Sanitation and Rural Planning Commission is recommending amendments to said ordinance in order to coordinate with said Comprehensive Planning; and,

WHEREAS, the proposed ordinance amendments were considered by the Commission at public hearing on Aug. 18, 2004 and Sept, 22, 2004; and,

NOW THEREFORE BE IT RESOLVED, the Iowa County Zoning, Planning, Sanitation and Rural Planning Commission hereby recommends the amended Iowa County Telecommunications Tower, Antenna and Facilities Siting Ordinance, hereby attached, for adoption to the Iowa County Board of Supervisors.



Jacob Ehr, Chair



Curt Peterson, Vice Chair



John Lind



Diane McGuire



Dale Theobald

Dated: November 9, 2004

(recommended for approval by Committee 9/22/04)

Telecommunications Tower, Antenna, and Facilities Siting Ordinance of Iowa County, Wisconsin

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COUNTY OF IOWA, WISCONSIN ORDINANCE NO. _____

~~AN ORDINANCE ESTABLISHING REGULATIONS AND STANDARDS FOR THE PROCESSING OF TELECOMMUNICATIONS TOWER, ANTENNA AND FACILITIES WITHIN IOWA COUNTY, WISCONSIN EXCLUDING INCORPORATED CITIES, VILLAGES AND THOSE AREAS OF EXTRATERRITORIAL ZONING JURISDICTION.~~

~~WHEREAS, the United States Congress adopted the 1996 Federal Communications Act, which encourages the growth of the telecommunications industry through deregulation, while confirming local government's ability to regulate the installation of Personal Communication Services "PCS", wireless communication facilities, and related telecommunication facilities for reasons of health, safety and aesthetics; and,~~

~~WHEREAS, the Iowa County Board anticipates that there will be inquiries regarding applications for the installation and operation of telecommunication tower, antennas and related facilities; and,~~

~~WHEREAS, the proposed ordinance was considered by the Iowa County Board at a duly noticed public hearing on, _____ 2001~~

~~NOW, THEREFORE BE IT RESOLVED, the Iowa County Board ordains as follows:~~

~~The Iowa County Board hereby adopts the following regulations:~~

~~THE IOWA COUNTY TELECOMMUNICATIONS TOWER, ANTENNA AND FACILITIES SITING ORDINANCE~~

~~shall apply to provide development standards relating to specific types of telecommunication tower, antenna and facilities.~~

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1.00 Purpose and Intent. The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the development and installation of telecommunication and related facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of Iowa County as set forth within the goals, objectives and policies of the Iowa County Zoning Ordinance, to encourage managed development of telecommunications infrastructure, while at the same time not unduly restricting the development of needed telecommunications facilities.

It is intended that the County shall apply these regulations to accomplish the following:

- (1) Minimize adverse visual effects of telecommunication tower, antenna and related facilities through design and siting standards.
- (2) Ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided to serve the community, as well as serve as an important and effective part of the Iowa County's police, fire and emergency response network.
- (3) Provide a process for obtaining necessary permits for telecommunication facilities while at the same time protecting the legitimate interests of the Iowa County citizens.
- (4) Protect environmentally sensitive areas of Iowa County by regulating the location, design and operation of telecommunications facilities.
- (5) Encourage the use of alternative support structures, collocation of new antennas on existing telecommunication towers, camouflaged towers, monopoles, and construction of towers with the ability to locate three or more providers.

Furthermore, this Ordinance is not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additionally it is not intended to regulate satellite dishes/antennas whose regulation is prohibited by sec. 59.69(4d), or its successor sections, of the Wisconsin Statutes.

Severability. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance. The Iowa County Board declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more such provisions be declared unconstitutional or invalid.

2.00 Definitions. For the purpose of this ordinance, the following terms and phrases shall have the meaning ascribed to them in this section:

Alternative Support Structure: Clock towers, steeples, silos, light poles, buildings or similar structures that may support telecommunication facilities.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

Antenna Building Mounted: Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, water tower or structure other than a telecommunication tower.

Antenna Ground Mounted: Any antenna with its base placed directly on the ground.

Antenna - Vertical: A vertical type antenna without horizontal cross sections greater than one half inch in diameter.

Camouflaged Tower: Any telecommunication tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennas. The determination of a camouflaged tower shall be made by the Office of Planning and Development.

Carrier: Entity that provides telecommunications services.

FCC: The Federal Communications Commission

Fall-down Radius: The designated area of a telecommunication facility surrounding a telecommunication tower, which, in the event of a structural failure of all or part of the telecommunications tower, would likely contain the failed or collapsed telecommunication tower. This area may also be called the collapse zone.

Guyed Tower: A telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

Height, Telecommunications Tower: The distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas, and lighting.

Lattice Tower: A telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.

Monopole: A telecommunication tower of a single pole design.

Navigable Stream or Lake: As determined by the Office of Planning and Development with concurrence of the WIDNR.

NIER: Non ionizing electromagnetic radiation (i.e., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

Non-Conforming: Any pre-existing telecommunications facility that was in existence prior to the adoption of this ordinance and that has not been issued a conditional use permit. This definition shall only apply to this specific ordinance and shall not apply to other Iowa County Ordinances.

Office of Planning and Development: The Iowa County Office of Planning and Development.

Operation: Means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications it shall be deemed in operation.

Platform: A support system that may be used to connect antennas and antenna arrays to telecommunication towers or alternative support structures.

Provider: Entity that provides a telecommunication facility.

Public Service Use or Facility: A use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, police, fire and emergency response network, solid waste management, utilities, or highway departments.

Satellite Dish: A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

Telecommunications Equipment Building: The telecommunication support facility structure located on a tower site, which houses the electronic receiving and relay equipment.

Telecommunication Facility: A facility, site, or location that contains one or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals, excluding those facilities exempted under Section 3.00.

Telecommunication Facility Collocated: A telecommunication facility comprised of a single telecommunication tower or building supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private entity.

Telecommunication Support Facility: The telecommunication support buildings and equipment cabinets located on a tower site.

Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude alternative support structures and those facilities exempted under Section 3.00.

Utility Pole Mounted Antenna: An antenna attached to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, or other approved similar structure.

3.00 Exempt from County Review. The following shall be permitted without regulation of this ordinance, but may be under the regulatory jurisdiction of other county or local ordinances, provided that the primary use of the property is not a telecommunications facility and that the antenna use is accessory to the primary use of the property:

- (1) The personal and non-commercial use of all television antenna and satellite dish.
- (2) Amateur radio towers provided any tower is no taller than 90 feet, is at least 100% of its height to any property line. 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 ordinance. Any alteration to an existing amateur radio tower resulting in a total height of more than 90 feet shall have to comply with the provisions of this ordinance.
- (3) Mobile services providing public information coverage of news events of a temporary nature.
- (4) The provisions of this ordinance shall not apply to the replacement of an existing lawful tower providing communication services for the State of Wisconsin or any of the State's political subdivisions on the same property as the existing tower provided that both the existing tower and the replacement tower provide communication services for the State of Wisconsin or any of its political subdivisions. The existing tower must be completely removed from the site upon construction of the replacement tower and the replacement tower shall not exceed three-hundred (300) feet in height. The replacement tower must continue to provide communication services for the State of Wisconsin and/or any of its political subdivisions during the life of said tower or the tower shall be promptly removed or come into full compliance with all requirements of this ordinance.

4.00 Areas Permitting Telecommunication Facility Location with Conditional Use Approval. Telecommunications facilities may be ~~permitted-considered in the following zoning districts as identified by the official zoning maps of the Office of Planning and Development, subject to Conditional Use review and approval by the Iowa County Zoning, Planning, Sanitation and Rural Planning Commission and, in compliance with Section 12.00 and all other applicable Sections of this Ordinance:~~

- ~~(1) A-1, Agricultural District, provided the new development restrictions are followed regarding prime soils as defined in Section 3.3 of the Iowa County Zoning Ordinance (Class I, II and III soils according to the Iowa County Soil Survey 1958 series, or as later revised)~~
- ~~(2) AB-1, Agricultural Business~~
- ~~(3) B-2, Highway Business District~~

~~(4) — B-3, Heavy Business District~~

~~(5) — M-1, Industrial District~~ only in those zoning districts as provided in the Iowa County Comprehensive Plan. Any granted Conditional Use Permit shall be contingent upon the applicant submitting a removal assurance that meets with County approval, per the terms of Section 7.0 of this Ordinance.

5.00 Areas Limiting Telecommunication Facility Location. Telecommunication facilities may be permitted as identified in Section 4.00 but are subject to review and approval of the State Bureau of Aeronautics, the Iowa County Airport Commission and other appropriate agencies.

~~(1) — Areas within the jurisdiction of the Iowa County Airport Ordinance.~~

6.00 ~~Areas Prohibiting Telecommunication Facility Location.~~ ~~No telecommunications facilities, except exempt facilities as defined in Section 3.00, shall be permitted within:~~

~~(1) Prime soils, as defined by Section 3.3 of the Iowa County Zoning Ordinance, in the A-1 Agricultural District. The prime soils prohibition may be waived if the Iowa County Soil Survey is accepted by the Iowa County Planning & Zoning Committee and the Town Board of the Town or Towns affected to be inaccurate. The burden of proof of inaccuracy shall be the sole responsibility of the applicant and must, at a minimum include:~~

~~(a) the testimony of a certified soil scientist;~~

~~(b) a field investigation of the site by personnel of the Iowa County Office of Planning and Development for the purpose of taking soil probes for depth of soil; and~~

~~(c) A determination by the Land Conservation Department that the site is not adequate for a sustainable yield of any crop common to the area or to be adequate forage for pasturing common livestock. The process to appeal the Soil Survey shall be by written request to the Iowa County Office of Planning and Development to be placed on the agenda of a regular meeting of the Iowa County Planning & Zoning Committee. The request shall not be accepted until adequate proof, as indicated above, is presented to the Office of Planning and Development personnel. The decision shall be a joint vote by the Board of the Town or Towns affected and Iowa County Planning & Zoning Committee.~~ ~~(2) Historic sites and districts listed on the National Register of Historic Places~~

~~(3) — Wetlands~~

~~(4) — Floodplains~~

~~(5) — Zoning districts:~~

~~(a) — AR-1, Agricultural Residential District~~

~~(b) — R-1, Single Family Residential District~~

~~(c) — R-2, Multi Family Residential District~~

~~(d) — R-3, Mobile Home District~~

~~(e) — R-4, Residential Boundary Agreement District~~

~~(f) — H-1, Historic Preservation District~~

~~(g) B-1, Local Business District~~

All maps identifying the prohibitive areas are located within the Office of Planning and Development and are available for public review and inspection.

67.00 Conditional Use Application. Locating and constructing a telecommunication tower or a new alternative support structure, including the buildings or other supporting equipment used in connection with said tower shall require a Conditional Use Permit. The Zoning, Planning, Sanitation and Rural Planning Commission may authorize the Office of Planning and Development to issue a Conditional Use Permit after review and a public hearing, provided that such Conditional Use is in accordance with the purpose and intent of this Ordinance. Any granted Conditional Use permit requires construction to begin within 12 months of the date of issuance and shall expire 24 months after issuance unless the facility permitted is completely constructed and a Certificate of Compliance is issued as described in Section 12.0 of this Ordinance

- (1) **Submittal Information.** For all telecommunication facilities, except exempt facilities as defined in Section 3.00, the Office of Planning and Development shall require the following information to accompany every application. Said information shall include, but may not be limited to:
 - (a) Completed conditional use application and fee, as set by County Board resolution.
 - (b) Original signature of applicant and owner (if the telecommunication facility is collocated in an easement, the beneficiaries of the easement and underlying property owner must authorize the application.).
 - (c) The identity of the carrier and/or provider and their legal status.
 - (d) The name, address and telephone number of the officer, agent and/or employee responsible for the accuracy of the application.
 - (e) A plat of survey, showing the telecommunication facility boundaries, tower, facilities, location, access, landscaping and fencing.
 - (f) A written legal description of the telecommunication facility site.
 - (g) In the case of a leased site, a lease agreement or binding lease memorandum which shows on its face that it does not preclude the site owner from entering into leases on the site with other provider(s) and the legal description and amount of property leased.
 - (h) A description of the telecommunications services that the registrant intends to offer and/or provide, or is currently offering or providing, to persons, firms, businesses or institutions.
 - (i) Copies of approvals from the Federal Communication Commission (FCC) and a statement that the facility complies with the limits of radio frequency emissions standard set by the Federal Communication Commission (FCC). The statement shall list the particular Federal Communication Commission (FCC) Measured Permitted Emissions (MPE) limit and the tested or design limit for the proposed telecommunication facility.

- (j) Copies of approvals from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings and the Wisconsin State Bureau of Aeronautics, if applicable.
- (k) Copies of any Environmental Assessment (EA) reports on Form 600 or Form 854 submitted to the Federal Communication Commission (FCC) if applicable.
- (l) Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communication Commission (FCC) or Environmental Impact Study (EIS), if applicable.
- (m) An analysis shall be prepared by the actual applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities as defined in Section 3.00, subject to the review and approval of the Zoning, Planning, Sanitation and Rural Planning Commission, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for collocation and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the decision making body making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The County may require independent verification of this analysis at the applicant's expense.
- (n) NIER (non-ionizing electromagnetic radiation) exposure studies.
- (o) Plans indicating security measures (i.e. access, fencing, lighting, fire prevention, etc.).
- (p) Shall include a tabular and map inventory of all existing telecommunications facilities owned and/or operated by the applicant that are located within any of the incorporated municipalities, townships and unincorporated Iowa County. The inventory shall specify the location, height, type, and design of each existing telecommunication facility, the ability of the tower or antenna structure to accommodate additional collocation antennas, and where applicable, the height of the alternative support structures.
- (q) If more than one (1) facility, A Master Plan for all related facilities within the unincorporated county limits of Iowa County and within fifteen hundred (1500) feet of the County boundary.
- (r) A report prepared by an Engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas.
- (s) An affidavit stating space will be made on the proposed tower for future users, when technically possible, at a reasonable cost. Reasonable costs

shall be considered any fees, cost or contractual provisions required by the owner that conform to terms standard in the industry and that do not exceed the cost of new tower development.

- (t) Such other information as the Zoning, Planning, Sanitation and Rural Planning Commission may reasonably require.
 - (u) A written statement from the Town or Towns affected that the application does not conflict with any existing Town land use plan or ordinance.
- (2) **Collocation.** All facilities shall make available a minimum of six unused spaces for collocation of other telecommunication facilities, including space for these entities providing similar, competing services. A lesser number of spaces may be allowed by the Zoning, Planning, Sanitation, and Rural Planning Commission based upon data supplied by applicant stating six spaces would be structurally and/or technically unfeasible. Collocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. All collocated and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.
- (3) **Technical Review.** The Iowa County Office of Planning and Development may employ on behalf of the County an independent technical expert to review all materials submitted including, but not limited to, those required under this Section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review. The payment to the Iowa County Office of Planning and Development shall be due upon receipt of the invoice. All invoices, fees and charges accumulated for the technical review and administrative costs must be paid in full prior to the issuance of the Conditional Use Permit.
- (4) **Amendment.** Each telecommunication carrier or provider shall inform the County within sixty (60) days of a change of the information regarding the ownership or with regard to changes in the availability of collocation space or face civil forfeitures in the amount of **\$250.00** a day. This forfeiture shall be assessed until such correct information of the registrant is received and verified by the Office of Planning and Development.
- (5) **Conditional Use Fee for Telecommunications Facilities.** For each conditional use permit approved by the Iowa Zoning, Planning, Sanitation and Rural Planning Commission the applicant shall submit a fee set by County Board Resolution before the conditional use permit will be issued.

78.00 Removal/Security for Removal.

- (1) **It is that express policy** of Iowa County and this ordinance that telecommunications facilities be removed once they are no longer in use and not a functional part of providing telecommunications service and that it is the telecommunications provider's responsibility to remove such facilities and restore

the site to its original condition or condition approved the Office of Planning and Development. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications facility. After a telecommunications facility is no longer in operations, the provider shall have 90 days to effect removal of the tower and accessory structures and restoration unless weather prohibits such efforts. The owner of the tower shall submit a copy of the notice to the FCC of intent to cease operations at which point said 90-day removal period shall begin.

- (2) **Security for Removal.** The telecommunications provider shall provide to Iowa County, prior to the issuance of the Conditional Use permit or the issuance of a zoning permit for a new facility that includes a tower, a performance bond in the amount of Twenty-five Thousand Dollars (\$250,000) to guarantee that the telecommunications facility will be removed when no longer in operation. Iowa County will be named as obligee in the bond and must approve the bonding company. The adequacy of said bond shall be reviewed on an annual basis by the county and, if it is determined to be insufficient in amount to cover the entire costs of removing the affected telecommunication facility, the county shall assign a new amount which the facility owner shall be required to provide.

39.00 Non-Conforming Telecommunication Towers and Antennas.

- (1) **Pre-existing non-conforming** telecommunication towers, antennas and facilities may add, or replace antennas upon review and approval of a Iowa County Zoning Permit per section 13.0 of this ordinance. An existing telecommunication tower may be increased in height a maximum of fifty (50) feet, relocated or reconstructed within fifty (50) feet of its existing location to accommodate collocation. Routine maintenance and repair on telecommunications facilities is permitted. See Section 13.00(c)

910.00 Compliance.

- (1) **Revocation.** Grounds for revocation of the conditional use permit shall be limited to one of the following findings:
 - (a) The facility fails to comply with the relevant requirements of this chapter and the permittee has failed to supply assurances acceptable to the Office of Planning and Development that the facility will be brought into compliance within one hundred twenty (120) days;
 - (b) The permittee has failed to comply with the conditions of approval imposed;
 - (c) The facility has not been properly maintained; or
- (2) **Abandonment.** Any antenna or tower that is not operated for a continuous period of six (6) months shall be considered abandoned. In such circumstances, the following shall apply:

- (a) The owner of such antenna or tower shall remove said antenna and or tower including all supporting equipment and building(s) within one hundred-twenty (120) days of receipt of notice from the Office of Planning and Development notifying the owner of such abandonment. If removal to the satisfaction of the Office of Planning and Development does not occur within said one hundred-twenty (120) days, the Iowa County Corporation Counsel may order removal utilizing the established Bond as provided under Section 9.00 and salvage said antenna or tower and all supporting equipment and building(s). If there are two or more users of a single tower, then this provision shall not become effective until all operations of the tower cease.
- (b) The recipient of a conditional use permit for a telecommunications facility under this ordinance shall notify the Office of Planning and Development when the facility is no longer in operation by providing a copy of the notice to the FCC of intent to cease operations at which point said 90-day removal period shall begin.

101.00 Structural, Design and Environmental Standards.

- (1) **Tower, Antenna and Facilities Requirements.** All telecommunication facilities, except exempt facilities as defined in Section 3.00, shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end, all of the following measures shall be implemented:
 - (a) All telecommunication facilities shall comply at all times with all Federal Communication Commission (FCC) rules, regulations, and standards. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the Federal Communication Commission (FCC) adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the Federal Government. All telecommunication tower and antenna shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Wisconsin State Bureau of Aeronautics, Occupational Safety and Hazard Association (OSHA), the Federal Communication Commission (FCC) and any other agency of the State and/or Federal Government with the authority to regulate towers and antennas,
 - (b) Telecommunication towers shall be constructed out of metal or other nonflammable material, unless specifically conditioned by the County to be otherwise,
 - (c) Parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function,
 - (d) Telecommunication support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of nonreflective materials (visible exterior surfaces only) Telecommunication support facilities shall be no taller than one story fifteen feet (15) in height,

- measured from the original grade at the base of the facility to top of structure, and shall be designed to blend with existing architecture in the area and shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility; and,
- (e) All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunications facility shall be initially painted and thereafter repainted as necessary with a “flat” paint so as to reduce visual obtrusiveness and blend in to the natural setting and environment. Where evidence is accepted by the Zoning, Planning, Sanitation and Rural Planning Commission that construction materials will be of sufficient non-glare characteristic and will blend into the natural setting and environment, painting requirements may be waived,
 - (f) All telecommunications towers shall be designed to collapse within a designated fall-down radius. The fall-down radius for a telecommunications tower shall be contained within the leased parcel,
 - (g) The fall-down radius shall equal one hundred and twenty-five (125) percent of the tower height, unless an engineering certification shows that in the event of collapse, the telecommunication tower is designed to collapse within a smaller area,
 - (h) Telecommunications support facilities shall be the only structure, building, or use allowed within the fall-down radius. An open-space use provided for in the existing zoning district, as determined by the Office of Planning and Development, may be allowed by said office only after written request by the applicant.
 - (i) Telecommunications towers and antennas shall be designed and constructed in accordance with the State of Wisconsin Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, Iowa County Subdivision Ordinance, Iowa County Sanitary Ordinance, Electronic Industries Association (EIA), American National Steel Institute Standards (ANSI), American National Standards Institute (ANSI), and Electronic Industry Assoc/Telecommunication Industry Association (EITT/TIA) 222-E. 3. , as amended, where applicable,
 - (j) The County shall have the authority to require special design of the telecommunication facilities where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views and/or community features),
 - (k) A radio frequency radiation emission test report, to demonstrate compliance with Federal Communication Commission (FCC) adopted standards, shall be required for all rooftop antennas and other antennas which are less than thirty (30) feet above the original grade,
 - (l) The maximum height of an antenna platform located on a rooftop shall be ten (10) feet above the roof. All platforms shall be screened by parapet or other approved methods from all public and private road right of ways, recreational areas, and adjacent residential district or uses,

- (m) Telecommunications facilities located on roofs shall not occupy more than fifty (50) percent of the roof surface of a building and shall be secured from the remaining roof area to prevent unauthorized access,
 - (n) A report prepared by an Engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antenna shall be included with any application,
 - (o) Telecommunication facilities shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any alleged interference and or obstruction shall be corrected by the applicant at no cost to the County.
 - (p) No advertising message or sign shall be affixed to any tower or antenna.
- (2) **Height.** The height of a telecommunication tower shall be measured from the original grade at the base of said tower to the highest part of the tower itself In the case of building mounted towers the height of the tower includes the height of the portion of the building on which it is mounted. In the case of “crank-up” or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised. In no instance shall a telecommunication tower, or any attachment to, exceed 300 feet in height.
- (3) **Lighting.** Telecommunications facilities shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable regulatory authority. If lighting is required, the lighting design which would cause the least disturbance to the surrounding views shall be chosen.
- (4) **Site Development, Roads and Parking.** All new telecommunication facilities located on a leased parcel shall maintain a minimum leased parcel size of five thousand (5000) square feet in size. The entire fall-down radius shall be contained within the leased parcel, said fall-down radius being determined under Section 11.00(1)(g) of this ordinance. All new telecommunication facilities located on a parcel owned by the telecommunication carrier and/or provider shall meet the minimum size requirement of the zoning district. Telecommunication facilities sites shall not be used for the outside storage of materials or equipment, or for the repair or servicing of vehicles or equipment. All sites must be served by a minimum fifty (50) foot wide easement with a turn around and shall use existing access points and roads whenever possible. The access point to the site shall be approved by the Iowa County Highway Department, State of Wisconsin Department of Transportation, or the applicable Township depending on road jurisdiction. All grounds within the telecommunication facility shall be mowed and cleared of noxious vegetation and so maintained as to not create a visual or physical nuisance.
- (5) **Vegetation Protection and Facility Screening:**
- (a) Except exempt facilities as defined in Section 3.00, all telecommunications facilities shall be installed in such a manner so as to minimize disturbance to existing native vegetation and shall include

suitable mature landscaping to screen the facility, where necessary. For purposes of this section, “mature landscaping” shall mean trees, shrubs or other vegetation of a size that will provide the appropriate level of visual screening immediately upon installation.

- (b) Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping during the most current growing season.
- (c) Facility structures and equipment, including supporting structures, shall be located, designed and screened to blend with the existing natural or built surroundings, so as to reduce visual impacts.

(6) **Fire Prevention.** All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end all of the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 3.00:

- (a) At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;
- (b) Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures;
- (c) Rapid entry KNOX systems shall be installed as required;
- (d) All tree trimmings and trash generated by construction and operation of the facility shall be removed from the property and properly disposed of

(7) **Noise and Traffic.** All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end all the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 3.00:

- (a) Noise producing construction activities shall only take place on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m.; and
- (b) Backup generators shall only be operated during power outages and for testing and maintenance purposes.

112.00 Separation and Setback Requirements. Separation from Off-Site Uses for all telecommunication towers shall be located in accordance with the following standards: (except exempt facilities as defined in Section 3.00)

(1) Minimum Separation between Telecommunication Towers (by tower type).

<i>Proposed tower types:</i>	<i>Lattice</i>	<i>Guyed</i>	<i>Monopole - 85.ft. In height or greater</i>
Lattice	1.0 mile	1.0 mile	1.0 mile
Guyed	1.0 mile	1.0 mile	1.0 mile
Monopole-85 ft. in height or greater	750 ft.	750ft.	750 ft.

Camouflaged towers are exempt from separation between towers requirement listed above.

Separation between towers requirements may be waived by the Zoning, Planning, Sanitation and Rural Planning Commission provided:

- (a) The applicant provides sufficient data to justify the spacing requirements cannot be met for technical reasons, and
 - (b) An alternative site cannot be more than 100 feet from an existing tower.
- (2) **Setbacks.** All setbacks shall be measured from the base of the tower or structure to the applicable property line or structure.
- (a) Setbacks from all residential uses; residential districts. All new towers shall be setback a distance equal to 200 feet or 200% of the height of the tower, whichever is greater.
 - 1. 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.
 - 2. When located on contiguous lands also containing a residence, the setback from any single family residence on adjacent property shall be no less than that from the residence on 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 public highway, whether dedicated or by easement.
 - 3. Towers shall not be located within 1,000 feet of any single family dwelling within a rural cluster or a platted subdivision. This standard shall not apply when either the rural cluster or the proposed tower site are zoned B-2, B-3, or M-1.
 - (b) Setbacks from all historic sites and districts. All new towers shall be setback a distance equal to 200 feet or 200% of the height of the tower, whichever is greater.
 - (c) Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways, public and private, a distance equal to 125% of the tower height. 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 or right-of-way.
 - (d) Setback from the Ordinary High Water Mark (OHWM). All new towers shall be setback a minimum of 75 (seventy-five) feet from the Ordinary High Water Mark (OHWM) of a navigable stream and a minimum 200% of the tower height from the Ordinary High Water Mark (OHWM) of a navigable lake.

- (e) Setback from overhead power lines. All new towers shall be setback a distance equal to their height from an overhead power line with a voltage exceeding 750 (seven hundred fifty) volts.
- (f) Setback from all other allowable uses involving a structure in the zoning district. All new towers shall be setback a distance equal to 100 feet or 125% of the height of the tower, whichever is greater.
- (g) Guy Wires Setback. All guy wires shall be at least fifty (50 Feet) from all owned or leased property lines.

123.00 Permits. An Iowa County zoning permit is required from the Office of Planning and Development under this ordinance for the location of all telecommunication facilities, except exempt facilities as defined in Section 3.00. The applicant shall submit information required under Section 7.00(l), Conditional Use application as appropriate for the proposed project, except the conditional use application and fee. Facilities proposed to be collocated on facilities previously approved under this Ordinance shall be exempt from submitting information required under Section 7.00(l), but shall be required to submit a zoning permit application for review and approval. Any proposed tower and accessory structures may also be required to obtain permits under the provisions of other county or local ordinances. A zoning permit fee shall be set by County Board Resolution. Any granted zoning permit shall be contingent upon the applicant submitting a removal assurance that meets with County approval, per the terms of Section 7.0 of this Ordinance.

No telecommunication facility or any part thereof hereafter erected, altered or moved shall be used until a Certificate of Compliance is issued by the Office. The Certificate of Compliance shall show that the facility conforms to the provisions of this Ordinance. Application for such certificate shall be concurrent with the application for a zoning permit, although it is the responsibility of the applicant to notify the Office for inspection.

The Office shall, within ten (10) working days after receipt of such notification from the applicant, issue a Certificate of Compliance only if the facility conforms with all the requirements of this Ordinance.

(1) Permitted Uses:

- (a) Locating an antenna that adds no more than fifty (50) feet to the height of an alternative tower structure, including placement of additional buildings or other supporting equipment used in connection with said antenna.
- (b) Installing an antenna on an existing tower that adds no more than fifty (50) feet to the height of the existing tower, including placement of additional buildings or other supporting equipment used in connection with said antenna.
- (c) Existing Non-conforming and conforming Telecommunication Towers, Antennas and Facilities may be increased one time during the life of the tower a maximum of fifty (50) feet in order to accommodate collocation. A telecommunication tower which is being relocated or reconstructed to

- accommodate collocation may be relocated within fifty (50) feet of its existing location, with the review and approval of a zoning permit from the Office of Planning and Development and shall be exempt from all other provisions of this ordinance, except that a new structure shall maintain the required fall-down radius and required setbacks. Routine maintenance and repair on telecommunications facilities is permitted.
- (d) Facilities on County-Owned Property. The Iowa County Board and the Zoning, Planning, Sanitation and Rural Planning Commission encourages the location of new telecommunication facilities and the collocation of telecommunications facilities on County-owned properties, provided that the operation of said facilities will not disrupt normal County or any municipalities public service use communication or operations and the proposal complies with the provisions of other local and county ordinances. The County Board from time-to-time may establish standards, separate from this ordinance, relative to the location of telecommunication facilities on County-owned properties.

(2) **Transfer of Permits**

A valid permit may be transferred from one tower owner to another only after submittal of a permit transfer form to the Office of Planning and Development. The fee for a transfer permit shall be \$250.

134.00 Appeal Procedures. A person aggrieved by any decision of the Iowa County Office of Planning and Development or its supervising committee, regarding the siting of a telecommunications facility may file an appeal with the Iowa County Board of Adjustment as described in Section 10.0 of the Iowa County Zoning Ordinance.

15.0 Enforcement

It shall be unlawful to construct or use any telecommunication facility in violation of any of the provisions of this Ordinance. In case of any violation, any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

The Office of Planning and Development is hereby authorized to issue a Cease Work Order for any construction that has commenced in violation with the provisions of this Ordinance. The Cease Work Order shall be accompanied by a notice of the provisions in violation, options for compliance and a date on which compliance shall be achieved. Failure to achieve compliance shall be prosecuted to the fullest extent of law.

Violations may be pursued by either the issuance of a citation, referral to the District Attorney's Office as a formal complaint or both.

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit no less than Ten Dollars (\$10.00) nor

more than Two Hundred Dollars (\$200.00) and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

In the case where a citation is issued, the payment of the forfeiture shall not constitute compliance nor shall said payment bar the issuance of further citations, provided the violation remains.